

<b>Committee:</b> Development Committee	<b>Date:</b> 10 <sup>th</sup> January 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Applications for Decision and Conservation area consent.	
<b>Case Officer:</b> Angelina Eke		<b>No:</b> PA/05/2094 & PA/06/163	
		<b>Ward(s):</b> St Dunstan's and Stepney Green	

## 1. APPLICATION DETAILS

**Location:** Former Arbour Square Police Station, Arbour Street and Aylward Street and former Thames Magistrates Court, Aylward Street and West Arbour Street.

**Existing Use:** Redundant Police Station and Thames Magistrates Court.

**Proposal:** 1. Demolition of the roof and rear extension of the former Police Station fronting Arbour Street and Aylward Street and the demolition of the former Magistrates Court and associated buildings on Aylward Street and West Arbour Street.

2. Change of use and conversion of the Police Station with the erection of a roof level and rear extensions with alterations to window openings together with the redevelopment of the Thames Magistrates Court site by the erection of a part three, part four and part five storey building to create in total 63 flats (27 x 1 bedroom, 29 x 2 bedroom, 4 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom) with 13 car parking spaces and amenity space provision.

**Drawing Nos:** 0427-01: 02A; 03; 04A; 05A; 06A; 07A; 08A, 09A;10A; 11, 04.250: 1B; 2A; 3C; 4B; 5B; 6B; 7B; 8B; 9B & 10A

**Applicant:** Bernard Construction (Stepney Limited)

**Owner:** Bernard Construction (Stepney Limited)

**Historic Building:** Adjoins Locally listed 3-19 East Arbour Street.

**Conservation Area:** Albert Gardens/Arbour Square

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 These applications for planning permission and demolition consent are the subject of appeals to the Planning Inspectorate against the Council's failure to determine them within the statutory period. The Council is no longer empowered to make decisions on the applications. This report seeks confirmation of the decisions that the Council would have taken were it empowered.

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		020 7364 5365

- 2.2 Whilst no objection in principle is raised to the demolition of the Magistrates' Court and a rear extension to the Police Station, in the absence of an acceptable scheme for redevelopment, demolition would be premature and contrary to the Council's existing and emerging planning policy and the Government's national advice.
- 2.3 No objection is seen in principle to the change of use of the Police Station and redevelopment of the Magistrates Court for residential purposes. However, the design of the new build is considered unsatisfactory. It is considered that the scheme would result in an overdevelopment of the site and the development would fail to preserve or enhance the character and appearance of the Albert Gardens/Arbour Square.
- 2.4 Due to a shortfall in family accommodation of 3 bedrooms or larger, the proposed dwelling mix would fail to comply with Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998, the London Plan 2004, the London Plan Supplementary Planning Guidance 'Housing' and Policies CP21 and HSG4 of the emerging Tower Hamlets Local Development Framework Submission Document 2004.

### 3. RECOMMENDATION

- 3.1 That the Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Development Committee been empowered to make a decision on the application for planning permission it would have **refused** permission for the following reasons:
  - (1) The new building along West Arbour Street and Alyward Street would result in an unsatisfactory relationship with the retained Police Station due to inappropriate detailed design and would conflict with Policy DEV1 of the Tower Hamlets Unitary Development Plan 1998.
  - (2) The cumulative impact of the proposed development due to bulk, scale and mass would fail to preserve or enhance the character and appearance of the Albert Gardens /Arbour Square Conservation Area contrary to policies DEV25, 26 and 28 of the Tower Hamlets Unitary Development Plan 1998 and Policies CP49 and CON2 of the emerging Tower Hamlets of Local Development Framework (Core Strategy and Development Control Submission Document November 2006), Policy 4B of the London Plan 2004 and national advice in PPS1: Delivering Sustainable Development and PPG15: Planning and the Historic Environment.
  - (3) The scheme would result in an overdevelopment of the site contrary to Policy 4B.3 of the London Plan 2004 and Policies CP20, HSG1 and Planning Standard 4 of the emerging Tower Hamlets Local Development Framework (Core Strategy and Development Control Submission Document).
  - (4) The proposed dwelling mix would fail to comply with Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998, the London Plan 2004, the London Plan Supplementary Planning Guidance 'Housing' November 2005 and Policies CP21 and HSG2 of the emerging Tower Hamlets Local Development Framework November 2006.
- 3.2 That the Director of Development and Renewal is instructed to advise the Planning Inspectorate that if the Inspector is minded to allow the appeals, planning permission should not be granted unless there is in place an agreement or unilateral undertaking under section 106 of the Town and Country Planning Act to secure planning obligations under the following heads:
  - (a) An affordable housing contribution of 39% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
  - (b) A £98,736 contribution to the provision of education facilities in the area.

- (c) A £283,248 contribution to the provision of Primary Health Care facilities.
- (d) Car free arrangements that prohibit residents of the development from purchasing on-street parking permits from the Council.
- (e) Local labour in construction.

3.3 That the Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Development Committee been empowered to make a decision on the application for conservation area consent it would have **refused** consent for the following reason:

(1) In the absence of an acceptable scheme for redevelopment, the demolition proposed would be premature and contrary to Policy DEV28 of the Tower Hamlets Unitary Development Plan 1998, Policies CP49, DEV2 and CON2 of the emerging Tower Hamlets Local Development Framework November 2006 and national advice in Planning Policy Guidance Note 15: Planning and the Historic Environment.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 Application is made for conservation area consent for demolition of the roof and rear extension of the Police Station fronting East Arbour Street and Alyward Street and the 1970s Magistrates Court and ancillary buildings on Aylward Street and West Arbour Street.
- 4.2 Application is also made for planning permission to change the use and convert the Police Station to residential with the erection of a new roof level and rear extensions together with minor alterations to window openings and the redevelopment of the Magistrates Court by a part three, part four and part five storey building for residential use. The scheme in total proposes 63 flats (27 x 1 bed, 29 x 2 bed, 4 x 3 bed, 2 x 4 bed, and 1 x 5 bed), 13 car parking bays and integral amenity space.

##### **Site and surroundings**

- 4.3 This rectangular 0.24 hectare site is bounded to the north by East Arbour Street, to the west by Alyward Street and to the south by West Arbour Street.
- 4.4 The site comprise a three storey plus basement, L shaped Police Station which is adjoined to the west by a part one, part two and part three storey Magistrates' Court.
- 4.5 The Police Station was built in 1923 and is built of red brick with Portland Stone detailing. The Magistrates Court is a later prefabricated extension constructed in the early 1970s from pre-cast concrete panels with a pebble dashed finish.
- 4.6 The application site is situated at the north side of the Albert Gardens/Arbour Square Conservation Area which is characterised by a diverse mix of Georgian style domestic terraces built between 1819 & 1829 as part of the housing developments along Commercial Road. Opposite the Police Station, Nos. 3 -19 East Arbour Street form a group of locally listed terraced dwellinghouses.
- 4.7 Other uses immediately adjoining the site include the mid rise Local Authority residential blocks Patterson, Apsley and St Thomas Houses.

##### **Planning history**

- 4.8 There is no relevant planning history for the site.

## 5. POLICY FRAMEWORK

5.1 The following Unitary Development Plan **policies** are applicable to the applications submitted:

### Unitary Development Plan 1998

Policies	ST4	To ensure developments respect the built environment
	ST21	Affordable Housing
	ST23	High standard of development
	ST25	To ensure adequate social and physical infrastructure
	ST28	Restraining unnecessary use of cars
	DEV1	Urban design
	DEV2	Environmental requirements
	DEV4	Planning obligations
	DEV12/13	Design and provision of landscaping within schemes
	DEV25	Conservation areas
	DEV26	New uses in conservation areas
	DEV28	Demolition of unlisted buildings in conservation areas
	DEV30	Additional roof storeys in conservation areas
	DEV31	Rear extensions in conservation areas
	DEV34	Developments adjacent to London Squares
	DEV39	Developments affecting the setting of a listed building
	DEV51	Contaminated land
	HSG1	Quantity of Housing
	HSG2	New housing developments
	HSG3	Affordable housing
	HSG7	Dwelling mix and types
	HSG8	Mobility/disabled access
	HSG9	Density
	HSG13	Internal standards for residential developments
	HSG16	Amenity space
	T15	Transport and development
	T17	New developments and transport
	OS9	Play space
	Planning Standard No.3	Parking requirements

### Emerging Local Development Framework

Core Strategy	IMI1	Planning Obligations	
	CP1	Creating Sustainable Communities	
	CP3	Sustainable Environment	
	CP4	Good Design	
	CP19	New Housing Provision	
	CP20	Sustainable Residential Density	
	CP21	Dwelling mix and type	
	CP22	Affordable housing	
	CP25	Amenity space	
	CP46	Accessibility and inclusive environments	
	CP49	Historic Environment	
	Development Control Policies	DEV1	Amenity
		DEV2	Character and Design
DEV3		Accessibility and Inclusive design	
DEV5		Sustainable design	
DEV6		Energy Efficiency and Renewable Energy	

DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management and Demolition and Construction
DEV15	Waste and Recycling
DEV19	Parking for cars
DEV22	Contaminated Land
CON2	Conservation Areas
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provision
HSG7	Housing Amenity Space
HSG9	Accessibility and adaptable homes
HSG10	Calculations of affordable housing
Planning	Parking
Standard No.3	
Planning	
Standard No.4	Tower Hamlets Density Matrix
Planning	
Standard No.5	Lifetime Homes

### **Supplementary Planning Guidance**

Residential Space.

London Plan Supplementary Planning Guidance "Housing" November 05

### **Spatial Development Strategy for Greater London (The London Plan)**

Policies:	2A.1	Sustainability Criteria
	3A.1	Increasing London's housing supply
	3A.4	Housing choice
	3A.5	Residential developments
	3A.7	Affordable housing targets
	3A.8	Negotiating affordable housing
	3C.16	Tackling congestion and reducing traffic
	4A.7 & 4A.8	Energy efficiency and renewable energy
	4A.9 & 10	Renewable energy
	4A.16	Contaminated land
	4B.1	Design principles
	4B.3	Maximizing the potential of the site
	4B.5	Creating an inclusive environment
	4B.7	Respect local context and communities
	4B.11	Heritage conservation

### **Government Planning Policy Guidance/Statements**

(1)	PPS1	Delivering sustainable development
(2)	PPG3	Housing
(3)	PPG13	Transport
(4)	PPG15	Planning and the Historic Environment

**Community Plan** The following Community Plan objectives relate to the application:

- (1) A better place for living safely
- (2) A better place for living well

## **6. CONSULTATION RESPONSE**

6.1 The following were consulted regarding the application:

### **Head of Building Control**

6.2 No objection in principle

### **Education Department**

6.3 No objection, but estimates that the scheme would generate 8 additional children and a contribution of £98,736 is sought for the provision of additional school places in the Borough.

### **Environmental Health**

6.4 No objection but requests that any planning permission is conditioned to protect habitable rooms from external noise, to secure any necessary decontamination, to mitigate noise from plant and ventilation requirements and to ensure air quality. A condition is also recommended to ensure that basement storage areas are not used for habitable accommodation.

### **Highways Development**

6.5 No objection but requests a “car free” agreement that prohibits residents from purchasing on street parking permits as available parking is already saturated.

### **Housing Strategy Group**

6.6 Satisfied with the amount of affordable housing, which equates to 39% of the proposed habitable floor space. However the proposed tenure mix of the affordable housing needs to be improved and the complete lack of family sized units within the private component undermines the Council’s emerging LDF policy.

### **English Heritage**

6.7 No objection in principle to the demolition proposed. However, advised that the development is unsatisfactory in terms of its height, scale and its relationship with the retained Police Station. Concerned over the architectural detailing of the new build and the effect on the character and appearance of the Albert/Arbour Square Conservation Area. In response to minor revisions, English Heritage have advised that the application for planning permission should be determined in accordance with national and local policy guidance and on the basis of the Council’s own specialist advice. English Heritage stress that in not making further comments, it is not expressing any views on the merits of the proposals.

### **London Fire and Emergency Planning Authority**

6.8 No objections in principle.

### **Thames Water Authority**

6.9 No objections in principle

### **Tower Hamlets Primary Health Care Trust**

6.10 No objection. Advises that the scheme would generate health related requirements due to increase in population. A contribution of £283,348 is requested to mitigate increased demand for health care facilities.

## 7. LOCAL REPRESENTATION

7.1 A total of 173 neighbouring properties have been notified about the applications. The applications have also been publicised in East End Life and on site.

Total responses: 17                      Objecting: 17                      Supporting: 0

7.2 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report

- Design of the roof and the rear extensions to the Police Station and the new building on the site of the Magistrates Court
- Inadequate parking
- Overdevelopment
- Roof extension and alteration works
- Height and bulk
- Loss of daylight and sunlight to adjoining buildings
- Design of extension out of character with the local context
- Impact on proposal on sheltered accommodation at Thomas House

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 Being a previously used site with good public transport links, the site is well placed for redevelopment. It is considered that the main issues raised by the applications can be considered under the following headings:

1. Principle of residential use
2. Principle of demolition
3. Design and impact on the character and appearance of the conservation area
4. Density
5. Dwelling mix and type
6. Highway considerations
7. Amenity space and landscaping
8. Residential amenity
9. Planning obligations

### **Principle of residential use**

8.2 The site is unallocated on the Proposals Maps of both the 1998 UDP and the emerging Local Development Framework. UDP Policy HSG2 supports residential uses on non residential buildings and sites, subject to site characteristics, local circumstances and where there is no serious adverse impact on the local environment or traffic conditions. Core policy CP19 of the emerging LDF says that the Council will seek to direct new housing on brownfield sites, where this is appropriate. Similarly, the London Plan promotes the re-use of previously developed sites for residential use, whilst, PPG3 seeks greater intensity of development on residential sites with good public transport accessibility.

8.3 The use of the Police Station and Magistrates' Court has ceased. The buildings are redundant and boarded up. They were disposed of by the Metropolitan Police in 2003 and subsequently squatted and vandalised. An appropriate new use of the site and buildings is therefore required and the change of use of the former Police Station and redevelopment of the Magistrates Court to residential use accords with the aims of the adopted UDP, the emerging LDF, the London Plan and national policies. No objection is therefore raised to the change of use and redevelopment for residential purposes.

## **Principle of demolition**

- 8.4 In exercising conservation area control over demolition, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 4.26 of PPG15 states that *“account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the buildings surroundings and on the conservation area as a whole.”* The general presumption is in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area. Paragraph 4.27 of PPG15 adds: *“where a building makes little or no contribution-the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.”*
- 8.5 UDP Policy DEV28 refers to the demolition of buildings in conservation areas and says proposals will be assessed against:
1. The desirability of preserving or enhancing the character or appearance of conservation the area;
  2. The condition of the building;
  3. The likely costs of repair and maintenance
  4. The adequacy of efforts to main the building in use ; and
  5. The suitability of any proposed replacement building.

Similar policies appear in the London Plan and the emerging LDF.

- 8.6 The Magistrates Court is a prefabricated building circa early 1970s and is in poor structural condition and semi derelict. It is considered that the building detracts from the character and appearance of the conservation area and no objection is seen to its demolition subject to acceptable and detailed plans for redevelopment. It is not considered that that has been achieved by the submitted scheme and the Government’s advice (paragraph 4.27 of PPG15) is that demolition consent should not be granted until a satisfactory replacement scheme is in place. This is to prevent unsightly gaps appearing in conservation areas.
- 8.7 The Police Station is a unique red brick construction circa 1923 and makes a positive contribution to the character and appearance of the conservation area. The scheme proposes the demolition of a rear extension and the existing flat roof. This would facilitate the erection of an additional floor. For the reasons explained below, it is considered that the additional roof level and the proposed rear extension are unacceptable and consequently the demolition should not proceed.

## **Design and impact on the character and appearance of the conservation area**

- 8.8 The application for planning permission comprises three elements: (1) the redevelopment of the former Magistrate Court, (2) the erection of a single storey roof extension to the former Police Station and (3) the erection of a four storey rear extension to the Police Station along both entire rear façades.
- 8.9 Policy DEV1 of the UDP requires proposals to take account of and be sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials. Policy DEV2 of the emerging LDF provides similar criteria. Similarly, national guidance in PPS1 and PPG3 emphasise the need to achieve good design whilst PPG15 requires consideration to be given to whether the development would preserve or enhance the character and appearance of the conservation area.



- 8.10 With regard to development in conservation areas, UDP policies DEV25 and DEV26 require special consideration to be given to whether proposals preserve or enhance the conservation areas. UDP Policy DEV30 sets out the criteria for acceptable roof extensions whilst UDP policy DEV31 outlines criteria for the acceptability of rear extensions in conservation areas.
- 8.11 In terms of replacement buildings in conservation areas paragraph 4.16 of PPG 15 states that *“replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area”* and *“what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.”*

### **Redevelopment of the Magistrates Court**

- 8.12 The new building would be erected on West Arbour Street and Aylward Street. It would be part three, part four storey of modern design rising to five storeys at the junction of East Arbour and Aylward Street. This building would provide the affordable housing for the development.
- 8.13 English Heritage initially advised that the scheme falls short of the standard of design required for this prominent corner site. The Council’s Urban Design and Conservation Department concurred and do not consider that the minor revisions now proposed have overcome this fundamental objection.
- 8.14 The main issues relate to the unsatisfactory relationship between the new building and the existing Police Station, the unsatisfactory impact on the streetscape and the Albert Square Conservation Area.
- 8.15 The affordable housing block would be separated from the Police Station by balconies. This would emphasise the lack of unity between the retained building and its extension, due in part to the unsatisfactory use of materials such as render and prefabricated casement windows which would contrast poorly with the retained building. It is considered that the overall design of the new extension fails to respond to the established design precedent of the Police Station. This results in a building that would detract from the integrity of the Police Station due to scale, mass and bulk. The unsuccessful relationship between the former Police Station and the new building is further evidenced by other unsatisfactory design flaws resulting from poor architectural detailing, contrasting vertical rhythms and inappropriate floor to ceiling height. The effect is not disguised by the introduction of pastiche false cornicing.
- 8.16 The front boundary treatment would not successfully relate to the boundary treatment of the Police Station in either scale or design. There would be unsatisfactory punctuations in the elevation to provide entrances that do not respond to the rhythm or width of those within the former Police Station. The disharmony between the two buildings would be magnified by other design faults, including unsatisfactory alignment of the west wing of the new block with the retained building, which would result in a plain gable end protruding visually beyond St Thomas House, when viewed from Arbour Square.

### **Alteration to the Former Police Station**

- 8.17 Whilst a single storey roof extension set back at roof level may be acceptable in principle; it is considered that the extension proposed would have an undesirable and overbearing impact that would detract from the integrity of the main building. This would be reinforced by proposed glazed boundary treatment to a roof terrace that would elongate the façade of the building at the prominent Aylward Street / East Arbour Street junction. Similarly, the proposed rear extension would also fail to satisfactorily relate to the retained Police

Station. It would take its design approach from the new building proposed for the Magistrates Court site and the original rear wall of the Police Station would be entirely subsumed.

- 8.18 There are no objections to the proposed minor alterations of the window openings, which principally comprises some elongation, provided these were sensitively undertaken.
- 8.19 Overall, it is considered that the proposed development would fail to satisfactorily relate to the retained building. The proposal would also fail to preserve or enhance the character and appearance of the conservation area and adversely affect the setting of the adjacent locally listed terrace. The proposal is therefore contrary to UDP Policies DEV25, DEV30, DEV31, DEV34 and DEV39 and Policies CP49, CON2 and DEV2 of the draft LDF.

### **Density**

- 8.20 UDP Policy HSG9 recommends a density of 247 habitable rooms per hectare, although it makes allowance for higher densities where this can be justified. The UDP density policy has been superseded by the London Plan. Policy 2A.1 of the London Plan expects appropriate developments to be compatible with the site context, respect the built heritage and to minimize other adverse environmental impacts including residential amenity. Policy 4B.1 and 4B.3 of the London Plan require development to maximise the potential of sites compatible with the local context and the Density, Location and Parking Matrix set out at Table 4B.1. These policies and the matrix are reiterated at policies CP20, HSG1 and Planning Standard No. 4 of the emerging LDF. To secure sustainable development whilst optimising previously developed sites, PPG3: Housing encourages redevelopment of brownfield sites with higher densities.
- 8.21 The site is an urban location with a Public Transport Accessibility Level (PTAL) between 3 & 4. In such locations, the London Plan advocates a density range of 200 to 450 habitable rooms per hectare.
- 8.22 The development proposes 178 habitable rooms which results in a density of 550 habitable rooms per hectare. This exceeds the emerging LDF and London Plan guidelines. Whilst the density guidelines are intended to provide a relative rather than an absolute indicator of a site's capacity, in this instance it is considered that the development potential of the site would be exceeded. This is demonstrated by the unsatisfactory design. Where unsuitable designs result through higher densities, paragraph 13(IV) of PPS1 states "Design which fails to take the opportunity available for improving the character and quality of an area should not be accepted".

### **Dwelling mix and type**

- 8.23 In respect of new housing developments, UDP Policy HSG7 seeks to promote a mix of units and requires a "substantial proportion" of family dwellings on appropriate sites. This is to secure sustainable communities, the objectives of which are set out in Policies CP21 and HSG2 of the emerging LDF.
- 8.24 The scheme proposes 63 residential flats with an overall dwelling mix as follows:

	<b>No's of units</b>	<b>% of dwelling mix</b>
1 bed	27	43%
2 bed	27	43%
3 bed	6	10%
4 bed	2	3%
5 bed	1	1%
Total	63	100%

- 8.25 The overall dwelling mix comprises 43% one bed, 43% two bedroom and 14% family units. It is not considered that 14% family housing is “substantial” and the development therefore conflicts with UDP policy HSG7.
- 8.26 UDP 1998 Policy HSG3 requires 25% affordable housing to be provided in developments with 15 or more dwellings. Policies CP22 and HSG3 of the emerging LDF seek 50% affordable housing units to be provided in schemes with a minimum of 35% affordable units.
- 8.27 The scheme proposes 21 affordable flats: 33% one bedroom, 33% two bedroom and 34% family sized accommodation (as shown below)

	<b>No.'s of units</b>	<b>Affordable dwelling mix proposed (%)</b>	<b>LBTH Housing Needs Requirement</b>
<b>1 bed</b>	7	33%	20%
<b>2 bed</b>	7	33%	35%
<b>3 bed</b>	4	19%	30%
<b>4 bed</b>	2	10%	10%
<b>5 bed</b>	1	5%	5%
<b>Total</b>	21	100%	100%

- 8.28 This amounts to 33% by units and 39% by floorspace. The Housing Strategy Team is satisfied that the affordable housing provision meets UDP Policy HSG3 and Policies CP22 and HSG3 of the emerging LDF.
- 8.29 Policy HSG2 1. of the emerging LDF sets out the Council’s dwelling mix for social rented accommodation in a matrix, which reflects the Council’s 2004 Housing Needs Survey. It requires a minimum of 45% of family sized units (3 bedrooms or larger) to be provided. The proposed affordable housing mix would only result in 34% family sized accommodation against the 45% required.
- 8.30 Policy HSG2 2. of the emerging LDF requires 25% family housing (3 bedrooms plus) for intermediate and market housing. The proposal comprises 42 flats for private sale with a resulting mix of 1 beds (48%) and 2 beds (48%) with only 5% family units (as shown below).

	<b>No. of units</b>	<b>% market mix proposed</b>
1 bed	20	48%
2 bed	20	48%
3 bed	2	5%
4 bed	-	-
5 bed	-	-
Total	42	100%

- 8.31 The applicant has confirmed that the tenure mix of 80:20 ratios between social rent and intermediate flats would be met. The proposal would therefore accord with LDF policy CP22.
- 8.32 Internal space within the flats would accord with the SPG Residential Space and the scheme consequently complies with UDP Policy HSG13.
- 8.33 The proposal would meet with UDP Policy HSG8 in respect of wheelchair accommodation as well as Policy 3A.4 of the London Plan, which requires developments to be built to life time home standards with at least 10% of the units being designed to wheelchair standards.

## **Highway considerations**

- 8.34 The scheme proposes 13 car parking spaces and 44 cycle spaces at ground floor level within a rear courtyard. It is intended that the remaining development would be car free, although this would need to be secured by a section 106 agreement or unilateral undertaking.
- 8.35 There are two main existing vehicular access points to the site; one on West Arbour Street, the other through a narrow archway on East Arbour Street.
- 8.36 The existing vehicular access along East Arbour Street would be retained to enable access to the parking bays, refuse and cycle storage for the refurbished Police Station. New cycle storage and refuse areas will be integrated into the proposed affordable housing block along Alyward Street.
- 8.37 The Highway Development Team is satisfied that there would be no adverse highway implications arising from the scheme and that parking arrangements, including bicycle storage, would be satisfactory.

## **Amenity space and landscaping**

- 8.38 UDP Policy OS9 emphasizes the importance of providing informal and formal play space for children within new residential schemes, particularly those situated in densely populated areas. This follows through to policies CP25 and HSG7 of the emerging LDF which requires that housing amenity spaces should be designed to be fully integrated into the development. Policy HSG7 of the draft LDF sets out minimum requirements for private and communal amenity space to be provided within new schemes.
- 8.39 The amenity space proposed would comprise balconies, terraces and private gardens. Whilst every unit would not be provided with amenity space, there would be approximately 258 sq m of communal amenity space within the centrally landscaped courtyard. This exceeds the emerging LDF requirement of approximately 124 sq m for a development of this size. Furthermore, the proposal is within 5 minutes walking distance of Stepney Green Public Open Space which could serve as additional amenity and on balance no objection is raised to the amenity provision proposed.

## **Residential amenity**

### **Daylight and Sunlight**

- 8.40 Policy DEV 2 of the UDP states that all developments should ensure that adjoining buildings are not adversely affected by loss of privacy or a material deterioration in the sunlight and daylight condition. This is followed through in DEV1 of the draft LDF.
- 8.41 A Sunlight and daylight report accompanies the planning application. This analysed the impact of daylight/sunlight /shadowing arising from the scheme and its effects on surrounding properties, including Alyward Street, East Arbour Street, Apsley House and Patterson Houses. The report also analysed natural light within the development, including the basement areas. The report follows the recommendations of the British Research Establishment's (BRE) publication 'Site Layout: Planning for daylight and sunlight: A guide to Good Practice.
- 8.42 The assessment shows that acceptable lighting levels would ensue to all habitable rooms in the surrounding residential properties. However, the report concluded that acceptable daylight/sunlight levels would not be achieved within habitable rooms within the part one/part two storey accommodation which lies within the curtilage of St Thomas House.

The scheme has been revised to overcome these concerns the impacts would now be acceptable.

Impact within the development

- 8.43 The Report concludes that most of the buildings including the new extensions would have acceptable daylight/sunlight levels. However, within the majority of the basement accommodation, acceptable daylight and sunlight levels would not be achieved and Environmental Health advise that these areas should not be used for habitable accommodation. Should the Inspectorate be minded to grant planning permission it is considered that a condition would be required to ensure that these areas annotated as storage rooms to prevent any use of these areas as habitable accommodation.
- 8.44 Overall, the daylight/sunlight and shadowing impacts would be minimal and not result in demonstrable harm and produces no conflict with UDP Policy DEV2 and DEV1 of the draft LDF.

### **Section 106 Obligations**

- 8.45 The scheme would generate a requirement for affordable housing. In addition it would be reasonable given the additional population for the developer to contribute towards the costs of providing education, healthcare facilities that would arise as a result of the development. On street car parking is already saturated. The use of local labour in construction should be encouraged. Therefore, in the event that the Planning Inspectorate is minded to allow the appeals, it is considered that planning permission should not be granted unless there is in place an agreement or unilateral undertaking under section 106 to secure planning obligations under the following heads:
- Affordable housing
  - A contribution to the provision of education facilities
  - A contribution to the provision Primary health care facilities
  - Car free arrangements
  - Local labour in construction
- 8.46 Each of the proposed obligations recommended at paragraph 3.2B above meets the tests set by Circular 05/05 of being necessary, relevant to planning, directly related to the development and reasonable in all other respects. Any grant of planning permission should therefore be accompanied by agreement or unilateral undertaking under section 106 to secure planning obligations under the relevant heads.

### **Comments on objections raised**

- 8.47 In respect of the design concerns raised, it is agreed that proposed roof extension to the Police Station would be over prominent. Additionally, the design of the rear extension to the Police Station and the new building on the site of the Magistrates Court would be unsatisfactory due to unsatisfactory scale, mass and bulk, architectural detailing and unsympathetic use of materials.
- 8.48 It is agreed that the resulting density would result in an unjustified overdevelopment of the site resulting in an unsatisfactory design.
- 8.49 In respect of the objections on amenity grounds, it is not considered that the development would result in any significant reduction in daylight and sunlight to adjoining residential premises and overlooking would be minimal and satisfactory. The initial concerns relating to St Thomas House have been resolved by revisions.
- 8.50 With regard to inadequate parking provision, the Council's Highway Development Team

welcomes the low level of parking proposed as this is consistent with the London Plan, the emerging LDF and other national advice in PPG3 and PPG13 not to apply minimum standards. It is agreed that on street parking in the area is currently saturated. A car free agreement or unilateral obligation that prevents occupiers of the development from purchasing parking permits from the Council is considered essential should the Planning Inspectorate decide that planning permission should be granted.

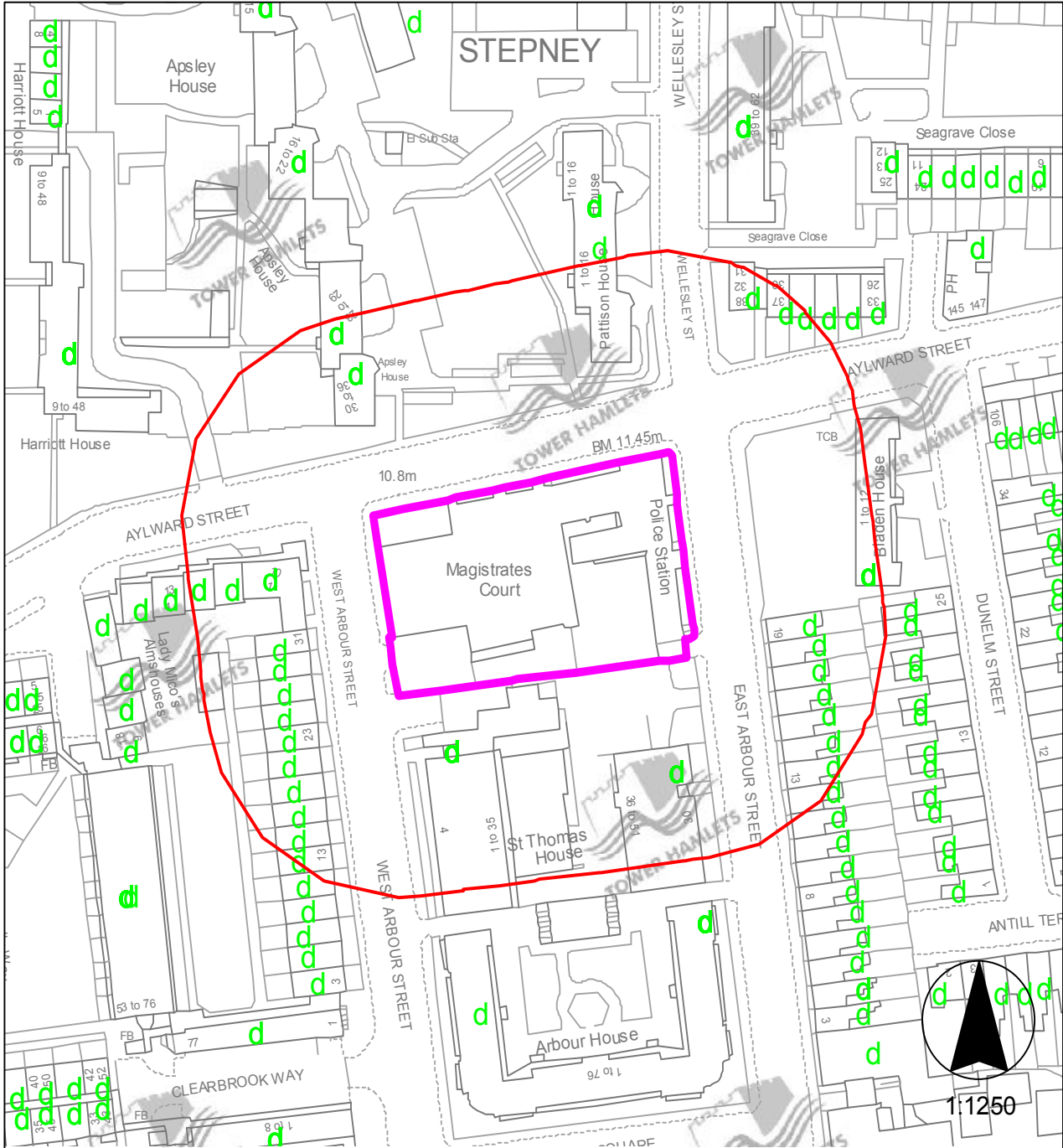
### **Other issues**

- 8.51 The third party representations which related to two procedural issues are noted. However, the Council considers that the applications for planning permission and demolition consent have been widely advertised by site notices, a press notice in the East End Life (03/07/06). A total of 173 letters were sent out to inform adjoining occupiers about the scheme. On balance, therefore all third party objections have been fully considered in making a determination on the current scheme.

### **9.0 CONCLUSION**

- 9.1 All relevant policies and material considerations have been taken into account in assessing the merits of the scheme and it is considered that on policy grounds the change of use of the site for residential use is satisfactory.
- 9.2 However, it is considered that the design of the proposed building is not satisfactory, the dwelling mix would fail to meet the requirements of the Borough and the scheme would fail to preserve or enhance the character and appearance of the conservation area.

# Site Map



## Legend



Planning Application Site Boundary



Consultation Area

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