

Committee: Development	Date: April 2013	Classification: Unrestricted	Agenda Item Number: 7.2
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Report of: Director of Development and Renewal	Title: Town Planning Application & Listed Building Consent
Case Officer: Adrian Walker	Ref No: PA/12/02632 & PA/12/02633
	Ward: Weavers

1.0 APPLICATION DETAILS

Location: Bath House, Dunbridge Street, London
Existing Use: Roofspace above residential block
Proposal: Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

Drawing Nos/Documents: 2008/5/01, 2008/5/02, 2008/5/03 Rev. A, 2008/5/04 Design and Access Statement, Heritage Statement and NPPF Considerations, Townscape & Visual Impact Assessment, 2013/3/R1, Bicycle Rack details, and Site Plan showing cycle rack location and refuse and recycling stores.

Applicant: Valbella Business SA
Ownership:
Historic Building: Grade II Listed
Conservation Area: Fournier Street/Brick Lane

2.0 **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR FULL PLANNING PERMISSION**

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. The proposed external alterations and roof extension have been sensitively designed and are appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy

Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

2. The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (submission version 2012) which seek to ensure the use of land is appropriately optimised.
3. The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission version 2012 with modifications) and the Housing Supplementary Planning Guidance - London (2012). These policies seek to ensure that all new housing developments have adequate provision of internal space in order to provide an appropriate living environment.
4. It is considered that the overall provision of amenity space is adequate and is in accordance with Policy SP02 of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD Submission version 2012 and Policy HSG7 of the Interim Planning Guidance (2007). These policies require adequate provision of housing amenity space for new homes.
5. The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.
6. Subject to a condition, the proposal includes adequate provision of secure cycle parking facilities, in accordance with the requirements of policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure that development proposals include adequate provision of secure cycle parking facilities.
7. The development would be secured as car free and as such it complies with policies 6.1 and 6.13 of the London Plan (2011), policy SP09 of the Adopted Core Strategy (2010) and policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications). These policies seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
8. Subject to a condition, the proposal includes adequate facilities for the storage of waste and recyclables, in accordance with saved Policies DEV55 and DEV56 of the Unitary Development Plan (1998), policy DM14 of the Managing Development DPD (Submission Version 2012 with modifications), Policy DEV15 of the Interim Planning Guidance (2007) and Policy 5.17 of the London Plan (2011).

3.0 RECOMMENDATION FOR FULL PLANNING PERMISSION

3.1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

3.2 Conditions on Planning Permission

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development
- (4) Section 106 no on-street parking permits
- (5) Refuse
- (6) Cycle parking provision
- (7) Restriction on the hours of construction (8am - 6pm Monday to Friday and 8am - 1pm Saturday only)
- (8) Construction Management Plan
- (9) Highways

Any other conditions(s) considered necessary by the Corporate Director
Development & Renewal

3.3 Informative on Planning Permission

- (1) CIL
- (2) Contact Building Control

4.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR LISTED BUILDING CONSENT

4.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. Subject to conditions requiring the submission of materials, the proposed roof extension, is sympathetic to the fabric of the Grade II Listed building and will preserve the appearance and character of the Fournier Street/Brick Lane Conservation Area in line with the National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London Plan (2011), policy SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, DEV31 and DEV37 of the Unitary Development Plan (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM24 and DM27 of the Managing Development DPD (submission version 2012). These policies aim to ensure that development is of high quality design, positively responds to its setting, and preserves the architectural quality and setting of borough's heritage assets.

5.0 RECOMMENDATION FOR LISTED BUILDING CONSENT

- 5.1 That the Committee resolve to GRANT listed building consent subject to the following conditions and informatives:

5.2 Conditions on Listed Building Consent

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development

Any other conditions(s) considered necessary by the Corporate Director
Development & Renewal

6.0 PROPOSAL AND LOCATION DETAILS

The Proposal

- 6.1 The applicant is seeking planning permission for the demolition of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

Site and Surroundings

- 6.2 The proposal relates to a three storey residential building known as block E within Bath House complex. The entire Bath House complex is bounded by Ramsey Street to the north and east and Cheshire Street runs south. The west elevation faces the rear of properties along Hereford Street. The application site lies on the corner of the eastern end of Ramsey Street close to the junction with Cheshire Street. The application site faces a residential block of maisonettes consisting of 3 double storeys. The site lies within the Fournier Street/Brick Lane Conservation Area and consists of several Grade II listed buildings.
- 6.3 The Bath House complex is made up of 7 blocks of solely residential units and 1 block consisting of a boxing club with residential units below. Within the site there are a number of Grade II Listed buildings with the others being listed within the curtilage of a Grade II Listed Building. The complex was first developed in the early 1990's into a 47 residential units; a further 3 were added in 2009. Block E was built in the first stage of the development in the 1990's and is attached to block D which was part of the original Bath House.
- 6.4 The area surrounding the application site is predominantly residential in character. The surrounding built form within Bath House is made up of buildings which are mostly low rise, 2/3 storeys; however, the local area consists of buildings about four to six storeys in height.

Planning History

- 6.5 **PF/12/00030:** Creation of a mansard roof extension to facilitate the creation of three one bedroom units. Pre Application Closed 21/05/2012

PA/09/02033: Submission of details pursuant to condition 2 (further details) of listed

building consent dated 1 April 2008, reference TH12285/PA/07/01974. Permitted 02/11/2009

PA/09/01643: Submission of details pursuant to conditions 3 (bin store) and 6 (construction management plan) of Council's planning permission dated 1 April 2008, reference: TH12285/PA/07/01973. Permitted 02/11/2009

PA/07/01974: Works in connection with conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) and associated works including 2 new lightwells and relocation of bin store. Permitted 01/04/2008

PA/07/01973: Conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) with associated works including 2 new lightwells and relocation of bin store.(Additional information received). Permitted 01/04/2008

Enforcement

ENF/12/00382: Breaches of conditions of PA/07/01973 and PA/07/01974 (detailing of bin store, windows, paintwork and finishing). On-going enquiry

ENF/09/00352: Breach of conditions 5 (noise insulation) and 6 (construction management plan) of planning permission PA/07/01973 dated 1st of April 2008 of LBTH. Case closed

7.0 POLICY FRAMEWORK

7.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

7.2 The London Plan Spatial Development Strategy for Greater London (July 2011)

Policies	3.3	Increasing housing supply
	3.4	Optimising housing potential
	3.5	Quality and Design of Housing Development
	3.8	Housing Choice
	3.9	Mixed and Balanced communities
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in developments
	5.7	Renewable Energy
	5.13	Sustainable Drainage
	5.17	Waste Capacity
	6.5	Funding Cross rail and other strategic transport
	6.9	Cycling
	6.10	Walking
	6.13	Parking
	7.1	Buildings London Neighbourhoods and community
	7.2	An Inclusive environment
	7.3	Designing out Crime
	7.4	Local character

7.6	Architecture
7.8	Heritage Assets and Archaeology

7.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

Strategic Objectives	SO7 – SO9	Urban Living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making connected places
	SO21	Creating attractive and safe streets and spaces
	SO23	Creating Distinct and durable places
	SO24	Working towards a zero carbon borough
	SO25	Delivering Place making
Policies	SP02	Urban Living for Everyone
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating Distinct and Durable Places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Successful Place making

7.4 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV6	Energy Efficiency
	DEV9	Control of Minor Works
	DEV12	Provision of landscaping within new developments
	DEV30	Roof storeys within conservation areas
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Housing Space Standards
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the road network
	T21	Pedestrian needs in new developments
	T21	Pedestrian needs in new developments

7.5 Managing Development Plan Document (Submission Version 2012 with modifications)

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity
	DM8	Community infrastructure
	DM9	Improving air quality
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM24	Place Sensitive Design

DM25	Amenity
DM27	Heritage and the Historic Environment

7.6 Interim Planning Guidance for the purposes of Development Control (October 2007)

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV4	Safety and security
	DEV6	Energy efficiency and renewable energy
	DEV5	Sustainable design
	DEV10	Disturbance from noise pollution
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes
	DEV19	Parking for motor vehicles
	CON1	Conservation Areas
	CON2	Conservation Areas
	HSG2	Housing Mix
	HSG7	Housing Amenity Space

7.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

7.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

- Healthy Communities
- Safe and Supportive Communities

7.9 Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance - London (2012).
Fournier Street/Brick Lane Conservation Area Appraisal

8.0 CONSULTATION RESPONSE

8.1 LBTH Transportation & Highways

- The subject site is located in an area of good public transport accessibility (PTAL 4)*
- Highways is satisfied with the provision of 15 secure cycle storage spaces for the proposed new flats and some of the existing flats.*

If planning permission is granted please include the following:

- A S106 car and permit free agreement is to be secured.*
- Section 278 Agreement of the Highways Act 1980 to secure the cost for any damage caused to the public highway*
- The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposal.*
- No skips or construction materials shall be kept on the footway or carriageway on the surrounding highway at any time.*
- All construction vehicles must only load/unload/park at locations and within the times permitted by existing on-street restrictions*

(Officer comment: Conditions/Informatives will be imposed to ensure LBTH Transportation and Highways requirements are secured.)

8.2 LBTH Waste Management

Waste storage capacity is not sufficient. Please follow the following guidelines. This site would require 7080L of refuse capacity and 3260L of recycling capacity based on total number of existing units (51) and additional proposed units (3).

(Officer comment: The waste storage arrangements will be dealt with in the refuse section of the report.)

8.3 The Spitalfields Historic Buildings Trust

No comments received

8.4 The Spitalfields Society

No comments received

8.5 English Heritage

Application should be determined in accordance with local specialist advice

9.0 LOCAL REPRESENTATION

9.1 193 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was publicised on site by way of a site notice. Thirty-three separate representations in objection were received from neighbours and local groups in response to notification and publicity of the application. The following concerns were raised in the letters of objection to the scheme:

Representation Comments

9.2 Amenity

- The construction works will result in significant disruption for residents, dust and noise, health and safety issues and overall amenity;

(Officer comment: A condition will be imposed to restrict hours of construction. Furthermore, it should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan.)

- Loss of sunlight and daylight to flats and the courtyard
- Loss of privacy

(Officer comment: The matters regarding loss of sunlight, daylight and privacy will be

addressed in the amenity section of this report).

9.3 Design

- The mansard roof would harm the character and appearance of the Grade II Listed building
- The mansard roof would not be beneficial to the streetscape of Ramsey Street
- Does not complement heritage views from inside the courtyard
- Overdevelopment
- The view of the chimney stack (heritage asset) from the public realm would be restricted

(Officer comment: The proposed roof extension is sensitively designed and would represent an appropriate addition to the building. Furthermore, materials will be conditioned to secure a high quality appearance and finishes.)

9.4 Waste

- There is no recycling currently on site
- The bin store is insufficient

(Officer comment: The matters regarding waste and recycling will be addressed in the waste and recycling section of this report).

9.5 Transport

- Cycle parking is currently insufficient on the site
- Car parking is currently overcrowded

(Officer comment: The matters regarding cycle parking will be addressed in the Transport and Highways section of this report).

OTHER

9.6 A number of possible inaccuracies or misrepresentations in the planning application have been highlighted in the representations received.

These are as follows;

- There are 10 cycle parking spaces currently on the site not as 25 as stated on the application.
- Applicant name stated on the application form is Verbella Ltd is incorrect
- There is currently no recycling on the site however it is stated that there is on the application form
- Block E is not a listed building, it is listed within the curtilage of a listed building
- The application form states there will be no alterations to the internal areas of block E however the ceilings of the stairwells will have to be removed to access the additional floor
- Materials – the existing doors and windows are timber not powder coated aluminium
- Tree in the courtyard is considered by residents an important part of the local landscape character however it is not listed in section of the application
- Roofs and chimney have been drawn inaccurately on plans
- There are 51 flats within bath House not 47

- There is no reference to the four flats created in the basement in 2007
- Proposed extensions are not obscured by the tree
- Courtyard is not in shade for most of the day
- Block E is not the only building that defines the courtyards, blocks C,D and F also play a defining role
- Shadow diagram is inaccurate
- Certificate B was filled out incorrectly as the notice to the owners was dated the 21st September 2012 not 19th September 2012 as stated on the form

(Officer comment: These reported inaccuracies have been noted and discussed with the applicant. Any email has been received by the officer correcting a number of mistakes made on the application form. None of these issues would have a significant impact on the overall application.)

9.7 The following issues were raised in representations but it is considered that they should not be attributed any real weight in the determination of the application:

- Loss of views from existing flats
- Removal of private attic space from top floor flats
- Loss of top floor status of the existing flats
- Current enforcement and building regulation issues
- Problems in relation to the quality of works previously done by the freeholder
- The development provides no social or environmental benefits
- The proposal will have a detrimental impact on the major works to the building carried out by the leaseholders at a cost of over £100,000
- Plants grown on balcony would die
- Loss of value to flats
- Car park damage last time
- Construction management plan not adhered to last time

(Officer response: The matters raised relate to tenant and landlord issues and other non-material planning considerations and it is considered that they should not be attributed any significant weight in the determination of the application)

10.0 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Housing
- § Design
- § Amenity
- § Transportation and Highways
- § Localism Act

Principle of Development

Land Use

10.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Council's Core Strategy (2010) and policy 3.1 of the London Plan,

which gives Boroughs targets for increasing the supply of housing.

- 10.3 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seeks to encourage council's to maximise the development of sites to ensure targets are achieved where feasible.
- 10.4 Policy SP02 of the Core Strategy (2010) sets out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 10.5 The residential use of the site is already established and therefore the principle of additional residential units would be acceptable in land use terms.

Housing

- 10.6 London Plan Policy 3.8 encourages new residential proposals to incorporate housing choice. Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. This is reflected in Policy SP02 of the Core Strategy (2010), Policy DM3 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy HSG2 of the Interim Planning Guidance (2007), which seeks to promote housing choice.
- 10.7 The proposal is for the creation of a mansard extension on the building to create 2 one bedroom and 1 two bedroom residential units.
- 10.8 Whilst it is noted that the mix of flats fails to deliver any family units, officers have taken into account that the proposed flats are on the third floor of the block without a lift. It is therefore considered that it is not an ideal location for family sized units and the mix of flats is acceptable.

Housing Quality and Residential Space

- 10.9 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to specified dwelling space standards, have adequately sized rooms and efficient layouts. Housing Supplementary Planning Guidance - London (2012).sets out further guidance on the implementation of these policies.
- 10.10 Policy SP02 of the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with the Housing Supplementary Planning Guidance - London (2012). The policy aims are reiterated in Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications).
- 10.11 The proposed 1 bed flats measure 43 and 46sq metres and the 2 bed flat measures 64sq metres, the London Plan states that minimum space standard for a 1 person flat is 37sq metres and a 2 bed 3 person flat is 61sq metres. As such the proposed units all meet the minimum space standard requirements and it is envisaged that the layout and design of units would be of a high standard internally and each of the flats are dual aspect and will benefit from good natural lighting. As such the proposal

would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications) and Housing Supplementary Planning Guidance - London (2012).

Design

- 10.12 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 10.13 Section 72(1) of the Listed Buildings & Conservation Areas Act (1990) gives the Local Planning Authority a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and safeguarding the special architectural and historic fabric of listed buildings.
- 10.14 Saved policy DEV 27 of the UDP states that applications for minor alterations in a Conservation Area will be considered having regard to the effect that such alterations will have on the building in question, the group of buildings, the street or Conservation Area and also the probable effect that a number of such applications would have.
- 10.15 Saved policy DEV 30 of the UDP states that within Conservation Areas additional roof storeys may be allowed except:
- (1) Where they would harm the appearance and character of terraces or groups of building where the existing roofline is of predominantly uniform character, and
 - (2) On buildings where the roof construction is unsuitable for roof extensions.
- 10.16 Adopted Core Strategy policy SP10 and policy DM24 of the emerging Managing Development DPD (Submission Version 2012 with modifications) state that the Council will protect and enhance the borough's heritage assets and their settings including Conservation Areas. The Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.17 The application site is within an area where the adjoining buildings vary in heights and form, and the immediate context is predominantly residential with some mixed use pockets. Buildings within the immediate locality incorporate a variety of architectural styles.
- 10.18 The application building was built in the 1990's and is three storeys high. It was designed in a traditional style to complement the Grade II Listed Building it adjoins and currently has a shallow pitched roof with a parapet wall around it.
- 10.19 The applicant proposes a mansard roof addition to this building. The initial proposal was for a flat topped mansard however after discussions with LBTH Conservation and

Design it was decided that a traditional double pitched mansard would be most appropriate for the site in context with the Grade II Listed Building, and revised drawings were submitted.

- 10.20 The existing parapet around the roof will be retained and the proposed roof will extend 2.2m higher than the existing roof. It will be constructed with a timber frame, faced in natural slate, with traditional lead dormers and timber sash windows to match those existing. The fenestration will mirror that of the floors below.
- 10.21 The existing roof was constructed with the rest of the building in 1990's. It is not considered particularly successful in architectural terms, and protrudes above the existing parapet wall. The proposed mansard roof is of traditional form and gives the building more pleasing proportions. The mansard slopes away from the main block D and is lower in height than the gable ends which ensures it appears subsidiary. The mansard roof will still be significantly lower than the listed chimney stack and longer views of the chimney would not be obstructed.
- 10.22 The proposal also includes the extension of the existing stairwells for access to the proposed units. The stairwells will be significantly lower than the height of the mansard roof and will help incorporate the extension into the existing building. The extension to the stairwell will not protrude further out into the courtyard and will be finished in white render to match the existing stairwell.
- 10.23 Given the sympathetic design approach, the local context, the proposal would respond well within the local context and would not appear visually overbearing at street level. Subject to conditions to ensure a high quality materials and finishes, the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

Amenity

- 10.24 Policy SP10 (4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD (Submission Version 2012 with modifications), policies DEV2 and DEV50 of the UDP (1998) and Policy DEV10 of the Interim Planning Guidance (2007), seek to ensure that developments protect and where possible improve the amenity of existing and future residents which includes visual privacy, overshadowing, outlook, noise and vibration levels.

Privacy/ Overlooking

- 10.25 Saved UDP Policy DEV2 and policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) requires new developments to be designed to ensure that there is no unduly detrimental reduction in privacy for existing and future occupiers. Given that the proposed windows are directly above the existing windows on the floor below, it is considered that the proposal does not introduce any further impact on the privacy or overlooking of existing residents within neighbouring blocks.

Sunlight and Daylight

- 10.26 Given the location of the proposal above the existing residential block E, the angle of the pitch on the mansard roof and the separating distance between block C (12.5m), block F (5m) and Repton Boys Club (10m), the most affected residents will be in block F. It is recognised that the residents in this block may have a slight reduction in sunlight however this would be very minimal. The shadowing diagram shows that due to the existing parapet wall which is being contained there would only be a very small loss of sunlight to the courtyard area and none to the flats windows of Repton Boys Club. It is considered that on balance, there would not be a significant loss in sunlight/daylight than that already exists. It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.
- 10.27 The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.

Private Amenity Space

- 10.28 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space, this is re-affirmed in IPG Policy HSG7.
- 10.29 Policy DM4 of the Managing Development: DPD Submission Version 2012 (with modification) specifically advises that applicants seek to provide a minimum of 5 sq. m of private outdoor space for 1-2 person dwellings and an extra 1 sq. m should be provided for each additional occupant.
- 10.30 The Bath House site already has a very well cared for and useful shared amenity space for existing residents. No balconies/terraces have been proposed for this development as they would have a negative impact on the appearance of the development. Officers are satisfied that the existing facilities would serve any new occupants and residents adequately in terms of private amenity spaces.
- 10.31 The proposed flats are all provided with amenity space in the form of shared gardens and courtyard. As such the proposal would accord with save policy HSG16 of the Unitary Development Plan (1998), Policy DM4 in the Managing Development: DPD (Submission Version 2012 with modification) and Policy HSG7 of the Interim Planning Guidance (2007) These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments. These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments.

Refuse

- 10.32 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy (2010), Saved Policies DEV55 and DEV56 of the UDP (1998) and Policy DEV15 of the Interim Planning Guidance (2007) require developments to make suitable waste and recycling provision within developments.

- 10.33 As mentioned in the in the objections the waste storage arrangements on site are not as the approved details (PA/09/01643). A larger area for refuse storage was built currently containing four refuse bins instead of three and a separate area of general storage adjacent to it. This has been discussed with the applicant and it was agreed that whole area of storage will be used solely for refuse storage with additional bins for general refuse and separate bins for recycling provided. Further details have been received showing that seven bins for general refuse and four bins for recycling will be provided in this area. It is therefore considered that the increased provision of waste storage is more than sufficient to meet the need of the additional three units in the proposal. A condition will ensure that the waste storage provisions will be provided prior to the occupation of the flats.
- 10.34 Subject to a condition it is considered that the proposal is acceptable in terms of refuse storage and collection, which accords with saved policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of Managing Development: Development Plan Document (Submission Version 2012 with modifications) and policy DEV15 of the Interim Planning Guidance (2007) which requires waste and recycling facilities to be adequate to service the site.

Transportation and Highways

Access and Car Parking

- 10.35 Policy 6.9 of the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (submission version 2012), and policy DEV19 in the Interim Planning Guidance (2007) seek to facilitate more walking and cycling as part of new developments and create a safer environment for cyclists.
- 10.36 LBTH Transport and Highways have commented that the subject site is located in an area of good public transport accessibility (PTAL 4) therefore, as already agreed with the applicant, the development shall be subject to a section 106 car free agreement for the residential units to promote sustainable modes of transportation and prevent future occupiers from applying for on-street parking permit. Highways have no objections subject to the relevant conditions.

Cycle Parking

- 10.37 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 10.38 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (Submission Version 2012 with modifications) and policy DEV16 of the Interim Planning Guidance (2007) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 10.39 Representations have raised the issue of lack of cycle parking in the Bath House complex. Originally the development of 47 flats did not provide any cycle parking spaces. With the additional flats created under planning application PA/07/01973 a cycle store was created in the basement. A site visit to the property showed that this store did exist but was smaller than shown on the plans. It is the officer's opinion that the store is still adequate for the cycle storage requirements of the four basement flats created under planning application PA/07/01973. It should be noted that the site

currently has 10 additional cycle spaces that were not a requirement of any planning application. The new development is only be required to provide an extra 1 cycle space per dwelling, a total of 3 additional spaces. The applicant has agreed to provide an additional 5 cycle parking spaces as part of this proposal. These will be located on the north wall of block E

- 10.40 Highways are satisfied with the provision of 5 secure cycle storage spaces for the proposed new flats and to reduce some of the demand from the existing flats.

11.0 Localism Act (amendment to S70(2) of the TCPA 1990)

- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

- 11.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

- 11.3 Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 11.4 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow house buyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

- 11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.

- 11.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the Communities and Local Government (CLG), with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a

rolling six year period.

- 11.8 Using the Department for Communities and Local Government's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £4,286 within the first year and a total of 25,719

12.0 ANY OTHER ISSUES

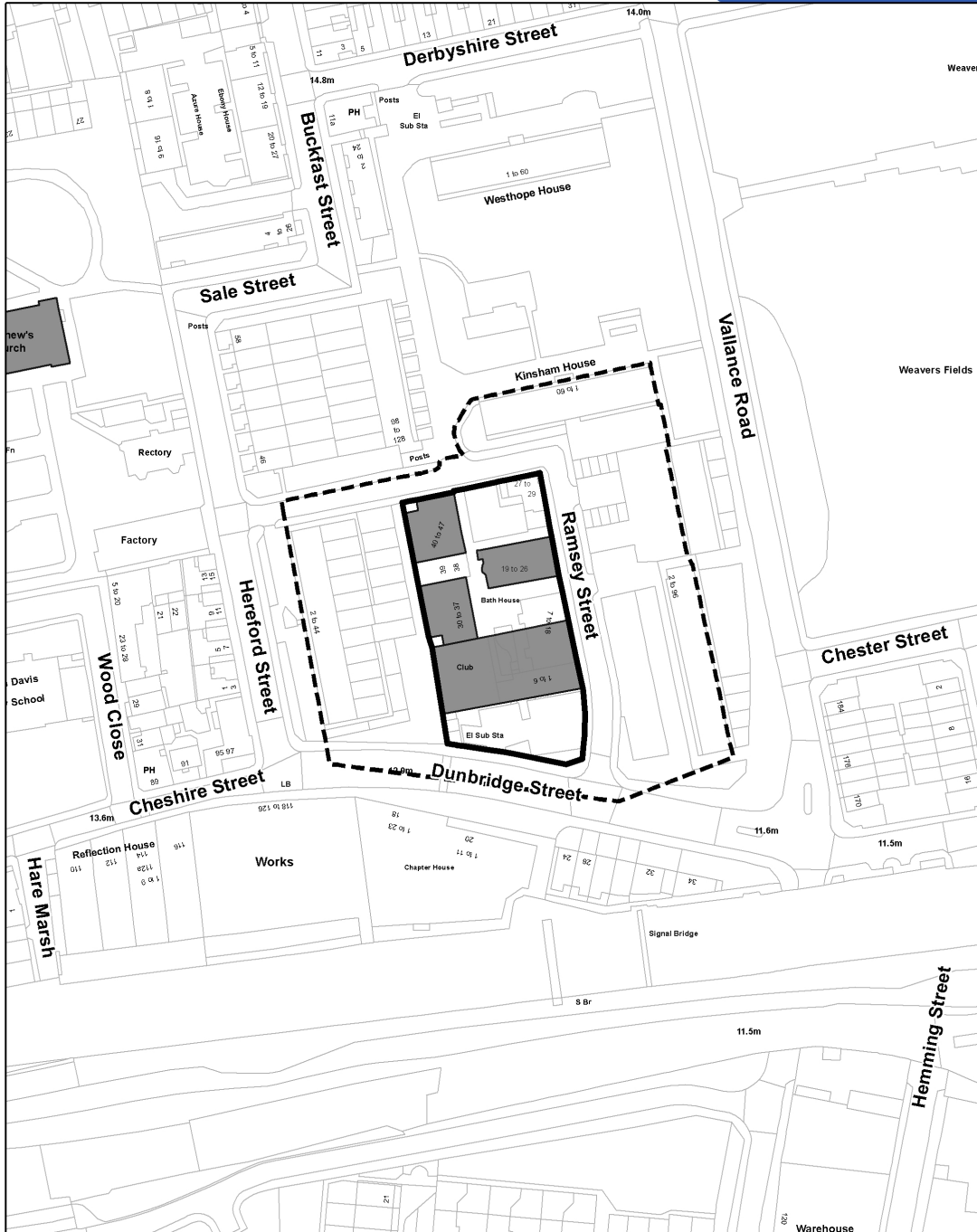
- 12.1 Following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £5,355.00 which is based on the gross internal area of the proposed development.

13.0 CONCLUSION

- 13.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

SITE MAP

Planning Application Site Map PA/12/02632

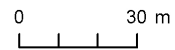


Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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