

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 28 April 2010 at 6.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair: Councillor Choudhury	
	Alibor
Councillor Helal Abbas Councillor Shiria Khatun Councillor Harun Miah Councillor Tim O'Flaherty Councillor Muhammad Salique Councillor Rupert Eckhardt	Abdullah Councillor Shahed Ali, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Tim O'Flaherty) Councillor Clair Hawkins, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Denise Jones, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Abjol Miah, (Designated Deputy representing Councillor Harun Miah) Councillor Abdul Munim, (Designated

Deputy representing Councillor Harun Miah)
Councillor M. Mamun Rashid, (Designated Deputy representing Councillor Harun Miah)
Councillor Peter Golds, (Designated Deputy representing Councillor Rupert Eckhardt)
Councillor Tim Archer, (Designated Deputy representing Councillor Rupert Eckhardt)
Councillor Shirley Houghton, (Designated Deputy representing Councillor Rupert Eckhardt)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Nadir Ahmed, Democratic Services, Tel: 020 7364 6961, E-mail:nadir.ahmed@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 28 April 2010

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 31st March 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 14

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5.	PROCEDURE FOR HEARING OBJECTIONS		
	To note the procedure for hearing objections at meetings of the Development Committee.	15 - 16	
6.	DEFERRED ITEMS	17 - 18	
7.	PLANNING APPLICATIONS FOR DECISION		
7 .1	Moorings at Belmont Wharf, Land North of Canal Club, Waterloo Gardens, London E2 (PA/09/02043)	19 - 28	Bethnal Green North;
8.	OTHER PLANNING MATTERS		
8 .1	Burdett Coutt's Fountain, Victoria Park, Old Ford Road, London (PA/10/00311)	29 - 40	Bow West;

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 31 MARCH 2010

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shafiqul Haque (Chair)
Councillor Helal Abbas
Councillor Alibor Choudhury (Vice-Chair)
Councillor Harun Miah
Councillor Rupert Eckhardt
Councillor Muhammad Abdullah Salique

Other Councillors Present:

Councillor Lutfur Rahman	(Leader of the Council)
Councillor Oliur Rahman	(Lead Member, Employment and Skills)
Councillor Ahmed Hussain	
Councillor Abdul Asad	(Lead Member, Children's Services)
Councillor Ohid Ahmed	(Lead Member, Resources and Performance)
Councillor Waiseul Islam	
Councillor Abjol Miah	(Leader of the Respect Group)
Councillor M. Mamun Rashid	

Officers Present:

Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services Chief Executives)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Shiria Khatun and Tim O'Flaherty.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Shafiqul Haque	7.1	Personal	Had prayed in the Mosque subject to the proposals. He had also received correspondence from interested parties.
Alibor Choudhury	7.1	Personal	Had prayed in the Mosque subject to the proposals.
Harun Miah	7.1	Personal	Ward Councillor
Helal Abbas	7.3	Personal	Owned property in the area concerned.
	7.4	Personal	Lived near the site.
Muhammad Abdullah Salique	7.1	Personal	Had prayed in the Mosque subject to the proposals.
Abjol Miah	7.1	Personal	Ward Councillor

M. Mamun Rashid	7.1	Personal	Ward Councillor
Waiseul Islam	7.1	Personal	Attending on behalf of Ward Councillor
Lutfur Rahman	7.1	Personal	Uses the facility subject to the proposals.
Ohid Ahmed	7.1	Personal	Uses the facility subject to the proposals. Son attended the school.

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 4th March 2010 be confirmed as a correct record of the proceedings.

4. RECOMMENDATIONS

The Committee **RESOLVED** that

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the hearing.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Walburgh House, Jamiatal Ummah School, 56 Bigland Street, London, E1 2ND (PA/09/0299)

Update Report Tabled.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Walburgh House, Jamiatal Ummah School, Bigland Street.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Mr Tom Ridge spoke as an objector to the application . He reported that he was a former teacher in the Borough. He expressed concern at the loss of the existing building, a view supported by others including an objection from SAVE Britain's Heritage and the Victorian Society. Neither organisations were listed in the committee report. In addition, SAVE Britain's Heritage and the Victorian Society were not notified of this committee date. Mr Ridge expressed the views and the opposition of SAVE Britain's Heritage and the Victorian Society to the scheme and explained that the building should be repaired and that the new building in the south should be erected to make refurbishment feasible. The site was well preserved and the school could still be adapted and made 'fit for purpose' at a reasonable cost. The facility could represent a unique mix of old and new that the community needs. The repairs could be undertaken in stages so to allow the prayers and the school to continue. Grants could help the applicant fund the repairs to the school. The architectural merits of the Queen Anne Board School was also expressed. The school was the only old style board school in London and the most densely populated one. No other London Borough had this feature. It was the only one that bares the Tower Hamlets name.

English Heritage had written to the Council saying that they were considering listing the existing building. In view of this Mr Ridge urged that the Application be deferred to explore the retention of the building.

Mr Mohammad Siddiquy, representative of the Applicant, considered that the scheme represented the aspirations of the local community and would enable the school to do better. He considered that the school had outgrown the existing premises. The applicant sets up and ran projects in the premises for the local community. However he considered that they had outgrown the premises. All of their projects were over subscribed due to lack of space. The premises didn't meet the requirements of the Disability Discrimination Act. (DDA). There was a large Victoria roof, it was not fit for purpose. They didn't have a proper library or office accommodation. They desperately needed a new centre so that they could continue to deliver award winning community projects. Many of their students had gone on to study at top universities. They hoped that the Committee would look favourable on the application.

Mr Harshad Patel, Project Architect, speaking in favour of the scheme spoke of the Applicant's desire to provide a new facility for community led projects. The building was not listed building and was not located in a Conservation Area. It was out of context and incongruous with the surrounding area. The feasibility study showed that the current building was unsuitable and was not meeting the requirements of OFSTED. The retention of the building would restrict the provision of the proposed facilities due to its age and size. The design of the new development would be of high quality and would be energy efficient.

Councillor Waiseul Islam spoke in favour of the application on behalf of Councillor Shahed Ali who was a Ward Councillor for Whitechapel.

He read out a statement on behalf of Councillor Ali. He stated that the granting of this planning consent would enable the build of this beautifully designed building. He strongly believe this multi-use community building would become the centre-piece, the hub of our very proud and diverse multi-ethnic and multi-faith communities, a place where the theme of 'One Tower Hamlets' can truly be celebrated. The carefully designed structure would be an iconic addition to the many modern buildings in the immediate vicinity of the area; however, it respects the strong presence of culture and integration. He congratulated the project team in putting together such a responsive design.

He understood that 5 objections have been received, but 328 letters in support of the application, clearly demonstrating overwhelming support for this project. Whilst he was sympathetic to the character of the existing building, he believed many local authorities owned buildings of such design exist and therefore we can seek to preserve such opportunities elsewhere. This building was owned by the applicant and in order to ensure their positive charitable work can be expanded and developed to meet the demanding needs of the local community, we all need to support this design.

This is a charitable organization, seeking to produce a much needed project. It therefore requires the pro-active support of all stakeholder partners.

He therefore asked the Committee to consider the proposing the following amendments to the Recommendations.

Delete:

'£105,000 towards open space improvements including contribution to Gosling Gardens Park which is located opposite the site'

Add in the 'Non-Financial Contributions section:

Approximately 150 additional school places based on the calculation of the 12,342 per space, equating to £1,851.300.

Furthermore on Page 22, point 3.5 (condition 1), change to read: 'Permission valid for 5 years'.

Councillor Ahmed Hussain also spoke in favour of the application. He considered that clearly the school was achieving a great deal. He stressed the need for the proposals to ensure compliance with the Disability Discrimination Act. He considered that if this was a Council building, it would be modernised under the Building Schools for the Future Initiative. He drew attention to the cost of the scheme. Councillor Hussain also proposed that a number of the proposed contributions be removed bearing in mind the greater benefits of the scheme.

Following the presentations, Mr Irvine presented the detailed report. In which he reported the following points:

- Officers considered that the application provided a valuable facility for local residents in line with policy whilst respecting amenity.
- It was emphasised that the building was not listed or was it located in the Conservation Area. As a result, planning consent for the demolition was not required.
- It was not considered that the activity would create any adverse highways issues.
- In terms of sustainability, the scheme complied with policy.
- Clarified the scale of the development and that it just fell within the maximum threshold for this Committee.

Mr Irvine also responded to the request to reduce some of the planning obligations and explained that the Council's Highways Engineer had considered the scheme and had raised concerns around the trip generations assessment and access to the site as detailed in the update report. It was considered necessary on that basis to secure the contributions for highway works in the legal agreement. The Committee were urged to carefully considered these points in the update report.

In reply to the presentation, Members raised the following points:

Members expressed support for the application but queried the reasons for requiring a number of the planning obligations given the scope of the proposed community facilities and community benefits. Specifically Councillor Choudhury queried the need for the contributions for Gosling Gardens Park and the street lighting/ improvement works.

Members also asked questions regarding the possibility of extending the permission from 3 to 5 years which were answered by officers. They also considered the merits of the amplified call for prayer facility in this context and discussed that a minimum number should be allowed.

Members also queried the proposed opening hours given prayer times fell at different times during the year.

Consequently, in view of the above, Councillor Choudhury and Councillor Salique proposed the following amendments to the legal agreement and conditions which on a unanimous vote this was carried.

- (i) Extending the planning permission to 5 years from 3.
- (ii) Amending the legal agreement to include just the following two financial obligations:
 - £30, 000 for the pedestrian improvement measures in the area
 - £10,000 for traffic management and traffic order changes
- (iii) Changing the opening hours to ensure they accommodate prayer hours.
- (iv) Amending the 'no amplified call to prayer condition' to ensure three such calls to prayer are permitted.

On a unanimous vote on the substantive motion, it was –

RESOLVED

1. That the planning permission for the demolition of existing buildings and erection of an eight storey building plus three basement levels, including an open play area and terrace and erection of a new building to provide a two form entry secondary school, community centre, student accommodation, funeral facilities, library, multi-purpose sports hall, gymnasium, retail unit, cafeteria, crèche, health facility, basement level car parking; cycle storage and refuse storage facilities be **GRANTED** subject to:
2. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - £30, 000 for the pedestrian improvement measures in the area
 - £10,000 for traffic management and traffic order changes

Non-financial Contributions

- 'Car free' agreement
 - Local labour in construction
 - Travel Plan required
 - Requirement to provide access to community facilities for members of the public
 - Code of Construction practice
3. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
 4. That the Head of Development Decisions be delegated power to impose conditions on the planning permission to secure the following

Conditions

1. That the Permission be valid for 5 years.
2. Submission of samples / details / full particulars of:
 - a. Façade design and detailing;
 - b. facing materials, glazing,
3. Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
4. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
5. Contaminated land: desk study, site investigation, risk assessment and mitigation
6. Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays (for all uses) subject to prayer hours.
7. Maximum of 3 amplified call to prayer
8. Submission of Service Management Plan
9. Submission of details of cycle parking
10. Submission of Construction Logistics & Management Plan
12. Details of two car parking space to be installed with an electric vehicle recharging point.
13. Details of waste arrangements and their collection should be conditioned.
14. Secure by Design Statement required
15. Details in the approved Energy Strategy shall be implemented
16. Details of refuse & recycling facilities for each use
17. Details of design of ventilation shafts
18. Details of noise mitigation measures
19. Management Strategy for the building
20. Installation of a heat networking supplying all spaces within the development
21. Details of energy cooling strategy
22. Details of BREEM Assessment
23. Schedule of highway improvement works
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

6. Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 5. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Transport Department Advice.
7. That, if by 31st June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

7.2 Sites Either Side of 2 to 48 Broomfield Street, London (PA/10/00124)

The application was withdrawn from the agenda by the applicant.

7.3 Whatman House, Wallwood Street, London, E14 (PA/10/00119)

Update Report Tabled.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Whatman House, Wallwood Street, London.

With the permission of the Chair, Councillor Ahmed Hussain addressed the Committee. He considered that the existing building needed to be demolished. The proposal would provide much needed family units in an area where there was a shortage of housing space. He considered that Poplar HARCA had a parking policy and they should consider allocating the extra bays from that to this scheme. He asked the Committee to consider this option.

Mr Shay Bugler (Strategic Applications Planner, Development and Renewal) presented the detailed presentation and also tabled a number of photographs of the proposals. During which he made the following points:

- Clarified the background to the proposal, the size of the site and scheme.
- Explained the proposed car free agreement, cycle and disabled parking arrangements and the mitigation measures.
- Reported that the site was not in a Conservation Area.
- Scope of the consultation exercise. Outlined the matters raised in representation around land use, density and design, housing mix and amenity. Overall, Officers considered that the proposal was acceptable on all these grounds.
- The scheme did not exhibit any symptoms of overdevelopment, would enhance the local area, would provide an acceptable level of family housing and additional communal amenity space. The proposal complied with the requirements in the Council's Housing Strategy.
- The Daylight and Sunlight Assessments complied with the BRE standards.
- The access and service arrangements were acceptable on highway grounds.

In response to the presentation, Councillor Abbas proposed that all social housing tenants be permitted to keep a permit if they have one. Councillor Eckhardt also considered that anyone who was currently entitled to a car parking permit on the estate should be permitted to retain their parking permits.

As a result they proposed that the Car Free agreement be amended to reflect this. On a unanimous vote, this amendment was carried.

On a unanimous vote on the substantive motion, it was –

RESOLVED

1. That Planning Permission for the demolition of existing two storey building and construction of two new blocks; one of 4 storeys and one part 4 and part 6 storeys in height to provide 38 residential units (comprising 11 x 1 bed, 17 x 2 bed, 7 x 3 bed and 3 x 4 bed), associated open space improvements, car parking layout revisions and infrastructure works be **GRANTED** subject to:
 1. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Affordable housing provision of 51% of the proposed habitable rooms with a 87/13 split between rented/ shared ownership to be provided on site.
 2. A contribution of £46, 584 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £74, 052 to mitigate the demand of the additional population on education facilities.

Non financial

4. Local labour in construction
5. Travel Plan
6. A 'car – free agreement' should be imposed that ensures those who already have a parking permit on the estate are permitted to retain them.
3. That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above.
4. That the Head of Development Decisions be delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Time limit
2. Submission of samples/details/full particulars of materials
3. Details of landscaping strategy
4. Hours of Construction (8.00am to 6.00pm Monday to Friday 8.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
5. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
6. Secure all residential units should meet a code level 3 for Sustainable Homes by design statement
7. Car parking management strategy

8. Detail of electric vehicle charging points
9. Motor cycle stands to be provided
10. Travel Plan
11. Construction Management Plan
12. Contaminated land: desk study, site investigation, risk assessment and mitigation
13. Secure by design statement
14. Details of refuse & recycling facilities for each use
15. Extract ventilation details for internal kitchens, bathrooms and toilets in the proposed plans.
16. Heat and domestic hot water details
17. Code level 3 for Sustainable Homes
18. Schedule of highways works condition
19. Noise survey
20. Any other condition(s) considered necessary by the Head of Development Decisions

Informative

1. Section 106 agreement required (car free & affordable housing)
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Environmental Agency advice.

5. That, if by 31st June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

7.4 Site At Car Park Adjacent to 31 Arrow Road, Arrow Road, London (PA/09/2523)

The application was withdrawn from the agenda by the applicant.

8. OTHER PLANNING MATTERS

8.1 Greenwich Foot Tunnel, London, E14 (PA/10/00213)

Ms Ila Robertson (Applications Manager Development and Renewal) presented the application for alterations and the refurbishment of the Greenwich Foot Tunnel highlighting the key points for consideration.

In response to the report, Councillor Eckhardt questioned whether cyclists would be allowed on the DLR and be given concessionary travel on the DLR when the tunnel was closed for the works. He considered that the Council should press very hard for this. Officers reported that the Council and the

London Borough of Greenwich had been pressing the DLR to take cyclists with bicycles however it was not within their powers to secure this. The cyclists and pedestrians would be able to use the existing ferry services. The Committee were reassured that officers were pushing very hard to secure the best possible outcome for cyclists.

On a unanimous vote it was –

RESOLVED

That the application for alterations and refurbishment of the Foot Tunnel including: (a) Repair and refurbishment of original features, (b) Replacement of glazed roof rotundas, (c) Replacement of cladding to lift shafts, (d) Installation of glass doors to lifts, (e) Installation of lighting, CCTV, PA Speakers and public help points and (f) Installation of LED's at internal perimeter of the rotunda, be referred to the Government Office for London with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below:

Conditions

1. Three year time limit.
2. Execution to match the adjacent original work.
3. Schedule of lighting works (including the type and colour of illumination) to the rotunda, lift shaft entrance/ staircase and tunnel.
4. Further Details of glazing to rotunda, design of the helpoints, repair and new works to the timber panels in the lift car (including glazing, handrails and ventilations grilles), and handrails (including fixings) and cladding to the lift shaft staircase.
5. Method statement for cleaning of glazed brickwork.
6. Method Statement for repair and refurbishment of brick work to the rotunda.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

The meeting ended at 8.10 p.m.

Chair, Councillor Shafiqul Haque
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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Agenda Item 6

Committee: Development	Date: 28 April 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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	✓	Eileen McGrath (020) 7364 5321

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Agenda Item 7.1

Committee: Development	Date: 28 April 2010	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Committee: Development	Date: 28 April 2010	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/02043	
		Ward(s): Bethnal Green North	

1. APPLICATION DETAILS

- Location:** Moorings at Belmont Wharf, Land North of Canal Club, Waterloo Gardens, London, E2 9HP
- Existing Use:** Canal
- Proposal:** Removal of Condition 12 (Car Free Agreement) of planning permission reference PA/04/01841, dated 20/04/2007.
- Drawing Nos:** N/A
- Supporting Documents:** Written Statement – *“Removal of Condition 12 (car-free agreement) of planning permission granted 20/04/07 ref: PA/04/1841”*
- Applicant:** Ms Sally Hone
4J Peabody Buildings
John Fisher Street
London
E1 8LE
- Owner:** London Borough of Tower Hamlets
- Historic Building:** No
- Conservation Area:** Regents Canal

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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 London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The Condition requiring a S106 legal agreement to be entered into to prevent owners and occupiers from obtaining highway parking permits is unreasonable and is not in accordance with the government guidance provided by Circular 11/95.

- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission for the removal of condition 12 on planning permission reference PA/04/01541 dated 20 April 2007.

4. BACKGROUND, PROPOSAL AND LOCATION DETAILS

Background

- 4.1 On 7 December 2004 the Council received an application for planning permission for the provision of permanent residential moorings of three boats and one workshop boat (for artwork) on the canal side.
- 4.2 The application was presented to the Development Committee on 18 April 2007. At the meeting the committee decision was to approve the planning permission subject to a condition requiring a S106 agreement to be entered into requiring the development to be car free.
- 4.3 The application was approved on 20 April 2007 with the following condition:

“No development shall commence until an agreement has been entered into with the Council pursuant to Section 106 of the Town & Country Planning Act 1990, to prohibit the owner/occupiers of the development from applying to the Council for a permit to park a vehicle on public highway within the vicinity of the land.

Reason: To reduce the amount of traffic congestion and associated air pollution being generated by new residential developments in accordance with policy T11 of the Tower Hamlets Unitary Development Plan (adopted December 1998) and policy DEV19 of the Local Development Framework Submission Document (November 2006).”

- 4.4 As owner of the land the Council is not able to enter into a S106 legal agreement with itself. Furthermore, the applicant does not have sufficient interest in the land to enter into a S106 legal agreement. Therefore, this condition cannot be complied with.

Proposal

- 4.5 The applicant is applying for the removal of Condition 12 (Care free agreement), as detail in paragraph 4.3, as the condition is ultra vires in that it is not possible to comply with the condition.

Site and Surroundings

- 4.6 The application site falls within the Victoria Park Conservation Area and is situated along the south side of Grand Union Canal immediately to the north of the Canal Club. The Canal Club is a single storey community centre with an outdoor games court area, enclosed by high-rise meshed fencing.

- 4.7 North of the site is Victoria Park (a large green open space). On the north side of the canal is a towpath running along the canal.
- 4.8 Adjacent to the site, on Sewardstone Road to the east, is a row of two storey Victorian terrace houses. The long rear gardens of these terrace properties back onto the canal (south side). The nearest residential property to the site is 176 Sewardstone Road. This property is located adjacent to the outdoor games court area (to the east of the Canal Club).
- 4.9 South of the site is predominantly residential accommodation, with a mixture of medium-rise public and low-rise private housing. The wider area is served by a number of health and community related facilities.
- 4.10 There is no existing physical link for the proposed moorings. However, adjoining the application site is a raised canal bank with a hedge above. The canal bank adjoining the application site is currently in a poor condition with overgrown vegetation and litter all along the hedge above.

Relevant Planning History

- 4.11 PA/04/01841 Provision of permanent residential moorings for three boats and one workshop boat (for artwork) on the canalside.

Granted planning permission 20/04/2007

5. POLICY FRAMEWORK

- 5.1 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:

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPG 13	Transport

The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)

3C.23	Parking Strategy
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Unitary Development Plan 1998 (as saved September 2007)

Policies:

ST1	Effective and Fair Planning Service
ST28	Restrain Use of Private Cars

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

Core Policies:

CP 41	Integrating Development with Transport
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Policies:

DEV 19	Parking for Motor Vehicles
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Core Strategy 2025 Development Plan Document (Submission Version December 2009)

Spatial Policies:

SP09 Creating Attractive and Safe Streets and Spaces

Supplementary Planning Guidance/Documents

There are no relevant Supplementary planning guidance documents

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Healthy Communities
Prosperous Communities
Safe and Supportive Communities

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Legal Team

6.2 The condition regarding the car free agreement that is on the original consent is unlawful.

6.3 The applicant can't enter into a section 106 agreement as they don't have a licence or any other interest in the land and therefore cannot enter into a s106 agreement so this condition will never be able to be complied with.

LBTH Parking Team

6.4 I do not consider changing the TMO to exclude boat dwellers as a class or this particular parcel of land specifically an appropriate use of our highway powers.

LBTH Highways

6.5 Final comments on this matter should be sought from Parking Services and the Council's Legal teams.

7. LOCAL REPRESENTATION

7.1 A total of 77 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 23 Objecting: 23 Supporting: 0

7.2 The following issues that are material to planning considerations were raised in

representations:

- There are already issues with lack of parking on Sewardstone Road, Waterloo Gardens and the Wellington Estate.
- Estate tenants are buying cheaper council parking permits rather than estate permits and parking on the highway
- With one of the boats to be moored an artist's studio there will be frequent visitors.
- Consultation process by LBTH is poorly informed [comments related to planning permission for Bestway Discount Warehouse]

Officer's Comments

- 7.3 Parking permits issued to the moorings for business or residents would not allow visitors to park within the residents permit bays. Likewise business permits would not be eligible to park in the residents bays. If the boats were able to obtain parking permit, it would result in a maximum of 4 additional addresses being able to obtain parking permits for parking within the highway parking bays.
- 7.4 The price of estate parking permits is not controlled by the council parking team. The removal of this condition would not alter this aspect of the current environment.
- 7.5 Comments related to poorly informed consultation by Council is not related to this application.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. The validity of the condition in terms of circular 11/95.
 2. The impact of removing the condition

The validity of the condition in terms of circular 11/95

- 8.2 The power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Government Circular 11/95, sets out guidance on how this can be achieved.
- 8.3 In particular it stresses that conditions should only be imposed where they are both, necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted.
- 8.4 On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42 of the Circular. In brief, these explain that conditions should be:
- i. necessary;

- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

- 8.5 A condition may raise doubt about whether the person carrying out the development to which it relates can reasonably be expected to comply with it. If not, subsequent enforcement action is likely to fail on the ground that what is required cannot reasonably be enforced. In such cases a condition would not be reasonable.
- 8.6 In relation to Condition 12 (Car-free agreement) of planning permission reference PA/04/01841, dated 20/04/2007, as the applicant has no interest in the land, they are not able to enter into a S106 legal agreement as required by the condition. Furthermore, the owner of the land is the Council. As such, the Council is unable to enter into a legal agreement with itself.
- 8.7 It is therefore not possible for Condition 12 of planning permission reference PA/04/01841, dated 20/04/2007, to be complied with by any party. It would therefore not meet the test of being reasonable and would not comply with the requirements of the government guidance provided by Circular 11/95.
- 8.8 It is therefore considered that the condition 12 should be removed from the planning application in order for compliance with the government guidance of Circular 11/95 to be achieved.

Impact of removing the condition

- 8.9 By removing the condition it would mean that the owners/occupiers would be able to apply for a parking permit for each of the addresses. This would mean that maximum of 3 additional residential parking permits could be issued, as only 3 of the boats are residential.
- 8.10 It is considered by officers that if condition requiring a car free agreement was not included on the original application that, given the minimal impact that the additional permits would have on the parking supply, the application would still have been recommended for approval.

Conclusions

- 8.11 All other relevant policies and considerations have been taken into account. Planning permission 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 Plan and Consultation Zone

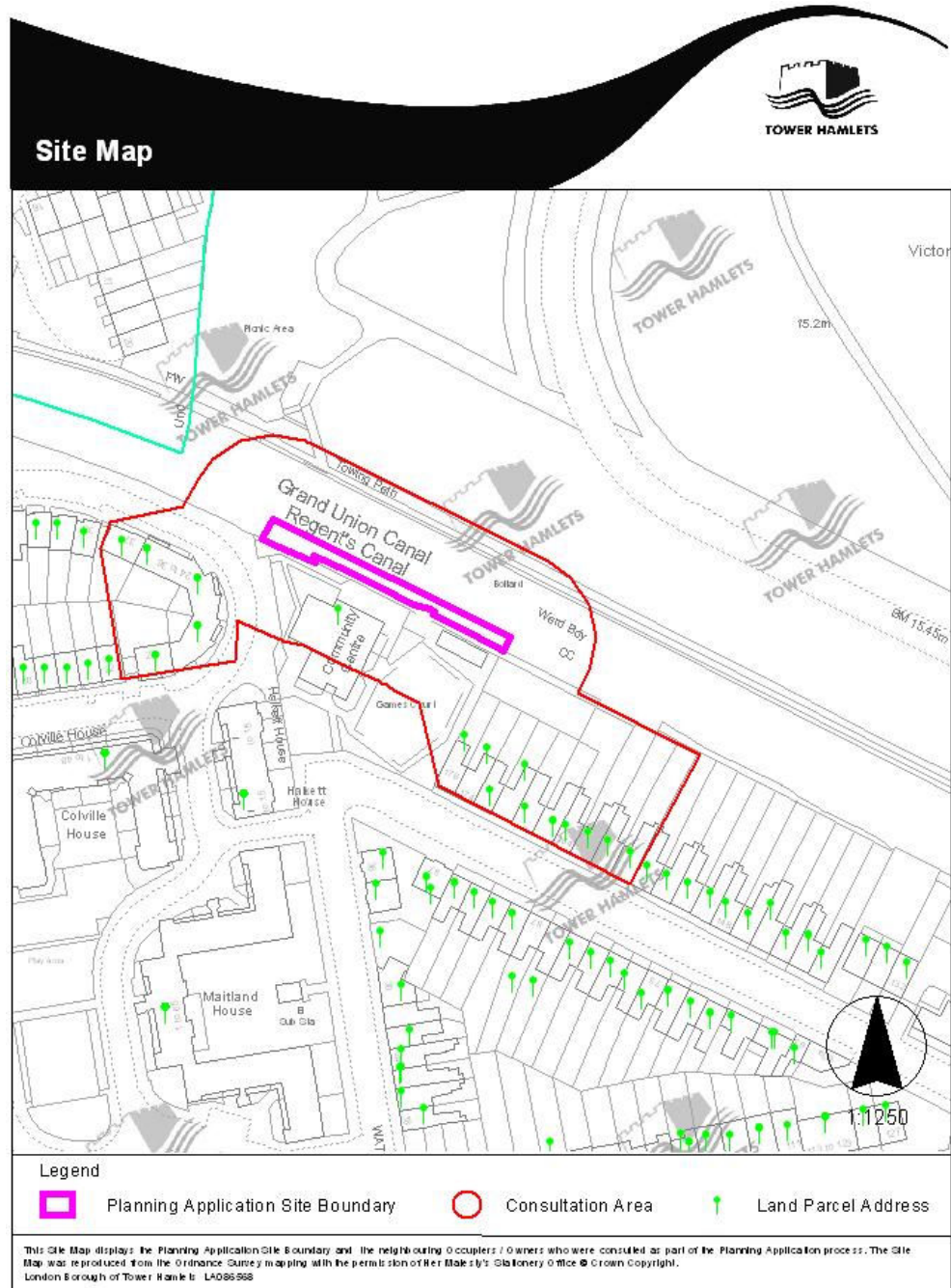


Figure 8.1 – Map showing site consultation zone

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Agenda Item 8.1

Committee: Development	Date: 28 April 2010	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

✓

Name and telephone no. of holder:
See individual reports

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Committee: Development	Date: 28 th April 2010	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal	Title: Listed Building Consent
Case Officer: Richard Murrell	Ref No: PA/10/00311 Ward: Bow West

1. **APPLICATION DETAILS**

Location: Victoria Park, Bow, London.
Existing Use: Park
Proposal: Burdett Coult's Fountain, Victoria Park.
Drawing No./Documents: Drawing Numbers:

2816P/011
2816P/E/015

Documents:
Design and Impact Statement
Specification for Conservation and Restoration Works
Bats in Building Survey Report

Applicant: London Borough Tower Hamlets (Directorate of
Communities, Localities and Culture)

Ownership: London Borough Tower Hamlets
Historic Building: The Burdett Coult's Fountain is Grade II Star Listed.

Victoria Park is included on the Register of Parks and
Gardens of Special Historic Interest at Grade II.

Conservation Area: Victoria Park

2. **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, Core Strategy LDF (Submission Version) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed works would result in the sensitive restoration and repair of a Grade II* listed structure which is currently in a state of disrepair and as such accord with the aims of saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) February 2008, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

3. RECOMMENDATION

3.1 That the Committee resolve to refer the application to the Secretary of State with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that the Head of Planning and Building Control is granted delegated power to recommend to the Secretary of State conditions to secure the following matters:-

3.2 Conditions

1. Time Limit;
2. Bat survey including fountain interior;
3. Details methodology of cleaning works including monitoring of trial clean;
4. Samples of stonework / pointing to be agreed;
5. Details of re-instated sculptures submitted for approval;
6. Prior to works to interior full details submitted for approval;
7. Prior to works to restore clocks, full detail to be submitted for approval;
8. Prior to works to weathervane, full details of replacement submitted for approval;
9. Prior to installation details of pigeon deterrents and anti-vandal measures
10. Any other condition considered necessary by the Director of Development and Renewal.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Council's Directorate of Communities, Localities and Culture have developed a project for the comprehensive restoration and improvement of Victoria Park. The project includes both the improvement of the parks existing historic assets and the introduction of new facilities to meet user requirements. The restoration project is currently part of a bid process for Heritage Lottery funding.
- 4.2 Where appropriate various applications for planning permission, conservation area consent and listed building consent have been submitted to the Council. These applications are detailed in the planning history section of this report.
- 4.3 This application for Listed Building Consent is required for proposed restoration works to the Burdett Coutt's Foundation. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.4 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.5 The purpose of this report is to allow Members to recommend to the Secretary of State that

the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.

Site and Surroundings

- 4.6 Victoria Park is a fine example of the English landscape park tradition. It is set out with sweeping lawns, informal tree plantings and irregular lakes. The formal axial road pattern adopted on the park's western periphery drew inspiration from the more formal terraces fringing the Royal Parks of West London. Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting.
- 4.7 Plans for the park were originally prepared by Sir James Pennethorne, and it was laid out in the early 1840s. The park was not formally opened, but was taken over by 'the people' in 1845. About 24 acres were added to the park in 1872, more or less bringing it to its present 217 acres.
- 4.8 Victoria Park is designated as Metropolitan Open Land and a Grade II Listed Historic Park. The park is also designated as a Site of Nature Conservation Importance. The Hertford Union Canal runs along the park boundary and forms part of the Blue Ribbon Network. Routes on the Strategic Cycle Network, and the London Cycle Network Plus run through the Conservation Area from west to east.
- 4.9 The Burdett Coutt's Fountain is located in the eastern section of the park, to the south of the Fishing Lake. The fountain is Grade II Star Listed. The listing extends solely to the structure of the fountain, and not does include any surrounding land.
- 4.10 The fountain was the gift of Angela Burdett Coutts and completed in 1862. The fountain was designed by Henry Darbishire, but the materials were prescribed by Ms Burdett Coutts herself. Mrs Burdett Coutts inherited a fortune from her banker grandfather in 1837 and she devoted her life to charitable works, paying particular attention to the relief of poverty in the East End of London.
- 4.11 The fountain is designed in an elaborate Victorian gothic style, with Moorish touches. The fountain consists of a solid octagonal central chamber surrounded by an octagonal rib-vaulted arcade, which rests on a wide plinth of the same shape with a flight of steps in each face. The fountain has an ogee pointed lead roof of shaped slates and has clock faces alternating with small windows. On alternate faces of the core chamber, shallow shell-headed niches hold heroic sized marble boys on dolphins, who pour water from urns into wide granite basins. On the western face there is small door above which an inscription reads 'THE VICTORIAN FOUNTAIN'.
- 4.12 The structure is one of the remaining early features of Victoria Park and is a physical reminder of the many charitable works undertaken by Angela Burdett Coutts.
- 4.13 The fountain has been subject to vandalism, its structure is deteriorating with pigeons roosting in roof and evidenced of water ingress. The fountain has undergone restoration at least twice during its lifetime. The structure is currently in poor condition. It is surrounded by damaged modern, elaborate post uprights, part repaired by wire netting.
- 4.14 This application seeks Listed Building Consent for the repair and restoration of the fountain. The proposed works are detailed more fully in the Design section of this report.

Planning History

- 4.15 A suite of planning applications has been submitted to facilitate works required in the Victoria

Park Masterplan. To date these comprise:-

- 4.16 PA/09/02554 Installation of items of play equipment over 4m high.
Approved: 14 January 2010
- 4.17 PA/09/02555 Installation of new gates and railings at Cadogan Gate Entrance and St Marks Entrance. Formation of new entrance and installation of gates to Grove Road.
Approved: 14 January 2010
- 4.18 PA/09/02556 Re-instatement of Chinese pagoda and two bridges to the restored island within the west lake. Restoration of east lake.
Approved: 15 February 2010
- 4.19 PA/09/02558 Relocation of existing bandstand within east side of park.
Approved: 14 January 2010
- 4.20 PA/09/02748 'Sports Hub' - Erection of single storey building to provide changing facilities, manager's office and public w.c.'s.
Approved: 11 February 2010
- 4.21 PA/09/02749 'Eastern hub' - Erection of a single storey building to provide public w.c.'s, cafe, community meeting room and park manager's office.
Approved: 11 February 2010
- 4.22 PA/09/02750 'Victoria and Alexandra Shelter' - Conversion of existing ancillary park shelter, store and w.c.'s to an all weather facility with enclosed community room, public w.c.'s and ranger station.
Approved: 11 February 2010
- 4.23 PA/09/2557 Demolition of toilet block, sports storage block, deer shelter and one o'clock club buildings.
Approved: 23 February 2010

5. POLICY FRAMEWORK

5.1 The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV37 Alterations of Listed Buildings

5.3 Interim Planning Guidance for the purposes of Development Control

Core Strategies: CP49 Historic Environment
Policies CON1 Listed Buildings

5.4 **Core Strategy 2025: Development Plan Document (Submission Version December 2009)**

Policy SP12: LAP 5 & 6 – Making Victoria Park a 21st Century Open Space

5.5 **Supplementary Planning Guidance/Documents**

None relevant

5.6 **Spatial Development Strategy for Greater London (London Plan) (2008)**

4B.11 London's Built Heritage
4B.12 Heritage Conservation
4D.14 Biodiversity

5.7 **National Planning Guidance**

PPS5 Planning for the Historic Environment
PPS9 Biodiversity

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

A better place for living safely
A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

English Heritage (Statutory Consultee)

6.3 English Heritage state that they warmly welcome the proposed restoration works as part of the overall park restoration scheme. They consider that the submitted condition survey and specification are very thorough. However, English Heritage consider that it is important that the interior of the monument is inspected at the earliest opportunity to further inform the ongoing architectural and structural investigations.

6.4 *Officer comment: A condition would require any further survey work to be carried out prior to any works to the interior.*

Garden History Society (Statutory Consultee)

6.5 No comments received

Natural England (Statutory Consultee)

6.6 No comments received.

7. LOCAL REPRESENTATION

7.1 A site notice was displayed and an advertisement was also inserted in the East End Life newspaper. Given the size of Victoria Park and the distance to the closest residential

properties it was not necessary to send neighbour notification letters.

7.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.3 No of individual responses: 1 Objecting: 1 Supporting: 0
No of petitions received: 0

7.4 The letter raised concerns about the lack of any proposals to prevent vandalism to the Fountain after restoration, and noted railings were erected around the fountain in 1992.

7.5 *Officer comment: The wider restoration project will improve facilities for rangers in the park, which will lead to improved security.*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

8.2 The main issue for Members' to consider is whether the proposed restoration works are appropriate in this respect.

Design and impact on features of historic interest

8.3 London Plan (Consolidated with Alterations since 2004) February 2008 policies 4B.11 and 4B.12 state that Boroughs should seek to enhance and protect the historic environment and promote the beneficial use of built assets.

8.4 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or historic interest of the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials.

8.5 Policies CP49 and CON1 of the Interim Planning Guidance October 2007 (IPG) state that any works to listed buildings will only be supported if they do not have an adverse impact on the character, fabric or identity of the building and if they are appropriate in terms of design scale, detailing and materials.

8.6 The fountain is currently in a state of disrepair, and in places has been subject to vandalism. The application proposes the following works of restoration and repair to the structure of the fountain:

Cleaning

8.7 The fountain would be cleaned, and all guano, dirt, plant growth and surface discolouring removed. Cleaning trials would be used to determine the most appropriate method/s and materials to achieve a satisfactory level of cleaning without damaging the monument in the short or long term. Small existing areas of graffiti would be removed. Suitable methods may involve variable steam pressure system, manual mechanical cleaning using hand-held tools and/or use of appropriate solvents/reagents. The intention is to produce a more even appearance of the monument, without over cleaning. A condition would require the submission of a finalised methodology of the cleaning works prior to works taking place.

Mortar and stonework repairs

8.8 Repairs would be undertaken to loose and friable stonework. Mortar would be raked out and

replaced with a suitable lime-based mortar that matches the existing in terms of texture and colour. Where specified, missing stone-work would be replaced and joints made good. Works would take place on all eight elevations, the steps and the outer ring of stone slabs.

- 8.9 Casting of elements (e.g. the decorative figure astride a dolphin and other carvings) would be made for archival purposes. Where the replacement of sculptural elements is required, a condition would require the submission of detailed drawings for approval to the local planning authority.

Interior Space and roof structure

- 8.10 The interior space would be thoroughly cleaned and all guano removed. Cast iron and lead pipe work would be repaired / reinstated to ensure adequate rainwater removal. To date the interior of the fountain has not been surveyed. A condition would require the submission of a survey and full details of any proposed works.

Lead roofing

- 8.11 Tears, holes and missing fixings in the roof would be repaired, and the roof cleaned.

Further works including replacement of weathervane / restoration of clocks and fountain to working condition

- 8.12 The application notes that the potential for the clocks (including faces, hands and working mechanism) to be restored to full working order will be investigated. Further work will also assess if the fountain can be reconnected to a water supply. The submitted schedule also notes that anti-vandal mechanisms and pigeon deterrents may be installed. If these works are brought forward, details would be required by condition.

Design conclusion

- 8.13 The proposed works would ensure that the fountain is cleaned, that damaging plant growth is removed and that it is made weatherproof. The potential for the reinstatement of original features including works to the interior of the fountain, sculptural elements, the clocks and the weathervane would require further investigation and detailed design work. This would be secured by condition.
- 8.14 The proposed works would result in the sensitive restoration and repair of a Grade II* Listed structure which is currently falling into a state of disrepair. Conditions would secure the use of appropriate materials and the detailed methodology of the execution of the works. With the imposition of these conditions the proposal would accord with the aims of saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) February 2008, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

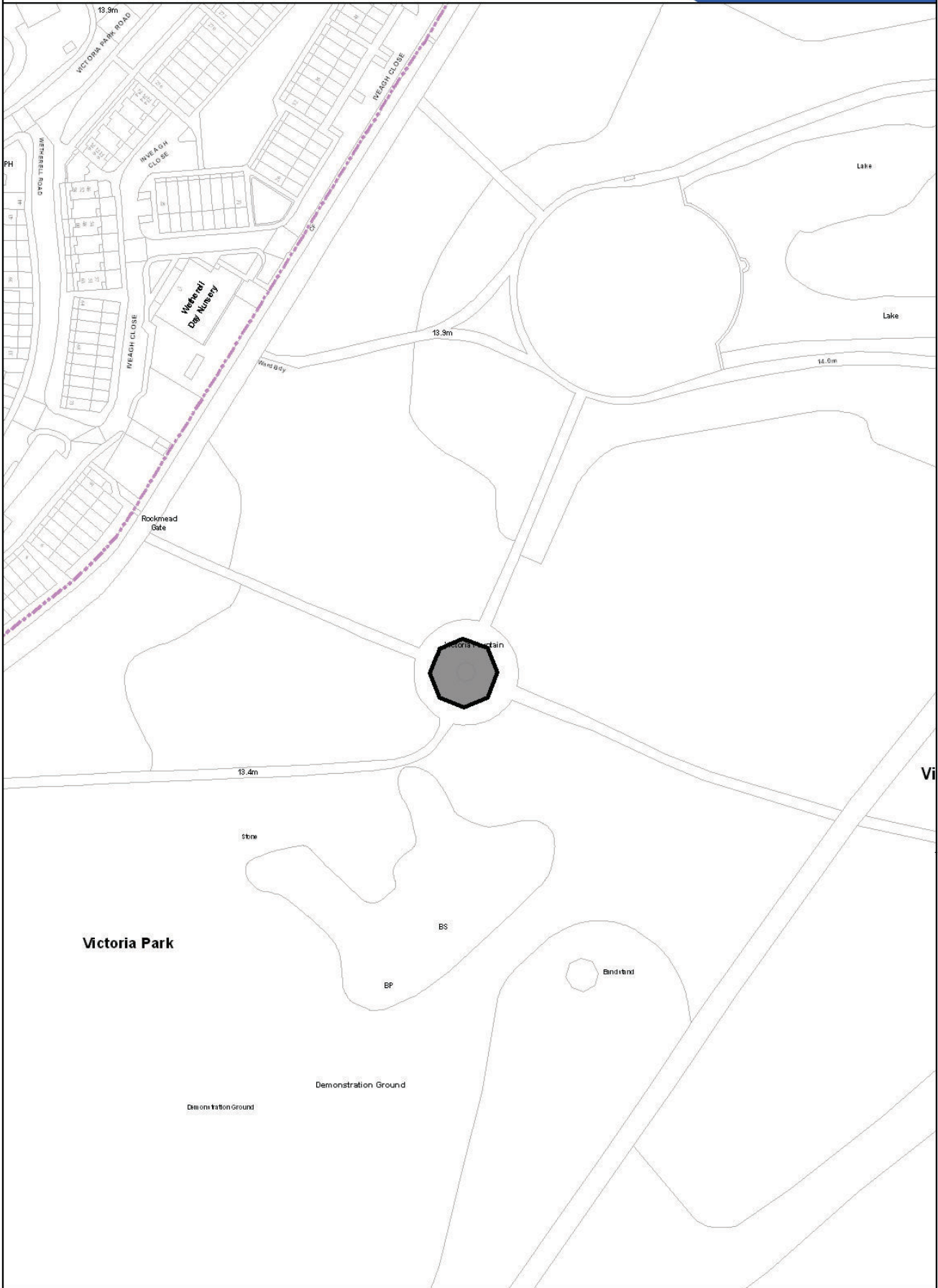
Other issues

- 8.15 The application has been accompanied by a report detailing the findings of a survey which assesses whether the fountain is likely to be a bat roost. The study notes that the fountain has a low to moderate potential to support bats. The study did not include an inspection of the interior of the fountain.
- 8.16 The Council would recommend that further survey work is carried out to ensure that the potential for the interior of the building to support bats is fully investigated prior to the commencement of any works. With this safeguard the Council is satisfied that works would be acceptable in terms of London Plan (consolidated with alterations since 2004) 2008 policy 3D.14, which seeks a proactive approach to the protection, promotion, and management of

biodiversity.

Conclusions

- 8.17 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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.



 Planning Application Site Boundary	 Statutory Listed Buildings	 Borough Boundary	 1:2,000
 Consultation Area	 Land Parcel Address	 0 30 m	

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 London Borough of Tower Hamlets LA100019288

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