



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 16 January 2013 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)

[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: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

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# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 16 January 2013

7.00 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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 Monitoring Officer.

### 3. UNRESTRICTED MINUTES

To confirm as a correct record of the minutes of the meeting of Development Committee held on 12<sup>th</sup> December 2012.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 8

### 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. **9 - 10**

The deadline for registering to speak at this meeting is 4pm Monday 14<sup>th</sup> January 2013.

## **6. DEFERRED ITEMS**

Nil items.

## **7. PLANNING APPLICATIONS FOR DECISION 11 - 14**

**7 .1 Bancroft Green, Mantus Road, London E1 (PA/12/02685) 15 - 34 Bethnal Green South**

## **8. OTHER PLANNING MATTERS 35 - 36**

**8 .1 WITHDRAWN - Bethnal Green Gardens, Cambridge Heath Road, London (PA/12/02234) 37 - 46 Mile End & Globe Town**

Please note that this item has been withdrawn from the agenda.

**8 .2 Phoenix School, 49 Bow Road, London, E3 2AD (PA/12/02919) 47 - 52 Bow West**

**8 .3 Appeals Report 53 - 60 All Wards**

# 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 7.00 P.M. ON WEDNESDAY, 12 DECEMBER 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Kosru Uddin  
Councillor Craig Aston  
Councillor Khaled Uddin Ahmed  
(Substitute for Councillor Anwar Khan)

**Other Councillors Present:**

Councillor Peter Golds

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Graham Harrington	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Shiria Khatun, Md. Maium Miah and Anwar Khan for whom Councillor Khaled Uddin Ahmed was deputising.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14<sup>th</sup> November 2012 be agreed as a correct record and signed by the Chair.

#### 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, together with details of persons who had registered to speak at the meeting.

#### 6. DEFERRED ITEMS

Nil items.

#### 7. PLANNING APPLICATIONS FOR DECISION

##### 7.1 Betty May Gray House and St Johns House, Pier Street, London, E14 (PA/12/01803)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report at Betty May Gray House and St Johns House, Pier Street, London, E14.

The Chair invited the registered speakers to address the meeting.

Councillor Peter Golds addressed the meeting as the ward Councillor for the site location. A key concern was the density that was in excess of policy. The Isle of Dogs area was already overdeveloped. There would be a lack of infrastructure in the area to support the scheme, (i.e lack of roads, schools etc). The s106 was inadequate to mitigate the impact of the scheme. Betty May Gray House was an outstanding landmark on the island. Whilst it needed work, this scheme was inappropriate. It was not the solution given: the loss of trees, the inappropriate terraces, design etc.



Councillor Golds had spoken to the residents of the Betty May Gray House and he could not find any resident that supported it. The application should be refused and referred back to the applicant for further amendment.

John Walton the applicant's agent spoke in support of the scheme. The applicant had been in consultation with the Council and the community since 2011 regarding the application. The applicant had carefully consulted the residents with regular meetings and had listened to their concerns. The feedback was positive and the residents appeared to support the scheme. He was therefore surprised by the comments that no one from the Betty May Gray House supported the scheme. There were measures to minimise disruption which he listed.

He highlighted the benefits. The scheme sought to provide modern fit for purpose units. This including modernising and providing new older persons units so they complied with modern standards. As well as providing them with greater choice (in terms of tenure options). It would create a new area of open space for residents. The present space was of poor quality. The proposal would be car free. There would be no loss of parking for existing residents. The scheme was fully viable given the GLA grant and private sale units.

Overall it would greatly regenerate the site with superior housing, landscaping and open space. The proposal should be granted.

In reply to Members, Mr Walton referred to the plans to replace the community centre on the existing site. The new facility would be open to the public to use.

Nasser Farooq (Planning Officer) presented the detailed report. He described the site layout and the existing use. He described the plans to demolish the buildings, the new buildings, the proposed housing mix, the plans for transferring occupants and the design and materials.

In response to the consultation, 5 letters of objection had been received. Mr Farooq addressed the concerns and the material issues.

In terms of daylight, most of the properties tested fell within an acceptable range and therefore complied with policy. A small number would see slightly greater losses. However, due the circumstances, it was considered that the impact on such properties was acceptable.

Mr Farooq explained the affordable housing offer that exceeded policy. He described the conditions to replace trees and promote biodiversity. The communal space was in excess of requirements. All of the proposed units would have some private amenity space.

He described the s106. The scheme was unable to support a full s106 due to the costs of the scheme on viability. However, it was considered that the offer was acceptable given the overall benefits of the scheme.

In summary, Officers recommended that the scheme should be approved.

Members sought clarity on a number of issues from Officers:

In reply, Officers considered that the density was acceptable given the lack of impact overall. Furthermore any reduction in density could require a reduction in the family sized units. It was considered logical to keep these units given the shortage of such units in the area.

The notice letters to residents were dispatched on 7<sup>th</sup> July 2012 and there was also site notices and an advert in the East End Life newspaper.

On a vote of 2 for 1 against and 1 abstention, the Committee RESOLVED:

1. That planning permission Betty May Gray House and St Johns House, Pier Street, London, E14 (PA/12/01803) be GRANTED for the regeneration of the Betty May Gray Estate including the refurbishment of existing homes, provision of new homes and replacement of St John's homes subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report;
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report;
5. That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

## **7.2 Wood Wharf, Preston's Road E14 (PA/12/02584)**

Update Report Tabled

Jerry Bell (Applications Team Leader) introduced the report at Wood Wharf, Preston's Road E14 (PA/12/02584).

There were no speakers registered.

Graham Harrington (Planning Officer) presented the report. The application sought to extend the existing temporary permission for the site to enable the development of the long term plans for the site.

The applicant had applied for a two year extension of the permission. However, Officers were recommending a one year permission to facilitate monitoring. Mr Harrington explained the site location and the character of the

nearby properties. The application site comprised two plots (A&B). The proposals for each plot were outlined.

Mr Harrington explained the activities provided at the site over the last 16 months. Environmental Health had received some complaints about events. As a result, Officers were proposing additional conditions and changes to the Management Plan to address these. This included greater monitoring of events, keeping the bridge open for longer and the provision of a hot line for reporting issues.

This new application sought to provide live music. This was a new proposal. However it was anticipated that this would only be for small scale events.

It also sought changes to the delivery and servicing arrangements to increase flexibility.

Members asked a number of questions of Officers.

In reply, Officers explained the measures to control noise and live events. There were measures in the Management Plan to manage such impacts. As a result, it was unnecessary for Officers to obtain a detailed schedule of live events. It would also be reasonable to allow the applicant some flexibility in planning live events so they could be responsive. There were also additional conditions, separate to the Management Plan, to mitigate the impact as well as the Environmental health law.

The intention was to give residents prior notice of events. Leaflets would be delivered to the nearby properties within a given radius. There would be a notice on the website prior to events.

There was a commitment to staff the hotline for reporting any issues. The Chair considered that this was very important and that the hotline was widely publicised, especially for larger events, so that residents amenity was not compromised.

On a unanimous vote, the Committee RESOLVED:

That planning permission Wood Wharf, Preston's Road E14 (PA/12/02584) be GRANTED subject to the conditions, informatives and the S106 Obligations set out in the report for the Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses, falling outside Class D1) and ancillary uses, to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of one year.

The meeting ended at 7.50 p.m.

Chair, Councillor Helal Abbas  
Development Committee

# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 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), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 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, local finance considerations, so far as material to the application, and any other material

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**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:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

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.

- 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 Core Strategy and 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 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, 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.

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# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shahara Ali-Hempstead		<b>Ref No:</b> PA/12/02685	
		<b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

<b>Location:</b>	Bancroft Green, Mantus Road, London E1
<b>Existing Use:</b>	Open Space (used as communal housing amenity space)
<b>Proposal:</b>	Installation of temporary portacabin on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987
<b>Drawings and Supporting docs:</b>	100 Rev A, 103 Rev A, AIB/BAT/01 Rev A, 102 Design and Access Statement dated October 2012 Letter from Naz Construction Ltd received 25 <sup>th</sup> October 2012 Programme of Works Letter from Burr and Neve dated 18 <sup>th</sup> December 2012 Letter from Mahbub& Co Accountants dated 18 <sup>th</sup> December 2012
<b>Applicant:</b>	BaitulAman Mosque
<b>Owner:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the provisions of the adopted London Plan Spatial Development Strategy for Greater London (2011), the adopted London Borough of Tower Hamlets Core Strategy (2010), the saved policies in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning guidance (2007), Managing Development, Development Plan Document (post EiPVersion 2012), associated supplementary planning guidance, the National Planning Policy Framework 2012, and other material considerations and has found that:-

- The development in this location is only considered to be acceptable due to the temporary nature of the permission together with the appropriate conditions requiring its removal and the reinstatement of the land. The temporary facility is considered to be acceptable under exceptional circumstances, as it facilitates the erection of permanent facilities at 49 Braintree Street (Planning ref PA/11/00987 granted 5<sup>th</sup> September 2011). This accords with Policy 4.6 of the London Plan (July 2011), policy SP03 of the adopted Core Strategy (2010) and policy SCF1 of the Interim Planning Guidance (2007), and policy DM8 of the Managing Development 'Development Plan Document' post EiPVersion 2012, which seek to protect community facilities.
- Subject to appropriate conditions, the proposal would not have a materially detrimental impact upon the amenity of neighbours in terms of increased noise and disturbance and vehicular activity in the locality, and as such accords with

policy SP10 of the adopted Core Strategy (2010), saved policy DEV2 of the Council's adopted Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), and policy DM25 of the Managing Development 'Development Plan Document' post EiPVersion 2012, which seek to ensure development does not have an adverse impact on neighbouring amenity.

- Due to the temporary nature of the structures located within the Open Space, the proposal would not have a long term impact on the character and long term use of the Open Space in accordance with policy SP04 of the adopted Core Strategy (2010), saved policy OS7 of the Council's adopted Unitary Development Plan (1998) and policy OSN2 of the Council's Interim Planning Guidance (2007), and policy DM10 of the Managing Development 'Development Plan Document' post EiPVersion 2012.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions and informatives.

That the Corporate director of Development and Renewal is delegated power to impose conditions and an informative on the planning permission to secure the following:

1. Time limit of 18 months;
2. Consent granted in accordance with Schedule of Drawings and Documents;
3. No works to begin until details of construction and funding arrangements which provide that one of the parties is obliged to carry out and itself complete the works of redevelopment of the 49 Braintree Street site for which planning permission was granted (ref. PA/11/00987 granted 5<sup>th</sup> September 2011) has been submitted to and formally approved in writing by the Council as the local planning authority. The arrangements shall include but not be limited to:
  - a) A copy of the building contract between Naz Construction Ltd (or other appropriately qualified contractor) and the BaitulAman Mosque & Cultural Centre
  - b) Quantity surveyor report regarding build costs
  - c) Details of credit facility being offered by Naz Construction (or any other suitably qualified creditor) and the repayment terms

Reason: To ensure that the mechanisms and arrangements are in place to provide the permanent facility within the 18 month temporary period hereby approved and to ensure the open space is reinstated on removal in accordance with policy OS7 of the adopted Unitary Development plan 1998 and policy OSN2 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy and DM10 of the Managing Development DPD 2012 (post EiPVersion);

4. Removal of the temporary building and reinstatement of the open space to its original condition on expiry of permission or on completion of the permanent facility, whichever is the sooner, full details to be submitted and approved;
5. No amplified call to prayer;
6. Restriction on the number of persons using this facility (maximum 150 persons at any one time);
7. Hours of use: 05.00 – 22.00 on any day, except that prayer meetings only may take place outside these hours at times of the year when sunrise and sunset are earlier or later than this. The premises shall never be used earlier than 04.30 or later than 22.30;
8. Doors and windows fixed shut when the premises in use before 08.00 and after

- 21.00;
9. Full details of refuse store and recycling provision;
  10. Prior to the commencement of development and the use hereby approved, the following documents shall be submitted and approved:
    - a) Management Plan (To include details of signage)
    - b) Travel Plan (To encourage sustainable modes of transport to and from the application site);
  11. Prayer service to be carried out within the portacabin only; and
  12. Details of mechanical ventilation.

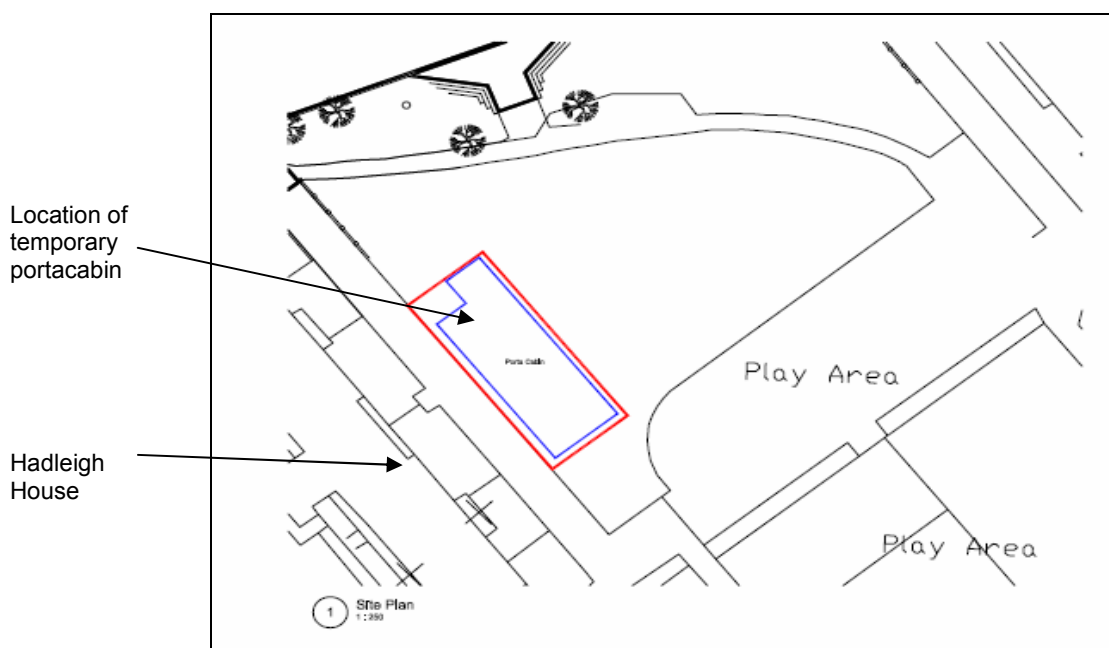
### Informative

1. The applicant is advised that a renewal of consent for the use of the Public Open Space for a longer duration than 18 months is highly unlikely to be supported.

## 4 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 This application involves the installation of a temporary portacabin on open space known as Bancroft Green which is used as communal housing amenity space, to facilitate the construction of the Baitul Aman Mosque for a temporary period of 18 months. The portacabin will be located adjacent to Hadleigh House. The proposed portacabin would measure 21 metres in width (at its widest), 7.8 metres in depth and would be 3 metres in height. It would cover an area measuring approximately 154 square metres. The portacabin will be orientated horizontally parallel to Hadleigh House in order to minimise impact on the open space.



- 4.2 At present the Baitul Aman Mosque operates from two portcabins located on 49 Braintree Street. The applicant wishes to move the mosque facility to the application site for a temporary period.
- 4.3 The temporary relocation is required to facilitate the construction of a permanent building at 49 Braintree Street. Consent was granted for the permanent facility under planning permission PA/11/00987 dated 5<sup>th</sup> September 2011 for the demolition of existing temporary structures and construction of purpose built Mosque and Cultural centre.

## Site and Surroundings

- 4.4 The site is an irregular shaped area of grassed open space to the south of Mantus Road. The site is bounded to the north by Mantus Road beyond which is a railway viaduct, to the east by Mantus Close and a five storey residential building known as Kenton House, to the south by a play area, and to the west by Hadleigh Close and a five storey residential building known as Hadleigh House.
- 4.5 The surrounding area is predominantly residential in character. The site is not located with a conservation area, nor is it listed, however the previously mentioned railway viaduct to the north is Grade II listed.
- 4.6 The application site lies approximately 215 metres to the east of Cambridge Heath Road, which is served by a large number of bus routes and 183 metres from Globe Road which is served by the no. 309 bus. Cambridge Heath Road station is located a short 10 minute walk from the site. As a result, the site benefits from excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6a.

## Planning History

- 4.7 There is no relevant planning history for the application site itself, however the following are relevant to this application:

### 49 Braintree Street

PA/11/00987 – Planning permission was granted on 5<sup>th</sup> September 2011 for the demolition of existing temporary structures and construction of purpose built Mosque and Cultural centre.

### Site at land adjacent railway viaduct, Mantus Road, London

PA/12/01758 – a current planning application is under consideration (un determined) for redevelopment of the site to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.

## 5 POLICY FRAMEWORK

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:

### 5.1 National Planning Policy Framework (2012) (NPPF)

Chapter 8 – Promoting healthy communities.

### 5.2 London Plan (July 2011) (LP)

- |      |   |
|------|---|
| 7.18 | Protecting Local Open Space and Addressing Local Deficiency   |
| 7.21 | Trees and Woodland  |
| 4.6  | Provision of community facilities including places of worship |

### 5.3

#### Core Strategy (adopted 2010) (CS)

- |      |   |
|------|---|
| SP03 | Creating Healthy and Liveable Neighbourhoods    |
| SP04 | Creating a green and blue grid                  |
| SP09 | Creating attractive and safe streets and spaces |
| SP10 | Creating distinct and durable places            |

5.4 **Unitary Development Plan 1998 (as saved September 2007 & retained September 2010) (UDP)**

DEV1	Design requirements
DEV2	Environmental requirements
DEV15	Replacement/retention of mature trees
OS7	Loss of Open Space
SCF11	Meeting places
T16	Traffic priorities for new development
T18	Pedestrians and the road network

5.5 **Interim Planning Guidance for the purposes of Development Control 2007 (IPG)**

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV18	Travel Plans
DEV19	Parking for motor vehicles
OSN2	Openspace
SCF1	Social and Community Facilities

5.6 **Managing Development 'Development Plan Document' post EIPVersion 2012 (MD DPD)**

DM8	Community infrastructure
DM10	Delivering Open Space
DM22	Parking
DM24	Place-sensitive design
DM25	Ensure no adverse impact on neighbouring amenity

**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
- A better place for excellent public services

**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:

**LBTH Asset Management**

6.3 No comments received

**LBTH Housing**

6.4 No comments received

**East End Homes**

6.5 No comments received

**7. LOCAL REPRESENTATION**

7.1 A total of 383 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also publicised on site on 7<sup>th</sup> November 2012. The number of representations received from neighbours and local groups in response to notification of the application were as follows:

7.2 No of individual responses: 2      Objecting: 2      Supporting: 0  
Petitions received In      1      containing 35 signatures  
objection:

7.3 The following planning issues were raised in representations:

7.4 Land use:

- Loss of green space

*(Officer's Comments: Land use related matters are discussed in detail in sections 8.2-8.14 of this report)*

7.5 Amenity concerns:

- Noise from users of the mosque
- Fear of crime
- Disruption and upheaval
- Increase in number of people visiting the area
- Opening hours of the mosque

*(Officer's Comments: The amenity concerns are discussed in detail in Sections 8.15 – 8.29 of this report)*

7.6 Highways concerns:

- Increase in car use

*(Officer's Comments: Highways related matters are discussed in detail in sections 8.30-8.34 of this report).*

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Design
3. Amenity
4. Transport and Highways

### **Land use**

8.2 The two issues in terms of land use are whether the temporary loss of open space is acceptable and whether the proposed temporary use of the site as a mosque is considered acceptable.

8.3 As set out earlier within the committee report, this proposal seeks consent for a temporary period of 18 months for the erection of single storey portacabin to facilitate the relocation of the BaitulAman Mosque whilst construction takes place to provide a permanent facility at 49 Braintree Street.

### Acceptability of D1 Use

8.4 Policy 4.6 of the London Plan supports the continued success of London's diverse range of cultural activities and the benefits that they offer to its residents. These activities include the provision of community facilities (including places of worship), and notes that the net loss of such facilities must be resisted and increased provision sought where there is a need.



- 8.5 Policy SP03 of the CS builds upon policy 4.6 of the LP, and supports the provision of high quality social and community facilities.
- 8.6 Policy SCF1 of the IPG seeks to ensure that when determining the location of new social and community facilities, consideration is given to the following:
- the likely catchment area of the facility;
  - the accessibility of the site;
  - the needs of the area and quality of the proposal.
- 8.7 This policy also notes that ‘the Council will ensure social and community facility users are not disadvantaged by any reduction in the quality of, and access to, facilities. Any development that displaces existing social or community facilities, or increases the need or demand for social and community facilities, will be required to meet identified demands on or off-site’.
- 8.8 Saved policy SCF11 of the UDP encourages the support of new meeting places, where appropriate, in terms of location and access in accordance with other policies. Access components of this proposal relates to the Council’s equal opportunities where emphasis is placed on diversity of access which should at least be equivalent to existing uses of the application site.
- 8.9 Policy DM8 of the MD DPD states that development on areas of open space will only be allowed in exceptional circumstances where:
- a. it provides essential facilities to ensure the function, use and enjoyment of the open space; or*
- b. as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.*
- 8.10 The proposed site is located 54 metres from the approved mosque development at 49 Braintree Street (planning ref PA/ PA/11/00987 dated 5<sup>th</sup> September 2011). The principle of the D1 use has been accepted at the approved site, the proposal is for the installation of the portacabin to facilitate the mosque use for a temporary period whilst construction of the permanent premises is being carried out. As such, the proposal facilitates the temporary relocation of the mosque facilities and will not create a net loss of community facilities in the long term. It is therefore considered that the temporary use of the portacabins to relocate the mosque activities is acceptable in accordance with saved policy SCF11 of the UDP, policy SP03 of the CS, Policy SCF1 of the IPG, policy DM8 of the MD DPD and Policy 4.6 of the LP.
- 8.11 The proposal is located within easy walking distance of the community it is intended to serve and given its location adjacent to Hadleigh Close and Mantus Road, provides easy access to that community. Whilst the quality of the development is not to the standard normally expected from a facility of this type, given its temporary nature and its purpose to facilitate a permanent facility of higher quality, it is considered that on balance, the development is acceptable and complies with Policy SCF1 of the UDP.

Temporary loss of Open space

- 8.12 The existing site comprises an area of open space serving an existing housing estate. Whilst the land is unallocated, it is still formal open space and is assessed against the Councils open space policies. Saved UDP policy OS7 states that proposals which result in the loss of public open space will not normally be permitted and policy SP04 of the CS seeks to protect and safeguard all existing open green space. Policy DM8 of the MD DPD states that development on areas of open space will only be allowed in exceptional circumstances.
- 8.13 The scheme does not propose a permanent change in land use of the site, but a temporary installation of portacabins. The existing open space measures 2001.52sq

metres and the temporary building would be located on the open space covering an area measuring approximately 153.9sq metres. The remaining open space will measure 1847.62sq metres. Whilst the permanent loss of the open space would not be acceptable given the temporary nature of the proposal and that the site will be restored to its former condition, in this case, it is considered acceptable in land use terms.

- 8.14 The requirement for a Funding and construction arrangements have been secured by conditions attached to the officers recommendation to provide the Council with a greater degree of certainty that the permanent facility at 49 Braintree Street is not only feasible, but also deliverable. This agreement is required to be provided and approved by the Council prior to the planning permission being implemented.

### **Design**

- 8.15 Good design is central to all objectives of the LP and is specifically promoted by the policies contained in Chapter 7 of the LP.
- 8.16 Policy SP10 of the CS states that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.17 Saved policy DEV1 of the UDP outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, development should take into consideration the safety and security of the development.
- 8.18 Policy DEV2 of the IPG seeks to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensuring the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.19 The proposed temporary building would measure 21 metres (W) x 7.8 metres (D) and would be 3 metres in height. It would create a total floor area of 154 square metres. It would be a metal clad structure which would be blue in colour, with white UPVC doors and windows. The building is proposed to be located parallel to Hadleigh House, orientated in a horizontal position in order to minimise impact on the open space by taking up the least amount of space as possible.
- 8.20 The design of the building is one that clearly demonstrates its temporary nature and would not normally be acceptable. However, it is considered that the need to facilitate the permanent facility outweighs the shortfall in design and the proposal will result in no permanent adverse impact on this area of open space. This is in accordance with saved policies DEV1 and DEV9 of the UDP, SP10 of the CS, policy DEV2 of the IPG and policy DM24 of the MD DPD.

### **Amenity**

- 8.21 Saved policy DEV2 of the UDP, policy DEV1 of the IPG, policy SP10 of the CS and policy DM25 of the MD DPD states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.22 Saved policies DEV2 and DEV50 of UDP, policies DEV1 and DEV10 of the IPG, policy SP10 of the CS and policy DM25 of the MD DPD seek to safeguard the amenity of adjoining occupiers by ensuring that the appropriate measures are taken to reduce noise generation respectively.

- 8.23 Concerns have been raised that the proposals would result in an increase inactivity within the area with more traffic, crime, and disruption which would result in the loss of amenity for nearby residential occupiers.
- 8.24 The mosque will hold five daily prayers, which will be contained within the temporary portacabin buildings. Opening times for the temporary facilities will be from 5am to 10pm every day. It has been estimated (based upon the floorarea of the proposed portacabin) that 150 persons can be accommodated within the portacabin building. As a result, an increased number of visitors are expected to the area resulting in an increase in footfall.
- 8.25 Given the increase in visitors to the local area, there is likely to be some level of noise and disturbance to existing residents in the surrounding areas, however, a number of measures are proposed to be implemented in order to minimise the impact upon neighbouring residential amenity.
- 8.26 All of the activities are proposed to be restricted, by condition, to take place within the portacabin buildings only and not outside the vicinity of the site. A condition is proposed to prevent any amplified call to prayer. Alongside the restriction on the hours of operation, it is proposed to impose a condition to require all doors and windows to be kept closed before 8am and after 9pm to prevent any noise nuisance at anti-social hours. During these hours it is expected that the portacabin will require mechanical ventilation to ensure the comfort of the patrons and to reduce the temptation to breach this condition.
- 8.27 A full Management Plan is proposed to be secured by condition to ensure appropriate signage is displayed encouraging patrons to arrive and leave the premises in a manner respectful to existing local residents. A travel plan will also be secured to promote sustainable modes of travel to and from the site where the emphasis will be on the use of walking and cycling or the use public transport facilities to and from the site.
- 8.28 Whilst concerns have been raised that the proposal will lead to an increase in crime, there is no evidence to suggest such a link exists. The existing facilities are not understood to have any concerns of localised crime and the relocation of the facilities onto the Bancroft Green location is not considered to increase the likelihood of crime in the area. The Bancroft Green is well overlooked by existing residential properties on three of its perimeters which is considered to be a deterrent to crime and anti social behaviour.
- 8.29 Given the measures being proposed to ensure the proposed temporary mosque will not result in an unduly detrimental loss of amenity for existing residential neighbours, it is considered to be acceptable and in accordance with saved policies DEV2 and DEV50 of the UDP, policy SP10 of the Core Strategy, policies DEV1 and DEV50 of the IPG and policy DM25 Of the MD DPD, which seek to ensure development does not have an adverse impact on neighbouring amenity.

### **Transport & Highways**

- 8.30 Policy SP09 of the CS, policy DM22 of the MD DPD, Policy DEV16 of the IPG and Policy 6.9 of the LP. These policies promote sustainable forms of transport which minimises the need for car travel, and supports movements by walking, cycling and public transport.
- 8.31 It is noted that the proposed site is located 54 metres from the existing mosque facility at 49 Braintree Street and the overwhelming number of attendees are local residents and travel by foot to the existing Mosque facilities.
- 8.32 The proposed temporary mosque would serve the local community and it is expected people would continue to arrive on foot.
- 8.33 However, a Travel Plan will be secured by condition to promote sustainable and smarter modes of travel for all users of this temporary facility. Subject to the imposition of a travel

plan condition to be attached to any planning permission granted, it is not expected that the proposal would have a detrimental impact on the flow of local traffic to the area.

8.34 The proposal is considered to accord with Policy SP09 of the CS, Policy DM22 of the MD DPD, Policy DEV16 of the IPG and Policy 6.9 of the LP.

## **EQUALITIES**

8.35 The application under consideration concerns a temporary mosque on land owned by the Council and currently used as communal housing amenity space, for the use of worshipers of the BaitulAman Mosque. Religion and belief are characteristics protected by the Equalities Act 2010 and it is considered that the public sector equality duty under s149 of that Act (set out in Agenda Item 7) is engaged. On this basis it is considered appropriate for an equalities impact assessment to be carried so that due regard can be given to the duty when the decision is taken.

8.36 The findings of the equalities impact assessment are appended to this committee report (Appendix A) and Members are asked to give due consideration to the assessment. The findings indicate the following:

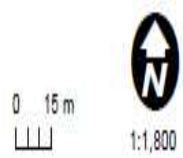
- The 2001 census data demonstrated that the Bangladeshi population of the Bethnal Green South ward comprised 48.3% of the ward profile, which was much higher than the borough average in 2001 of 33.4% (similar ward level statistics are not available in the 2011 census).
- Tower Hamlets census information from 2011 indicated that the Muslim religion was the second most practised religion within the Borough as a whole, at 34.5%. At ward level, details are only available from the 2001 census, however this again shows a marked change for the Bethnal Green South ward where the Muslim religion is the most practiced religion within the ward, comprising 52.3% of the ward profile.
- The approval of this temporary planning application will address an inequality that would otherwise arise as a result of the closure of the BaitulAman Mosque.
- The proposal is for a temporary period of up to 18 months only, and takes up only some of the open space at Bancroft Green. There remains a large area of Bancroft Green available for recreation and the play area will also be unaffected. Any impact resulting from the reduction in open space is considered proportionate in the circumstances.
- The application includes provisions for the full re-instatement of the open space (grass) should there be any damage over the 18 month period. Any impact is therefore temporary.

## **CONCLUSION**

9.0 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.



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- Consultation Area
- Statutory Listed Buildings



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288

# Appendix A

## Equality Analysis(EA)

### Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose:

*(Please note – for the purpose of this doc, 'proposal' refers to a policy, function, strategy or project)*

Town Planning Committee Report for the following works at Bancroft Green:

*Installation of temporary portacabin on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987*

Officer recommendation for approval of the planning application, resolution to be issued by the Planning Committee.

Who is expected to benefit from the proposal?

Worshipping Community at the BaitulAman mosque (currently located at 49 Braintree Street).

Service area:

Development and Renewal

Team name:

Development Management

Service manager:

Pete Smith

Name and role of the officer completing the EA:

Mandip Dhillon

### Section 2 – Evidence (Consideration of Data and Information)

What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

As part of the full planning application, internal and external consultation was undertaken with statutory and non-statutory consultees, alongside statutory public consultation.

The following consultees were invited to comment on the planning application, however, no comments from the consultee departments were received:

- LBTH Asset Management
- LBTH Housing Team
- East End Homes

In addition, a total of 383 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also publicised on site on 7<sup>th</sup> November 2012.

Comments received included 2 individual representations from local residents and 1 petition which contained 35 signatures. All representations raised were objecting to the proposals.

The principle objections raised were:

Land use:

- Loss of green space

Amenity concerns:

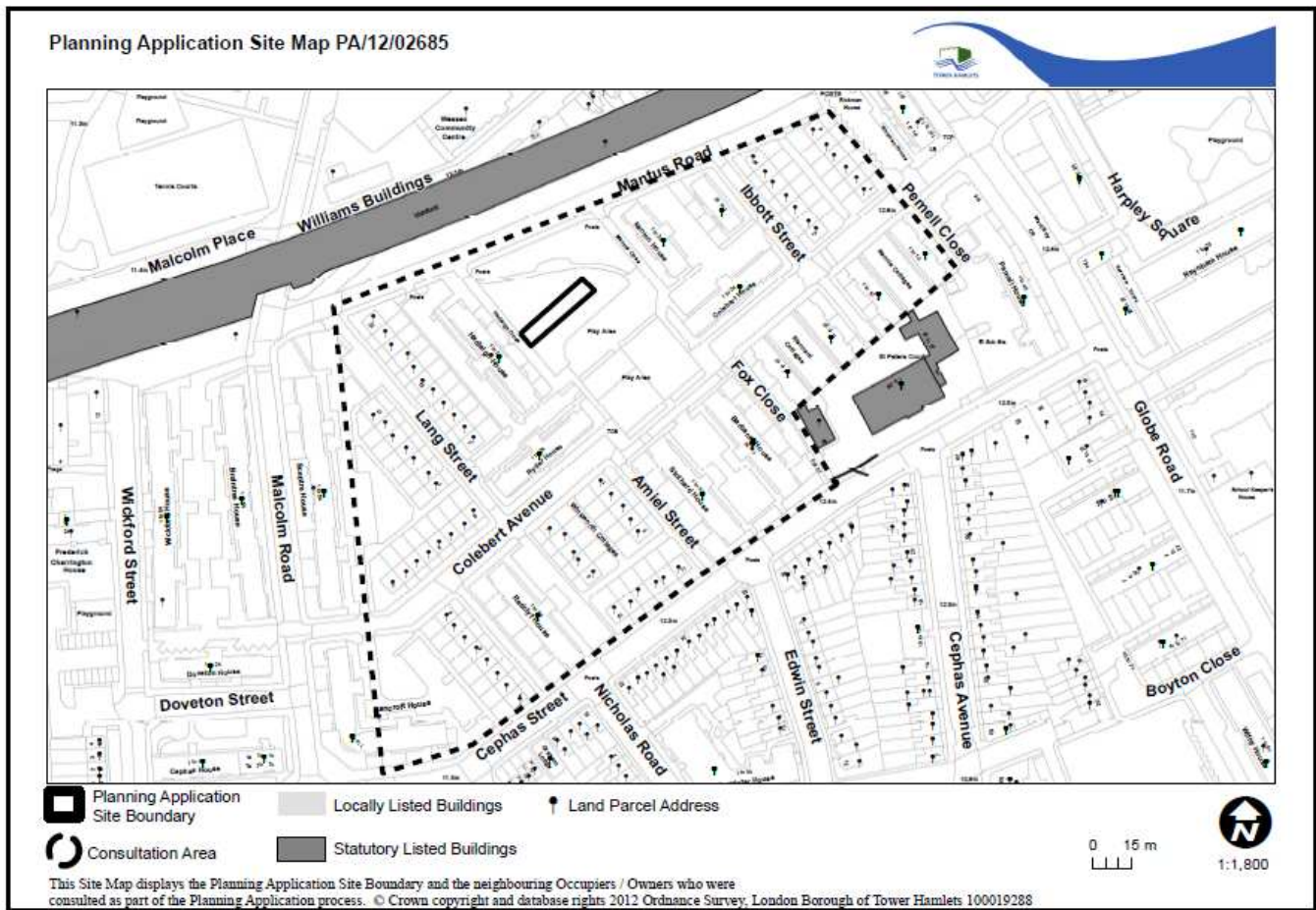
- Noise from users of the mosque
- Fear of crime
- Disruption and upheaval
- Increase in number of people visiting the area
- Opening hours of the mosque

Highways concerns:

- Increase in car use

The application was assessed against local regional and national planning policies and in light of all comments received. Following this assessment, Officers have recommended to approve temporary consent for this facility, with a number of restrictive conditions imposed on the use of the premises in order to ensure the amenity of local residents living within the Bancroft Estate area.

A map is provided below to demonstrate the area of neighbour consultation undertaken:



### **Section 3 – Assessing the Impacts on the 9 Groups**

#### **How will what you're proposal impact upon the nine Protected Characteristics?**

For the nine protected characteristics detailed in the table below please consider:-

The application site is located with the Bethnal Green South ward.

The community which is due to benefit from the proposal comprises the Boroughs Muslim Bangladeshi community.

The single largest ethnic group is the Bangladeshi population, which stands at 32% as recorded by the 2011 Census, although this group has decreased slightly as a proportion from 33.4% in 2001. The White British population as a group has also decreased in population within the borough since 2001.

The 2011 Census data has not been provided at ward level to date, however for the 2001 ward level information is available. The Bangladeshi population of the Bethnal Green South ward comprised 48.3% of the ward profile, which was much higher than the borough average in 2001 of 33.4%.

Tower Hamlets census information from 2011 indicated that the Muslim religion was the second most practised religion within the Borough as a whole, at 34.5%. At ward level, details are only available from the 2001 census, however this again shows a marked change for the Bethnal Green South ward where the Muslim religion is the most practiced religion within the ward, comprising 52.3% of the ward profile.

Given the specific profile of the Bethnal Green South ward, which comprises an above borough level average of Bangladeshi Muslims, the re-provision of the BaitulAman Mosque, during the permanent building works at 49 Braintree Street are considered to be appropriate and necessary to serve the needs of the local community.



Target Groups	Impact – Positive or Adverse  What impact will the proposal have on specific groups of service users or staff?	Reason(s) <ul style="list-style-type: none"> <li>• Please add a narrative to justify your claims around impacts and,</li> <li>• Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making</li> </ul> <p>Please also how the proposal will promote the three One Tower Hamlets objectives?</p> <ul style="list-style-type: none"> <li>-Reducing inequalities</li> <li>-Ensuring strong community cohesion</li> <li>-Strengthening community leadership</li> </ul>
Race:  Bangladeshi	POSITIVE	As set out above, the profile of the Bethnal Green South ward indicates that the re-provision of the mosque facilities during the construction phase will be of benefit to the Bangladeshi Muslim community who will otherwise be forced to travel further to find alternative prayer facilities.
Disability	ADVERSE/POSITIVE	Whilst the temporary portacabin facilities are not wheelchair accessible, the proposed facility at 49 Braintree Street will be built to comply with DDA requirements, providing inclusive access. This will therefore result in an adverse impact in the short term but a positive impact in the long term.
Gender	ADVERSE/POSITIVE	Whilst the temporary portacabin facilities do not provide separate women only prayer facilities, the proposed permanent building at Braintree Street will comprise a Women's Only prayer room which is of benefit in the long term.
Gender Reassignment	NO IMPACT IDENTIFIED	
Sexual Orientation	NO IMPACT IDENTIFIED	
Religion or Belief	NEUTRAL	Whilst the local Bangladeshi Muslim community will benefit from the re-provision of facilities whilst the permanent building is being provided, other residents from different faith groups will be impacted upon through the loss of a proportion of the green space at Bancroft Green. However, the portacabins are only taking up a proportion of the green space and there remains open space in which groups can play whilst the portacabins are on site.  In addition, this is a temporary installation which will be removed in 18 months and the open space reinstated.
Age	NO IMPACT	

	IDENTIFIED	
Marriage and Civil Partnerships.	NO IMPACT IDENTIFIED	
Pregnancy and Maternity	NO IMPACT IDENTIFIED	
Other Socio-economic Carers	NO IMPACT IDENTIFIED	

## Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence of or view that suggests that different equality or other protected groups (inc' staff) could have a disproportionately high/low take up of the new proposal?

Yes?  No?

If yes, please detail below how evidence influenced and formed the proposal? For example, why parts of the proposal were added/removed?

*(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. AN EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)*

The reason this temporary planning application is recommended for approval is because this addresses an inequality that would otherwise arise as a result of the closure of the BaitulAman Mosque.

The proposal is for a temporary period of up to 18 months only, and takes up only some of the open space at Bancroft Green. There remains a large area of Bancroft Green available for recreation and the play area will also be unaffected.

The application includes provisions for the full re-instatement of the open space (grass) should there be any damage over the 18 month period.

## Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes?  No?

How will the monitoring systems further assess the impact on the equality target groups?

There are numerous conditions proposed to monitor the proposal and to ensure all equality groups have the minimum of disruption from this facility. These conditions are listed below for information:

11. No works to begin until details of construction and funding arrangements which provide that one of the parties is obliged to carry out and itself complete the works of redevelopment of the 49 Braintree Street site for which planning permission was granted (ref. PA/11/00987 granted 5<sup>th</sup> September 2011) has been submitted to and formally approved in writing by the Council as the local planning authority. The arrangements shall include but not be limited to:

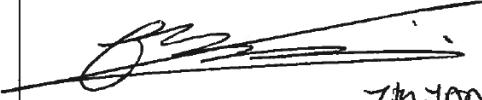
- a) A copy of the building contract between Naz Construction Ltd (or other appropriately qualified contractor) and the BaitulAman Mosque & Cultural Centre
- b) Quantity surveyor report regarding build costs
- c) Details of credit facility being offered by Naz Construction (or any other suitably qualified creditor) and the repayment terms

Reason: To ensure that the mechanisms and arrangements are in place to provide the permanent facility within the 18 month temporary period hereby approved and to ensure the open space is reinstated on removal in accordance with policy OS7 of the adopted Unitary Development plan 1998 and policy OSN2 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy and DM10 of the Managing Development DPD 2012 (post EiP Version);

- 12. Removal of the temporary building and reinstatement of the open space to its original condition on expiry of permission or on completion of the permanent facility, whichever is the sooner, full details to be submitted and approved;
- 13. No amplified call to prayer;
- 14. Restriction on the number of persons using this facility (maximum 150 persons at any one time);
- 15. Hours of use: 05.00 – 22.00 on any day, except that prayer meetings only may take place outside these hours at times of the year when sunrise and sunset are earlier or later than this. The premises shall never be used earlier than 04.30 or later than 22.30;
- 16. Doors and windows fixed shut when the premises in use before 08.00 and after 21.00;
- 17. Full details of refuse store and recycling provision;
- 18. Prior to the commencement of development and the use hereby approved, the following documents shall be submitted and approved:
  - a) Management Plan (To include details of signage)
  - b) Travel Plan (To encourage sustainable modes of transport to and from the application site);
- 9. Prayer service to be carried out within the portacabin only; and
- 10. Details of mechanical ventilation.

The Local Planning Authority also have enforcement powers which can be used should there be a breach of the conditions imposed above or if the facility is not removed after 18 months.

## Section 6 – Sign Off and Publication

<b>Name:</b> (signed off by)	M. Dillon
<b>Position:</b>	Interim Principal Planning Officer
<b>Date signed off:</b> (approved)	 7th JAN 2013

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# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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.
- 3.2 **Note:** Given the level of representations on application 8.1 (Bethnal Green Gardens, PA/12/02234), the Chair has exercised discretion to apply rule 6.14 of the procedure rules to vary the relevant procedure rule and allow speaking rights in respect of this application.

## 4. RECOMMENDATION

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

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**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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# Agenda Item 8.1

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No.:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Shahara Ali-Hempstead		<b>Ref No:</b> PA/12/02234	
		<b>Ward:</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

### NOTE

Applications under part 8 of the agenda (Other Planning Matters) do not normally benefit from speaking rights pursuant to the development procedure rules of the constitution. However, given the level of representations on this application, the Chair has exercised discretion to apply 6.14 of the procedure rules to vary the relevant procedure rule and allow speaking rights in respect of this application.

<b>Location:</b>	Bethnal Green Gardens, Cambridge Heath Road, London
<b>Existing Use:</b>	Redundant Public Convenience (Toilets)
<b>Proposal:</b>	Demolition of the redundant toilet and the installation of a 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works.
<b>Drawing Nos</b>	PA-00, PA-01, PA-02, PA-03, PA-04, PA-05, PA-06, PA-07 and PA-08
<b>Supporting Documents:</b>	Design, Access and Impact Statement (amendment) dated 10 <sup>th</sup> October 2012
<b>Applicant:</b>	London Borough of Tower Hamlets
<b>Owner:</b>	London Borough of Tower Hamlets
<b>Historic setting:</b>	Grade II Listed Bethnal Green Gardens (Listed Parks and Gardens)
<b>Conservation Area:</b>	Bethnal Green Gardens

## 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 Borough of Tower Hamlets adopted Core Strategy (2010), the Unitary Development Plan (1998)(saved policies), the Council's Interim Planning Guidance (2007), the Managing Development: Development Plan Document (post EiP version 2012), associated supplementary planning guidance, the London Plan (2011) and National

Planning Policy Framework (2012) and has found that:

- 2.2
  - The existing toilet block detracts from the character and appearance of the Grade II listed Parks and Garden and Bethnal Green Gardens Conservation Area and detrimentally affects the setting of the adjoining Grade I listed St. John's Church. The proposed demolition to facilitate the installation of 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works would preserve and enhance the character and appearance of the Bethnal Green Gardens Conservation Area, the listed Parks and Gardens and the setting of St. John's Church in compliance with the National Planning Policy Framework (2012), policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policies DEV2, DEV28 of the Unitary Development Plan (1998), policy CON1, CON2 and CON3 of the Council's Interim Planning Guidance (2007) as well as policy DM27 of the Managing Development DPD (post EIP version 2012).

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to refer the application to the Government Office for West Midlands (on behalf of the Secretary of State) with the recommendation that the Council would be minded to grant Conservation Area Consent subject to conditions as set out below:
- 3.2
  1. Three year time period
  2. No demolition works permitted prior to submission and approval of contract of works
  3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **4. BACKGROUND**

- 4.1 This application for Conservation Area Consent is required for demolition of the redundant toilet block building to facilitate the installation of 39 cycle parking stands, an automatic public convenience and a mobile confectionary kiosk and associated works.
- 4.2 The Council cannot determine applications for Conservation Area Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Conservation Area Consent, were it empowered to do so itself.

### **5. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 5.1 Conservation Area Consent for demolition of the redundant toilet block building to

facilitate the installation of 39 cycle parking stands, an automatic public convenience and a mobile confectionary kiosk and associated works.

### **Site and Surroundings**

- 5.2 The existing public toilet block is a single storey brick built building lying within Bethnal Green Gardens, Grade II listed Parks and Garden designated in 2003, on the eastern side of Cambridge Heath Road. The building is relatively modern but dilapidated and has been closed and disused for some 15 years. The building is separated from the footway along Cambridge Heath Road by a wrought iron perimeter fence covering an area of 158sq metres.
- 5.3 The site is located within the Bethnal Green Gardens Conservation Area, which was designated in July 1969 and encompasses a series of significant statutory listed civic buildings, such as the Town Hall and Bethnal Green Museum of Childhood, set amongst the public gardens and the open space of Bethnal Green Gardens. St John's Church (Grade I listed) is located at the heart of the area at the north east junction of Cambridge Heath Road and Roman Road.
- 5.4 The toilet block, built in the late fifties, is located 6.5 metres to the north of St. John Church which was built 1826-28 and designed by Sir John Soane. The church is Grade I listed and forms the centrepiece of the designated Bethnal Green Gardens Conservation Area.

## **6. PLANNING HISTORY**

- 5.1 The site has an extensive planning history, with the earliest application in 1958. Of these applications the following are the most relevant:
- 5.2 PA/57/00290  
Planning permission was granted on 11/03/1958 for the erection of a public convenience on a site at the south-west corner of Bethnal Green Gardens, Cambridge Heath Road and Bethnal Green.
- 5.3 PA/07/02011  
In July 2007, the council made application for planning permission for the change of use of the disused public conveniences to a café/restaurant with public toilets. The application did not progress as it was not supported by the required fee and the commissioning department (Parks & Open Space) decided that funds for the project could not be identified
- 5.4 PA/09/00720  
Demolition of existing 95.4 sq m toilet block, (excluding the wrought iron perimeter fence) to facilitate the landscaping of the site by the London Borough of Tower Hamlets' Parks & Open Space.  
Conservation area consent application withdrawn on 26/11/2009

## **6. RELEVANT POLICIES**

### **Government Planning Policy**

- 6.1 National Planning Policy Framework (2012)

## **London Plan Spatial Development Strategy for Greater London (2011)**

- 6.2 Policy: 7.8 Heritage assets and archaeology

## **Adopted Core Strategy (2010)**

- 6.3 Policy: SP10 Creating distinct and durable places

## **Unitary Development Plan (UDP 1998)(as saved September 2007)**

- 6.4 Policies: DEV1 Development requirements  
DEV28 Demolition of buildings in conservation areas

## **Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)**

- 6.5 Policies: CON1 Listed Buildings  
CON2 Conservation area  
CON3 Protection of World Heritage Sites, London Squares,  
Historic Parks and Gardens  
DEV2 Character and Design

## **Managing Development: Development Plan Document (post EiP version 2012)**

- 6.6 Policy: DM27 Heritage and the historic environment

## **Supplementary Planning Guidance**

- 6.7 Bethnal Green Gardens Conservation Area Appraisal 2007

## **7. CONSULTATION RESPONSE**

- 7.1 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:

### **7.2 English Heritage – (Statutory Consultee)**

Does not wish to offer comments advising that the application should be determined in accordance with national and local policy guidance and on the basis of the council's specialist conservation advice.

## **8. LOCAL REPRESENTATION**

A total of 13 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 in East End Life and 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: 48	Objecting: 24	Supporting: 22	Comment: 2
No of petitions received: 0	Objection: 0	Support: 0	

- 8.1 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

**Objections:**

- The proposal will destroy the special character of this part of the Bethnal Green Gardens Conservation Area

**Officer Comment:** Please refer to paragraphs 9.2 – 9.11 of this report where this matter is fully addressed.

- The toilet is needed in the local area and should be refurbished
- The toilet should be brought back into use as a café and toilet

**Officer Comment:** The loss of the toilet and the alternative uses suggested raise land use issues which are not material considerations to a conservation area consent application for demolition. Nevertheless, given the Council's position as land owner, comments on the loss of the facility and the alternative uses suggested are made at paragraphs 9.12 to 9.13 below under the heading "Other considerations".

**Support:**

- The proposal is an improvement to what is currently an eyesore
- The proposal will open up the area around the underground entrance

- 8.2 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application for conservation area consent:

Land use

- Perfectly ample space is available in the pathway between Cambridge Heath Road and Bethnal Green Library for the purposes of providing bike parking facilities.

Design

- An Automatic Public Convenience (APC) would be a complete eyesore
- To site a bike park here would be totally detrimental to the appearance of Museum Gardens
- Too many conflicting uses are being crammed onto this small site with no consideration given to the site as part of a doubly-protected heritage asset

Highways

- A right-angular wall is shown projecting into the 'landing' from the entrance to the proposed bicycle park (allegedly to force cyclists to dismount). This would further impede two-way pedestrian flow to and from the northern staircase: adding to the congestion on the 'landing' and making it even more difficult and dangerous for pedestrians using the 'landing'.
- This entrance would be congested by pedestrians using the kiosk and by pedestrians trying to get to the proposed APC from Museum Gardens.

- Increase congestion along Cambridge Heath Road
- Cycle access into the gardens not acceptable

#### Amenity

- Should the existing kiosk remain, the number of tables and chairs will increase

### **9.0 MATERIAL PLANNING CONSIDERATIONS**

- 9.1 In determining a consent application for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### **Impact on the Grade I listed Church, Grade II listed Parks and Gardens and Bethnal Green Gardens Conservation Area.**

- 9.2 UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
  2. The condition of the building;
  3. The likely costs of repair or maintenance of the building;
  4. The adequacy of efforts to maintain the building in use; and
  5. The suitability of any proposed replacement building.
- 9.3 Policy CON2 (3) of the Interim Planning Guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted. Exceptionally, applications will be assessed on:
- a) The importance of the building, architecturally, historically and contextually;
  - b) The condition of the building and estimated costs of repair in relation to its importance, and to the value derived from its continued use;
  - c) The adequacy of efforts made to retain the building in use; and
  - d) The merits of any alternative proposals for the site.
- 9.4 Policy CON 3 of the Interim Planning Guidance 2007 says that applications for development, including changes of use, within or adjacent to World Heritage Sites, London Squares, or Historic Parks and Gardens will be assessed against their impact individually and cumulatively on the setting, character, fabric and identity of the protected Site, Square, Park or Garden.
- 9.5 The Government advises that the general presumption should be in favour of retaining buildings that make a *“positive contribution”* to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes *“little or no such contribution”* the local planning authority must have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.

- 9.6 The Bethnal Green Gardens was designated Grade II listed Parks and Garden on 3<sup>rd</sup> September 2003. Bethnal Green Gardens is situated on either side of Cambridge Heath Road in Bethnal Green, 700m south-west of Victoria Park. The Gardens are laid out on level ground and are square in shape. They are bounded to the west by Cambridge Heath Road, to the north by Museum Passage, to the east by Victoria Park Square, and to the south by the Church of St John-on-Bethnal Green, the church hall, rectory, and Tarrant House. The gardens are enclosed to the west, north, and east by wrought-iron railings (original two-stage railings, 1904, with sections of post-Second World War single-stage replacements), mounted on granite plinth blocks (1904). The southern boundary has the original Sir John Soane railings along the churchyard boundary, and a stretch of chain-link fencing to the east alongside the boundary with the rectory and Tarrant House.
- 9.7 The site also lies within Bethnal Green Gardens conservation area. The conservation area is characterised by the formal public buildings in their open space and individual garden settings. The collection of statutory listed buildings, namely the Bethnal Green Museum of Childhood, York Hall and the Town Hall are the highlights of this civic quarter. Varied in style and scale, these distinguished civic edifices are complemented by the greenery of the gardens and are perceived as distinct from any residential character. As mentioned, St. John Church forms the centrepiece of the conservation area. Within the conservation area, the Garden itself provides the public green space for local residents and is paramount to the character and setting of the conservation area. The northern part of the southern gardens in which the application site lies is occupied by a lawn and rose garden and provides quieter and more formal gardens than the southern part of the gardens which is occupied by a large play area and tennis courts.
- 9.8 The Council's Bethnal Green Gardens Conservation Area Appraisal and Management Guidelines 2007 advise that the setting of St. John Church is poor. It is said to be surrounded by busy roads, narrow pavements, and the front elevation is obscured by trees in summer. The Guidelines advise that:
- “Consideration should be given to ways in which this building might realize its full potential as a historic landmark, and strengthen the identity of this place.”*
- 9.9 The existing single storey public convenience building has been redundant for 15 years, the Local Authority has explored numerous options since its closure to redevelop the building and site, but to date there have been no viable options carried forward.
- 9.10 The toilet block is relatively modern compared with the predominant Victorian character of the conservation area. Although constructed of yellow brick, the design and detailing are poor and the building is considered to have little architectural merit. The boarded up, dilapidated building makes no contribution to and detracts from the character and appearance of the conservation area. Its appearance and siting in close proximity to the front elevation of St. John Church also detrimentally affects the setting of the Grade 1 listed building.
- 9.11 It is considered that the demolition of the building would preserve and enhance the character and appearance of the Bethnal Green Gardens Conservation Area, the listed Park and Gardens and the setting of St. John Church in accordance with National Planning Policy Framework (2012), policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policies DEV28 of the Unitary Development Plan (1998), policy CON1, CON2 and CON3 of the Council's

Interim Planning Guidance (2007) as well as policy DM27 of the Managing Development DPD (submission version 2012).

- 9.12 Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. Proposals for the site include proposals to install 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works which would significantly enhance the site and its surroundings to the benefit of the character and appearance of the conservation area and the surrounding heritage assets. The principle of demolition is acceptable subject to demolition being conditioned to the implementation of an appropriate works at the site. This is in accordance with saved policy DEV28 of the UDP (1998) and policy CON2 of the IPG (2007) which seek to ensure appropriate development within Conservation Areas.

#### **Other considerations**

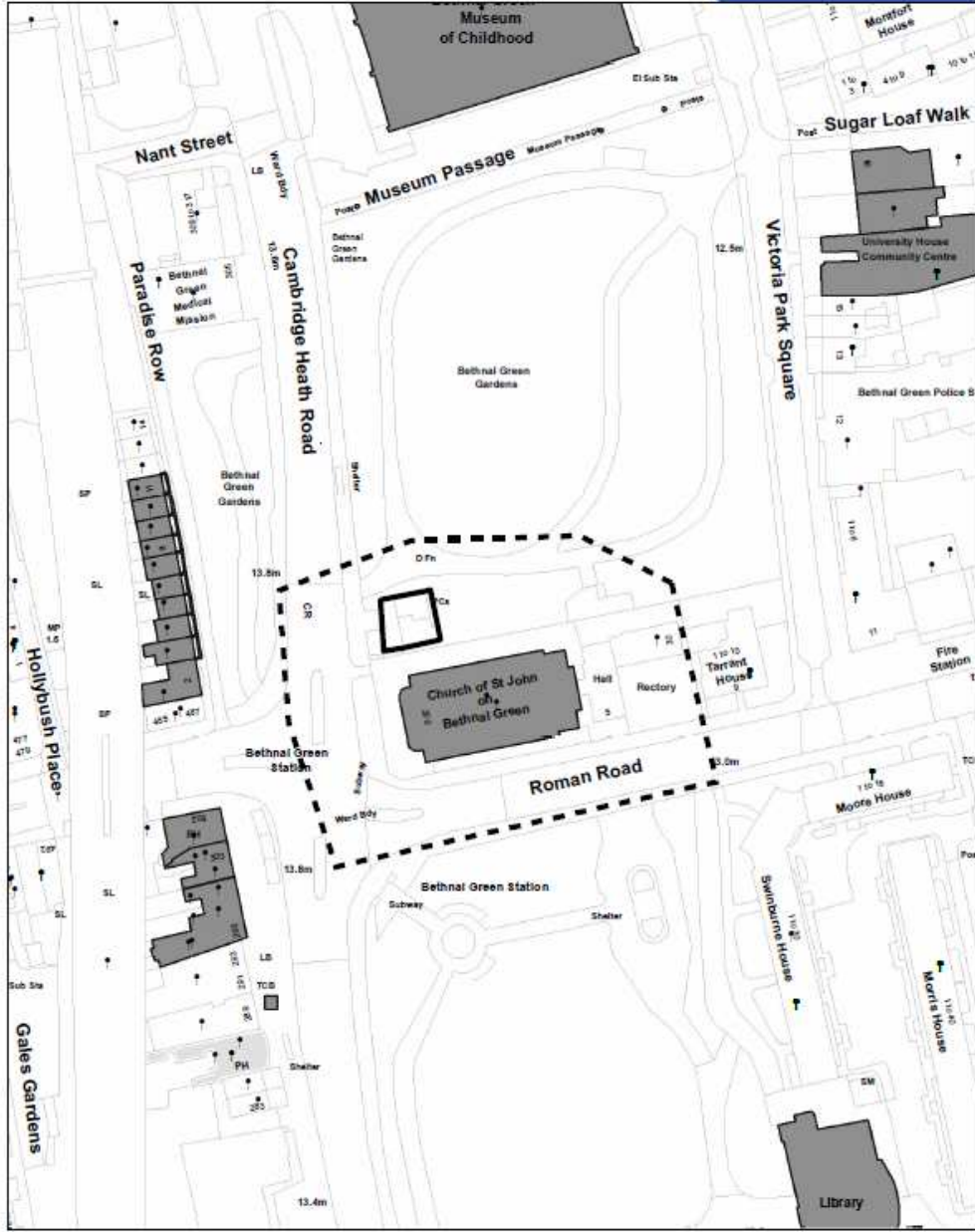
- 9.13 Representations have been received concerning the loss of the existing facility and possible reuse of the site as toilet block and café.
- 9.14 As mentioned, the toilet block at the site has been closed for many years to deal with crime and anti-social behaviour at the site. Demolition would therefore not result in the loss of an existing facility as it has been closed for some time. Further, through the current application to install Automated Public Conveniences, public convenience facilities will be re-opened and made available at Bethnal Green Gardens.
- 9.15 Concerns have been raised about the re-use of this building for alternative uses. Officers have investigated this and there have been numerous attempts to seek to re-use the existing building for alternative uses, however alternative proposals have been found to be unviable. As such, this application has been submitted for consideration. Officers are required to assess the application which is presented before them against Planning Policies. In the context of local policy guidance, the proposals are considered to be acceptable, as set out above.

#### **CONCLUSION**

- 9.16 All relevant policies and considerations have been taken into account. It is recommended that the Secretary of State be requested to grant conservation area consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions as set out in the RECOMMENDATIONS at the beginning of this report



Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	0 15 m
		1:1,250

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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# Agenda Item 8.2

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Shahara Ali-Hempstead		<b>Ref No:</b> PA/12/02919	
		<b>Ward:</b> Bow West	

## 1. APPLICATION DETAILS

- Location:** Phoenix School, 49 Bow Road, London, E3 2AD
- Existing Use:** School
- Proposal:** Application for listed building consent for revised condenser and ventilation equipment required following proposed changes to the proposed energy strategy.
- Drawing Nos:** GA 000001D, GA 000002E, ELV 200030B, GA 200011C, GA 200012C, ELV 200130H, GA 200051H, GA 200100R, GA 200101R and SEC 200121E  
Design and Access Statement and Heritage Impact Assessment (Revised September 2012)
- Applicant:** Bouygues UK on behalf of Pheonix School
- Owner:** London Borough of Tower Hamlets
- Historic Building:** Grade II\* Listed.
- Conservation Area:** No

## 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 Borough of Tower Hamlets adopted Core Strategy (2010) Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Managing Development: Development DPD (Submission Version 2012), associated Supplementary Planning Guidance, the London Plan and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed internal and external alterations are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed school building. As such, the proposal would preserve the character, fabric and identity of the listed building and its heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010), saved Policy DEV37 of the Unitary Development Plan (1998), Policy CON1 of the Council's Interim Planning Guidance (2007) as well as Policy DM27 of the Managing Development DPD (Submission Version 2012).

## **RECOMMENDATION**

3. That the Committee resolve to refer the application to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
  - 3.1 1. Three year time period.
  2. The proposed works to be carried out in accordance with the approved materials and plans.

## **4. BACKGROUND**

- 4.1 This application for Listed Building Consent is required for alternative details of condenser and ventilation equipment – linked to the school's revised Energy Strategy. As this Grade II\* listed building is owned by the London Borough of Tower Hamlets, the terms of reference of the Development Committee requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 As Members may recall, back in September 2011, the Development Committee resolved to grant listed building consent for the following works under LBTH Ref PA/11/00400:

Internal remodelling and refurbishment of Grade II listed building, including removal of internal partitions and external works comprising of the installation of three air-conditioning units, an extract duct and two ventilation louvers..
- 4.3 This listed building consent and related planning permission (LBTH Ref PA/11/00918) were issued on the 31<sup>st</sup> October 2011 and 26<sup>th</sup> September 2011 respectively. An application for non-material amendments, pursuant to the 26<sup>th</sup> September 2011 planning permission (basically the works identified by this revised application for listed building consent) were approved on 17<sup>th</sup> December 2012 (LBTH Ref PA/12/02915). There is no such provision for non-material amendments in relation to works to listed buildings and therefore, the applicant has been obliged to apply for a further listed building consent to cover these amendments.
- 4.4 As Members will recall, the Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings 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.

## **5. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.2 The previous listed building consent (LBTH Ref PA/11/00400) approved the positioning of three condenser units and the current proposals seek the removal of one of these units. The previous consent also involved the installation of two ventilation louvers. The revised submission proposes only one louver (consisting of two side by side recovery units with the opening measuring 562mm by 375 mm).

## **Site and Surroundings**

- 5.4 Phoenix School is located at the northern end of Bow Road, adjacent to Bow Road Station. The site itself is fairly concealed by properties from Alfred Street to the east and Harley Grove to the west.
- 5.5 The school was constructed in 1952 and was listed in 1993. The listing relates to the main spine plan running north-south with a series of linked two storey pavilions to the east and west, forming open courtyards. A new extension was constructed in the late 1990's which enclosed the courtyards.
- 5.6 The school consists of a concrete frame with stock brick infill and low pitched copper roofs, with large windows and painted metal frames. The western, southern and part of the eastern curtilage of the site forms the boundary of the Tredegar Square conservation area. The site itself is not located within the conservation area.
- 5.6 The site is bounded by Byas House a two storey residential building to the north accessed from Benworth Street, Electric House, Marina Court and no's 15 to 29 Alfred Street to the east, no's 8 to 15 Harley Grove to the west and 51 to 52 Lemon Tree House, Bow Road to the south.

## **6. PLANNING HISTORY**

- 6.1 The site has an extensive planning history, with the earliest application in 1971. Of these applications the following are the most relevant.
- 6.2 Under planning references BW/95/0001 and BW/95/0002 planning permission and listed building consent was granted on 5<sup>th</sup> April 1995 for the erection of single storey extension with covered walkway to provide classrooms and ancillary support facilities to school.
- 6.3 The implementation of the above extension enclosed the courtyards and forms the location of the current proposals.
- 6.4 PA/09/01999 - Planning permission was granted on 27<sup>th</sup> November 2009 for replacement of existing roofed structure by the erection of a pavilion to provide new teaching space, play and storage areas, including library facilities within the School's courtyard.
- 6.5 PA/09/02000 - Listed Building Consent was granted on 1<sup>st</sup> February 2010 for erection of a pavilion detached from main school building to provide new teaching space, play and storage areas plus library facility.
- 6.6 PA/10/01962 - Planning Permission was granted on 22<sup>nd</sup> November 2010 for erection of three structures (including canopy, greenhouse and conservatory) and formation of a new external access into an existing teaching room. The proposed canopy and greenhouse are free standing structures detached from the Listed building, while the proposed conservatory and new external access will require minor alterations to the listed fabric.
- 6.7 PA/10/02291 - Planning permission was granted on 19<sup>th</sup> January 2011 for erection of a new school building up to five storeys in height (including a basement level) and associated works.
- 6.8 PA/10/01963 - Listed Building Consent was granted on 11 March 2011 for alterations

in connection with erection of two structures (canopy and greenhouse) and formation of a new external access into existing teaching room.

- 6.9 PA/11/00400- Listed Building Consent was granted on 31<sup>st</sup> October 2011 for internal remodelling and refurbishment of Grade II listed building, including removal of internal partitions. External works comprising of the installation of three air-conditioning units, an extract duct and two ventilation louvers. Planning permission for these works was granted on 26<sup>th</sup> September 2011 under LBTH Ref PA/11/00918. The proposed amendments the subject of this current application for listed building consent were treated as non-material on the 17<sup>th</sup> December 2012 under LBTH Ref PA/12/02915.

## 7. RELEVANT POLICIES

### Government Planning Policy

- 7.1 National Planning Policy Framework (2012) - Chapter 12 'Conserving and enhancing the historic environment'

### London Plan Spatial Development Strategy for Greater London (2011)

- 7.2 Policy:               6.13     Parking  
                              7.8     Heritage assets and archaeology

### Adopted Core Strategy (2010)

- 7.3 Policies:            SP07    Improving education and skills  
                              SP09    Creating attractive and safe streets and spaces  
                              SP10    Creating distinct and durable places

### Unitary Development Plan (UDP 1998)(as saved September 2007)

- 7.4 Policy:             DEV37 Alterations to listed buildings to preserve special architectural or historic interest of the building, repair original features and replace missing items, traditional materials

### Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)

- 7.5 Policy:             CON 1  Listed Buildings - criteria for consent  
                              DEV17  Transport Assessments  
                              DEV18  Travel Plans  
                              DEV19  Parking for Motor Vehicles

### Managing Development: Development Plan Document (submission version 2012)

- 7.6 Policy:             DM27   Heritage and the historic environment  
                              DM22   Parking

## 8. CONSULTATION RESPONSE

- 8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 8.2 English Heritage has been consulted on this application but at the time of drafting this report, no comments had been received. Any comments received prior to the Development Committee will be presented in the form of an update report.

## **9. LOCAL REPRESENTATION**

- 9.1 A total of 86 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 in East End Life and 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: 0	Objecting: 0	Supporting: 0	Comment: -
No of petitions received:	Objection: 0	Support: 0	

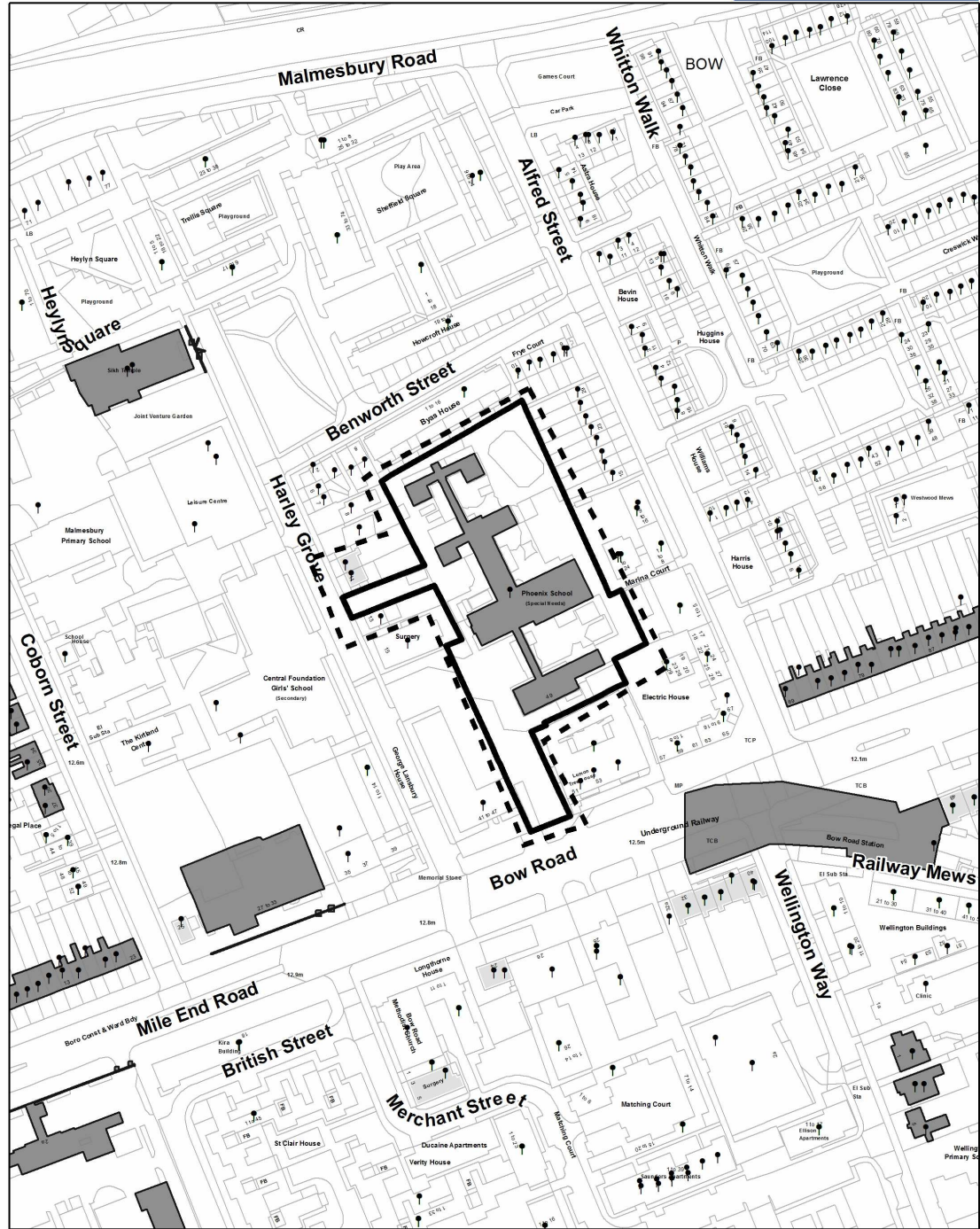
## **10.0 MATERIAL PLANNING CONSIDERATIONS**

- 10.1 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.
- 10.2 The alterations the subject of this further application for listed building consent would be minor and if anything, the works would be even more minor than the previous submission and will have an even more limited impact on the listed school building. The proposals would be simpler in design and scale compared to what was previously approved and as a consequence, there should be no adverse impact on the listed school buildings.

## **11 Conclusions**

- 11.0 All other relevant policies and considerations have been taken into account and 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 Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	 0 15 m 1:1,963
Consultation Area	Statutory Listed Buildings		

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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# Agenda Item 8.3

<b>Committee:</b> Development	<b>Date:</b> 16 January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
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## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/12/00460</b>
<b>Site:</b>	<b>10 Heneage Street, London E1 5LJ.</b>
<b>Proposed Development</b>	<b>Proposed fascia sign, projecting box sign and writing on shop front</b>
<b>Decision</b>	<b>REFUSE ADVERTISEMENT CONSENT (delegated decision)</b>
<b>Appeal Method:</b>	<b>HEARING</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 These advertisements had already been installed and the Planning Inspector dealt with them retrospectively. The main issues related to the effect of the adverts on the amenity of the area and pedestrian safety

- 3.3 The appeal site is located on the edge of the Brick Lane/Fournier Street Conservation Area with properties on the opposite side of the street within the conservation area. The Planning Inspector was concerned that the existing sign obscured important architectural features and was overly prominent in the Heneage Street street scene. He also felt that the projecting box sign interrupted the rhythm of the street and obstructed the view of the attractive Phillip House gate. He concluded that the signs detract for the character and appearance of the conservation area. He also commented on the appearance of the glazed shop front, which he felt also detracted from the character and appearance of the conservation area.
- 3.4 The appeal was DISMISSED and the case has been referred back to Planning Enforcement to seek the removal of the advertisements and the glazed shop front.

**Application No:** PA/12/026543  
**Site:** 267 East India Dock Road, E14 0EG  
**Site:** Display of a wall mounted internally illuminated advert hoarding on east facing wall.  
**Decision:** REFUSE ADVERTISEMENT CONSENT (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision** DISMISSED

- 3.5 267 East India Dock Road is a lengthy 4-5 storey building situated on the north side of the road. It has a large and conspicuous east facing wall close to the junction with the Blackwall Tunnel Approach. The Council had previously refused advertisement consent for a similar advertisement in 2010, which was subsequently dismissed on appeal.
- 3.6 The appellant had put up an argument that the advertising revenue would provide an income to enable the partially constructed building to be completed. The Inspector did not agree that this was a valid reason for granting advertisement consent. He saw no reason to depart from the previous decision to refuse advertisement consent and the subsequent appeal and concluded that the proposed sign would have appeared incongruous and discordant and would have been an obtrusive feature, harmful to the street scene, the building and the immediate area.
- 3.7 The appeal was DISMISSED.

**Application No:** PA/11/02169  
**Site:** 68-70 Manilla Street E14 8LG  
**Development:** Change of use from light industrial use to use of a car park for 30 vehicles, utilising existing site entrances.  
**Decision:** REFUSE PLANNING PERMISSION (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision** DISMISSED

- 3.8 The use of this site as a car park had been taking place since around 2009 and

as such, the Planning Inspector dealt with the application retrospectively in order to regularise the use. The main issues were considered to be whether the use of the site for car parking was conducive to sustainable development.

- 3.9 The Planning Inspector recognised that the continued use of the site/buildings for car parking would be in conflict with the development plan which encourages greater use of public transport and discourages use of private transport. He considered these policies to be entirely appropriate. He also agreed that the use of random sites for car parking would undermine the overall policy position to encourage use of public transport.
- 3.10 The appeal was DISMISSED and the case has now been referred back to Planning Enforcement to further progress planning enforcement proceedings.

<b>Application No:</b>	<b>PA/12/01042</b>
<b>Site:</b>	<b>31 Fairfield Road E3 2QA</b>
<b>Development:</b>	<b>Erection of a first floor rear extension and replacement of windows (front elevation) to uPVC sash windows to match the style of 33 Fairfield Road.</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.11 The main issues in this case were firstly, the effect of the proposal on the character and appearance of the host building and the Fairfield Road Conservation Area and secondly, the effect of the extension of the amenities of the occupiers of 29 and 33 Fairfield Road.
- 3.12 The appeal property forms part of a row of terraced properties of uniform design, identified as being locally listed. The Inspector concluded that the proposed height and depth of the proposed rear extension (linked to an existing two storey addition) would have dominated the rear elevation of the building and would not have resulted in a subservient addition to the dwelling.
- 3.13 He noted that the remainder of the terrace more or less retained its original character at first floor level and he was not persuaded that the presence of an extension at 33 Fairfield Road created a precedent that should be followed. As regards the proposed changes to windows, whilst the Planning Inspector accepted that the existing windows were not in keeping with the character of the conservation area, he was not satisfied with the use of uPVC, as it would not reflected the traditional materials used elsewhere in the vicinity.
- 3.14 In terms of living conditions of neighbouring properties, the Planning Inspector was less concerned, as views and outlook would have still been possible across the top of the proposed extension. However, he remained concerned that the proposed extension would have harmed the character and appearance of the Fairfield Road Conservation Area.
- 3.15 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/01700</b>
<b>Site:</b>	<b>31 Manchester Road, E14 3BG</b>
<b>Development:</b>	<b>Roof extension to create an additional</b>

<b>Decision:</b>	<b>bedroom with velux windows. REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.16 The main issue in this case was whether the proposed extension would have preserved or enhanced the character and appearance of the Chapel House Conservation Area.

3.17 The appeal premises is an end of terrace property, with the rear elevation visible from Millwall Park. He concluded that the introduction of a dormer would have been obvious when viewed from the Park itself and would have been very noticeable change to the clear lines and profile of the roof to the host dwelling, when viewed from the rear and the Park. He concluded that the proposed dormer would have failed to preserve or enhance the character and appearance of this this part of the Chapel House Conservation Area.

3.18 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/11/03575 Appeal A PA/11/03564 Appeal B</b>
<b>Site:</b>	<b>88-90 Commercial Road E1 1NU</b>
<b>Development:</b>	<b>Erection of an either five or four storey building comprising retail and office space at ground floor and basement and residential accommodation above (either 3x1, 3x2 and 1x3 bed flats or 3x1, 2x2 and 1x3 bed flats)</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>Appeal A DISMISSED Appeal B ALLOWED</b>

3.19 The main issues in these cases covered firstly, whether the proposals resulted in overdevelopment of the site by reason of the height of the proposed development, bulk and secondly, the extent of the read projection and the effect of the development on the rear of 92 Commercial Road.

3.20 The application site is a dilapidated single storey shop which lies midway along a Victorian terrace of otherwise 3-4 storey properties. The Inspector noted various higher rise developments and some substantial modern buildings (including London Metropolitan University) and concluded that the 5 storey building (Appeal A) would have been of excessive height, compared to the existing townscape context. However, by contrast, he concluded that the proposal the subject of Appeal B (4 storeys) was more acceptable. He felt that the unapologetically contemporary design would have been appropriate, bearing in mind the short extent of the terrace.

3.21 In terms of the impact on the adjacent 92 Commercial Road, he was satisfied with the impact of the schemes on this neighbouring property, but he agreed with the suggested imposition of conditions to provide privacy screens for the proposed balconies.

3.22 Appeal A was DISMISSED and Appeal B was ALLOWED.

<b>Application No:</b>	<b>ENF/11/00293 – linked to P/06/00114</b>
<b>Site:</b>	<b>The Grange Hotel, Prescott Street E1 8GP</b>
<b>Development:</b>	<b>Appeal Against Enforcement Notice in respect of the failure to carry out the development pursuant to PA/06/00114 in accordance with the approved drawings, specifically the failure to provide a double height off street servicing bay.</b>
<b>Decision:</b>	<b>INSTIGATE ENFORCEMENT ACTION (delegated decision)</b>
<b>Appeal Method:</b>	<b>PUBLIC INQUIRY</b>
<b>Inspector's Decision</b>	<b>Appeal ALLOWED And Enforcement Notice QUASHED</b>

3.23 This enforcement notice arose out of the failure of the appellant to carry out the development pursuant to planning permission PA/06/00114, in particular the failure to provide the previously approved off street servicing bay. The main issue in this case was whether, in the absence of the goods delivery bay, the arrangements for vehicle servicing, deliveries and associated servicing created obstruction on the highway and whether there was undue noise associated with the deliveries and servicing taking place.

3.24 The Planning Inspector was not convinced, on the evidence submitted by the Council that the current servicing arrangements (mixture of on street and forecourt servicing) were manifestly unsafe. However he concluded that some photographic evidence did raise real concerns about the inappropriate movements that could adversely affect highway safety. However he considered that his concerns were allayed by the limited distance the trollies have to travel. In conclusion, the Inspector felt that in the absence of any material harm to highway safety, it was unnecessary for the previously approved service bay to be constructed as required by the previous planning permission.

3.25 In terms of noise and disturbance, he was satisfied that the on street servicing could take place without undue noise nuisance to neighbouring residents. He felt that the construction of the previously approved bay might have worsened noise and disturbance for residents.

3.26 Overall, the Inspector QUASHED the Enforcement Notice, ALLOWED the appeal and GRANTED planning permission for the hotel as built. However, he imposed conditions requiring the submission of a servicing and delivery plan to include various servicing requirements (hours of delivery, location of deliveries on and off street, the size of vehicles using these areas, marshalling arrangements etc.).

3.27 The appellant applied for costs and was partially successful in that the enforcement notice referred to the failure to provide a car lift into the basement and the Council's case also revolved round the failure to provide cycle parking in the basement. The costs related to the time unnecessarily spent by the appellants in the appeal process in considering matters associate with the car lift, the basement car park and cycle parking provision.

3.28 This is a disappointing outcome but not unexpected decision. The main benefit of the action is that the Grange Hotel is now required to submit and agree a servicing and delivery strategy for the hotel. This would otherwise not have been required or forthcoming. It indicates the issues and the degree harm that need to be witnessed in relation to on street servicing. In areas such as the City Fringe where there are site constraints, it might be difficult to provide off street servicing. In such cases, on street servicing with a clearly defined and controlled servicing management plan, might be the only solution but clearly, each case would still need to be determined on its own merits

#### **4. NEW APPEALS**

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

<b>Application No:</b>	<b>PA/12/00951</b>
<b>Sites:</b>	<b>82-102 Hanbury Street E1</b>
<b>Development</b>	<b>Erection of a five storey building with ground and first floor business accommodation with 9 flats above (1x1 bed, 5x2 bed and 3x3 bed)</b>
<b>Council Decision</b>	<b>REFUSE (delegated decision)</b>
<b>Start Date</b>	<b>11 December 2012</b>
<b>Appeal Method</b>	<b>WRITTEN REPRESENTATION</b>

4.2 This development was refused planning permission of scale and bulk of development (with particular reference to the mansard roof element, failing to preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area). The development was also found to be unacceptable in view of the schemes failure to provide adequate amenity space for the majority of the residential units proposed.

<b>Application No:</b>	<b>PA/12/02469</b>
<b>Sites:</b>	<b>73 Driffield Road E3 5EN</b>
<b>Development</b>	<b>Erection of a first floor rear extension</b>
<b>Council Decision</b>	<b>REFUSE (delegated decision)</b>
<b>Start Date</b>	<b>10 December 2012 (appeal received)</b>
<b>Appeal Method</b>	<b>WRITTEN REPRESENTATION</b>

4.3 Planning permission was refused in this case on grounds that the proposed first floor rear extension would have resulted in an unacceptable addition to the terrace and would have been out of keeping with the appearance of the existing building and terrace in terms of design, scale, use of materials and height, failing to preserve or enhance the character and appearance of the Driffield Road Conservation Area. There was also concern about the scale and depth of the first floor extension which was considered to be overbearing, detrimental to neighbouring residential amenity

<b>Application No:</b>	<b>PA/12/01614</b>
<b>Sites:</b>	<b>132 Commercial Road E1 1NL</b>
<b>Development</b>	<b>Retention of shop front and roller shutters and retained white render to all facades</b>
<b>Council Decision</b>	<b>REFUSAL OF PLANNING PERMISSION</b>

**Start Date** (delegated decision)  
**4 December 2012**  
**Appeal Method** **WRITTEN REPRESENTATION**

- 4.3 This application was refused on grounds of the detrimental impact of the external alterations (including the retained shop front) on the character of the area, bearing in mind that the property is located in a prominent location.

**Application No:** **PA/12/01650**  
**Sites:** **69 Driffield Road E3 5NE**  
**Development** **Erection of new rear extension to the existing kitchen, new terrace enclosed by 1.8m high brick wall at the rear of the ground floor reception along with external alterations and the erection of a new two storey rear outbuilding with a linked glazed passage to the rear of the existing house and conversion of the existing dwelling house and new outbuilding into 1 x 2-bedroom self-contained maisonette on the ground and first floor of the dwelling house and 1 x 3-bedroom self-contained unit in the proposed new outbuilding and basement of the dwelling house.**

**Council Decision** **REFUSAL (delegated decision)**  
**Start Date** **3 December 2012**  
**Appeal Method** **WRITTEN REPRESENTATION**

- 4.4 This planning permission was refused on grounds that the proposed two-storey outbuilding would be detrimental to the amenities of the neighbouring occupiers by reason of obtrusive appearance, increased activity, noise and loss of privacy caused by overlooking from habitable room windows. Furthermore, there was concern that the proposed development would constitute an overdevelopment of the site by virtue of providing poor quality accommodation and amenity space for its future occupiers. There was also concern would also have adverse impact on the amenities of its neighbouring occupiers and result in an unacceptable addition to the terrace and would be out of keeping with the appearance of the existing building and terrace. Finally, it was considered that the proposal would be unsympathetic to the predominant character of the dwelling house and would fail to either preserve or enhance the character and appearance of the Driffield Road Conservation Area.

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