

Meeting of the

# DEVELOPMENT COMMITTEE

---

Wednesday, 13 February 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):
<b>Chair: Councillor Helal Abbas</b> <b>Vice-Chair: Councillor Shiria Khatun</b>	
<b>Councillor Kosru Uddin</b> <b>Councillor Craig Aston</b> <b>Councillor Md. Maium Miah</b> <b>Councillor Anwar Khan</b> <b>1 Vacancy</b>	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)

"If the fire alarm sounds please leave the building immediately by the nearest available fire exit, to which a Fire Warden will direct you. Please do not use the lifts. Please do not deviate to collect personal belongings or vehicles parked in the complex. If you are unable to use the stairs, a member of staff will direct you to a safe area. On leaving the building, please proceed directly to the Fire Assembly Point situated by the lake on Saffron Avenue. No person must re-enter the building until instructed that it is safe to do so by the Senior Fire Marshall. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned."

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 13 February 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 Chief Executive.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 16<sup>th</sup> January 2013.

5 - 10

### 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. **11 - 12**

The deadline for registering to speak at this meeting is 4pm Monday 11<sup>th</sup> February 2013.

## **6. DEFERRED ITEMS**

Nil items.

## **7. PLANNING APPLICATIONS FOR DECISION 13 - 16**

<b>7 .1</b>	<b>Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 &amp; PA/12/02318)</b>	<b>17 - 42</b>	<b>Weavers</b>
<b>7 .2</b>	<b>Land at North East Corner of Butley Court, Ford Street, London, E3 (PA/12/0285)</b>	<b>43 - 58</b>	<b>Bow West</b>
<b>7 .3</b>	<b>Land at North East Corner of Jossiline Court, London (PA/12/02860)</b>	<b>59 - 74</b>	<b>Bow West</b>
<b>7 .4</b>	<b>55 Poplar High Street, London, E14 0DJ (PA/11/03216)</b>	<b>75 - 86</b>	<b>Limehouse</b>
<b>8.</b>	<b>OTHER PLANNING MATTERS</b>	<b>87 - 88</b>	
<b>8 .1</b>	<b>Bromley Public Hall, Bow Road, London, E3 (PA/12/02618)</b>	<b>89 - 96</b>	<b>Bromley-By-Bow</b>
<b>8 .2</b>	<b>Block E, Professional Development Centre, English Street, London, E3 4TA (PA/12/03099)</b>	<b>97 - 102</b>	<b>Mile End &amp; Globe Town</b>
<b>8 .3</b>	<b>Planning Appeals Report</b>	<b>103 - 108</b>	

# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 16 JANUARY 2013**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Shiria Khatun (Vice-Chair)  
Councillor Kosru Uddin  
Councillor Md. Maium Miah  
Councillor Anwar Khan

**Other Councillors Present:**

None.

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Mandip Dhillon	– (Principal Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**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 12<sup>th</sup> December 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 Bancroft Green, Mantus Road, London E1 (PA/12/02685)

Update report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Bancroft Green, Mantus Road, London E1 (PA/12/02685) for the installation of temporary mosque on Bancroft Green area.

The Chair invited the registered speakers to address the meeting.

Robert Waites addressed the committee in objection. He objected to the loss of open space for residents. He objected to the impact on traffic and the highway from the increased car use from the proposal. There would be over 200 additional worshippers. There were two empty buildings nearby. Consideration should be given to locating the proposed facility there as they were not in a residential area.

Members put a number of questions to Mr Waites.

In reply, he objected to the lack of consultation by the applicant. The only time that he had any contact with the applicant was when he made his objection. The Council sent two notification letters. This was the only consultation

carried out as far as he was aware. The first letter merely stated it would be a building. It was only the second letter that stated it would be a mosque. He was not opposed to the mosque. Rather the siting of a building on the green. In reply to Members, he referred to the grass area that would be affected. The area was frequently used by the public for recreation (for walking dogs, etc). He noted that the majority of open space would still be available for public use including the play area.

Councillor Sirajul Islam addressed the committee in support as a ward councillor. He reported that the applicant had responded to the conditions in the report. He explained the history of their work in the community over many years. Their current facility was out of date and they now needed a new facility to maintain and expand their services. This proposal would facilitate this, prevent the displacement of worshippers and help with fundraising. The applicant had actively looked at sites elsewhere but none were suitable. The proposed site had been identified through consultation. He referred to the plans to work with Tower Hamlets Community Housing given their plans for a nearby site.

In reply to Members, he considered that the proposal would help address the problems with ASB at the site as shown by experience around the existing mosque. There were no longer any ASB problems at this site.

Councillor Mizan Chaudhury also spoke in support as a ward Councillor. He disputed the objection around increased visitors as it was evident that local residents would mostly use the facility. Therefore, there would be minimal impact from car use. There was no evidence that the facility would increase ASB. There were a number of large parks nearby (Victoria park and Bethnal Green park) that the public may use in the interim period. There were conditions and restrictions to protect amenity. The proposal was supported in policy.

Mandip Dhillon (Planning Officer) presented the detailed report and the update. The proposal was required to facilitate the development of a new Mosque at 49 Braintree Street. She highlighted the information in the update regarding:

- the submission of an addition representation in support;
- the removal of condition 3 following the submission of the plans for the Braintree Street development.

The updated conditions were set out in the update for consideration.

She explained the surrounding area that was mainly residential. She explained the location of the existing facility, the proposed scheme and the 49 Braintree Street scheme. She explained the outcome of the consultation carried out in November and December 2012. The key concerns raised were around loss of green space and increase in car use.

On balance, Officers considered that the impact was acceptable given the permission was only temporary and the benefits of the permanent scheme

that would deliver new community facilities. Most of the trips would be by foot given the proximity to the community that would be served. The site also had excellent public transport links and a travel plan would be submitted. There were conditions to mitigate the amenity impact. There would be a minimal impact on the green space with the majority still in public use. Attached to the report was the finding of the equalities impact assessment.

Therefore, Officers were recommending that the permission be granted for an 18 month period.

Members then asked a number of questions and Officers reported the following:

- The applicant had submitted a schedule of works with a start date. The permission would run from the actual start date.
- The applicant had provided a written undertaking to complete the works in 18 months. They fully expected that it could be completed on time. The site would be restored to its former condition.
- It was necessary to balance the needs of the mosque against the impact on residents when considered hours of use.
- There was a further application pending to provide housing as mentioned by the speakers (the Tower Hamlets Community Housing application). However, this was on another site. There were no other installations on the Bancroft Green, aside from this proposal if granted.
- Officers explained the need for a time limit. It was important that the site was returned back for community use. Balancing the needs of both sides, it was considered that an 18 month time limit was appropriate

In response, Members noted the need for late prayer times especially during the Ramadan period in the summer months. Therefore, Councillor Kosru Uddin proposed an amendment to condition 6 (in the update) to extend the closing hours to 12midnight generally and 1am during the Ramadan period where necessary. This was seconded by Councillor Shiria Khatun. This was unanimously supported by the committee.

Councillor Anwar Khan also proposed an amendment to accommodate any delays in finishing the planning permission at 49 Braintree Street. Councillor Khan therefore proposed an amendment to condition 1, that the time limit be extended from 18 to 24 months. This was seconded by Councillor Maium Miah. This was unanimously supported by the committee.

On a unanimous vote, the Committee RESOLVED:

1. That planning permission at Bancroft Green, Mantus Road, London E1 (PA/12/02685) be **GRANTED** for the 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;

2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and an informative on the planning permission to secure the matters as set out in the **Update** report SUBJECT to the following amendments agreed by the committee
  - Condition 1. That the time limit be extended to 24 months.
  - Condition 6. That the closing hour be extended to 12 midnight generally and to 1am during the Ramadan period where necessary.

## 8. OTHER PLANNING MATTERS

### 8.1 **WITHDRAWN - Bethnal Green Gardens, Cambridge Heath Road, London (PA/12/02234)**

Item withdrawn by the applicant.

### 8.2 **Phoenix School, 49 Bow Road, London, E3 2AD (PA/12/02919)**

Jerry Bell (Applications Team Leader) introduced the report Phoenix School, 49 Bow Road, London, E3 2AD (PA/12/02919)

On a unanimous vote, the Committee **RESOLVED**:

That planning permission Phoenix School, 49 Bow Road, London, E3 2AD (PA/12/02919) for listed building consent for revised condenser and ventilation equipment required following proposed changes to the proposed energy strategy be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

### 8.3 **Appeals Report**

Jerry Bell presented the report and highlighted the key points.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 8.10 p.m.

Chair, Councillor Helal Abbas



# 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> 13 <sup>th</sup> Febraury 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

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

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

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> 13 <sup>th</sup> Feb 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application & Full Planning Application	
<b>Case Officer:</b> Elaine Bailey & Richard Humphreys		<b>Ref No:</b> PA/12/02317 & PA/12/02318	
		<b>Ward:</b> Weavers	

## 1.0 APPLICATION DETAILS

1.1 **Location:** Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES.

1.2 **Existing Use:** D1 (Art Gallery and Exhibition Space)

1.3 **Proposal:** Change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution) with the construction of an extension to rear, internal alterations (including installation of mezzanine floor space and new staircases), external alterations (including new doorways & windows & roof parapet raising & roof replacement) and alterations to Club Row boundary wall.

1.4 **Documents & Drawing Nos:**

- Covering letter dated 08.08.12
- Site location plan 001 Rev D
- Existing ground floor 101 Rev E
- Existing first floor 103 Rev F
- Existing roof plan 104 Rev F
- Existing North and South Elevation 110 Rev F
- Existing East and West Elevation 111 Rev F
- Existing Street Elevation 112 Rev B
- Proposed Ground Floor Plan 201 Rev F
- Proposed Ground Floor Plan 201 Rev F (dated 29/1/13 showing indicative cycle storage options).
- Proposed mezzanine plan 202 Rev F
- Proposed First Floor Plan 203 Rev F
- Proposed Roof Plan 204 Rev F
- Proposed North and South Elevation 210 Rev D
- Proposed East and West Elevation 211 Rev D
- Proposed Street Elevation 212 Rev C
- Proposed Section A-A 220 Rev C
- Proposed Sectional Roof & Window Details 230 Rev D
- View of Proposed from Club Row 240 (indicative)
- Sample materials (provided direct by Quinn Architects)
- Design Statement (Aug 2012) Quinn Architects
- Impact Statement (Aug 2012) Indigo Planning
- Impact Statement Addendum (03.08.12) Indigo Planning

- Proposed Sectional Roof and Window Details 230 Rev D
- View of Proposed from Club Row 240 (indicative)
- Sample materials (provided direct by Quinn Architects)
- Design Statement (Aug 2012) Quinn Architects
- Impact Statement (Aug 2012) Indigo Planning
- Impact Statement Addendum (03.08.12) Indigo Planning
- Indigo letter dated 26.10.12 and enclosures:
- Letter from Donald Insall Associates 25.10.12
- Letter from Indigo Planning responding to objections 26.10.12
- Email from KW to RH dated 27.11.12 – final response to consultation comments plus Indigo Briefing Note dated 27.11.12

- 1.5 **Applicant:** Mr James Moores
- 1.6 **Owner:** Mr James Moores
- 1.7 **Historic Building:** Grade II Listed
- 1.8 **Conservation Area:** Boundary Estate Conservation Area

## 2.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 In relation to the **Planning Application** - The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version May 2012 with post EiP Modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 In land use terms, the proposed change of use of the existing building from D1 to mixed A1, B1, and D1 uses is acceptable subject to condition. The proposal will protect the current art gallery and cultural function of the existing building and improve opportunity and access to social, community, shopping and employment opportunities through the introduction of other compatible and associated uses in the area. As such, the proposal is in accordance with Policies SP01, SP06 and SP12 of the Core Strategy (2010) and Policies DM1, DM8 and DM15 of the Managing Development DPD (Submission Version 2012 with post EiP Modifications) and Policy RT3 of the Boroughs IPG (2007) together with the objectives of the NPPF which encourage suitably scaled shopping and employment facilities, including specialist retail uses and cultural uses in appropriate locations such as the edge of the CAZ and City Fringe Activity Area.
- 2.3 The proposal incorporates good design principles and takes into account and respects the local character and setting of the development site in terms of scale, height, design detail, materials and external finishes, in accordance with SP10 of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) and Policies DM24 and DM26 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications ) together with the objectives of the NPPF which together seek to ensure that

buildings and places are of a high quality of design and respect their local context.

- 2.4 On balance, the proposed works, including internal and external alterations to the listed building are considered acceptable, in that they will help preserve the character, fabric and architectural features of this grade II listed building and will preserve the character and appearance of the Boundary Estate Conservation Area. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment of the existing building; sensitively designed additions and the introduction of new compatible uses, which will complement the existing and emerging arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF. These policies and government guidance seek to protect the special architectural and historic interest of listed buildings within the Borough.
- 2.5 Subject to condition, the proposal will not give rise to any significant adverse impacts to adjoining residential amenity in terms of loss of daylight/sunlight, loss of privacy, noise, nuisance or pollution and the development is generally in accordance with saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications) which together seek to protect residential amenity.
- 2.6 Transport matters including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications), and the objectives of the NPPF which together seek to ensure developments minimise parking, promote sustainable transport options and minimise impacts on the highway network.
- 2.7 The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.
- 2.8 In relation to the **Listed Building Consent Application** - The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version May 2012 with post EiP Modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.9 On balance, the proposed works, including internal and external alterations to the listed building are considered acceptable, in that they will help preserve the character, fabric and architectural features of this grade II listed building. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment of the existing building; sensitively designed additions and the introduction of new compatible uses, which will complement the existing

and emerging arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF. These policies and government guidance seek to protect the special architectural and historic interest of listed buildings within the Borough.

- 2.10 The proposed works will help to maintain and preserve the character and appearance of the Boundary Estate Conservation Area in terms of design, scale material and visual appearance and accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF which seek to protect the Borough's heritage assets including conservation areas.

### 3.0 **RECOMMENDATION**

- 3.1 That the Committee resolve to grant Listed Building Consent and Planning Permission subject to conditions as set out below.

3.2 Planning Permission Conditions:

- i. 3 year time limit.
- ii. Works in accordance with the plans
- iii. All drainage within site boundary
- iv. Limitation of permitted development rights within Use Class D1
- v. Restriction on the amalgamation of units
- vi. Hours of opening Retail (8am to 8pm Mon-Sat, 10am – 4pm Sundays)
- vii. Hours of construction
- viii. Details of landscaping proposals including biodiversity elements
- ix. Details of tree protection measures during construction.
- x. S278 – Highway Works
- xi. Refuse storage arrangements (including arrangement with St Hildas)
- xii. Energy requirements
- xiii. Cycling storage detail

3.3 Listed Building Consent Conditions:

- i. 3 year time limit
- ii. Works in accordance with the plans
- iii. Method statement setting out how the brickwork and stonework is to be repaired.
- iv. Method statement setting out how the existing windows are to be repaired.
- v. Retention / like for like replacement of any existing original window furniture / mechanisms.
- vi. Materials to include roofing materials, brick and stone samples.
- vii. Full details of the new critical windows
- viii. Full details of the way in which the new mezzanines are to be constructed.



- ix. Details of the relocation of the brackets.
- x. Further details of the new gates and railing infill panels for the brick boundary wall.
- xi. Repair and retention of original wood block flooring.
- xii. Recording of those elements of the building to be lost as a result of the proposals i.e. the ancillary spaces to the rear and the roof top playground.

## **4.0 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application seeks planning permission and listed building consent for the change of use of the existing building (Rochelle Centre) from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution) with the construction of an extension to rear, and various associated internal alterations, including installation of a new mezzanine floor and new staircases, and various external alterations, including new doorways & windows & an extension to the roof parapet including roof replacement. Alterations are also proposed to the existing boundary wall along Club Row. Each aspect of the proposal is outlined in further detail under the Design Section of this report.

### **Site and Surroundings**

- 4.2 The applications relate to a two storey building currently with an established D1 use (art gallery display and exhibition space). Constructed in traditional brickwork with timber painted windows, the building was originally built for educational purposes and used as such up until the early 70's as part of the Rochelle School development.
- 4.3 The site is located to the northern end of Club Row, adjacent to Arnold Circus within the Boundary Estate. The application building itself (Rochelle Centre) is a grade II listed building, providing a floorspace of 2,400sqm over two floors.
- 4.4 The site is bounded by Club Row to the west, St Hilda's Community Centre to the south, residential block of flat to the east along Montclare St and Rochelle school to the north.
- 4.5 The site falls within the Boundary Estate Conservation Area and the Character Appraisal for this area (2007) recognises the area's architectural and historic interest. A number of references are made to the Rochelle School site and its associated buildings. The area is primarily residential in character with some shops, offices cultural and community uses centred along Calvert St and the Rochelle complex. The scale of the area is noted as being roughly uniform throughout the estate with 4 or 5 story housing blocks.

### **Relevant Background**

- 4.6 The application proposals have been subject to formal pre-application discussions with officers at Tower Hamlets between June 2011 and March 2012. In July 2011 following a meeting with the applicant, officers confirmed their acceptable of the proposal in principle land use terms and raised concerns with several aspects of the scheme, namely the wholesale replacement of timber windows with crittal; the option of introducing dormer windows; the introduction of a full mezzanine and loss of double height space and a resistance to the proposed demolition to the boundary wall. Officers however, confirmed their support for the rear infill extension; the

smaller wing mezzanines; removal of some internal partitions; and alterations of some windows to form new doors. The introduction of conservation rooflights was also supported.

- 4.7 Amendments were then made by the applicant to reflect officer's pre-app response and further plans submitted in Sept 2011. A subsequent meeting took place with The Borough's Conservation Officer and English Heritage in Oct 2011 where it was confirmed that the key outstanding listed building issues related primarily to the demolition of the boundary wall; dropping of window cills and need to retain timber framed windows. Further justification and clarification was also sought on the roof replacement.
- 4.8 In further pre-app meeting took place with English Heritage in March 2012 to discuss the evolution of the scheme by May 2012, officers at LBTH confirmed their support of the updated scheme which sought to retain and alter the boundary wall and retain as much of the historic fabric and original features as possible. It was recommended that the scheme include a three brick band and coping stone rise to the proposed parapet increase and finally, a full justification for the alterations to the roof was advised and clarification on its originality sought.
- 4.9 The applications were then submitted in August 2012.

#### **Relevant Planning History**

- 4.10 Whilst there does not appear to be any planning history on the subject site (Rochelle Centre), there are a number of changes to the nearby and associated buildings, all of which form part of the wider Rochelle School site. These are summarised as follows:
- 4.11 PA/04/1790 and 04/1791 – In Jan 2006, planning permission and listed building consent was granted for external alterations to the former bike shed to provide an ancillary café for the occupiers of the Rochelle Centre.
- 4.12 PA/10/00037 – In Oct 2010, planning permission was refused for the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation however, this was subsequently allowed on appeal (6 May 2011) Ref: App/E5900/A/11/44732.
- 4.13 PA/08/830 - In July 2008, planning permission was granted for the conversion and refurbishment of existing roof building at Rochelle School to provide office accommodation.
- 4.14 PA/08/829 - In July 2008, planning permission was also granted for the erection of two new buildings at roof level to adjoin the existing roof building at Rochelle School in order to create an additional office space (Use Class B1) units (219sqm in total)
- 4.15 PA/10/00036 - In April 2010, planning permission was granted for the change of use of the 'Old College Building' within the Rochelle Complex from D1 (non - residential training and education centre) to mixed D1/B1 use (artists studios and small creative businesses).

#### **5.0 POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning

Applications for Determination” agenda items. The following policies are relevant to the application:

**5.2 Spatial Development Strategy for Greater London (London Plan 2011) including Early Minor Alterations to the London Plan (June 2012)**

Policies:

- 2.9 Inner London
- 2.11 Central Activities Zone
- 2.12 Central Activities Zone
- 2.15 Town Centres
- 3.16 Protection And Enhancement Of Social Infrastructure
- 4.1 Developing London’s Economy
- 4.4 Mixed Use Development and Offices
- 4.6 Enhancement of Arts, Culture, Sport and Entertainment
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Successful and Diverse Retail Sector
- 4.12 Improving Opportunity for All
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage Led Regeneration

**5.3 Core Strategy Development Plan Document (adopted 2010)**

- |           |      |                                       |
|-----------|------|---------------------------------------|
| Policies: | SP01 | Refocusing our Town Centres           |
|           | SP03 | Healthy and Liveable Neighbourhoods.  |
|           | SP05 | Dealing with Waste                    |
|           | SP06 | Employment Hubs                       |
|           | SP09 | Attractive and safe streets and space |
|           | SP10 | Creating distinct and durable places  |
|           | SP12 | Delivering Placemaking                |

**5.4 Unitary Development Plan 1998 (as saved, 2007)**

- |           |       |   |
|-----------|-------|---|
| Policies: | DEV1  | General Design Requirements                   |
|           | DEV2  | Environmental Requirements                    |
|           | DEV3  | Mixed Use Developments                        |
|           | DEV9  | Control of Minor Works                        |
|           | DEV50 | Noise   |
|           | EMP1  | Promoting Employment Growth                   |
|           | EMP3  | Change of use/redevelopment of employment use |
|           | EMP6  | Local Employment                              |
|           | T16   | Traffic Priorities for New Development        |
|           | T18   | Pedestrians and the Road Network              |
|           | T21   | Pedestrians Needs in New Development          |
|           | DEV37 | Listed Buildings                              |

**5.5 Managing Development DPD (Submission Version May 2012 with post EiP Modifications)**

- |     |                       |
|-----|-----------------------|
| DM1 | Town Centre Hierarchy |
|-----|-----------------------|

DM2	Local Shops
DM8	Community Infrastructure
DM11	Biodiversity
DM14	Managing Waste
DM15	Local job Creation and Investment
DM20	Sustainable Transport
DM22	Parking
DM23	Streets and Public Realm
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the Historic Environment

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

Policies:	DEV2	Character and Design
	CON1	Listed Buildings
	RT3	Shopping Provision outside of Town Centres

**5.7 Government Planning Policy Guidance/Statements**

NPPF	National Planning Policy Framework
PPS5	Planning for the Historic Environment <i>Practice Guide</i>

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

A Better Place for Living Well

**6.0 CONSULTATION RESPONSE**

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

**LBTH Transport/Highways**

6.2 The Highways Officer's comments can be summarised as follows:

- No car parking on-site welcomed.
- minimum of eight cycle parking stands would be required
- Existing servicing arrangement acceptable
- Not anticipated there will not be intense vehicle deliveries and that the majority of service and delivery trips will be by light goods vans (as stated in the Impact Statement) this is acceptable.
- Proposed widening of existing gate access over existing crossover acceptable subject to s278 agreement.
- Condition recommended regarding - drainage to take place within the site boundary as there is hard standing between the building line and the public highway.
- Subject to conditions and a s.278 agreement, Highways Officer does not object to the application.

**LBTH Environmental Health - Noise and Vibration:**

6.3 EHO has confirmed that the proposed acoustic improvements to double glazing in

all the facades and elevations with full insulation of the new roofing system is acceptable. Recommended that construction hours be conditioned in line with Council Policy.

- 6.4 *(Officer Comment: suitable condition recommended).*

**LBTH Cleansing/Refuse/Waste:**

- 6.5 Waste storage arrangements as detailed in Refuse Strategy of Design Statement can be accepted subject to a condition that an agreement is being reached with St Hilda's as stated. If no agreement is reached with St Hilda's then the development would still require an own storage facility preferably with different compartments for different trade units.

**LBTH Energy Efficiency Officer:**

- 6.6 Information relating to the energy and sustainability features of the scheme are limited. The D&A (Section 6) contains brief details of energy systems proposed. The sustainable development team supports the use of the communal heating system but further information sought. Further details of the energy efficiency and sustainability measures were requested. The applicant has submitted a subsequent note setting out the proposed sustainability features including:

- Improved thermal performance of materials
- Improvements to air tightness of building
- Communal heating system
- Centralized hot water use
- Mechanical ventilation with heat recovery
- low water usage appliances including dual flush toilet cisterns with a restricted maximum flush
- Potential for grey water recycling
- A+ rated white goods
- low energy light fittings and in particular LED lighting sources. Any external lighting will be designed to minimise light pollution and energy use.

- 6.7 The proposals are principally for internal rearrangements which do not include energy intensive uses. As the impacts are not considered to have a major impact on the energy use of the building the sustainable development team have no objection to the proposals. To ensure the proposed energy strategy does not adversely affect the appearance of the listed building it is advised that an appropriately worded condition be applied to any permission, for the full details and specification of the technologies to be submitted prior to commencement of the development.

- 6.8 *Officer comment: It is the view of officers that the proposed development will deliver significant improvements in terms of its energy efficiency through a variety of measures including double glazing where appropriate, window repairs, new roof insulation and making the building airtight, all of which will contribute to reducing energy demand.*

**LBTH Conservation and Design Advisory Group**

- 6.9 At a meeting on 10 December 2012, CaDAG welcomed retention of most of the boundary wall; and propose use of traditional timber painted joinery; expressed concerns regarding A1 use and the lack of justification for the proposed raised roof. In a subsequent letter dated from CaDAG, the group noted that they do not object

to the replacement roof but are unhappy with the design. Bringing the building back into more productive use is welcomed however, concerns expressed that the proposed change of use may have a significant effect on the open plan nature of the existing building. Particular concern that the original staircase will not remain intact.

- 6.10 *(Officer comment: much of these issues are discussed in the material considerations section of this report).*

**The Spitalfields Historic Buildings Trust**

- 6.11 No comments received.

**The Spitalfields Society**

- 6.12 No comments received.

**Open Shoreditch**

- 6.13 No comments received.

**Friends of Arnold Circus**

- 6.14 Change of use, particularly the addition of A1 Retail, will jeopardise the legacy of Rochelle School and set a dangerous precedent for other non-residential property privately owned on the Boundary Estate (ie. the work-shop buildings). The Club Row building has integrity as a single open space and works well as it is - for exhibitions, gatherings and other projects. Would question whether the viability of using the building with its present status has been explored fully. That it is currently on a six month hire to a subsidiary of Microsoft to use as a community hub shows that it does have a rental value with its current status. If it is not possible for the owner to maintain the building in its current status I wonder whether enquiries have been made with other arts foundations who might be able to lease the building for such use. Luxury retail would achieve a higher rental income but is, in my opinion, inappropriate for the Boundary Estate, arguably the first Council Estate in the world, still with a significant percentage of council tenants. Community consultation on this application has been poor considering that these important buildings sit in the heart of the estate and that use impacts enormously on residents and other businesses.

**Jago Action Group**

- 6.15 No comments received

**Shoreditch Community Association**

- 6.16 No comments received.

**Columbia Road Neighbourhood Group**

- 6.17 No comments received.

**Ancient Monuments Society**

- 6.18 No comments received.

### **English Heritage**

- 6.19 Advised that the LPA determine the application in accordance with national and local policy guidance and on the basis on our specialist conservation advice.

### **Boundary Estate Tenants and Residents Association**

- 6.20 No comments received

### **Council for British Archaeology**

- 6.21 No comments received.

### **The Victorian Society**

- 6.22 In summary the Victorian Society object to the application claiming the proposal would cause substantial damage to the significance of the listed building. The Heritage Assessment judges the west elevation to be the principle elevation however it is the Society's view that the east elevation would have been the original principle elevation and any alterations to this elevation would hide detail such as upper arches, and decorative brick panels. The Society also questions the evolution of the roof form as set out in the applicant's statement.

- 6.23 Being one of the oldest surviving infants school the schoolroom is unusual in size and any subdivision and loss of detail would harm the significance of the building.

- 6.24 The loss of the fully covered rooftop playground and detail such as chimneys would cause further harm to the significance of the building.

*(Officer comment: much of these issues are discussed in the material considerations section of this report).*

### **Georgian Group**

- 6.25 No comments received.

### **The Twentieth Century Society**

- 6.26 No comments received.

## **7.0 LOCAL REPRESENTATION**

- 7.1 A total of 165 neighbouring addresses were consulted by letter, site notices were posted on 29 October 2012 and the applications were published in the East End Life on 10 September 2012.

42 letters of representation have been received in total comprising:  
10 letters in support.  
32 letters of objection.

2 x petitions have also been received: One petition received 1 Oct 2012 with 46 signatures and states that the '*undersigned local residents object to the applications for the internal and external alterations*'. However, no reasons are outlined as to why the signatories object. A further petition was received on 15 November 2012



with 130 signatures citing that the internal and external works would cause substantial harm to the national significance of listed building and the Boundary Estate Conservation Area (as set out in letter dated 7 Oct and 6 Nov with four attachments) all of which is available on the application file.

**Support:**

7.2 The 10 letters of support can be summarised as follows:

- Proposal is well resolved and sensitively designed.
- Will bring the existing building back to life.
- Will benefit the local community.
- Regeneration welcomed and will respect the building's history and heritage.
- Works will be a valuable and positive contribution to the amenity and health of the area.
- Will allow small business to thrive.
- Repair and investment welcomed.
- Will benefit and attract new local business.
- Proposal will support and ensure the Rochelle school site legacy.
- Will contribute positively to this listed structure and the character of the Boundary Estate Conservation Area.

**Objection:**

7.3 The 32 letters of objection are outlined in various letters, statements and emails, some of which are of considerable length, however all are available on the application file for viewing. A summary of the key reasons for objections are outlined below:

- Proposal is contrary to LBTH planning and listed building policies and will have an adverse impact of the character, fabric of the listed building
- The former schoolroom's special architectural and historic interest would be substantially harmed by the proposed works including subdivision of original school room floor plan.
- Proposed raising of the roof will damage to the character and fabric of the listed building.
- The loss of the original roof will have a significant harmful impact of the listed building significance.
- Proposed mansard roof style is out of keeping.
- Roof materials are unsympathetic.
- Loss of double height space impacts the character of the building.
- Change of use not appropriate –not a suitable location for retail.
- Loss of internal fabric.
- Loss of historic layout associated with the former infants school.
- Proposal would enable drinking establishments in a quiet residential area and cause noise and nuisance at night.
- Fear of fast food establishments.

7.4 Of the 32 letters of objection submitted, 19 comprise 'copied' letters signed by various local residents and submitted by St Hilda's School. Each of the 19 letters repeat similar concerns which can be summarised as follows: concerns regarding the impact of the proposal on the character and identity of the building; the impact of retail use on the character of the area and cause substantial damage to the



national significance of this heritage asset; loss of former open plan schoolroom; impacts resulting from increased traffic.

- 7.5 One of the objections submitted was made by GLIAS (Greater London Industrial Archaeology Society). Their objection is outlined in 4 x separate objection letters dated 1 Oct, 10 Oct, 15 Nov and 16 Nov 2012, all of which are of considerable length and available on the application file. GLIAS's objections focus on how the proposed works would destroy the unique internal planning and associated features and character of the existing building.
- 7.6 Of the 33 letters of objection submitted, one was an objection by The London Society citing reservations about the proposal and raising concern that there is no public interest justification for major alterations to the building. The works are also considered to damage the legibility club row building.
- 7.7 The Boundary Neighbourhood Group also raised objection to retail use and potential increase in traffic, and impact of the proposed roof.
- 7.7 *(Officer comment: many of these issues raised are discussed in the material considerations section of this report).*

## 8.0 MATERIAL PLANNING CONSIDERATIONS

### 8.1 Planning Application:

8.2 The main planning issues raised by the planning application that the committee must consider relate primarily to:

1. The principle of the proposed change of use (A1/ B1/ D1);
2. The impact of the proposal in term design conservation as well as the impact of the grade II listed building;
3. Any amenity issues raised by the proposal;
4. Any highway and access impacts raised by the proposal.

### 8.3 Listed Building Consent:

8.4 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The main issue for Members' to consider in relation to the application for Listed Building Consent is whether the proposed works are appropriate in this respect. With regards to applications with in conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.5 These issues are outlined and discussed below.

### **Principle of the Proposed Change of Use (A1/ B1/ D1)**

8.6 The application proposes to change the use of the existing building from D1 (art gallery and exhibition space) to a mix of A1 (retail), B1 (office) and D1 (art gallery) uses. As such the key considerations relate to the appropriateness of these uses in this location. The building is proposed to be spilt into 5 spaces, with the ground

floor having 3 spaces, a new mezzanine level and the first floor having 2 main spaces.

Whilst the prevailing character of the Boundary Estate area is predominantly residential, with commercial uses confined to Calvert Avenue, the site is situated on the edge of the Central Activities Zone and the City Fringe Activity Area where a mix of uses is promoted. The appropriateness of each of the proposed uses and their compatibility with the existing and around area is discussed below:

#### A1 (Retail)

- 8.7 The site is located on the edge of the Central Activities Zone and on the edge of the City Fringe Activity Area, both of which promote a vibrant mix of uses. Policy SP01 (Part 5) deals specifically with areas outside and at the edge of town centres as places which will support and assist in the creation of sustainable communities.
- 8.8 The form of retail proposed is anticipated to be linked to the arts, gallery and cultural function of the existing building, and such specialist retail use is supported by Policy RT3 of the Boroughs IPG (2007). However, concerns have been raised in many of the objections regarding the nature and scale of the retail element proposed. As the proposal is for the flexible use, there is the possibility that all units could be occupied by one A1 retailer and therefore resulting in 748sqm of retail space. With the introduction of new retail uses in a development come associated considerations relating to servicing, hours of operation, parking, refuse.
- 8.9 However, as the proposed layout of the proposal comprises individual small units, this is not considered a major concern for officers and the use of an appropriately worded condition preventing the amalgamation of the units, gives officers the assurance that the building could not be occupied as one large retail unit, therefore minimising the potential impact of a larger scale A1 use on local residential amenity.
- 8.10 Comments from the public have also raised concerns regarding nuisances associated with other A type uses, such as A3 Restaurants, A4 Public Houses and A5 Take Away uses, and how such uses will give rise to problems in terms of noise, nuisance and general late night activity in this primarily residential area. It is important to emphasise however that the application does not propose any A3, A4 or A5 uses and only A1 shop retail is proposed.
- 8.11 As such, subject to condition, in land use terms, officers have no objections to the introduction of A1 retail as part of this mixed use development proposal.

#### B1 (Office Employment)

- 8.12 Permission is sought for B1 offices as part of the mix of uses proposed. The site does not fall with a designated employment area, however, Policy SP06 of the Core Strategy seeks to maximise and deliver investment and job creation in the Borough by promoting the creation of sustainable, diversified and balanced economies and ensuring a range, mix and quality of employment spaces and ensuring that job opportunities are provided in and at the edge of town centres. In support of this, Policy DM15 of the Managing Development DPD (2012) encourages the development of new employment floorspace and seeks the incorporation of a range of flexible units including units less than 250sqm to meet the needs of Small and Medium Enterprises (SMEs).
- 8.13 The units proposed are small in scale, ranging from 88smq to 114sqm to 246sqm,

and are therefore considered appropriate for SMEs. The site is located on the edge of the CAZ and the edge of the Activity Area and as such is ideally located for small employment based uses. Using an average employment density generator, the proposal is likely to result in the creation of circa 24 new jobs on the site, which is considered appropriate for the scale and sensitive nature of this site.

- 8.14 This is considered to contribute greatly to the diverse and evolving nature of Rochelle Centre and the Boundary Estate in general, bringing employment to locate communities in sustainable and accessible locations. As such, officers have no objection to the introduction of B1 office use on this site in land use terms.

#### D1 (Art Gallery/Exhibition)

- 8.15 The established use of the building is D1 (Art Gallery and Exhibition Space) including associated arts and fashion related events, and as such officers have no objections to the retention of this space in land use terms.
- 8.16 In terms of planning policy, Policy SP03 (5) supports the provision of social and community facilities by maximising opportunities to deliver facilities and locating them in accessible locations. Furthermore, Policy DM8 of the Managing Development DPD seeks to protect such facilities where they meet a local need and the buildings are considered suitable for their needs. The Policy also seeks to encourage the location of such facilities on the edge of town centres.
- 8.17 The existing use of the site is recognised and its connections with other cultural, artistic and educational uses in the area also welcomed. The expansion of this use and the introduction of other compatible associated uses in terms of possible associated retail and office uses is considered to build on and complement the existing use. The demand for the proposed uses is outlined by the applicant as being generated from the local area and in particular the cultural, retail and employment hub that nearby places such as Shoreditch offers. The site is located within 100 from the edge of the Central Activities Zone and 80m from the City Fringe Activity Area, both of which promote and encourage a rich mix of uses and activity. As such, officers have no objections for the D1 element proposed.
- 8.18 It is however worth noting that a D1 use can include a range of other non-residential institutional uses such as medical, health clinics, a crèche, nursery or day centre, or public hall in connection with exhibitions or places of worship or a court. It is therefore considered appropriate in this instance to recommend a **condition** limiting the extent of the D1 uses within the 'Non-Residential Institution' category to the following 'Art gallery, museum, and exhibition space in association with cultural and educational uses'.

#### Land Use Conclusion:

- 8.19 It is considered that in land use terms, the proposed change of use of the existing building from D1 to mix of A1/ B1/ D1 use is acceptable subject to condition. The proposal will protect the current art gallery and cultural function of the existing building and improve opportunity and access to social, community, shopping and employment opportunities through the introduction of other compatible associated uses in accordance with Policies SP01, SP06 and SP12 of the Core Strategy (2010) and Policies DM1, DM8 and DM15 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy RT3 of the Boroughs IPG (2007) together with the objectives of the NPPF which together encourage suitable scaled shopping and employment facilities, including specialist retail uses and

cultural uses in suitable locations such as the edge of the CAZ and City Fringe Activity Area.

### **Design – including Impact on the Conservation Area and Listed Building**

8.20 The applications propose a number of alterations and extensions which can be broken down and simplified as follows:

- Proposed roof extension including new replacement roof;
- Rear infill extension;
- Internal alterations including installation of new mezzanine floor and new staircases;
- External alterations to elevations;
- Alteration to existing boundary wall & associated landscaping.

8.21 Each of these aspects is described further in later sections. Set out below is the relevant design related planning policy context.

8.22 In terms of national policy – Section 7 of the NPPF provides guidance on ‘Good Design’. Para 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.23 Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8.24 PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.

8.25 In terms of local planning policy - Saved policies DEV1 and DEV 37 of the UDP (1998), policy DEV2 of the IPG (2007) and policy SP10 of the Core Strategy (2010) and Policy DM24 of the Managing Development DPD (Submission Version May 2012 with post EIP Modifications) all seek to promote good quality design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive and well integrated with their surroundings.

8.26 The proposed works considered and assessed in the context of the above policies.

#### Roof Extension including Replacement Roof

8.27 This aspect of the proposal involves a small parapet roof extension, set back 150m from the façade of the existing brickwork. The new parapet would be a standing seam Rheinzink material (zinc), positioned on three extra courses of brickwork (to match the existing façade) and a course of string coping. The application also

proposes the replacement of the existing roof which is in a state of disrepair. The roofing material would match that of the parapet extension (rheinzink).

- 8.28 The existing building is two storeys in height and considering the taller residential blocks around it (4-5 storeys), it is clear that the roof of this listed structure is and would continue to be a visible feature. The existing roof also appears to be original and evidence gathered suggests it has been there since 1895. This has been an important consideration for officers as any alteration at roof level is likely to have an impact of this on the character and fabric of this Grade II listed building. The degree of this impact must however be considered in the context of the building's significance as a heritage asset, the scale of the harm caused and this also needs to be carefully balanced against the applicant's justification for the works together with any wider benefits gained by the proposal.
- 8.29 The works to the roof were discussed in depth at the pre-application stage over many meetings and consultation with specialist conservation officers and English Heritage. Officers have reservations regarding the loss of the original roof, and the loss of the former play space at roof level which are unique aspects of the listed building as they represent links to the former historic use of the building as an Infants school.
- 8.30 To explore this further, several options were considered by the applicant at pre-app stage which included options such as the retention of the roof, use alternative roof materials, the inclusion of dormer window designs, and the option of inserting a new roof covering over the existing. However, none of these options were found to be commercially viable or practical and the proposal is supported by a viability and economic statement which outlined that in order for the building to be protected for future continued use, the building requires considerable investment, repair and maintenance. For this to be possible, the applicant claims that building must generate an income to cover the repair work. (According to the applicant, the current building generates only enough income to break-even). The strategy has therefore been to make more efficient use of the building and maximise its economic potential whilst aiming to minimise the impact of the listed fabric. The raising of the roof seeks to enable the more efficient use of the upper level of this building for alternative uses, A1/B1/D1 and therefore assist in ensure the building's economic attractiveness and on-going survival. The replacement roof will also provide structural reinforcement to the building, new insulation, and create new rain water provision through concealed drainage system, as well as enabling the first floor units to comply with current Building Regulations. As such, it is the view of officers that the works at roof level have been justified satisfactorily by the applicant.
- 8.31 In design terms, the alterations to the roof and its replacement material are also considered acceptable to officers. It is noted that other buildings in the area (which are also listed) have had sensitive roof alterations, Rochelle school being one. The loss of the original fabric is regrettable, however the replacement roof is not considered to be detrimental to the appearance of the building. The new brickwork to accommodate the extension element will match the existing and the new roof itself is set back from the building edges.
- 8.32 In terms of the impact of the listed building, the existing building is in much need of repair and upgrading, and the loss of original feature and is regrettable, however when balanced against the need for the building to entertain some degree of modernisation in order to secure its survival, the works are not considered to be so harmful to warrant refusal. It must be recognised that much of the buildings internal



and external structure is to be retained and the benefits proposed by the roof alterations are considered to greatly outweigh the loss of this feature. English Heritage raises no objection to roof works and the Borough's Conservation Officer has concluded that on balance the works are acceptable.

#### Rear Infill Extension

- 8.33 To the rear of the building a small infill extension is proposed over ground and first floor level. This extension will accommodate toilets (at ground floor level) and will facilitate an additional meeting room (at first floor level). A roof terrace is also proposed above the extension. The new brickwork proposed to match the existing and the introduction of new critical frames welcomed and supported by officers.
- 8.34 The elevation is located to the rear of the building and whilst it may have been the principal elevation of the building at some point in the past, this elevation now reads as the rear elevation. It is the view of officers that the infill extension at this level is acceptable in terms of its design, scale and detailed finishing, much of which should be subject to condition.

#### Internal Alterations

- 8.35 The main internal alteration relates to the introduction of a mezzanine level to provide 175sqm of additional floorspace and the sub division of the internal layout of the building. The main element of the mezzanine is to be suspended from the ceiling with access from new two staircases and glazed balconies, to minimise impact of the listed building structure. Two smaller mezzanines are proposed on either side of the main space which would be fixed to the walls and accessed via stairways. It is important to note that the existing staircase at the rear which is an original part of the building is to be retained and this will facilitate access to the rear infill extension.
- 8.36 In addition to this, various other internal partitions are proposed to be removed and altered to accommodate the new layout of the units. However, to address some of the concerns raised by officers and the public, some alterations have been made since the submission, one of which includes the retention of the partitions in the classroom wings. This is considered a way in which to maintain an element of the original plan form and is supported by officers as this will preserve the historic character and form of the existing building.
- 8.37 As the proposed plans indicated the overall amendments to the existing building at ground floor level are relatively minimal. The layout of the original space as one large centre space and two small areas to the wings is also retained. The location of the proposed staircases to access the upper floors are considered to be sensitively designed and positioned. The modernisation of this level to accommodate modern wc facilities is also necessary in order to ensure the existing building and its future uses area adaptable and viable.

#### External Alterations

- 8.38 The proposal involves a number of external alterations which relate primarily to the infill extension at the rear and the window treatment on all elevations which includes the installation of new windows, as well as repair and retention of existing timber framed windows. The replacement windows will be a mix of painted timber framed

windows and crittal windows. However, following concerns raised by the consultation process, the applicant has now amended the plans to ensure all window replacements at first floor level will have timber casements (to match the existing as close as possible).

- 8.39 A new doorway is also proposed to the north and south elevations and in order to facilitate access to the new units at ground floor level, it is proposed that four existing windows on the Club Row elevation with new doorways, with timber frames.
- 8.40 The materials and detailed design of the new windows and doors have been discussed at length and officers are satisfied with the efforts made to retain and repair as much of the original window detail and materials as possible. The use of crittal and timber in the replacement windows is welcomed and is considered to preserve and enhance the character and appearance of the listed building.

#### Alterations to Boundary Wall & Associated Landscaping

- 8.41 The proposal seeks to retain the existing listed boundary wall, however, alterations and extended openings are proposed. The existing brick infill sections (non-original) are to be removed and replaced with black painted metal railings. It is also proposed that the existing timber gates (painted green gates) along Club Row be replaced with metal railings and a new gate at the opposite end of the wall.
- 8.42 In terms of landscaping, it is recommended that a detailed landscaping plan be conditioned, however the submitted plans and supporting statement submitted indicate that the forecourt to the Rochelle Centre will be hard surfaced with pockets of planting to replace the existing tarmac surface. Stone paving is also proposed to the north and west of the building. The three existing trees on site are to be retained and two new trees proposed to the north and south of the building.
- 8.43 The proposed landscaping scheme also proposes to incorporate various biodiversity friendly planting around the site and around Rochelle School. This is welcomed and supported by officers, particularly in light of the site's links with the school and the site's overall lack of open space and biodiversity value. It is recommended that the provision of items like herbs gardens, climbers, bird boxes, nests and the proposed community allotment form part of a detailed landscaping condition.
- 8.44 Officers are satisfied with the proposed works to the boundary wall and associated landscaping. This alterations to the boundary wall was an aspect of the scheme which was discussed at great length with officers at LBTH and English Heritage and the retention of the wall, and removal of the non-original infill element considered to be the most acceptable option for the wall as this minimises the impact on the listed building and enhances the buildings relationship with the street allowing the building to be viewed and appreciated more, from the public realm and therefore preserving and enhancing its character and appearance.
- 8.45 Finally, it is also worth noting that the applicant aims to meet Secured by Design certification and communication with the Council's Crime Prevention Design Officer has helped inform aspects of the proposal. For example, the provision of secure metal gates along the boundary, laminated glass on all new doors, cctv and wall mounted downlighting. These considerations have been designed to make the scheme more secure as well as being sensitive to the character and fabric of the listed building.

Overall Design & Conservation Assessment – including Impact on the Listed Building

- 8.46 A key consideration in the assessment of this proposal from a design and appearance perspective has been the extent and scale of the works proposed and their impact on the character and appearance of the listed building as well as its special and historic interest.
- 8.47 The proposal has resulted in a significant number of objections from the public which, in the case officer's view, is a good reflection of the level of interest and pride that local residents have in the Boundary Estate area for their area. Officers share many of the concerns raised by the objectors in relation to the need for new development in this area to respect the special character and historic fabric of listed buildings. However, the applications must also be considered in light of national and local planning policy in relation to listed buildings and heritage assets in general. As advised by Paragraph 135 of the NPPF - in weighing applications that affect a heritage asset:

*'...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

- 8.48 In assessing the building's significance, the applicant has noted that the building is grade II listed with 'group value'. This is the lowest national significance listing category. Group value indicates that the building's significance is largely related to its exterior and its relationship with the street. Many of the objections raised relate to the physical alterations to the building, the proposed roof extension and roof replacement and the loss of original internal layout of the former infants school. However, considering the extent of the proposed retention of the existing building, its fabric and features, the scale of the harm caused by the proposed alterations are not considered to be *substantial*. The proposal has been considered by specialist officers at LBTH and English Heritage, all of which support the proposal and are of the view that the works are not considered to cause *substantial* harm to the building.
- 8.49 Officers are also mindful of the fact that considering the current state of the building, there is a risk that one of the Borough's listed buildings could be placed on English Heritage's List of Buildings at Risk Register if no repair or investment is carried out. The survival of the existing building and its attractiveness to current and future uses is very much dependent on its refurbishment and improved structural soundness in order to make the building more efficient. There are aspects of the scheme which are indeed regrettable, such as the loss of the original roof. However, when considered in light of the extent of the retention of the existing building and the benefits that the replacement roof will bring, officers are content that the scheme will, on balance, preserve the life of this building and the alterations will not have a significant adverse impact on the character and setting of this listed building, nor impact adversely on its special historic interest to a degree that warrants refusal.
- 8.50 It is also considered that the approach to the refurbishment works, and the design of the extensions are sensitive and well thought through. The retention of as many original features as possible and the use of appropriate materials (timber, crittal and zinc) in any replacement features is supported, and there are many elements to the proposal which will preserve and enhance the heritage value of this listed building in line with Part 3(c) of Policy SP10 of the Core Strategy.
- 8.51 Other objections raised by the public include the loss of the original floor plan and in



particular the division of the main hall space and the removal of the infants stairs. However, the Borough Conservation Officer considers that this work is essential to allow ancillary / service spaces to the office / units beyond. The applicant has now amended the scheme to retain the partitions within the wings which will minimise the impact to the plan layout.

8.52 The introduction of the mezzanine level has also resulted in much objection due to the potential impact to the historic original floorplan. However, a full mezzanine floor (as originally proposed at pre-app stage) would have had a more harmful impact than the currently proposed mezzanine setback. The setback proposed is supported by officers as it still allows the double height space to be read and this therefore preserves the historic character of this heritage asset.

8.53 Consideration has also been given to the wider benefits proposed by this application and Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. To support this, the NPPF goes on to state that:

*‘...planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.*

8.54 This is a relevant consideration in relation to the acceptability of the proposal. The proposed works will improve the quality and usability of the existing building, making it more attractive to potential occupiers and users. The existing use of the building and the proposed expansion of associated uses such as retail and office space will help integrate the building with those working and living in the arts and cultural community in east London.

8.55 To supplement this, at a local planning policy level, Part 3 of Policy SP10 of the Core Strategy (2010) requires development to preserve or enhance the wider built heritage and historic environment *‘through promoting and implementing place making to ensure that locally distinctive character and context of a place is enhanced’*. The Boundary Estate and the Rochelle School site complex are renowned nationally and locally as one of the first Council built developments in the country and in recent years its educational and cultural function has also become well established. The proposed works and associated uses outlined in these applications are therefore considered to accord with this policy, in that they will enhance the use of the Rochelle Centre and thereby contribute to the existing local distinctive character of the area – which in turn will assist in the preservation and enhancement of this listed building.

8.56 Furthermore, Part 3b of Policy SP10 seeks to protect, conserve and promote the beneficial re-use of old buildings that provide suitable locations for employment uses including SMEs. Therefore, through the introduction of additional uses such as A1 and B1 office space (of suitable SME size) the proposal will make more efficient use of the existing D1 use of the site and again contributing towards the protection and conservation of heritage assets in line with Policy SP10 (3b).

8.57 It is clear therefore clear to officers that despite the level of objection raised, the proposed works bring many benefits, including extensive retention and refurbishment; improved structural soundness; sensitively designed additions; introduction of new associated uses (compatible with the area and complementary to other arts and cultural uses in the CAZ and Activity Area). The benefits in this

instance greatly outweigh any harm caused to the listed building. This approach to assessment is supported by paragraph 134 of the NPPF which states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.*

- 8.58 Furthermore, and at a local policy level, the Council's Character Appraisal for the Boundary Estate (2007) notes that the most effective way to secure the historic environment is to ensure that buildings can continue to contribute to the life of the local community, preferably funding their own maintenance and refurbishment. It goes on to state that *'Commercial value can be generated directly from the building, through its use, or through its role in increasing the attractiveness of the area to tourists and visitors'*.
- 8.59 In conclusion, the proposed works, including internal and external alterations to the listed building are considered acceptable on balance, in that they will help preserve the character, fabric and architectural features of this Grade II listed building and will preserve the character and appearance of the Boundary Estate Conservation Area. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment, sensitively designed additions and the introduction of new associated uses, compatible with the area and complementary to the existing and emerging character of the Boundary Estate and other arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF which seek to ensure that alterations to Listed Buildings do not have an adverse impact on the character, fabric and architectural features of the building and preserve the special historic character of the listed building.

### **Amenity Considerations**

- 8.60 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version 2012 with post EiP Modifications) seek to protect and improve residential amenity of existing and future residents in surrounding developments by protecting against the loss of privacy, overlooking, loss of outlook, daylight, sunlight, noise nuisance and pollution.
- 8.61 Due to the nature of the proposed uses and its relationship with adjoining uses in the area, the proposal is not considered to give rise to any adverse impacts relating to privacy, overlooking, loss of outlook, daylight, sunlight. However, the nature of the new uses proposed may have a potential to give rise to nuisances relating to noise, traffic, parking, congregating etc.
- 8.62 As outlined in the previous sections of this report, there have been a number of objections from members of the public regarding the use of the premises for alternative A-type uses such as A3 (restaurants), A4 (pubs), or A5 (takeaways) which have the potential to give rise to late night nuisance. However, the application does not propose any A3, A4, or A5 uses as such, officers have no reason to believe the application will result in any nuisances associated with

restaurant, bars and take away uses.

- 8.63 In order to protect residential amenity, and address the concerns raised by objectors in relation to the retail aspect of the proposal, the applicant proposed to limit opening hours on the retail units to 8am to 8pm daily, and 10am to 4pm on Sundays, which is considered reasonable by the case officer.
- 8.64 In terms of the B1 uses, it is anticipated that they would operate under normal office working hours and such a use is generally compatible with residential uses. The existing D1 use already exists and given the art gallery and exhibition nature of the use, it is not considered likely to result in noise nuisance. Occasional later exhibition is expected however this already exists on the site and officers have no concerns regarding the current use of the building.
- 8.65 As such, it is considered that subject to condition, the proposal will not give rise to any significant adverse impacts to adjoining residential amenity in terms of loss of daylight/sunlight, loss of privacy, noise or nuisance and the development is generally in accordance with saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications) which together seek to protect residential amenity.

#### **Highway and Access Considerations**

- 8.66 The application is located in an area of excellent public transport accessibility and connectivity and is also within the London Cycle Hire Scheme area. Shoreditch High St station is located within 250m from the site and Liverpool Street station is located 1k away.
- 8.67 No car parking is proposed in the change of use aspect of this application and as such, the proposal is supported.
- 8.68 In terms of cycling, a proposal of this scale and nature would need to provide a minimum of eight cycle parking stands within the site boundary (calculated at a rate of 1/125 sqm). The drawings submitted with the application do not show the number of cycles that can be safely, securely and conveniently be stored within the site boundary, however, the applicant has now provided a ground floor plan showing indicative options for the location of cycle parking all within the curtilage of the building. It is recommended that the precise details be conditioned.
- 8.69 In terms of servicing, it is proposed that the existing arrangements with servicing and deliveries take place through the existing gate fronting Club Row. It is not anticipated that the introduction of the new uses (A1, B1) will result in more intense vehicle deliveries. The majority of service and delivery trips are anticipated to be light goods vans (as confirmed in the Transport Impact Statement) and as such, this is acceptable and supported by the Highways Officer.
- 8.70 In terms of access, the existing access is to be retained and the applicant wishes to widen the existing gate access to the site on Club Row where an existing crossover is situated. The Highways Officer has recommended that these works be subject to a condition setting out the schedule of works under s278 of the Highways Act (1980).
- 8.71 Further conditions are recommended requiring all drainage to take place within the site boundary as there is hard standing between the building line and the public

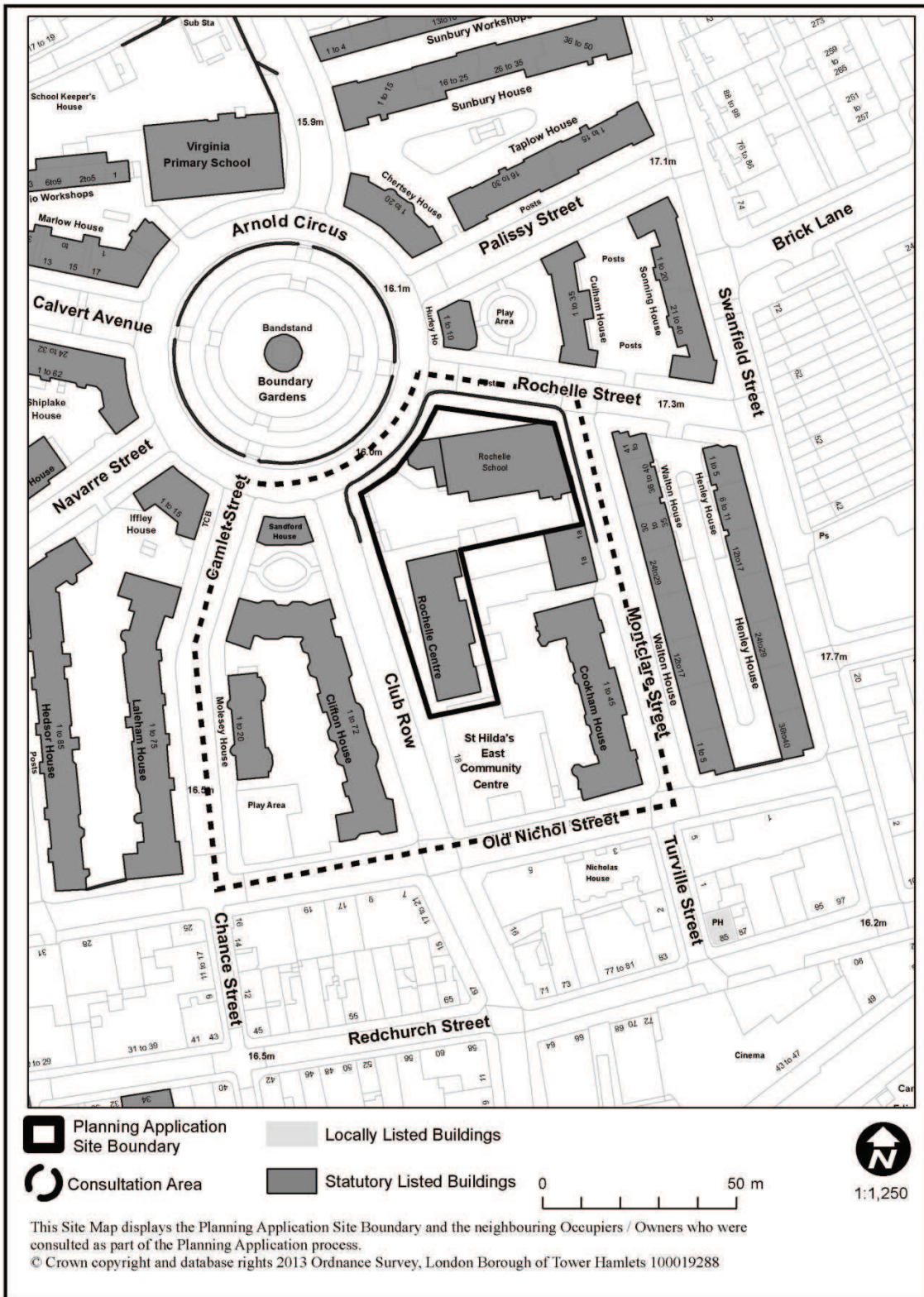
highway.

- 8.72 In relation to refuse and waste, the existing refuse storage area is located along Club Row, adjacent to St Hilda's building. However, it is proposed that the new waste and recycling facility be located to the rear of the building using an open air bin store structure which would accommodate St Hilda's Building and the Rochelle Centre building. The Council's Waste Officer has confirmed that the storage arrangements outlined in the Refuse Strategy of Design Statement is accepted however, this is clearly subject to agreement being reached with St Hilda's as outlined by the applicant. If no agreement is reached with St Hilda's, then the development would still require its own storage facility, preferably with different compartments for different trade units. It is therefore recommended that this detail be conditioned to ensure that a) refuse is sufficient to accommodate the new uses and also b) that the design and appearance of the bin store is appropriate in terms of design and appearance and impact on listed building.
- 8.73 In conclusion, transport matters including parking, cycling, access and servicing, are considered to be acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications), and the objectives of the NPPF which together seek to ensure developments minimise parking, promote sustainable transport options and minimise impacts on the highway network.

## **9.0 CONCLUSION**

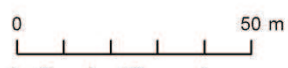
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission and listed building consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.





- Planning Application Site Boundary
- Consultation Area

- Locally Listed Buildings
- Statutory Listed Buildings



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 7.2

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer: Shahara Ali-Hempstead</b>		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/12/02852  <b>Ward(s):</b> Bow West	

## 1. APPLICATION DETAILS

<b>Location:</b>	Land at North East Corner of Butley Court, Ford Street, London, E3
<b>Existing Use:</b>	Ancillary drying rooms within residential block
<b>Proposal:</b>	Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments.
<b>Drawing No's:</b>	AA3313/M/2.3/001, AA3313/M/2.1/001, AA3313/M/2.1/002
<b>Supporting Documents:</b>	§ Planning Statement, Prepared by PRP Planning (Ref: AT3313 dated October 2012) § Design and Access Statement, Prepared by PRP Planning § Air Quality Assessment, Prepared by REC Resource & Environment Consultants Ltd (REF: 33046p4r1 dated 9 <sup>th</sup> October 2012) § Code for Sustainable Homes Statement, Pre-Assessment, prepared by PRP Environmental (Ref: AE1407 dated 31 <sup>st</sup> August 2012, Issue 02-Final) § Energy Statement, prepared by PRP Environmental (Ref: AE1407 dated 31 <sup>st</sup> August 2012, Issue 02-Final) § Code for Sustainable Homes Ecology Report, Prepared by Landscape Planning Ltd dated July 0212 § Ecological Appraisal Prepared by Landscape Planning Ltd dated July 0212
<b>Applicant:</b>	Old Ford Housing Association
<b>Owner:</b>	Old Ford Housing Association
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2.0 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 Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (submission version 2012 with modifications) which seek to ensure the use of land is appropriately optimised.

- 2.3 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission version 2012 with modifications) and the interim London Housing Design Guide (2010).
- 2.4 The proposed amount of amenity space is acceptable and in accordance with policy DM4 of the Managing Development DPD (Submission version 2012 with modifications), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.5 The four storey building is acceptable in terms of bulk, mass, scale and design including use of materials and visual appearance. As such, the scheme accords with London Plan (2011) Policies 7.1 – 7.8 (Inc.) which seek to ensure buildings and places are of a high quality design and visually appropriate. The proposal also accords with Policy SP10 of the adopted Core Strategy (2010), policy DM24 of the Managing Development DPD (Submission version 2012 with modifications), and saved policies DEV1 and DEV9 of the Council's Unitary Development Plan (1998), which seek to ensure buildings respect the integrity of the existing building and site context.
- 2.6 The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.
- 2.7 Transport matters, including access and waste arrangements, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012 with modifications), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.8 The Energy and Sustainability strategies, which include the provision of Photovoltaic panels, have been prepared in accordance with the Mayor's energy hierarchy and London Plan (2011) Policies 5.2, 5.3, 5.6, 5.7, 5.9 – 5.15 (inc), and Policy 5.17. The proposal also accords with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (submission version 2012 with modifications).

### **3.0 RECOMMENDATION**

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

#### **Conditions on Planning Permission**

- 3.2 (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development
- (4) Refuse provision
- (5) Detail of measures to meet Code for Sustainable Homes 4
- (6) Compliance with lifetime homes
- (7) Compliance with energy statement



- (8) Restriction on the hours of construction
- (9) Construction Management Plan

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

#### **Informative on Planning Permission**

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **The Proposal**

- 4.1 Old Ford Housing ('the applicant') is seeking planning permission for the demolition of existing four storey drying room and erection of four storey building to provide 4 self-contained 1 bedroom flats. This proposal would form an extension to the existing Butley Court block.
- 4.2 The applicants submitted planning statement states that the proposed flats will be 100% affordable rented.
- 4.3 The new extension will be connected to the existing walkway and stair-core of Butley Court which will provide access to the existing lift and bin store.

#### **Site and Surroundings**

- 4.4 The application site is a residential building located within the Ranwall West estate. The application site consists of two buildings connected via a stair core and lift to form an L shape and is approximately four storeys high with one principle façade at Ford Street (north) being of a brick construction with UPVC windows. The existing properties are accessed via three separate stair cores which lead onto shared walkways.
- 4.5 The walkway extends to the east and links onto Jossiline Court a residential building that is 4 storeys high. To the north of the site lies Dethick Court a four story brick building, to the south lies Dalton House a three storey building of a traditional brick construction design and era and to the west lies a brick built tower block
- 4.6 The drying rooms are located within an existing four storey building which forms part of Butley Court. The drying rooms were provided in the blocks to allow residents to dry their clothes outside their properties; however the use of the drying rooms has diminished over the years.
- 4.7 The existing building is made up of one bedroom flats designated solely for residents over the age of 50 and is owned and managed by Old Ford Housing Association.
- 4.8 The site has two vehicular access points off Old Ford Road and St Stephens's Road, which serves the internal estate road Ford Street.
- 4.9 The surrounding area is predominantly residential and is within a walking distance of Roman Road Town Centre.

#### **Planning History**

- PA/09/02027** Display of 2 signage boards providing information about estate refurbishment scheme (Retrospective application).

## **Related Drying room applications**

### Flat 39, Richard Neale House, Cornwall Street

PA/01/01359 - Planning permission granted on 06/01/2003 for Change of use of adjacent disused drying room to residential, to form 3 additional bedrooms.

### Ex Drying Room and Caretakers Room On Ground Floor, Roslin House, Brodlove Lane, London

PA/06/00588 – Planning permission granted on 14/06/2006 for Conversion of disused drying room and caretaker's rest room into Local Housing Office consulting rooms (Class B1).

### Flat 42, Newton House, Cornwall Street

PA/06/02026 - Planning permission granted on 21/12/2006 for Change of use, external alteration and conversion of disused drying rooms to create 2 additional bedrooms (one with en-suite facilities) for adjoining 2 bedroom flat at no. 42.

### 381 Hanbury Street

PA/09/02540 – Planning permission granted on 5/02/2010 for extension of existing 3 bedroom maisonette flat to 5 bedroom maisonette flat. The works involve the conversion of ex-drying room at second floor level and enclosure of communal area at third floor level in order to create 2 additional bedrooms.

### Land at North East Corner of Jossiline Court

PA/12/02860 - Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments. **Application pending decision.**

## **5.0 POLICY FRAMEWORK**

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

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

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

**5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)**

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

**5.4 Unitary Development Plan 1998 (as saved September 2007)**

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

**5.5 Managing Development Plan Document (Submission Version 2012 with modifications)**

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity
	DM8	Community infrastructure
	DM9	Improving air quality
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM24	Place Sensitive Design
	DM25	Amenity

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

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

## 5.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

## 5.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

Healthy Communities  
Safe and Supportive Communities

## 5.9 Supplementary Planning Guidance/Documents

Interim London Housing Design Guide (August 2010).

## 6. CONSULTATION RESPONSE

### 6.1 LBTH Biodiversity

- *There are no adverse impacts on biodiversity.*
- *The CSH ecology report recommends a planting scheme with native and/or wildlife-friendly species, and nest boxes for house sparrows and other species.*
- *No soft landscaping associated with the development and no mention of nest boxes anywhere in the plans.*
- *A biodiverse green roof would meet the policy requirements for biodiversity enhancement and for a living roof. This should be explored with the applicant.*

(Officer comment: The site is of low ecological value, containing restricted habitat type, and whilst planting and habitat enhancing recommendations have been made by the ecologist specialist; it should be noted that this is an infill development with site constraints and as such it is considered that non provision of planting or habitat enhancing mechanism could not be considered a justifiable reason for refusing the scheme.)

### 6.2 LBTH Waste Management

*No objections to the refuse strategy proposed.*

(Officer comment: A condition will be imposed to secure the agreed refuse strategy.)

### 6.3 LBTH Highways

- *The site is located in an area of relatively low public transport accessibility (PTAL2). In this case Highways does not require a residential on-street car parking permit free*

*agreement or condition.*

- *The applicant has not shown any provision of on-site cycle parking for the newly created residential units. However, given the nature of the development as an in-fill project and subsequent constraints on space within the site. Highways accepts implementation of the policy is extremely difficult to achieve.*
- *The applicant has not demonstrated where disabled residents can park accessibly and conveniently*

(Officer comment: Given the constraints of the site, the non-provision of cycle parking is not considered a justifiable reason for refusing the scheme. It is noted that there are a total of 5 existing on-street disabled parking bays on St Stephen Roads which are considered sufficient for the proposed scheme.)

6.4

### **LBTH Energy Efficiency Unit**

*The proposed scheme aims to deliver a Code for Sustainable Homes Level 4 scheme. CO2 emissions are anticipated to be at least 25% through energy efficiency measures and the integration of a 4kWp PV array.*

*The sustainable development team have no objections to the proposals.*

*It is recommended that appropriate conditions be applied to ensure the delivery of renewable energy technologies (PV) and achievement of Code Level 4 rating.*

(Officer comment: A condition will be imposed to ensure compliance with energy strategy)

## **7.0 LOCAL REPRESENTATION**

7.1 132 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was publicised on site by way of a site notice. Two representations were received from neighbours and local groups in response to notification and publicity of the application, which were as follows:

No of individual responses:	1	Objecting:	1	Supporting:	0
No of petitions received:	1	Objecting:	1	Supporting:	0
		(containing 51			
		signatures)			

### Representation Comments

#### 7.2 Land use

- Loss of drying rooms;

(Officer response: It is considered that the provision of drying rooms is not the norm or required by policy and that residents can utilise the space within their properties for drying clothes. It is therefore considered that the loss of the drying rooms is acceptable as the site will be utilised for housing.)

- Existing properties are for over 50's, the residents have not been advised if the proposed 4 flats will be for the over 50's.

7.3 (Officer response: The applicants, Old Ford Housing Association have advised that all of the

proposed units would be provided as housing for the over 50's, similar to the type of housing which already exists within Butley Court)

### Amenity

- The building works will result in significant disruption for residents, and should be either stopped or should be carried out for a limited amount of time.

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

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

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

- Loss of sunlight and daylight

(Officer response: The matters regarding loss of sun and daylight will be addressed in the amenity section of this report).

### **OTHER**

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

- Loss of views

(Officer response: The loss of an unprotected view is not considered to be a material planning consideration.)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

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

### **Principle of Development**

#### **Land Use**

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

targets for increasing the supply of housing.

- 8.3 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seek to encourage council's to maximise the development of sites to ensure targets are achieved where feasible.
- 8.4 Policy SP02 of the Core Strategy (2010) sets out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 8.5 The proposal involves the loss of the existing drying rooms, one of which is located on each floor of this residential block. The applicant has advised that the drying rooms have been underused by residents since 2000 and have also in previous years been a target for anti-social behaviour. It is considered that the provision of drying rooms is not the norm, or required by policy and that residents can utilise the space within their properties for drying clothes. It is therefore considered on balance that the loss of the drying rooms is acceptable as the site will be utilised for housing.
- 8.6 The residential use of Butley Court is already established and therefore the principle of additional residential use would be acceptable in land use terms. Furthermore the site does not have an allocation in the saved Unitary Development Plan 1998 (UDP) nor the Managing Development DPD, (submission version 2012 with modifications). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.
- 8.7 On balance, officers are satisfied that the proposal optimises the residential use of the site which accords with policies 3.3 and 3.4 of the London Plan (2011). The units proposed would contribute to meeting the Borough's housing targets, whilst ensuring that a sustainable development is achieved, which is supported by Policy SP02 (1)(c) of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) and guidance set out in National Planning Policy Framework (2012), which seek to encourage initiatives to optimise housing densities and housing supply where appropriate.

### **Housing**

- 8.9 London Plan Policy 3.8 encourages new residential proposals to incorporate housing choice. This is further supported by the Mayor of London's Supplementary Planning Guidance, which seeks to secure family accommodation, within residential schemes, particularly within the social rented sector, and sets strategic guidance for Council's in assessing their local needs.
- 8.10 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. This is reflected in Policy SP02 of the Core Strategy (2010), Policy DM3 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy HSG2 of the Interim Planning Guidance (2007), which seeks to promote housing choice.
- 8.11 The units proposed will consist of 4 x one bedroom flats. The applicants, Old Ford Housing Association have advised that all of the proposed flats would be provided as housing for the over 50's, similar to the type of housing which already exists within Butley Court. All of the proposed flats will be designed to meet Lifetime Home standards.

- 8.12 Whilst it is noted that the mix of flats fails to deliver any family units, or mix of units sizes generally, Officers have taken account of this scheme delivering specialist housing which consist of one bedroom flats for the over 50's. The proposed tenure mix is a continuation of the existing housing mix provided by the housing association.
- 8.13 On balance, Officers consider that, the proposed one bedroom flats would be acceptable and it would increase the overall supply of housing accommodation within the borough, which accords with Policy 3.8 of the London Plan 2011, Policy SP02 of the Core Strategy (2010), Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications), saved Policy HSG7 in the Unitary Development Plan (1998) and Policy HSG2 in the Interim Planning Guidance (2007). These policies seek to ensure that new developments optimise the provision of suitable sized accommodation.

#### Housing Quality and Residential Space

- 8.14 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to specified dwelling space standards, have adequately sized rooms and efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out further guidance on the implementation of these policies with regard to the layout of family units.
- 8.15 Policy SP02 of the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London Interim Housing Guidelines (2010). The policy aims are reiterated in Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications).
- 8.16 The proposed flats measure 53.04sq metres, the London Plan states that minimum space standard for a 1bed 2person flat is 50sq metres. As such the proposed units all meet the minimum space standard requirements and it is envisaged that the layout and design of units would be of a high standard internally and each of the flats are dual aspect and will benefit from good natural lighting. As such the proposal would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications) and the interim GLA's London Housing Design Guide (August 2010).

#### Design

- 8.17 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design polices in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.18 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the Core Strategy and DM24 of the MD DPD (Submission Version 2012 with modifications) seek to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.19 The application site consists of one drying room which is approximately four storeys high with one principle façade at Ford Street (north) which is of a brick construction with UPVC windows. The existing site is accessed via three separate stair cores which lead onto shared walkways.



- 8.20 To the north of the site lies Dethick Court a four story brick building, to the south lies Dalton House a three storey building of a traditional brick construction design and to the west lies a brick built tower block.
- 8.21 The new building comprises of four storeys and will extend above the existing building (as shown in the image below), but it does not extend higher than the existing plant rooms and lift overrun. It will be of a modern design with brick elements to complement the existing brick structure and cladding panels, the cladding panels forms a shroud element which envelopes the building creating a design feature in its own right. Each of the floors proposed will have a glazed balcony with private amenity space at ground floor level.



Image 1: Proposed elevation

- 8.22 The palette of materials proposed will include facing brick, cladding panels, opaque frameless glazed balcony and black composite windows.
- 8.23 The four story building to replace the existing drying rooms would be acceptable in townscape terms. The mass, bulk and scale including height of the proposed new building would be appropriate to the existing building and streetscape and it is envisaged that the new contemporary design would complement the existing building.
- 8.24 Given the sympathetic design approach, the local context, the proposal would respond well within the local context and would not appear visually overbearing at street level. Subject to conditions to ensure a high quality materials and finishes, the proposal would accord with policy SP10 of the Core Strategy (2010), Policy DM24 of the Managing Development (Submission Version 2012 with modifications), saved policies DEV1 and DEV9 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure developments respect the integrity of the host building and are appropriate to the site context.

## **Amenity**

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

### Sunlight and Daylight

- 8.26 Given the location of the site as an infill development and the separation distance between the proposal and Josseline Court, it is considered that on balance, there would not be a significant loss in sunlight/daylight than already exists. It should also be noted that all windows facing Ford Street consist of a shared walkway and overhang in front of each window which reduces any sunlight/daylight to the windows.
- 8.27 It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

### Private Amenity Space

- 8.28 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space, this is re-affirmed in IPG Policy HSG7.
- 8.29 Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) specifically advises that applicants seek to provide a minimum of 5 sq m of private outdoor space for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 8.30 The proposed flats are all provided with private amenity space in the form of balconies which meet the minimum standard requirements. As such the proposal would accord with save policy HSG16 of the Unitary Development Plan (1998), Policy DM4 in the Managing Development: DPD (Submission Version 2012 with modifications) and Policy HSG7 of the Interim Planning Guidance (2007) These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments.

### Refuse

- 8.31 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version 2012 with modifications), Policy SP05 of the Core Strategy (2010), Saved Policies DEV55 and DEV56 of the UDP (1998) and Policy DEV15 of the Interim Planning Guidance (2007) require developments to make suitable waste and recycling provision within developments.
- 8.32 There is an existing refuse storage area at ground floor level of Butley Court and this provision will be upgraded to accommodate the new flats waste/refuse. The Council's Waste Management Team have assessed the proposed refuse provision and consider it to be acceptable for the estimated level of waste to be generated within the development.
- 8.33 It is considered that the proposal is acceptable in terms of refuse storage and collection, which accords with saved policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of Managing Development DPD (Submission Version 2012 with modifications) and policy DEV15 of the Interim Planning Guidance (2007) which requires waste and recycling facilities to be adequate to service the site.

## **Transportation and Highways**

### **Car Parking**

- 8.34 Policy 6.9 of the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (submission version 2012 with modifications), and policy DEV19 in the Interim Planning Guidance (2007) seek to facilitate more walking and cycling as part of new developments and create a safer environment for cyclists.
- 8.35 The application site is located in an area of relatively low public transport accessibility (PTAL 2) and daytime and evening parking occupancy on nearby St Stephens Road is 25% and 31% respectively (13 bays occupied out of 51).
- 8.36 In this case the Highways Officer has not recommended a car parking and permit free agreement be secured as there is sufficient capacity to accommodate additional vehicles in the local area.

### **Cycle Parking**

- 8.37 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 8.38 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (Submission Version 2012 with modifications) and policy DEV16 of the Interim Planning Guidance (2007) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 8.39 The applicant has not shown any provision of on-site cycle parking for the new residential units. However, given the constraints of the site, the implementation of cycle stands would be difficult to achieve. As such given the constraints of the site it is not considered that this would justify a reason for refusing the scheme.

### **Energy and Sustainability**

- 8.40 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. IPG policies DEV5 and DEV6 and CS policy SP11 have similar aims to the London Plan policies.
- 8.41 In terms of the sustainability, the new proposal will be designed to achieve Code Level 4 and photovoltaic panels will be installed on the roof.
- 8.42 The energy strategy approach embraces the 'lean-clean-green' energy hierarchy and demonstrates a significant contribution to reducing CO2 emissions, which subject to condition would accord with the above policy objectives.

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

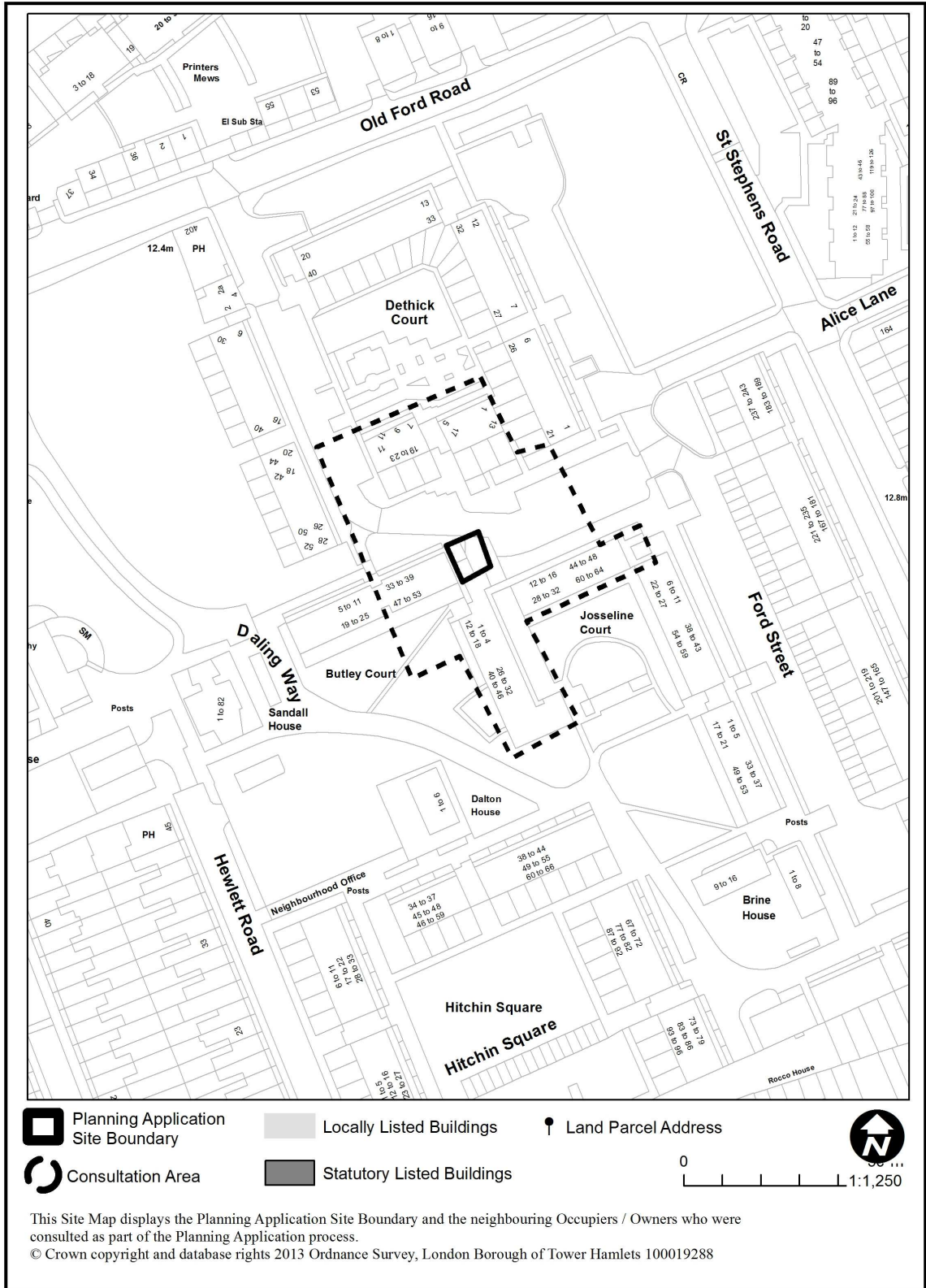
- 8.43 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.44 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.45 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.46 In this context “grants” include the New Homes Bonus.
- 8.47 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the Communities and Local Government (CLG), with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.48 Using the Department for Communities and Local Government’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £4,493 within the first year and a total of 26,957 over a rolling six year period.
- 8.49 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. This scheme will be liable for CIL.
- 8.50 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

### **ANY OTHER ISSUES**

None

### **CONCLUSION**

- 8.51 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

0 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 7.3

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer: Shahara Ali-Hempstead</b>		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/12/02860  <b>Ward(s):</b> Bow West	

## 1. APPLICATION DETAILS

<b>Location:</b>	Land at North East Corner of Jossiline Court, London
<b>Existing Use:</b>	Ancillary drying rooms within residential block
<b>Proposal:</b>	Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments.
<b>Drawing No's:</b>	AA3313/L/2.3/001, AA3313/L/2.1/001, AA3313/L/2.1/002
<b>Supporting Documents:</b>	§ Planning Statement, Prepared by PRP Planning (Ref: AT3313 dated October 2012) § Design and Access Statement, Prepared by PRP Planning § Air Quality Assessment, Prepared by REC Resource & Environment Consultants Ltd (REF: 33046p3r1 dated 9 <sup>th</sup> October 2012) § Code for Sustainable Homes Statement, Pre-Assessment, prepared by PRP Environmental (Ref: AE1407 dated 31 <sup>st</sup> August 2012, Issue 02-Final) § Energy Statement, prepared by PRP Environmental (Ref: AE1407 dated 31 <sup>st</sup> August 2012, Issue 02-Final) § Code for Sustainable Homes Ecology Report, Prepared by Landscape Planning Ltd dated July 0212 § Ecological Appraisal Prepared by Landscape Planning Ltd dated July 0212
<b>Applicant:</b>	Old Ford Housing Association
<b>Owner:</b>	Old Ford Housing Association
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2.0 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 Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (submission version 2012 with modifications) which seek to ensure the use of land is appropriately optimised.



- 2.3 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission version 2012 with modifications) and the interim London Housing Design Guide (2010).
- 2.4 The proposed amount of amenity space is acceptable and in accordance with policy DM4 of the Managing Development DPD (Submission version 2012 with modifications), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.5 The four storey building is acceptable in terms of bulk, mass, scale and design including use of materials and visual appearance. As such, the scheme accords with London Plan (2011) Policies 7.1 – 7.8 (Inc.) which seek to ensure buildings and places are of a high quality design and visually appropriate. The proposal also accords with Policy SP10 of the adopted Core Strategy (2010), policy DM24 of the Managing Development DPD (Submission version 2012 with modifications), and saved policies DEV1 and DEV9 of the Council's Unitary Development Plan (1998), which seek to ensure buildings respect the integrity of the existing building and site context.
- 2.6 The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seeks to protect residential amenity.
- 2.7 Transport matters, including access and waste arrangements, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012 with modifications), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.8 The Energy and Sustainability strategies, which include the provision of Photovoltaic panels, have been prepared in accordance with the Mayor's energy hierarchy and London Plan (2011) Policies 5.2, 5.3, 5.6, 5.7, 5.9 – 5.15 (inc), and Policy 5.17. The proposal also accords with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (submission version 2012 with modifications).

### **3.0 RECOMMENDATION**

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

#### **Conditions on Planning Permission**

- 3.2 (1) Time Limit (Three Years)  
 (2) Development to be built in accordance with approved plans  
 (3) Full details of facing materials to be used for the development  
 (4) Refuse provision  
 (5) Detail of measures to meet Code for Sustainable Homes 4  
 (6) Compliance with lifetime homes  
 (7) Compliance with energy statement  
 (8) Restriction on the hours of construction



## (9) Construction Management Plan

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

### **Informative on Planning Permission**

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

## **4.0 PROPOSAL AND LOCATION DETAILS**

### **The Proposal**

- 4.1 Old Ford Housing ('the applicant') is seeking planning permission for the demolition of existing four storey drying rooms and erection of four storey building to provide 4 self-contained 1 bedroom flats. This proposal would form an extension to the existing Jossiline Court block.
- 4.2 The applicants submitted planning statement states that the proposed flats will be 100% affordable rented.
- 4.3 The new extension will be connected to the exiting walkway and stair -core of Jossiline Court which will provide access to the existing lift and bin store.

### **Site and Surroundings**

- 4.4 The application site is a residential building located within the Ranwall West estate. The application site consists of two buildings connected via a stair core and lift to form an L shape and is approximately four storeys high with two principle façade at Ford Street (north) and Ford Street (east) being of a brick construction with UPVC windows. The existing properties are accessed via three separate stair cores which lead onto shared walkways.
- 4.5 The walkway extends to the west and links onto Butley Court a residential building that is 4 storeys high. To the north of the site lies Dethick Court a four story brick building, to the south lies Brine House a four storey L-shape building of a traditional brick construction design and era and to the east lies no's 137 – 243 St Stephens's Road a group four story brick buildings.
- 4.6 The drying rooms are located within an existing four storey building which forms part of Jossiline Court. The drying rooms were provided in the blocks to allow residents to dry their clothes outside their properties; however the use of the drying rooms has diminished over the years.
- 4.7 The existing building is made up of one bedroom flats designated solely for residents over the age of 50 and is owned and managed by Old Ford Housing Association.
- 4.8 The site has two vehicular access points off Old Ford Road and St Stephens's Road, which serves the internal estate road Ford Street.
- 4.9 The surrounding area is predominantly residential and is within a walking distance of Roman Road Town Centre.

### **Planning History**

**PA/09/02027** Display of 2 signage boards providing information about estate refurbishment scheme (Retrospective application).

### **Related Drying room applications**

#### Flat 39, Richard Neale House, Cornwall Street

PA/01/01359 - Planning permission granted on 06/01/2003 for Change of use of adjacent disused drying room to residential, to form 3 additional bedrooms.

#### Ex Drying Room and Caretakers Room On Ground Floor, Roslin House, Brodlove Lane, London

PA/06/00588 – Planning permission granted on 14/06/2006 for Conversion of disused drying room and caretaker's rest room into Local Housing Office consulting rooms (Class B1).

#### Flat 42, Newton House, Cornwall Street

PA/06/02026 - Planning permission granted on 21/12/2006 for Change of use, external alteration and conversion of disused drying rooms to create 2 additional bedrooms (one with en-suite facilities) for adjoining 2 bedroom flat at no. 42.

#### 381 Hanbury Street

PA/09/02540 – Planning permission granted on 5/02/2010 for extension of existing 3 bedroom maisonette flat to 5 bedroom maisonette flat. The works involve the conversion of ex-drying room at second floor level and enclosure of communal area at third floor level in order to create 2 additional bedrooms.

#### Land at North East Corner of Butley Court

PA/12/02852 - Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments. **Application pending decision.**

## **5.0 POLICY FRAMEWORK**

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

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

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

7.2	An Inclusive environment
7.3	Designing out Crime
7.4	Local character

### 5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

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

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

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

### 5.5 Managing Development Plan Document (Submission Version 2012 with modifications)

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity
	DM8	Community infrastructure
	DM9	Improving air quality
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM24	Place Sensitive Design
	DM25	Amenity

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

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

## 5.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

## 5.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

Healthy Communities  
Safe and Supportive Communities

## 5.9 Supplementary Planning Guidance/Documents

Interim London Housing Design Guide (August 2010).

## 6. CONSULTATION RESPONSE

### 6.1 LBTH Biodiversity

- *There are no adverse impacts on biodiversity.*
- *The CSH ecology report recommends a planting scheme with native and/or wildlife-friendly species, and nest boxes for house sparrows and other species.*
- *No soft landscaping associated with the development and no mention of nest boxes anywhere in the plans.*
- *A biodiverse green roof would meet the policy requirements for biodiversity enhancement and for a living roof. This should be explored with the applicant.*

(Officer comment: The site is of low ecological value, containing restricted habitat type, and whilst planting and habitat enhancing recommendations have been made by the ecologist specialist; it should be noted that this is an infill development with site constraints and as such it is considered that non provision of planting or habitat enhancing mechanism could not be considered a justifiable reason for refusing the scheme.)

### 6.2 LBTH Waste Management

*No objections to the refuse strategy proposed.*

(Officer comment: A condition will be imposed to secure the agreed refuse strategy.)

### 6.3 LBTH Highways

- *The site is located in an area of relatively low public transport accessibility (PTAL2). In this case Highways does not require a residential on-street car parking permit free*

*agreement or condition.*

- *The applicant has not shown any provision of on-site cycle parking for the newly created residential units. However, given the nature of the development as an in-fill project and subsequent constraints on space within the site, highways accepts implementation of the policy is extremely difficult to achieve.*
- *The applicant has not demonstrated where disabled residents can park accessibly and conveniently*

(Officer comment: Given the constraints of the site, the non-provision of cycle parking is not considered a justifiable reason for refusing the scheme. It is noted that there are a total of 5 existing on-street disabled parking bays on St Stephen Roads which are considered sufficient for the proposed scheme.)

#### 6.4 **LBTH Energy Efficiency Unit**

*The proposed scheme aims to deliver a Code for Sustainable Homes Level 4 scheme. CO2 emissions are anticipated to be at least 25% through energy efficiency measures and the integration of a 4kWp PV array.*

*The sustainable development team have no objections to the proposals.*

*It is recommended that appropriate conditions be applied to ensure the delivery of renewable energy technologies (PV) and achievement of Code Level 4 rating.*

(Officer comment: A condition will be imposed to ensure compliance with energy strategy)

### 7.0 **LOCAL REPRESENTATION**

7.1 132 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was publicised on site by way of a site notice. Two representations were received from neighbours and local groups in response to notification and publicity of the application, which were as follows:

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	1	Objecting:	1	Supporting:	0
		(containing 51			
		signatures)			

#### Representation Comments

##### Land use

7.2

- Loss of drying rooms;

(Officer response: It is considered that the provision of drying rooms is not the norm or required by policy and that residents can utilise the space within their properties for drying clothes. It is therefore considered that the loss of the drying rooms is acceptable as the site will be utilised for housing.)

- Existing properties are for over 50's, the residents have not been advised if the proposed 4 flat will be for the over 50's.

7.3 (Officer response: The applicants, Old Ford Housing Association have advised that all of the proposed units would be provided as housing for the over 50's, similar to the type of housing

which already exists within Jossiline Court)

### Design

- The building is very high & is much higher than the rest of Jossiline Court & so will not be in keeping with the rest of the block.
- It looks totally out of place & appears stuck onto the side of the current Building.
- The colour of the brick looks out of place & far too grey & too much of a contrast to the current brick colour.

7.4 (Officer Comment: Officers are of the opinion that the proposed infill extension will be sensitively designed and would represent an appropriate addition to the building. Furthermore, materials will be conditioned to secure a high quality appearance and finishes)

### Amenity

- The building works will result in significant disruption for residents, and should be either stopped or should be carried out for a limited amount of time.

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

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

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

- Loss of sunlight and daylight
- Proposal will over shadow the Building in front of it on St Stephen's road which is the same height as Jossiline Court so it should definitely not be any higher than that

7.7 (Officer response: The matters regarding loss of sun and daylight and overshadowing will be addressed in the amenity section of this report).

- Relocation of bin store unacceptable

7.8 (Officer response: The proposed location retains existing access distances to all residents, and is shielded from the nearest dwelling by a wall – which offers privacy to this property.)

### **OTHER**

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

- Loss of views

7.9 (Officer response: The loss of an unprotected view is not considered to be a material planning consideration.)

- rubbish being left outside the bin store and overflowing rubbish

7.10 (Officer response: In terms of rubbish being left outside the existing bin store this is a management issue which Old Ford Housing needs to consider and resolve. In terms of the proposed development refuse is discussed in section 8 of this report.)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

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

### **Principle of Development**

#### **Land Use**

- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Council's Core Strategy (2010) and policy 3.1 of the London Plan, which gives Boroughs targets for increasing the supply of housing.
- 8.3 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seek to encourage council's to maximise the development of sites to ensure targets are achieved where feasible.
- 8.4 Policy SP02 of the Core Strategy (2010) sets out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 8.5 The proposal involves the loss of the existing drying rooms, one of which is located on each floor of this residential block. The applicant has advised that the drying rooms have been underused by residents since 2000 and have also in previous years been a target for anti-social behaviour. It is considered that the provision of drying rooms is not the norm, or required by policy and that residents can utilise the space within their properties for drying clothes. It is therefore considered on balance that the loss of the drying rooms is acceptable as the site will be utilised for housing.
- 8.6 The residential use of Jossiline Court is already established and therefore the principle of additional residential use would be acceptable in land use terms. Furthermore the site does not have an allocation in the saved Unitary Development Plan 1998 (UDP) nor the Managing Development DPD, (submission version 2012 with modifications). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.
- 8.7 On balance, officers are satisfied that the proposal optimises the residential use of the site

which accords with policies 3.3 and 3.4 of the London Plan (2011). The units proposed would contribute to meeting the Borough's housing targets, whilst ensuring that a sustainable development is achieved, which is supported by Policy SP02 (1)(c) of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) and guidance set out in National Planning Policy Framework (2012), which seek to encourage initiatives to optimise housing densities and housing supply where appropriate.

### **Housing**

- 8.9 London Plan Policy 3.8 encourages new residential proposals to incorporate housing choice. This is further supported by the Mayor of London's Supplementary Planning Guidance, which seeks to secure family accommodation, within residential schemes, particularly within the social rented sector, and sets strategic guidance for Council's in assessing their local needs.
- 8.10 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. This is reflected in Policy SP02 of the Core Strategy (2010), Policy DM3 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy HSG2 of the Interim Planning Guidance (2007), which seeks to promote housing choice.
- 8.11 The units proposed will consist of 4 x one bedroom flats. The applicants, Old Ford Housing Association have advised that all of the proposed flats would be provided as housing for the over 50's, similar to the type of housing which already exists within Jossiline Court. All of the proposed flats will be designed to meet Lifetime Home standards.
- 8.12 Whilst it is noted that the mix of flats fails to deliver any family units, or mix of units sizes generally, Officers have taken account of this scheme delivering specialist housing which consist of one bedroom flats for the over 50's. The proposed tenure mix is a continuation of the existing housing mix provided by the housing association.
- 8.13 On balance, Officers consider that, the proposed one bedroom flats would be acceptable and it would increase the overall supply of housing accommodation within the borough, which accords with Policy 3.8 of the London Plan 2011, Policy SP02 of the Core Strategy (2010), Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications), saved Policy HSG7 in the Unitary Development Plan (1998) and Policy HSG2 in the Interim Planning Guidance (2007). These policies seek to ensure that new developments optimise the provision of suitable sized accommodation.

### Housing Quality and Residential Space

- 8.14 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to specified dwelling space standards, have adequately sized rooms and efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out further guidance on the implementation of these policies with regard to the layout of family units.
- 8.15 Policy SP02 of the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London Interim Housing Guidelines (2010). The policy aims are reiterated in Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications).
- 8.16 The proposed flats measure 53.04sq metres, the London Plan states that minimum space standard for a 1bed 2person flat is 50sq metres. As such the proposed units all meet the minimum space standard requirements and it is envisaged that the layout and design of



units would be of a high standard internally and each of the flats are dual aspect and will benefit from good natural lighting. As such the proposal would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications) and the interim GLA's London Housing Design Guide (August 2010).

## **Design**

- 8.17 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.18 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the Core Strategy and DM24 of the MD DPD (Submission Version 2012 with modifications) seek to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.19 The application site consists of one drying room which is approximately four storeys high with one principle façade at Ford Street (north) which is of a brick construction with UPVC windows. The existing site is accessed via three separate stair cores which lead onto shared walkways.
- 8.20 To the north of the site lies Dethick Court a four story brick building, to the south lies Dalton House a three storey building of a traditional brick construction design and era and to the west lies a brick built tower block.
- 8.21 The new building comprises of four storeys and will extend above the existing building (as shown in the image below), but it does not extend higher than the existing plant rooms and lift overrun. It will be of a modern design with brick elements to complement the existing brick structure and cladding panels, the cladding panels forms a shroud element which envelopes the building creating a design feature in its own right. Each of the floors proposed will have a glazed balcony with private amenity space at ground floor level.



Image 1: Proposed elevation

- 8.22 The palette of materials proposed will include facing brick, cladding panels, opaque frameless glazed balcony and black composite windows.
- 8.23 The four story building to replace the existing drying rooms would be acceptable in townscape terms. The mass, bulk and scale including height of the proposed new building would be appropriate to the existing building and streetscape and it is envisaged that the new contemporary design would complement the existing building.
- 8.24 Given the sympathetic design approach, the local context, the proposal would respond well within the local context and would not appear visually overbearing at street level. Subject to conditions to ensure a high quality materials and finishes, the proposal would accord with policy SP10 of the Core Strategy (2010), Policy DM24 of the Managing Development (Submission Version 2012 with modifications), saved policies DEV1 and DEV9 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure developments respect the integrity of the host building and are appropriate to the site context.

### **Amenity**

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

### Sunlight and Daylight

- 8.26 Given the location of the site as an infill development and the separation distance between the proposal and no's 137 – 243 St Stephens's Road, it is considered that on balance, there

would not be a significant loss in sunlight/daylight and over shadowing than already exists. It should also be noted that all windows facing Ford Street consist of a shared walkway and overhang in front of each window which reduces any sunlight/daylight to the windows.

- 8.27 It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

#### Private Amenity Space

- 8.28 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space, this is re-affirmed in IPG Policy HSG7.
- 8.29 Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) specifically advises that applicants seek to provide a minimum of 5 sq m of private outdoor space for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 8.30 The proposed flats are all provided with private amenity space in the form of balconies which meet the minimum standard requirements. As such the proposal would accord with save policy HSG16 of the Unitary Development Plan (1998), Policy DM4 in the Managing Development DPD (Submission Version 2012 with modification) and Policy HSG7 of the Interim Planning Guidance (2007) These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments.

#### Refuse

- 8.31 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version 2012 with modifications), Policy SP05 of the Core Strategy (2010), Saved Policies DEV55 and DEV56 of the UDP (1998) and Policy DEV15 of the Interim Planning Guidance (2007) require developments to make suitable waste and recycling provision within developments.
- 8.32 There is an existing refuse storage area at ground floor level of Jossiline Court and this provision will be upgraded and relocated to accommodate the new flats waste/refuse. The Council's Waste Management Team have assessed the proposed refuse provision and consider it to be acceptable for the estimated level of waste to be generated within the development.
- 8.33 It is considered that the proposal is acceptable in terms of refuse storage and collection, which accords with saved policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of Managing Development DPD (Submission Version 2012 with modifications) and policy DEV15 of the Interim Planning Guidance (2007) which requires waste and recycling facilities to be adequate to service the site.

### **Transportation and Highways**

#### Car Parking

- 8.34 Policy 6.9 of the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (submission version 2012 with modifications), and policy DEV19 in the Interim Planning Guidance (2007) seek to facilitate more walking and cycling as part of new developments and create a safer environment for cyclists.

- 8.35 The application site is located in an area of relatively low public transport accessibility (PTAL 2) and daytime and evening parking occupancy on nearby St Stephens Road is 25% and 31% respectively (13 bays occupied out of 51).
- 8.36 In this case the Highways Officer has not recommended a car parking and permit free agreement be secured as there is sufficient capacity to accommodate additional vehicles in the local area.

#### Cycle Parking

- 8.37 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 8.38 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (Submission Version 2012 with modifications) and policy DEV16 of the Interim Planning Guidance (2007) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 8.39 The applicant has not shown any provision of on-site cycle parking for the new residential units. However, given the constraints of the site, the implementation of cycle stands would be difficult to achieve. As such given the constraints of the site it is not considered that this would justify a reason for refusing the scheme.

#### Energy and Sustainability

- 8.40 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. IPG policies DEV5 and DEV6 and CS policy SP11 have similar aims to the London Plan policies.
- 8.41 In terms of the sustainability, the new proposal will be designed to achieve Code Level 4 and photovoltaic panels will be installed on the roof.
- 8.42 The energy strategy approach embraces the 'lean-clean-green' energy hierarchy and demonstrates a significant contribution to reducing CO<sub>2</sub> emissions, which subject to condition would accord with the above policy objectives.

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

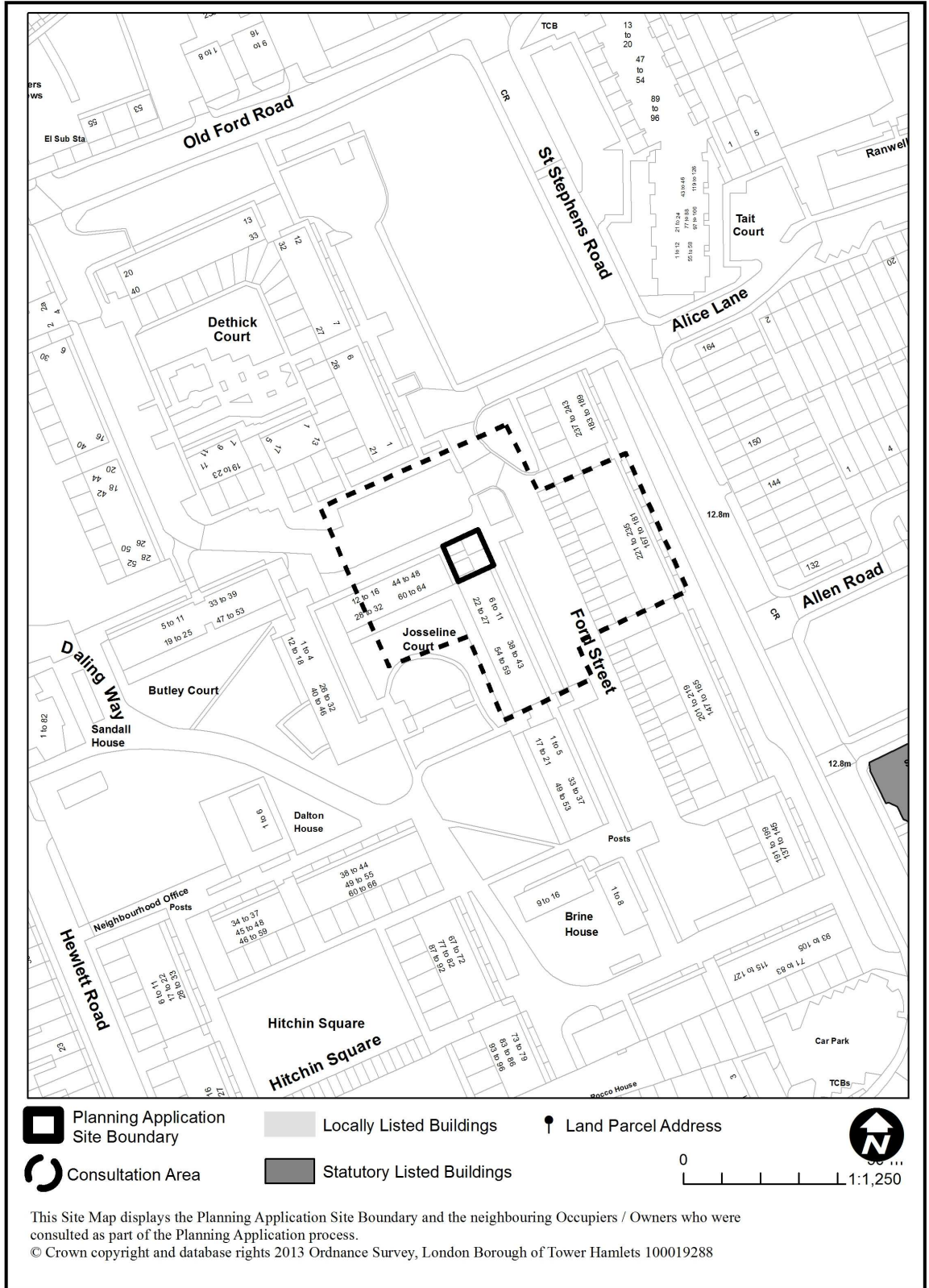
- 8.43 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.44 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.45 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.46 In this context “grants” will include the New Homes Bonus.
- 8.47 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the Communities and Local Government (CLG), with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.48 Using the Department for Communities and Local Government’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £4,493 within the first year and a total of 26,957 over a rolling six year period.
- 8.49 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. This scheme will be liable for CIL.
- 8.50 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

### **ANY OTHER ISSUES**

None

### **CONCLUSION**

- 8.51 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.



# Agenda Item 7.4

<b>Committee:</b> Development	<b>Date:</b> 13 February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/11/03216
	<b>Ward:</b> Limehouse

## 1. APPLICATION DETAILS

<b>Location:</b>	55 Poplar High Street, London, E14 0DJ
<b>Existing Use:</b>	
<b>Proposal:</b>	Change of use from minicab office (sui generis) to internet cafe and ancillary office space (Use Class A1/A2)
<b>Drawing Nos/Documents:</b>	<ul style="list-style-type: none"><li>• INLPLAN-2012-001.</li><li>• Site Location Plan.</li><li>• Planning Statement – 55 Poplar High Street, prepared by Ink Planning.</li><li>• Design, Access &amp; Impact Statement – 55 Poplar High Street, prepared by Ink Planning.</li></ul>
<b>Applicant:</b>	Mr Shazzadul Hoque
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The proposed change of use from a mini cab office (Sui Generis) to an internet café (Use Class A1) with an ancillary office (Use Class A2) is considered acceptable, by reason of the small scale nature of the unit, which is in keeping with the scale of units within the parade, by reason of the fact that the proposal would not affect the vitality and viability of nearby town centres and would bring back into use a vacant unit. As such, the proposal accords with the NPPF, policy 4.8 of the London Plan (2011), policy SP01 of the Core Strategy (2010) and policy DM2 of the Managing Development DPD (submission version May 2012 and modifications), which seek to protect local shops and assess applications for new retail in out of centre locations.
- 2.2 Transport matters including servicing and impact on the safety and capacity of the highway network are considered acceptable and in line with policies SP08 and SP09 of the Core Strategy (2010), saved policy T16 of the Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (submission version May 2012 and modifications), which seek to ensure developments promote sustainable transport options.
- 2.3 The proposed change of use would not have an adverse impact on the amenity of surrounding residents subject to a condition managing the hours of operation. As such, the proposals accords with policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV55 of the Unitary Development Plan (1998) and policy DM25 of the Managing



Development DPD (submission version May 2012 and modifications) which seek to protect the residential amenity of the residents of the borough

### **3. RECOMMENDATION**

3.1 That the Committee resolve to **GRANT** planning permission.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions on the planning permission to secure the following matters:

#### **Conditions**

- Three year time limit
- Compliance with approved drawings
- Hours of operation – (07.00 am – 10.00 pm Monday to Friday, 07.00 am – 11.00 pm on Saturdays, and; 08.00 am – 06.00 pm on Sundays and bank holidays)
- Waste store to be retained in perpetuity and waste only to be put on the highway on day of collection.
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

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

#### **Proposal**

4.1 The proposal is for the change of use of a mini-cab office (sui generis) to an internet cafe (Use Class A1) with an ancillary office place to be used as a sub-contractors office providing a range of services to members of the public (Use Class A2).

#### **Site and Surroundings**

4.2 The application site is known as 55 Poplar High Street and forms part of a local parade of retail units located on the northern side of Poplar High Street between the junctions of Wade Street to the west and Hale Street to the east. The unit is located at ground floor level of a five storey residential block known as Wigram House. The parade forms part of the Will Crooks Estate which extends to the north. The area is mostly residential in nature.

4.3 Within, the wider area, to the south east of the site, on the opposite side of Poplar High Street is Tower Hamlets College which provides further education opportunities. Canary Wharf Major Centre is located to the south, Poplar High Street Neighbourhood Centre to the east and Chrisp Street District Centre and Market to the north-east.

4.4 Planning permission for a mini-cab office (Sui Generis) was granted in 1997 (see Planning History Section for full details). Since then there have not been any applications for planning permission. Whilst it would appear that the unit was used in the intervening time for retail (Use Class A1), there is no evidence to suggest that a retail use has been established as lawful.

#### **Planning History**

4.5 The following planning decisions are relevant to the application:

ID/96/00142      The Local Planning Authority (LPA) granted planning permission on the 30 January 1997 for the use of the unit as a mini-cab office.



## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **Core Strategy Development Plan Document 2025 (Adopted September 2010) (CS)**

Policies:	SPO1	Refocusing on our town centres
	SP08	Making connected places
	SP09	Creating attractive and safe streets
	SP10	Creating distinct and durable places

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

	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	DEV55	Development and Waste Control
	DEV56	Waste Recycling
	T16	Traffic Priorities for New Development
	S5	Changes of use
	S6	Requirements for New Retail Development
	S8	Consideration for Mini Cab Offices

### **Managing Development –Development Management Document (Submission Version May 2012 and modifications) (MD DPD)**

	DM2	Protecting local shops
	DM14	Managing waste
	DM15	Local job creation and investment
	DM16	Office locations
	DM20	Supporting a sustainable transport network
	DM23	Streets and the public realm
	DM24	Place-sensitive design
	DM25	Amenity

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste and Recyclables Storage
	DEV17	Transport Assessments
	RT3	Shopping Provision outside of Town Centres
	RT4	Retail Development and the Sequential Approach

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

	3.1	Ensuring equal life chances for all
	3.2	Improving health and addressing health inequalities
	4.7	Retail and town centre development
	4.8	Supporting a successful and diverse retail sector
	4.9	Small shops

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

National Planning Policy Framework (NPPF)

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

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community

## 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 Highways**

6.3 The Borough Highway Officer, has no objections to the proposals in principle. The relatively small A1 floor area of 36 sq. m and an A2 floor area of 10 sq. m are unlikely to have an impact on the existing transport and highway network.

6.4 The applicant has proposed to contain refuse within the premises and dispose of accordingly via a contractor. Waste section to comment on acceptability of provision.

**[Officer Comment:** With regard to refuse this matter has been referred to waste management colleagues whose comments are discussed at paragraph 6.9.]

6.5 The applicant has not given details on servicing arrangements, however, the Borough Highway Officer notes that there is a loading bay immediately outside the shop on Poplar High Street.

6.6 The applicant has not stated where a disabled visitor can park their vehicle accessibly and conveniently.

6.7 Following further discussion with the Borough Highway Officer regarding this request for information, they advised that *“Disabled parking is something we normally expect the applicant to address. We don’t use these criteria as a basis for objection; rather it is for information and proper planning from a Highways perspective.”* Furthermore, the Borough Highway Officer has reviewed the site and notice that there are several ‘multi bay’ on-street parking spaces in front of the unit which can be legally used by blue badge holders.

**[Officer Comment:** This request for information has now been resolved given there are ‘multi bay’ on-street parking spaces in front of the unit which can be legally used by blue badge holders.]

### **LBTH Waste**

6.8 They have no objection to waste storage arrangements. However note that waste should be stored internally and only put on the highway on the day of collection.

**[Officer Comment:** This will be controlled via condition.]

### **LBTH Crime Prevention Officer**

6.9 The Crime Prevention Officer provided the following comments.

- Raised concern about the times of opening given there is residential above and that

- they may result in complains about noise and anti-social behaviour.
- Raised concern about the need for additional security and suggested the installation of roller shutters, laminated glass and a monitored alarm system to secure the premises.
- Requested information about what type of drinks they are going to serve.
- Requested information about securing access to the toilets.
- Requested information regarding how the internet café would be managed and what type of usage.
- Advised that they would provide crime figures for the vicinity.

**[Officer Comment:** Officers responded to the Crime Prevention Officer with the following clarifications and information:

- With regard to the hours of operation, officers clarified that the hours of operation were till 10pm Monday – Friday and 11pm on Saturdays. Officers advised why the proposed hours are considered acceptable which is fully discussed within the amenity section of this report (paragraphs 8.29 – 8.34).
- With regard to the need for additional security, officers confirmed that this application doesn't include any alterations to the shop front. Moreover, the applicant confirmed that there was an existing roller shutter at the premises and that in the future they would consider the Crime Prevention Officer's comments if they alter the shop front.
- The applicant confirmed that would be serving hot and cold beverages and would not be serving alcohol at the premises. It is noted that should they wish to sell alcohol on the premises they would need to apply for a license from the Environmental Health Department. Furthermore, if the property was selling alcohol for consumption on the premises it would no longer fall under use class A1 retail and a change of use would be required.
- The applicant has confirmed that the toilets are for the use of customers of the premises only and they consider the layout acceptable.
- It is noted that there would be a person on the premises however, there would not be a security person managing entry as this is not considered necessary for the use.]

**Final Comments:**

Following this the Crime Prevention Officer advised that they “*understood and accept*” the responses.

**7. LOCAL REPRESENTATION**

7.1 A total of 54 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. 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:	1	Objecting:	1	Supporting:	0
No of petitions received:	1 objecting containing 84 signatories 0 supporting				

7.2 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:

7.3 Competition - The proposal would cause a negative impact to the other business in the same parade.

**[Officer Comment:** The issue of competition between small shops sometimes arises with

proposals for a new shop attracting opposition from established traders. There are instances when competition has been considered to be a material planning consideration, notwithstanding this, limited weight would be attributed to local businesses concerns given for the most part this proposal accords with policy for the reasons set out in detail in the main body of this report.]

- 7.4 Anti-social behaviour – the proposal will increase anti-social behaviour in front of the parade. The Will Crooks Estate has high levels of anti-social behaviour.

**[Officer Comment:** It is noted that the application is for a change of use to an internet café (Use Class A1) with an ancillary office (Use Class A2). There is no evidence to suggest a direct link between such uses and anti-social behaviour. If there are instances of anti-social behaviour within the estate and this parade this should be brought to the attention of local police. Officers have advised the Council's Crime Prevention Office of residents' concerns, who provided advice regarding crime prevention for the proposed premises which is discussed at paragraph 6.10 above. They have advised that they will come back with more details about the crime levels within the area. Finally, the proposed use fits in with the mix of uses within this parade and bringing back into use a vacant unit would increase overlooking and activity within the parade.]

- 7.5 Need – it is not considered that there is a need for an internet café in this location.

**[Officer Comment:** It is noted that local residents have queried the need for an internet café in this location given the proximity of the Idea Store at Chrisp Street Market. The Idea Store at Chrisp Street offers a range of services including internet access for local residents. Notwithstanding that internet services are available within the adjacent town centres, officers do not consider that there is any evidence of an overconcentration of such uses within the parade or the vicinity to indicate there is an over provision.]

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Highways
3. Amenity
4. Design

### Land Use

- 8.2 The proposal is for the change of use of a commercial unit from a mini-cab office (Sui Generis) to an Internet Café (Use Class A1) with an ancillary office (Use Class A2). The unit forms part of a parade of five units to the south of the Will Crooks Estate and diagonally opposite Tower Hamlets College.
- 8.3 The parade is not within a designated town centre location. The nearest town centres are Canary Wharf Major Centre to the south, Poplar High Street Neighbourhood Centre to the east and Chrisp Street District Centre and Market to the north-east.
- 8.4 Chapter two of the NPPF seeks to ensure the vitality of town centres. It advises that Planning Policies should be positive, and promote competitive town centre environments. The NPPF continues to state that in drawing up Local Plans, Local Planning Authorities (LPA) should amongst other aims "*promote competitive town centres that provide customer choice and a*

*diverse retail offer and which reflect the individuality of town centres”.*

- 8.5 Policy 4.9 of the LP seeks to promote local shops and requires LPA’s to develop policies within their local plans.
- 8.6 Strategic policy SP01 of the CS seeks to promote areas outside of town centres as places that support and assist in the creation of sustainable communities. This will be achieved by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.7 Policy DM2 of the MD DPD, seeks to protect local shops and part 2 of the policy sets out criteria for the development of new local shops outside of town centres. These criteria include the following:
- *“There is a demonstrable local need that cannot be met within an existing town centre;*
  - *They are an appropriate scale to their locality;*
  - *They do not affect amenity or detract from the character of the area; and,*
  - *They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.”*
- 8.8 The supporting text at paragraph 2.3 clarifies that part 2 of the policy seeks to manage the risk of larger retail shops coming forward outside of designated town centres. It continues to state that for the purposes of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 square metres.
- 8.9 There are five units within the parade and table 1 below lists the results of a land use survey carried out on the 14<sup>th</sup> of January 2013.

**Table 1: Land Use Survey of Local Parade**

<b>Address</b>	<b>Use</b>	<b>Occupied / Vacant</b>
51 Poplar High Street – CM Newsagents & Off Licence	A1 – Retail	Occupied
53 Poplar High Street – Poplar Mini Market	A1 – Retail	Occupied
55 Poplar High Street – Permitted use Mini Cab Office	Sui Generis – Mini Cab Office	Vacant
57 Poplar High Street – Sham Barbers	A1 – Retail	Occupied
59 Poplar High Street – Poplar Fried Chicken	A5 – Hot food takeaway	Occupied

- 8.10 The subject unit is currently vacant and the change of use would bring it back into use as an Internet Café (Use Class A1) with an ancillary office use (Use Class A2). Use class A1 (retail) includes uses that involve the retail sale of goods to the public, including amongst other things shops, post offices and internet cafes. As such, by allowing the change of use to A1 (retail), the leaseholder of the property could open up a general retail store. For this reason, in considering the change of use application, the principle of A1 (retail) in general terms is considered.
- 8.11 With regard to the NPPF and the LP, bringing this vacant unit back into use accords with policy. The proposal also accords with policy SP01 of the CS, given the proposals are of a

scale in keeping with the character of the parade.

- 8.12 Policy DM2, of the MD DPD provides specific criteria which are required to prevent the introduction of larger retail stores coming forward outside of designated town centres.
- 8.13 With regard to the first criteria of Policy DM2, "*there is a demonstrable local need that cannot be met within an existing town centre*", it is not considered that this part of the policy is relevant in this instance, given this proposal is for bringing back into use a vacant unit which forms part of an existing retail parade. The impact of allowing an internet café (Use Class A1), given its scale (further discussed at paragraph 8.15) and the fact that this is a vacant unit as part of an existing parade of retail shops would not affect the vitality and viability of the existing town centres within the vicinity.
- 8.14 It is noted that local residents have queried the need for an internet café in this location given the proximity of the Idea Store at Chrisp Street Market. The Idea Store at Chrisp Street offers a range of services including internet access for local residents. Notwithstanding that internet services are available within the adjacent town centres, officers do not consider that there is any evidence of an overconcentration of such uses within the parade or the vicinity to indicate there is an over provision.
- 8.15 With regard to the second criteria, the unit in question measures approximately 50 square metres which is below the threshold (100 square metres) set to consider a shop as local. As such, the scale of the unit is appropriate and in keeping with the scale of the local parade.
- 8.16 It is not considered that the proposal would unduly impact upon the amenity of the local residents and a condition will be attached to limit the hours of operation. This is further discussed within the amenity section of this report (paragraphs 8.29 – 8.34). The fourth criteria of policy DM2 part 2, also refers to character, however as the current application does not propose any external works there would be no impact to assess in this respect. It is noted that if new signage were required this would require the submission of an application for advertising consent.
- 8.17 With regard to the fifth criteria, it is not considered given the scale of the use that it would result in a concentration of uses that would undermine nearby town centres.
- 8.18 Finally, it is noted that this is currently a vacant unit which forms part of a parade of shops and it would be expected for this unit to come forward with a retail use. An Internet Café falls within Use Class A1 and as such is considered to be an acceptable use within this parade.
- 8.19 It is noted that local residents and business owners are concerned about the increase in anti-social behaviour as a result of this use. However, there is no evidence to suggest a direct link between retail uses and anti-social behaviour. Should existing problems occur within the estate, it is not considered that bringing back into use a vacant unit would exacerbate the problem further. If illegal activity were taking place within any of the units within the parade or were to occur within this premises the matter would need to be reported to the local police to investigate.
- 8.20 The loss of the mini cab use (Sui Generis) which has not been in operation for some years is considered acceptable. There are no land use policies to protect such uses.
- 8.21 To conclude, with regard to land use, the proposed change of use from a mini cab office (Sui Generis) to an Internet Café (Use Class A1) with an ancillary office (Use Class A2) is considered acceptable. The proposed unit is small in scale and is in keeping with the scale of units within the parade, it would not affect the vitality and viability of nearby town centres and bringing back into use a vacant unit is welcomed. As such, the proposal accords with the

NPPF, policy 4.8 of the LP, policy SP01 of the CS and DM2 of the MD DPD which seek to protect local shops.

### **Highways**

- 8.22 CS policies SP08 and SP09, saved UDP policy T16, and policy DM20 of the MD DPD, together seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on the safety and road network capacity.
- 8.23 The proposal is for the change of use of an existing vacant unit to an internet café (Use Class A1) with ancillary office (Use Class A2). The Borough Highway Officer was consulted and raised no objection to the proposals. They note that the relatively small floor area is unlikely to have an impact on the existing transport and highway network.
- 8.24 There is a loading bay immediately outside the shop on Poplar High Street which can be used for servicing.
- 8.25 With regard to accessible car parking spaces the Borough Highway Officer has concluded that there are several 'multi bay' on-street parking spaces in front of the unit which can be legally used by blue badge holders.
- 8.26 Policy 5.17 of the LP, policy SP05 of the CS, DM14 of the MD DPD, saved policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.27 The submitted plans show an area allocated for refuse within the property which is considered appropriate given the scale of the unit. Waste would be stored in this space until the day of collection. This would be controlled via condition.
- 8.28 To conclude, given the scale of the retail unit, access to a servicing bay and accessible car parking spaces, it is not considered that the proposal would give rise to any unduly detrimental impact to the existing highway and transport network. As such, the proposal, accords with policies SP08 and SP09 of the CS, saved UDP policy T16, and policy DM20 of the MD DPD which seek to ensure development has no adverse impact on the safety and capacity of the surrounding highway network.

### **Amenity**

- 8.29 Part 4 a and b of policy SP10 of the CS, saved policies DEV2 and DEV55 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. This includes considering noise impacts.
- 8.30 The proposal relates to a change of use and does not include any external changes to the property. This is an existing commercial unit and bringing it back into use as an internet café (use class A1) is not expected to result in any adverse impacts from noise and disturbance.
- 8.31 However, it is proposed to manage the hours of operation through condition. The applicant has requested the following hours of operation which are considered acceptable.
- 07.00 am – 10.00 pm Monday to Friday,  
07.00 am – 11.00 pm on Saturdays, and;  
08.00 am – 06.00 pm on Sundays.
- 8.32 It is noted that the internet café intends to sell hot and cold beverages and light snacks. However, this activity would not be expected to give rise to the need for a new flue due to the

small scale nature of this part of the proposal. Nevertheless, it is noted that the erection of a flue would be considered to be operational development and would require planning permission to erect. Should a flue be required, this would indicate an A3 (restaurant) use or A5 (hot food takeaway) use which is not permitted by this permission, and would require the submission of a new planning application.

- 8.33 Finally, given this is an existing unit there would be no further amenity impacts to consider.
- 8.34 In conclusion, the proposed change of use would not have an adverse impact on the amenity of surrounding residents subject to a condition managing the hours of operation. As such, the proposals accords with part 4 (a) and (b) of policy SP10 of the CS, saved policies DEV2 and DEV55 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. This includes considering noise impacts.

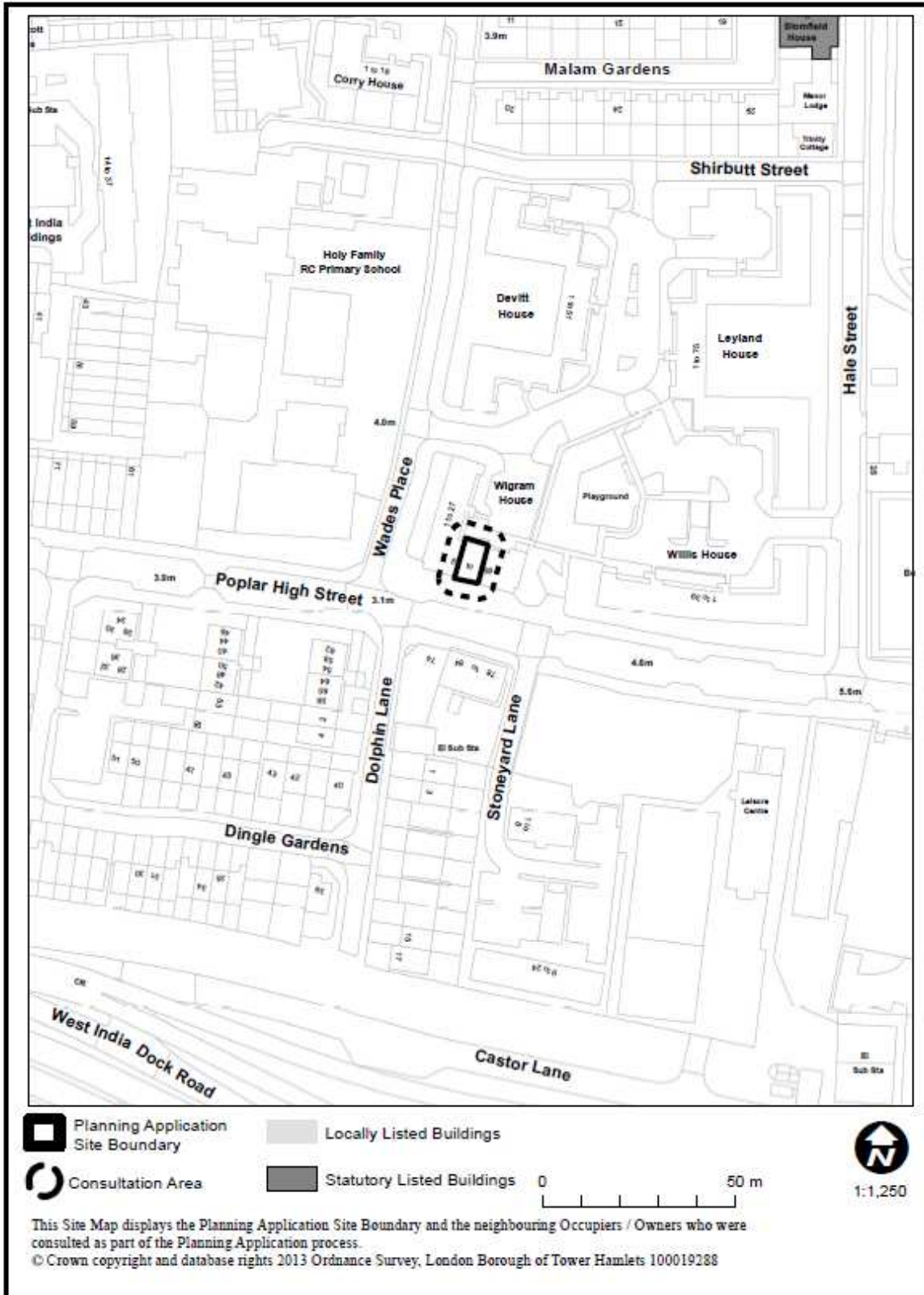
### **Design**

- 8.35 The proposal does not include any external alterations and as such there are no design implications to consider.

### **Conclusions**

- 8.36 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.





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# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> February 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.

## 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> 13 <sup>th</sup> February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application	
<b>Case Officer:</b> Alison Hoskin		<b>Ref No:</b> PA/12/02618	
		<b>Ward:</b> Bromley by Bow	

## 1.0 APPLICATION DETAILS

- 1.1 **Location:** Bromley Public Hall, Bow Road, London, E3 AA
- Existing Use:** Bromley Public Hall (Offices B1)
- Proposal:** Installation of two (2) black contrasting colour nosings (anti-slip) to external concrete stairs and installation of two (2) handrails to external walls above concrete stairs at the front entrance of Bromley Public Hall
- Documents:**
- § Document entitled 'Design and Access Statement' dated 25<sup>th</sup> January 2013
  - § Written correspondence dated 19<sup>th</sup> September 2012 and 26<sup>th</sup> October 2012
- Drawing Nos:**
- § Site Location Plan
  - § Site Plan
  - § Annotated photo images entitled 'Bromley Public Hall- Front Entrance' and 'Bromley Public Hall- External Works to address Health& Safety Issues'
  - § Detailed specification drawing of hand rails
- Applicant:** London Borough of Tower Hamlets, Bromley Public Hall
- Owner:** LBTH
- Historic Building:** Grade II Listed
- Conservation Area:** Not Applicable

## 2.0 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 Unitary Development Plan, the adopted Core Strategy Development: Development Plan Document 2025, the Managing Development: Development Plan Document (submission version 2012 with modifications), the Council's Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 1. The proposed works are required to contribute to the safety for users of Bromley

Public Hall and will not result in a detrimental impact to the long-term preservation or heritage significance of the Grade II Listed building. As such, the proposal accords with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), and policy DM27 of the Managing Development DPD (submission version 2012 with modifications) which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to refer the application to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.

- 3.2
1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. All materials/ finishes to match existing unless specified on submitted drawings.

### **4.0 BACKGROUND**

4.1 This application for Listed Building Consent is required for proposed works to Bromley Public Hall in order to respond to Health and Safety requirements. The submitted application documentation notes that the application is made in response to an incident at the front entrance steps to Bromley Public Hall, which highlighted a lack of suitable hand rails to the walls and lack of anti-slip provision for two worn concrete stairs at the front entrance to Bromley Public Hall. The building is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.

4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.

### **5.0 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

5.1 Listed Building Consent for installation of two (2) black contrasting colour nosings (anti-slip) to external concrete stairs and installation of two (2) handrails to external walls above concrete stairs at the front entrance of Bromley Public Hall, fronting Bow Road.

#### **Site and Surroundings**

5.2 Bromley Public Hall is a Grade II Listed building of the 19<sup>th</sup> Century and is located on the southern side of Bow Road. The building comprises two storeys of built form and is currently occupied by administrative offices linked to the Registrars services.

- 5.3 The application site is bounded by Bow Road to the north, a Public House to the west, Rainhill Way and St Agnes Primary School to the south and predominantly commercial and residential uses to the east.
- 5.4 The application site is not situated within a conservation area.

### **Relevant Planning History**

- 5.5 PA/02/01508  
Planning Permission Granted on 11 July 2003 for “erection of a ground floor single storey side extension to form a new entrance, new gates and rear fire escape staircase and associated works”

PA/02/01509  
Listed Building Consent granted by the Government Office for London on 8 May 2003 for “External and internal alterations to the building including the erection of a ground floor single storey side extension to form a new entrance, new staircases, gates, a reception area accessible toilet and partitions”

PA/09/00221  
Planning Permission granted on 7 April 2009 for “alterations to the building to provide a handrail at the front entrance plus alterations to the side entrance to provide glazed panels to the lower section of the entrance door”

PA/09/00222  
Listed Building Consent granted by the Government Office For London on 9 July 2009 for “proposed internal and external alterations to the front and side entrances and at basement level to improve the accessibility within the listed building”

PA/09/01334  
Withdrawn (invalid) application on 28/07/2009 for “Alterations to doors, gates, steps etc. at three entrances to improve access to the building”

PA/09/01335  
Withdrawn (invalid) Listed Building Consent on 28/07/2009 for “External alterations to front and side entrances including glass panels in doors; new handrails; hazard surfaces and contrast nosing on steps; warning signal equipment; self closers and gate securing hooks and bolts. Internal works to first floor wheelchair accessible WC including grab rails; shelves; light fittings and signage”

PA/10/00615, PA/10/00819, PA/10/01263, PA/10/01689  
Submission of details under various conditions of Listed Building Consent PA/09/00222

PA/11/00341  
Listed Building Consent was granted on 31/08/2011 for “installation of new internal timber stairs from 1st floor to 2nd floor and associated works; partial removal of existing partitions and floor”

PA/12/00787  
Listed Building Consent was granted on 27/09/2012 for “works to 5 no. ground floor 4 panelled doors consisting of the removal of the top two timber panels and replacement with two glazed toughened glass panels (with bevelled edges) in order to improve visibility and the security to the main office”

In addition to these applications, the earliest applications on the site are from 1950 and there have been a number of planning and listed building applications since that time, with those within the past 10 years listed above.

## **6.0 POLICY FRAMEWORK**

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

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

Policies: 7.8 Heritage assets and archaeology

### **6.3 Core Strategy Development Plan Document (adopted 2010) (CS)**

Policies: SP10 Creating distinct and durable places

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

Policies: DEV1 Design Requirements  
DEV37 Alterations to Listed Buildings

### **6.5 Managing Development DPD (Submission version 2012 with modifications) (MD DPD)**

Policies: DM24 Place Sensitive Design  
DM27 Heritage and Historic Environment

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

Policies: DEV2 Character and Design  
CON1 Listed Building

### **6.7 Government Planning Policy Framework**

Policies: NPPF 2012 National Planning Policy Framework (NPPF)

### **6.8 Community Plan**

The following Community Plan objectives relate to the application:

A Great Place To Live  
A Healthy and Supportive Community  
A Safe and Cohesive Community

## **7.0 CONSULTATION RESPONSE**

### **English Heritage**

7.1 No objection was raised by English Heritage. The Comments received state that English Heritage recommends that “the application should be determined in accordance with national and local policy guidance and on the basis of your



specialist conservation advice.” Authorisation is provided by English Heritage to determine the Listed Building Consent as considered appropriate.

#### **LBTH Development Design and Conservation**

- 7.2 No objection was raised by LBTH Development Design and Conservation officers.

### **8.0 LOCAL REPRESENTATION**

- 8.1 A total of 37 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposal.

### **9.0 MATERIAL PLANNING CONSIDERATIONS**

- 9.1 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.
- 9.2 The main issue to be considered by the Committee in the determination of this application is the effect of the proposal on the special character of the listed building and its setting.

#### **Land Use**

- 9.3 The application building is a Council’s Registrations office. The existing use of the site is not affected and therefore no land use implications will arise from the proposal.

#### **Design**

- 9.4 London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.5 Adopted CS policy SP10 seeks to protect and enhance the boroughs Heritage Assets. Saved policy DEV37 of the UDP states that proposals to alter a listed building or structures will be expected to preserve the special architectural or historic interest of the building. Specifically, alterations are required to retain and repair original architectural features and that any works are undertaken with traditional materials. This is further reinforced by policy DM 27 of the MD DPD and Policy CON1 of the IPG.
- 9.6 The application proposal seeks to address health and safety concerns relating to the visibility and accessibility of the front entrance stairs to the Bromley Public Hall by installing two (2) black contrasting colour nosings (anti-slip) and two (2) handrails at the front entrance stair way of Bromley Public Hall. The stairs relating to this application are located at the front entrance of Bromley Public Hall and are required to ensure that public can safely access the hall from its primary entrance off Bow Road.
- 9.7 The materials to be used, being black anti-slip nosings on the stairs and black hand rails on the entrance wall, are considered to be appropriate and relatively

unobtrusive to the front entrance of the building in terms of size, location and colouring. The black colouring of the handrails are considered to respond to the black colouring of the existing fence and gates located at the front of the site. On balance, when considering the necessity to provide a safe environment for users entering and exiting the public hall, it is considered that the proposed works are acceptable in this instance.

- 9.8 The submitted drawings indicate that the back anti-slip nosing will be attached directly onto the edge of the two stairs and black hand rails will be attached to the existing wall framing each side of the entrance. Details have been provided on notated colour photo images, along with detailed specifications of the hand rails. Officers are satisfied that the proposed minor works are considered appropriate in this context.
- 9.9 Overall, the proposed works contribute to the safety and access to the front entrance of the building. The proposed works are considered to preserve the overall character and appearance of the Grade II Listed Building. As such, the proposal accords with the aims of policy 7.8 of the London Plan policy SP10 of the adopted CS, saved policy DEV37 of the UDP, policy CON1 of the IPG, and policy DM27 of the MD DPD, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

#### **Amenity**

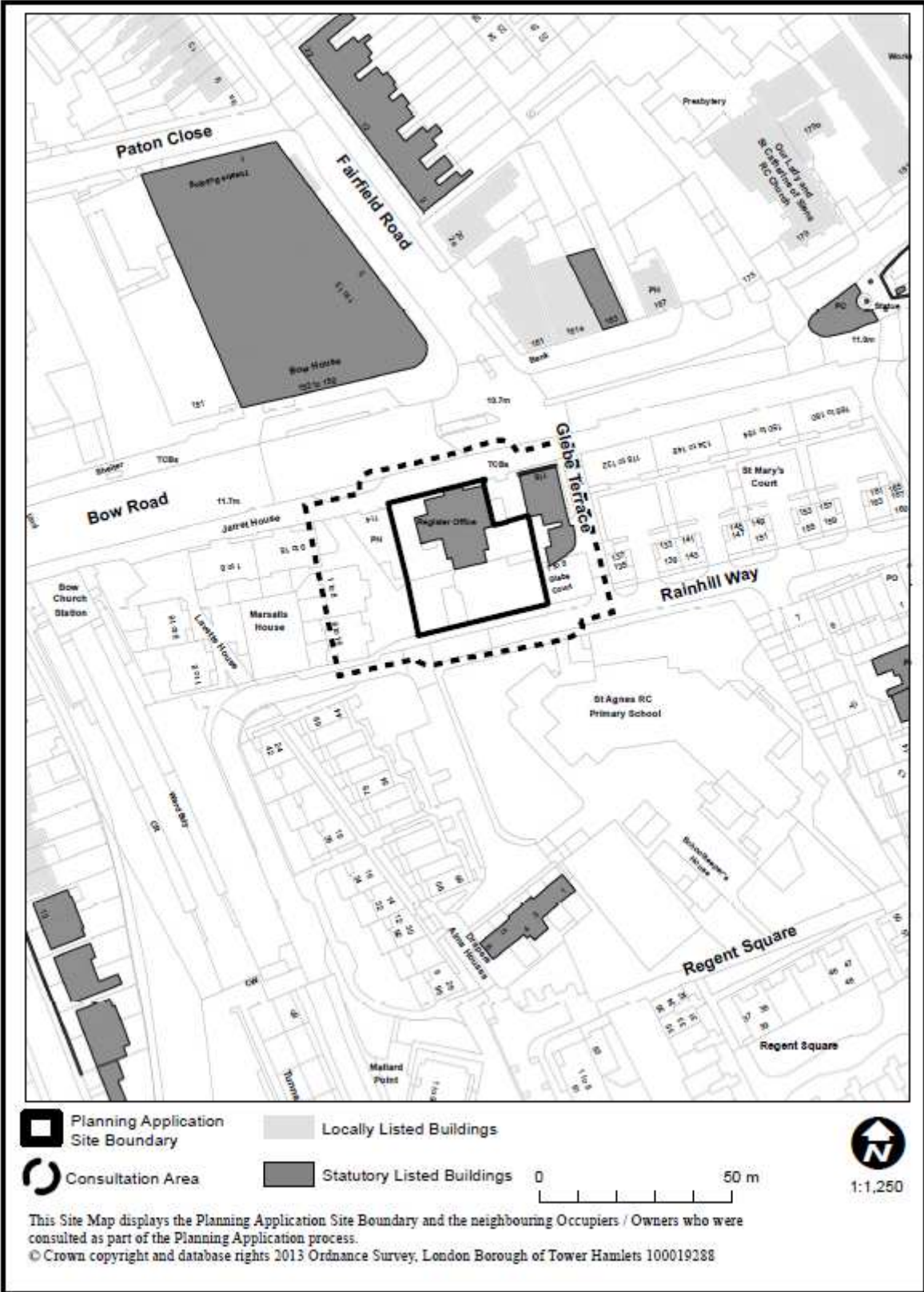
- 9.10 The application is for works to a listed building fronting Bow Road and, due to the small scale nature of the proposed works, the alterations will have no undue detrimental impacts on the amenity of surrounding residents.
- 9.11 The proposal will improve the amenity for users of the building by improving the safety of the main entrance access to the site.

#### **Transport and Highways**

- 9.12 The application has no highway implications.

### **10.0 CONCLUSION**

- 10.1 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



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> 13 <sup>th</sup> February 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/12/03099	
		<b>Ward:</b> Mile End and Globe Town	

## 1.0 APPLICATION DETAILS

- 1.1 **Location:** Block E, Professional Development Centre, English Street, London, E3 4TA
- Existing Use:** The Professional Development Centre (PDC) which provides a base for school-focused activities and training for teachers and managers/under conversion to a primary/ secondary school
- Proposal:** Repair and refurbishment of redundant and derelict toilet block into external playground store including a new roof.
- Documents:** Document entitled 'Design and Access Statement Heritage statement Impact Statement dated November 2012
- Drawing Nos:** BON-CAM-GA-001 A and BON-CAM-DET-2030
- Applicant:** Tower Hamlets- Children, School and Families Directorate.
- Owner:** LBTH
- Historic Building:** Grade II Listed.
- Conservation Area:** Ropery Street Conservation Area.

## 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 Unitary Development Plan, the adopted Core Strategy Development: Development Plan Document 2025, the Managing Development: Development Plan Document (submission version 2012 with modifications), the Council's Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 1. The proposed works contribute to the long-term preservation of the building within the setting of the Grade II listed school buildings by the various repair and replacement works. As such, the proposal accords with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), and policy DM27 of the Managing Development DPD (Submission Version 2012 with

modifications), which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

## **RECOMMENDATION**

3. That the Committee resolve to refer the application to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
  - 3.1
    1. Time Limit.
    2. Completion in accordance with approved drawings.
    3. All materials/ finishes to match existing unless specified on submitted drawings.

## **4. BACKGROUND**

- 4.1 This application for Listed Building Consent is required for proposed works to the Professional Development Centre (PDC) as part of its reversion back to a school. The building is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.
- 4.4 There is also a concurrent planning application for the refurbishment works (PA/12/03098). This application can be determined by the Council under its scheme of delegation.

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

### **Proposal**

- 5.1 Listed Building Consent for the repair and refurbishment of redundant and derelict toilet block into external playground store including a new roof.

### **Site and Surroundings**

- 5.2 The application site is a former public elementary school site consisting of two large school buildings (Blocks A and B) and three smaller single storey outbuildings (Blocks C,D and E)
- 5.3 Both the main buildings are grade II listed with the rest of the buildings listed by association. Block E is a redundant toilet block located on the western side of the school in close proximity of Block B.

- 5.4 English Street running perpendicular to the northern boundary of the site provides the main access to the PDC although other access gates exist to the southern boundary of the site at Ropery Street.
- 5.5 The site is also located within the Ropery Street Conservation Area which was designated in 1987. The Conservation Areas main characteristic is the uniform group of terraces, dating back to the mid-late 19th century.
- 5.6 Residential properties are located to the north, south and west of the site. Tower Hamlets Cemetery is located to the east of the site across Southern Grove Road.

**Relevant Planning History**

- 5.7 PA/12/03098

This is the associated full planning application. A decision is expected to be made on or before 6<sup>th</sup> February 2013.

- 5.8 PA/12/01671 and PA/12/01672

Planning and listed building consents granted on 4<sup>th</sup> September and 9<sup>th</sup> September 2012 respectively for the refurbishment, repair and alteration of existing buildings together with the provision of external canopies in order to provide new primary school & nursery facilities to create an annex site for Bonner Primary School.

- 5.9 In addition to these applications, the earliest applications on the site are from 1991 and there have been a number of planning and listed building applications since 2000. However, these were for relatively minor works which are not relevant to the current proposals.

**6. POLICY FRAMEWORK**

- 6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

- 6.2 **Spatial Development Strategy for Greater London (London Plan 2011) (London Plan)**

7.8 Heritage assets and archaeology

- 6.3 **Core Strategy Development Plan Document (adopted 2010) (CS)**

Policies: SP10 Creating distinct and durable places

- 6.4 **Unitary Development Plan 1998 (as saved, 2007) (UDP)**

Policies: DEV1 Design requirements  
DEV37 Listed Buildings

- 6.5 **Managing Development DPD (Submission version 2012 with modifications) (MD DPD)**

DM27 Heritage and the historic environment

- 6.6 **Interim Planning Guidance for the purposes of Development Control (October**

## 2007) (IPG)

Policies:           DEV2           Character and Design  
                  CON1           Listed Buildings

### 6.7 **Government Planning Policy Framework**

NPPF           National Planning Policy Framework 2012 (NPPF)

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

A better place for living well

## 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:

### **English Heritage**

7.2 English Heritage have considered the information received and do not wish to offer any comments on this occasion.

7.3 *Officer comment: This has been noted.*

## 8. **LOCAL REPRESENTATION**

8.1 A total of 17 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals.

## 9.0 **MATERIAL PLANNING CONSIDERATIONS**

9.1 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.

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

### **Design and Impact on the Listed Building.**

9.3 London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

9.4 Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets.

9.5 Saved policy DEV37 of the UDP states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or historic interest of



the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials. This is further reinforced by policy DM27 of the MD DPD and Policy CON1 of the IPG.

- 9.6 The applicant is seeking to repair and refurbish a redundant toilet block located in the playground area of the Professional Development Centre. The block is to be used for storage purposes.
- 9.7 The materials to be used in the roof are timber and felt which are set on top of the existing wall. Whilst slate is considered more sympathetic to the building than the proposed materials, when considering the size and location of the structure, along with the fact that it is currently redundant and derelict, it is considered that timber and felt is acceptable in this instance.
- 9.8 The submitted drawings indicate that a new lockable timber gate and frame is to be fitted within the existing opening. Whilst the elevation of this is not shown, officers are satisfied that a timber door is considered appropriate in this context.
- 9.9 Overall, the proposed works contribute to the re-use of the block as part of the reversion of the buildings on site back to their former school use. The proposed refurbishment and new roof is considered to preserve the special character and appearance of the adjoining Grade II Listed Buildings. As such, the proposal accords with the aims of policy 7.8 of the London Plan policy SP10 of the adopted CS, saved policy DEV37 of the UDP, and policy DM27 of the MD DPD, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

## **10.0 CONCLUSION.**

- 10.1 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Agenda Item 8.3

<b>Committee:</b> Development	<b>Date:</b> 13 February 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/12/02469</b>
<b>Site:</b>	<b>73 Driffield Road, E3 5NE</b>
<b>Proposed Development Decision</b>	<b>Erection of a first floor rear extension REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The main issue in this case was the extent to which the proposed development preserved or enhanced the character and appearance of the conservation area and its impact on the living conditions of occupiers of neighbouring properties.

- 3.3 The proposed first floor extension would have extended the property to the same depth as the existing single storey addition and the Planning Inspector was concerned about the proposed width of a rear facing window and the proposed cedar cladding. He concluded that the combined effect of the extension would have served to heighten the prominence and visual incongruity of this feature in this location.
- 3.4 The Planning Inspector was less concerned about the amenity effects of the extension with the proposed extension being set back from neighbouring windows. Notwithstanding this, the appeal was DISMISSED in view of the detrimental effect of the character and appearance of the conservation area.

**Application No:** PA/12/01161  
**Site:** James Hammett House, Ravenscroft Street, E2 7QH  
**Site:** Installation 6 antennas to façade of building and rooftop equipment.  
**Decision:** REFUSE PLANNING PERMISSION (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision** ALLOWED

- 3.5 The main issue in this case was the impact of the proposed installation on the character and appearance of the appeal premises and the Hackney Road Conservation Area.
- 3.6 James Hammett House is a 11 storey block of flats, dating from the late 1950s and the Planning Inspector felt that in view of the size of the appeal premises would serve to diminish the impact of the proposed antennas. He concluded that the installation would not be prominent or conspicuous in any views, nor would the antennas draw attention to themselves. He therefore did not agree with the Council that they would have been detrimental to the character and appearance of the property and the conservation area.
- 3.7 The appeal was ALLOWED.

**Application No:** PA/12/00354 and EV/10/00106  
**Site:** 369A Roman Road and land at 369 Roman Road, E3 5QR  
**Development:** Change of use from commercial to 2x1 bed flats and the unauthorised installation of a shop front comprising wooden slat hoardings.  
**Decision:** REFUSE PLANNING PERMISSION AND INSTAIGATE PLANNING ENFORCEMENT ACTION (delegated decision)  
**Appeal Method:** WRITTEN REPRESENTATIONS  
**Inspector's Decision** DISMISSED AND ENFORCEMENT NOTICE UPHELD

- 3.8 This property was constructed back in 2009 following a grant of planning permission for use of basement and ground floor for commercial purposes, with three flats above. The ground floor had been completed to shell and core and the shopfront was not constructed in accordance with the approved plans. The

ground floor and basement has also never been occupied and the appeal against the refusal of planning permission relates to the proposed use of the previously approved commercial space as two self-contained flats.

3.9 There were three main issues relevant to these appeals:

- The implications of the proposed change of use of the vitality and viability of the District Centre;
- The effect of the works on the character of the Driffield Road Conservation Area;
- Whether the proposed residential accommodation s of a satisfactory standard in terms of amenity space

3.10 On the first issue, the Planning Inspector concluded that the change of use to residential would have unacceptably diluted the retail and commercial offer within this part of Roman Road. He was also concerned about the ground floor treatment (linked to the proposed flats) and referred back to the traditional shop front approved as part of the original grant of planning permission. He concluded that the external alterations would have significantly harmed the rhythm and continuity of the parade and would have harmed the character and appearance of the Driffield Road Conservation Area.

3.11 On the third issue, the Planning Inspector was not persuaded that the modest sized amenity areas for each of the flats (especially as family sized accommodation had not been proposed). The Planning Inspector modified the Planning Enforcement Notice (which required the removal of the wooden slatted hoarding and the installation of the approved shop front) by extending the period of compliance form 4 months to 6 months.

<b>Application No:</b>	<b>ENF/10/00603</b>
<b>Site:</b>	<b>21-22 Gillender Street, E3 2QA</b>
<b>Development:</b>	<b>Appeal against the enforcement notice in respect of the unauthorised use of the property as 6 residential units along with the unauthorised rear roof extension and external alterations.</b>
<b>Decision:</b>	<b>INSTIGATE ENFORCMENT ACTION (delegated decision)</b>
<b>Appeal Method:</b>	<b>PUBLIC INQUIRY</b>
<b>Inspector's Decision</b>	<b>ALLOWED AND ENFORCEMENT NOTICE QUASHED</b>

3.12 This case involved the unauthorised use of the property as 6 residential units along with the unauthorised rear roof extension and external alterations. The Council had serious concerns about the appearance of the rear roof extension and the various external works undertaken (including the installation of UPVC windows) in view of the sites location adjacent to listed buildings and within the Limehouse Cut Conservation Area. The Council was also concerned about the failure of the scheme to provide the required family unit (3+ bedrooms as part of the scheme.

3.13 During the Inquiry, the appellant submitted a drawing which indicated how they might provide the required family unit at ground floor level (which they had

previously offered to the Council prior to the commencement of proceedings). In response, the Council was not prepared to accept the compromise solution, as it was also concerned about the appearance of the rear roof extension, which was included as part of these submitted compromise plans. The appellant also submitted drawings indicating how they would improve and modify the external appearance of the building through the removal of pipework and the installation of timber windows more in keeping with the appearance of the building.

- 3.14 The Planning Inspector accepted that the external alterations that had been undertaken were not acceptable and also agreed with the Council that a family unit (on the ground floor) was a requirement of the scheme, even though the site is located adjacent to the A12. However, as the appellant had submitted drawings to indicate how the ground floor could be converted into a family unit and had agreed to improve the external appearance of the building, the Planning Inspector granted planning permission with these alternative drawings, quashed the Planning Enforcement Notice and required the implementation of the works pursuant to this planning permission by condition and in accordance with the amended drawings submitted and debated at the Public Inquiry. The conditions require the works to be clarified and carried out within a specified period.
- 3.15 The appeal was ALLOWED. This is a disappointing decision in respect of the roof extension but it is satisfying that the Planning Inspector accepted the Council's position in terms of the requirement for a family sized unit and the requirement for significant improvements to be made to the external appearance of the building.
- 3.16 There was a partial award of costs against the Council as a number of the issues raised in respect of the previous use (or lack of) as part of the Council's pre inquiry submission pointed towards the need for a public inquiry, which the Planning Inspector considered was not necessary.

#### **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><i>Application No:</i></b>	<b><i>PA/12/02726</i></b>
<b><i>Sites:</i></b>	<b><i>Unit 1, Pump House Mews, Hooper Street, London, E1 8AG</i></b>
<b><i>Development</i></b>	<b><i>Erection of an additional storey with mono pitched roof to create a third floor to the existing two-storey single dwelling house to provide an additional 1 bedroom with en-suite bathroom.</i></b>
<b><i>Council Decision</i></b>	<b><i>REFUSE (delegated decision)</i></b>
<b><i>Start Date</i></b>	<b><i>unconfirmed</i></b>
<b><i>Appeal Method</i></b>	<b><i>WRITTEN REPRESENTATION</i></b>

- 4.2 The proposed development was a re-submission of an earlier scheme (PA/11/03805) which was refused by the Council. Similar to the earlier scheme, this revised scheme was found to have an unacceptable impact on the amenity of adjoining properties virtue of its height, bulk and depth of extension.



**Application No:** PA/12/01209  
**Sites:** 3-4 Vine Court, London, E1  
**Development** Demolition of former light industrial building and erection of a part 2, part 3 storey (plus basement) row of terraced houses comprising 5 dwelling units (2 x 2 Bed and 3 x 3 Bed).  
**Council Decision** REFUSE (delegated decision)  
**Start Date** Unconfirmed  
**Appeal Method** Unconfirmed

- 4.3 This case was refused planning permission by reason of its scale, mass, excessive plot coverage, detailed design and use of materials, which failed to preserve or enhance the appearance of the Myrdle Street Conservation Area, provide poor outlook for future residents and fail to preserve the amenity of existing residents by an increase sense of enclosure.

**Application No:** PA/12/02723  
**Sites:** 16 Milligan Street, London, E14 8AU  
**Development** Erection of two storey rear extension  
**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 extension would be detrimental to the amenities of the neighbouring occupiers by reason of its excessive height, scale and bulk which was considered to have an adverse impact on the amenities of its neighbouring occupiers and result in an unacceptable addition to the terrace. Lastly, the extension was not considered to either preserve or enhance the character and appearance of the Narrow Street Conservation Area.

**Application No:** PA/12/02901  
**Sites:** 52 Twelvetrees Crescent, London, E3 3GT  
**Development** Demolition of the existing development and erection of a 4 bedroom house; 3 storeys above the adjacent road level.  
**Council Decision** REFUSAL (delegated decision)  
**Start Date** 24/01/2013  
**Appeal Method** WRITTEN REPRESENTATION

- 4.5 The proposal to erect a three storey house at the appeal site was refused on grounds of height, scale, bulk and design, which was considered excessive for the site and adversely impacting on the character and appearance of the Limehouse Cut Conservation Area as well as the setting of the adjacent Grade II Listed Twelvetree's Bridge. The proposed development was also refused on highway safety grounds with poor vehicular access onto the site, with poor vehicle indivisibility and sight lines onto Twelvetrees Crescent.

- 4.6 This site has been the subject of previous planning refusals and enforcement investigations with subsequent dismissed appeals.

**Application No:** PA/12/02495  
**Sites:** 4 Wilkes Street, London, E1 6QF

***Development***

***Erection of roof extension to provide office space including the creation of a roof terrace together with timber screening to perimeter of roof terrace.***

***Council Decision***

***REFUSAL (committee decision)***

***Start Date***

***23/01/2013***

***Appeal Method***

***WRITTEN REPRESENTATION***

4.7 This planning permission was refused planning permission by development Committee for the following reasons:

- The development by reason of its proximity to neighbouring properties, in particular 6-10 Princelet Street and the garden of 6 Wilkes Street, would result in a loss of light and outlook to the occupiers of these properties.
- The proposal by virtue of its elevated position and the provision of a roof terrace would result in an increase in the perception of overlooking to neighbouring residential properties. The provision of a roof terrace serving an office development would cause harm to the amenities of neighbouring occupiers without delivering any significant benefits for the users of the office building or other surrounding residents.
- The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building.
- The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings.