



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 13 March 2013 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

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

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

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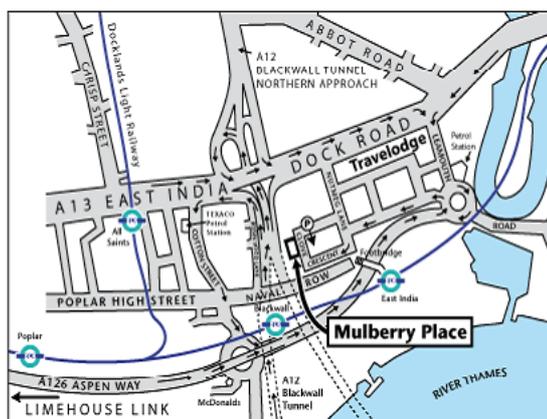
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QR code for smart phone users

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 13 March 2013

7.00 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST

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

### 3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 13<sup>th</sup> February 2013.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

### 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. **13 - 14**

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

## **6. DEFERRED ITEMS** **15 - 16**

**6 .1 Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)** **17 - 52** **Weavers**

## **7. PLANNING APPLICATIONS FOR DECISION** **53 - 56**

**7 .1 Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue, E14 (PA/12/03288)** **57 - 74** **Blackwall & Cubitt Town**

## **8. OTHER PLANNING MATTERS** **75 - 76**

**8 .1 Trinity Centre, Key Close, London, E1 4HG (PA/12/02410)** **77 - 82** **Bethnal Green South**

**8 .2 APPEAL REPORT** **83 - 86**

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 13 FEBRUARY 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 Craig Aston  
Councillor Anwar Khan

**Other Councillors Present:**

None.

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Elaine Bailey	– (Principal Planning Officer, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Councillor Maium Miah and for lateness by Councillor Anwar Khan.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests (DPIs) were made.

Councillor Helal Abbas declared a non DPI in agenda item 7.1 (Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)). This was on the grounds that he had received

correspondence and had spoken to objectors. However he had not expressed an opinion.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16<sup>th</sup> January 2013 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 Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)**

Update report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)

The Chair invited the registered speakers to address the meeting.

Aulad Miah spoke in objection. He stated that he lived in the ward and was an

employee of the adjacent service. The site was located in the Conservation Area, was mainly residential and outside the Central Activities Zone (CAZ). Therefore, it was unsuitable for retail use. There would also be a loss of arts. The plans, including the roof extension, would spoil the character of the area. The roof would be very visible from the street. It should follow the current design. The plans conflicted with policy that sought to protect heritage assets.

In reply to Members, he considered that the applicant carried out very little consultation. The initial feedback was negative and following this, there were few meetings with restricted access. The proposal would attract anti social behaviour (asb) by making the building more prominent. The change of use to retail and loss of education uses would also increase asb. The Police reports indicated that there were significant issues with asb in the area.

Jason Caffrey spoke in objection. He stressed the importance of the centre in terms of historic value. The proposals would cause irreversible harm to the key features that made it so unique. For example, it would spoil the roof which covered the former play space, remove the classrooms, the original windows and doors. He drew attention to the concerns of the Greater London Archaeology Society. He disputed the accuracy of the report in terms of the building's history and the heritage assessment. Furthermore, English Heritage were in the process of reviewing the building's listed status. The Committee should defer its decision until the outcome of this review was known.

Hatty Buchanan spoke in support of the application. She was an employee of the centre. She referred to the works to a similar building to upgrade it. It was planned to use the same successful methods here. It was proposed to host a range of services should the centre be restored. This included education lessons for children and community projects. The building was in a poor state now with an uncertain income base. It urgently needed the repair work. The income generated by the new building would cover the costs. If left, the building could be placed on the List of Buildings at Risk Register.

In reply to Members, she explained the consultation process. There had been extensive pre-application discussions over 18 months with many meetings and initiatives with residents. The plans had been amended in light of the concerns with the retention of the original boundary wall. The roof was badly in need of repair. The leaking was harming the structure. As a result, the upper floor could not fully be used. (Officers showed photograph's of the roof in their presentation). It was necessary to repair the roof to bring the centre back to full use and generate the income needed for the restoration.

Kevin Watson (Applicant's agent) spoke in support. The plans would prevent the buildings on-going deterioration and provide a host of benefits. This included the repair of the centre, new jobs, business units for the local economy, a good design and improved energy efficiency. Only a small part of the centre would be used for retail use. There was nothing of serious harm. The building was Grade II group listed, being the lowest value listing. So the repair works to save it, in this context, were acceptable.

Elaine Bailey (Planning Officer) presented the detailed report and the update. The site was within the Boundary Estate Conservation area and the CAZ area. Therefore, in terms of land use, the proposal was acceptable. She described the change in use including the A1 retail use. She explained the key alterations. It was confirmed that the roof would be raised by between 900cm- 1 metre in height, but was also set back.

Ms Bailey explained the outcome of the consultation including representations for and against. The scheme had been amended to address the objections with the preservation of internal partitions, reduction of the mezzanine and restrictions on retail use.

Officers did not consider that the plans would harm the value of the building. The scheme would restore the building and ensure its survival. Overall, given the benefits, the scheme should be granted.

In response, Members asked questions/made comments on the following issues:

- The loss of the roof and the former play space. It was questioned whether Officers were now satisfied with this given the concerns in the report.
- The loss of historic features and the policy support for this. It was questioned whether the benefits of the scheme outweighed this.
- The design and colour in relation to the surrounding area.
- The alternative options explored.
- The roof materials and waste storage plans.

In response, Officers addressed the points.

Officers had fully assessed the impact on the building. The plans were necessary to ensure the building's longevity. The applicant had submitted an economic assessment showing that the scheme was viable. It would be funded by the increased income from the new building. It was intended that the centre would primarily be used for the arts and culture with complementary uses.

English Heritage had not made any objections. The Council's specialists were satisfied with the scheme. The concerns in the report, (expressed at pre application stage) had generally been addressed.

The Council's Conservation Officer, Andrew Hargreaves, was present to support the findings. He reported on the many other options looked at but none had proven viable or practical. The roof would be made of zinc, a more modern version of the present material and would be in keeping with the area.

The refuse and waste arrangements would remain separate from St Hilda's as stated in the update. The details would be secured by condition.

Councillor Anwar Khan did not vote on this item as he had arrived after the start of the item.

On a vote of 3 in favour, 0 against and 1 abstention, the Committee **RESOLVED:**

That the Officers recommendation to grant Listed Building Consent and planning permission (PA/12/02317 & PA/12/02318) at Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES **NOT BE ACCEPTED** for 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.

Members were minded not to accept the application due to concerns over:

- Loss of heritage value in respect of the roof and former roof top play space.
- Overall impact on the uniqueness of the building.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Shiria Khatun, Craig Aston and Kosru Uddin)

## **7.2 Land at North East Corner of Butley Court, Ford Street, London, E3 (PA/12/0285)**

Update report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Land at North East Corner of Butley Court, Ford Street, London, E3 (PA/12/0285).

The Chair invited the registered speakers to address the meeting.

Anthony Stock spoke in objection. He stated that he lived at Jossiline Court. He objected to the loss of the drying rooms. They were much needed as residents didn't have anywhere else to dry their laundry. He expressed concern at the impact on the residents from the construction work. Many were elderly and would have to suffer this for three years. It would cause them a lot of harm. In reply to Members, he agreed that the plans could worsen anti social behaviour (asb) by darkening the estate. Residents were having to dry their laundry internally that caused damp and mould in flats.

Officers clarified that the issues around housing management (service

charges and subletting) were not a planning consideration and should have no impact on the decision.

Andrew Black spoke in support. The proposal sought to redevelop the under used drying rooms. It would provide 100% affordable housing. He reported on the extensive consultation carried out with the residents who were mainly supportive of the proposal. The residents consulted were not concerned about the loss of drying rooms. No objections had been received from the statutory consultees. In reply to Members, he stated that the drying rooms were locked as were underused and therefore attracted asb. The applicant was happy to accept a condition on security and lighting to address any concerns in this area.

Benson Olaseni (Planning Officer) presented the report and the update. He described the main issues including: the site and surrounds, the layout and the outcome of the consultation. The units would be for the over 50s. The drying rooms had been vacant for some time. So its regeneration was welcomed and would help meet the housing targets. It was considered that the impact on amenity was acceptable with no impact on day light or sunlight. The scheme complied with policy and should be granted.

In reply, Members discussed the safety and security issues. In particular, the problems with asb on the site due to the levels of darkness. There was a risk that this further development could add to this problem by darkening the area further. To prevent this, Councillor Anwar Khan proposed an additional condition that was seconded by Councillor Craig Aston. This was agreed by the committee.

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

That planning permission (PA/12/0285) at Land at North East Corner of Butley Court, Ford Street, London, E3 be **GRANTED** for the demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments SUBJECT to the conditions and informative set out in the report AND the additional condition agreed by the Committee that:

- Details of the safety and security plans be submitted and approved by Officers including the possibility of installing CCTV.

### 7.3 Land at North East Corner of Jossiline Court, London (PA/12/02860)

Update report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Land at North East Corner of Jossiline Court, London (PA/12/02860).

The Chair invited the registered speakers to address the meeting.

George Beckwith spoke in objection. He stated that he lived in Jossiline Court. The proposed bins would be right next to his flat. He suggested changes to the layout of the scheme to address this.

Anthony Stock spoke in objection. He stressed the importance of the drying room to residents and their wish for them to be brought back in use. The owners had locked them up. That's the reason why they were not used.

Andrew Black spoke in support. He stressed the merits of the scheme in terms of the affordable housing and improvements to the area. If granted, the scheme would be secure by design. In reply to Members, he considered that the refuse plans were acceptable. The issues raised by Mr Beckwith (about the bins) had been taken up with the applicant and they were happy that there were no issues.

Benson Olaseni (Planning Officer) introduced the proposal.

In reply, Members discussed the safety and security issues. Accordingly, Councillor Anwar Khan proposed an additional condition to address such issues that was seconded by Councillor Craig Aston. This was agreed by the committee. (The reasons are set out in minute 7.2)

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

That planning permission (PA/12/02860) at Land at North East Corner of Jossiline Court, London be **GRANTED** for the demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments SUBJECT to the conditions and informative set out in the report AND the additional condition agreed by the Committee that:

- Details of the safety and security plans be submitted and approved by Officers including the possibility of installing CCTV.

#### **7.4 55 Poplar High Street, London, E14 0DJ (PA/11/03216)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report 55 Poplar High Street, London, E14 0DJ (PA/11/03216).

There were no speakers registered.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update. She explained the site location and planning history. It was considered that the change of use was acceptable as it would bring a vacant building back into use with no adverse impacts. The plans were supported in policy. She explained the outcome of the consultation and the objections raised regarding anti-social behaviour (asb) and need for the use. There was no evidence linking internet café use with asb and no major problems of this type in the area (as shown by the crime statistics). There were conditions to

protect amenity. There were no symptoms of overconcentration given the limited number of such uses in the area.

Members raised a number of questions. In response, Officers referred to the comments of the Crime Officer and Police. They considered that there were no incidences that justified an objection based on the statistics.

It was considered that a 10pm closing time (11pm on Saturday) was appropriate to protect residents. The premises would be selling hot and cold drinks. There would be no hot food for sale.

Councillor Craig Aston proposed to shorten the closing hours to prevent any late night nuisance from the proposal. This amendment fell.

On a vote of 4 in favour 0 against and 1 abstention, the Committee **RESOLVED**:

1. That planning permission (PA/11/03216) at 55 Poplar High Street, London, E14 0DJ be **GRANTED** for change of use from minicab office (sui generis) to internet café and ancillary office space (Use Class A1/A2)
2. That the Corporate Director Development & Renewal is delegated power to impose conditions on the planning permission to secure the matters set out in the report.

## 8. OTHER PLANNING MATTERS

### 8.1 Bromley Public Hall, Bow Road, London, E3 (PA/12/02618)

Jerry Bell (Applications Team Leader) introduced the report Bromley Public Hall, Bow Road, London, E3 (PA/12/02618)

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update.

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

That application (PA/12/02618) at Bromley Public Hall, Bow Road, London, E3 for the 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 be **REFERRED** to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

### 8.2 Block E, Professional Development Centre, English Street, London, E3 4TA (PA/12/03099)

Jerry Bell (Applications Team Leader) introduced the report Block E, Professional Development Centre, English Street, London, E3 4TA (PA/12/03099)

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update.

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

That application (PA/12/03099) at Block E, Professional Development Centre, English Street, London, E3 4TA for repair and refurbishment of redundant and derelict toilet block into external playground store including a new roof be **REFERRED** to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

### 8.3 Planning 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 9.10 p.m.

Chair, Councillor Helal Abbas  
Development Committee

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# 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 6

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> March 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<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 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

2.1 The following items are in this category:

Date deferred	Application	Proposal	Reason for deferral
13 <sup>th</sup> February 2013	Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)	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.	Loss of heritage value in respect of the roof and former roof top play space.  Overall impact on the uniqueness of the building.

## 3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update are attached.

- Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

- 3.1 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

#### **4. PUBLIC SPEAKING**

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

#### **5. RECOMMENDATION**

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> March 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Listed Building Application & Full Planning Application (– deferral item)	
<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 BACKGROUND**

2.1 These applications for planning permission and listed building consent were reported to Development Committee on 13<sup>th</sup> February 2013, with an officer recommendation for approval. The Committee resolved NOT TO ACCEPT the recommendation to GRANT permission.

2.2 Copies of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations are attached as Appendix 1 & 2 of this report.

2.3 The minutes of the development committee meeting state that Members were minded not to accept the application due to concerns over:

- Loss of heritage value in respect of the roof and former roof top play Space
- Overall impact on the uniqueness of the building.

2.4 In accordance with the Constitution and the Development Procedure Rules, these applications were deferred to a future meeting of the Planning Committee to enable officers to present a supplementary report setting out reasons for refusal and the implications of the decision.

## **3.0 CONSIDERATION OF REASONS**

3.1 Officers consider that the two areas of concern (as highlighted in paragraph 2.3 above) are closely intertwined, and that they are best expressed as single reason for refusal – that encompasses both the points.

3.2 Officers note that there was some discussion around 'loss of playspace' at the meeting. It is important to clarify for Members that the play space at roof level has not been used since the building ceased its former educational use in the 1970's and is not in any way amenity space. The roof level is enclosed, and is used in conjunction with the ground

3.3 floor to provide D1 space.

Officers have interpreted the comments made about the loss of the playspace as a reference to the loss of the historic roof building form. Officers consider that the uniqueness of the roof form, and its former use to provide playspace is an important part of the building's historic character. Officers consider that acceptability of the loss of this roof form is a matter of judgement, and one that could be defended on appeal.

#### **4.0 PROPOSED REASONS FOR REFUSAL.**

- 4.1 The proposal, by reason of the loss of the original roof and other alterations resulting in loss of historic fabric, would detract from the unique historical importance of the building. The proposed roof and other alterations do not relate sufficiently well to the host building and fail to pay special regard to the desirability of preserving the building, its setting and features of special architectural or historic interest. On balance, the benefits of renovating parts of the building are not sufficient to outweigh the harm caused by the proposal.

The proposal is therefore contrary to policy saved policy DEV37 of the Unitary Development Plan (1998), adopted policy SP10 of the Core Strategy 2010 and emerging policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications).

#### Officer's Comments

- 4.2 The recommendation made to Members on the night of committee was finely balanced. It is open for Members to take a different view on the relative importance of promoting the adaptation of listed buildings to allow new uses to take place and the desirability of preserving features of historic interest. Officers consider that this reason for refusal could be defended on appeal.

#### **5.0 ADDITIONAL REPRESENTATIONS**

- 5.1 Since the deferral of the committee item, the Council has received no additional representation from local residents or the wider community.

#### **6.0 CONCLUSIONS**

- 6.1 Officers consider that the above reason for refusal can be defended at appeal given the finely balanced assessment outlined in the main committee report and given the special architectural and historic character of the application site.

#### **7.0 IMPLICATIONS OF DECISION**

- 7.1 Should Members decide to re-affirm their previous resolution and refuse planning permission and listed building consent, there are a number of possibilities open to the Applicant. These would include (though not limited to):-

1. Applicant could enter into discussions with LPA to discuss an amended scheme to address the reason for refusal.
2. Applicant could submit an appeal against refusal and officers would defend this appeal.

## **8.0 OFFICER RECOMMEDNATION**

- 8.1 Officer's original recommendation remains unchanged, however should Members decide to re-affirm their previous resolution and refuse permission Members are recommended to resolve to REFUSE permission and listed building consent for the reason set out paragraph 4.1 of this report.

## **9.0 APPENDICES**

- 9.1 Appendix One - Committee Report to Members on 13<sup>th</sup> Feb 2013  
Appendix Two – Update Report to Members on 13<sup>th</sup> Feb 2013

<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.

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- 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 100m 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**

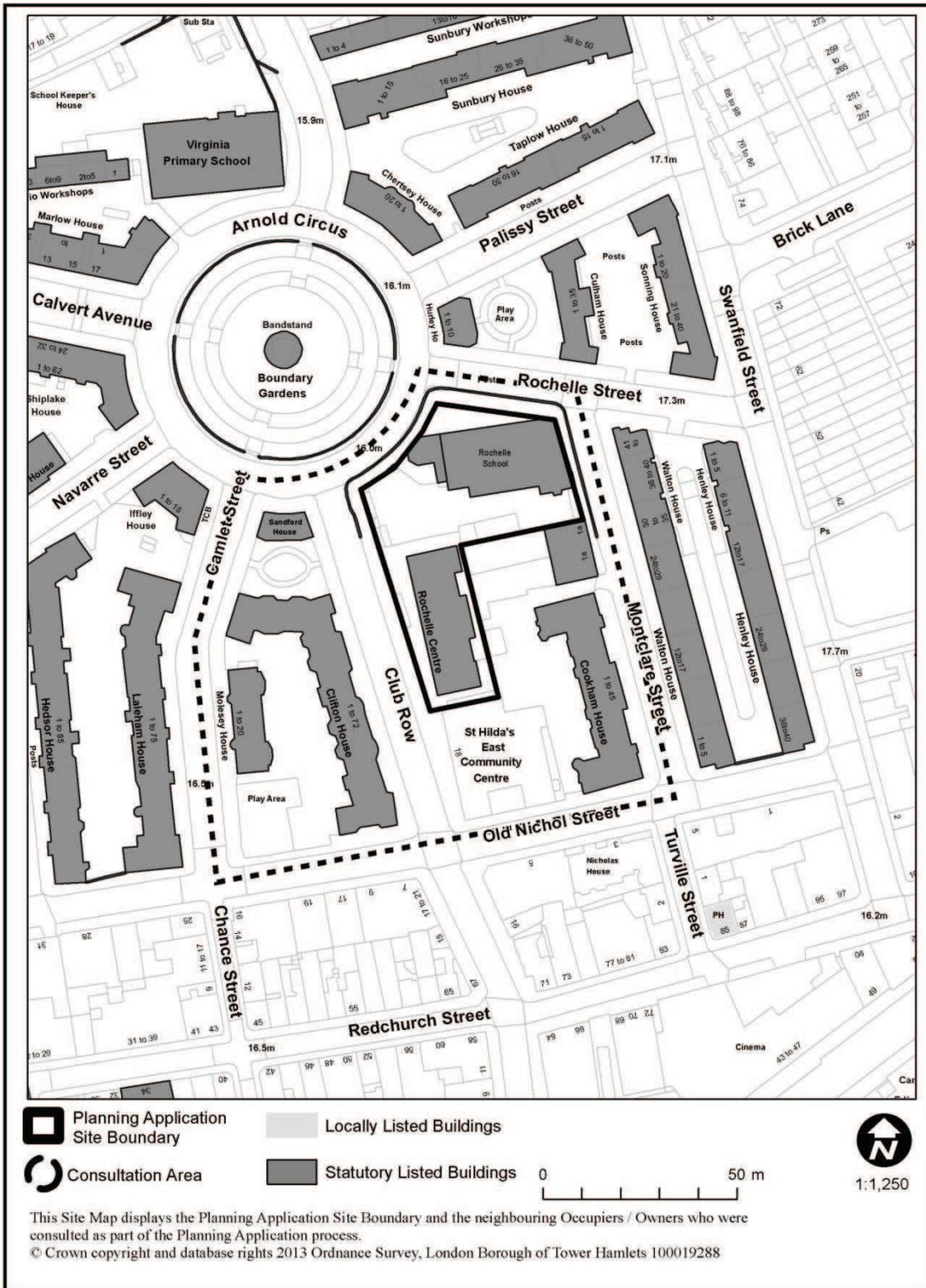
- 8.66 The application is located in an area of excellent public transport accessibility and connectivity and is also within the London Cycle Hire Scheme area. Shoreditch High St station is located within 250m from the site and Liverpool Street station is located 1k away.
- 8.67 No car parking is proposed 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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**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

13<sup>th</sup> February 2013 at 7.00pm

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**INDEX**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
7.1	PA/12/02317 & PA/12/02318	Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London E2 7ES	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.
7.2	PA/12/02852	Land at North East Corner of Butley Court	Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments.
7.3	PA/12/02860	Land at North East Corner of Jossiline Court	Demolition of existing drying rooms and erection of four storey infill block comprising of 4 x one bedroom apartments.
7.4	PA/11/03216	55 Poplar High Street, London, E14 0DJ	Change of use from minicab office (sui generis) to internet cafe and ancillary office space (Use Class A1/A2).

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/12/2317 & PA/12/2318
<b>Location:</b>	Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London E2 7ES
<b>Proposal:</b>	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.

## 1.0 CORRECTIONS

- 1.1 At paragraph 4.3 of the main committee report, a figure of 2,400sqm is incorrectly referred to. The figure should read 836sqm and refers to the existing floorspace for the Rochelle Centre building over both floors.
- 1.2 At paragraph 8.72 of the main committee report, the refuse and waste arrangement is proposed as being shared between the Rochelle Centre and St Hilda's Community Centre next door. However, the applicant has confirmed that St Hilda's are unable to provide an agreement to this. Drawing No. 201 Rev F shows the omission of the gate between both sites. As such, the refuse and storage remains to the rear of the Rochelle Centre, with no connection with St Hilda's and the refuse will be collected from the street via existing collection services. The detail design of the waste storage facility should be conditioned as recommended in the main committee report.
- 1.3 Section 7.4 of the report refers incorrectly to St Hilda's 'School'. This should read St Hilda's 'Community Centre'.

## 2.0 FURTHER REPRESENTATION

- 2.1 An additional 25 signatures was received on 12 Feb 2013 to the petition.
- 2.2 Further comments were received from the Greater London Industrial Archaeology Society (GLIAS) on 12th Feb and emailed to Members (copying in case officers). This is available on the file.
- 2.3 A further petition was received from the East End Waterway Group with 127 signatures today (13<sup>th</sup> Feb) with some additional comments. The petitions object to the applications, objects to the change of use (to include shops) and major alterations to the unique 1879 former infants' school in Club Row, which would cause substantial harm to the national significance of the listed building and the Boundary Estate conservation area (as set out in a letter of 7 Oct and a letter of 6 Nov 2012 with four attachments).
- 2.4 St Hilda's Community Centre have made a further representation via email on 8<sup>th</sup> Feb 2013 following publication of the committee report. Further objections and comments are made and St Hilda's have expressed that these be brought to Member's attention. The issues are summarised as follows:

### Inappropriate Development to a Listed Building

- 2.5 St Hilda's claim that the main committee report does not make a balanced judgement as required by the NPPF. They wish to draw the Committee's attention to Saved UDP Policy DEV37 which aims to preserve the *architectural* as well as the historical significance of listed buildings and claims that neither the applicant's impact statement nor the committee report has regard to this objective. St Hilda's also describe the alterations as substantial and claim that the proposals do not show appropriate sensitivity to the architectural significance of the building as specifically required by Policy DEV37.
- 2.6 In response to this, it is the officer's view that sufficient consideration has been given to both the architectural and historic interest of the listed building in line with all relevant conservation and design policies. Officers do not agree that the alterations are substantial considering the extent of retention proposed and the scale of refurbishment in the application. The alterations proposed are considered to be in keeping with the architectural interest of the building due to the scale, detailed design, and choice of materials proposed. It is also officers' view that the applicant's Impact Statement and their Design and Access Statement provides sufficient justification for the proposed works from an architectural perspective.

#### Harm to the Boundary Estate Conservation Area

- 2.7 In their recent email, St Hilda's Community Centre claim that the proposed works would substantially and detrimentally alter the character of the conservation and with the Boundary Estate being one of the first municipal housing development in the country, the committee report fails to take due account of the residential character and historic significance of the area. Furthermore, St Hilda's objection states that the proposed retail use would be incompatible with the area they draw and attention to Core Strategy Policy SO22 (which aims to protect, celebrate and improve access to our historical and heritage assets) and the objectives and principles of the Delivering Placemaking annex for Shoreditch.
- 2.8 In response to this – officers draw Member's attention to Paragraph 8.55 of the main committee report which has regard to The Boundary Estate and the Rochelle School site complex as being renowned nationally and locally as one of the first Council built developments in the country. Secondly, Paragraph 8.2 of the main committee report acknowledges the prevailing character of the area as being "predominantly residential, with commercial uses confined to Calvert Avenue". Furthermore, and in relation to the consideration of the proposal retail uses, Paragraphs 8.7-8.11 discuss the proposal retail impact specifically.
- 2.9 As already discussed in the main report, whilst the site is situated is a predominantly residential area, it is also located on the edge of the Central Activities Zone and the City Fringe Activity Area where a mix of uses is promoted. This mix of uses is supported by the vision and principles for Shoreditch which St Hilda's draw attention to. As such officers support the proposal and do not consider the retail aspect to have any detrimental impacts on the character of the area. However, in order to address the objection to the retail aspect, the applicant has offered to reduce the level of retail activity proposed to just one unit at ground floor level (measuring 114sqm) so that only one unit can benefit from a flexible A1/B1/D1 use and that all other units within the building will be restricted to B1/D1 uses only. This is considered a significant compromise by the applicant and welcomed by officers as a way in which to alleviate local concerns regarding retail and the impact on the character of the area.

### Failure to Comply with Educational Policies

- 2.10 St Hilda's email claims that the application fails to take account of educational policies ST45 and EDU2 of the UDP. St Hildas also claim that in only considering the site's current use as an art gallery/ exhibition use, the committee report fails to have regard to the educational potential of the site as the building was originally designed for.
- 2.11 In response to this, officers can confirm that educational policies which seek to resist the change of use from educational purposes are not relevant to this application. The existing use of the site is D1 (Art Gallery/Exhibition) and has been and is the current use for some time. In land use terms, officers have considered the application proposal as submitted and it is not the role of the officers to have regard to the 'educational potential' of the site as originally designed. The Core Strategy and Managing Development DPD seeks to secure sites for educational purposes through other site specific designations of which Rochelle Centre, is not one. Rather, and more relevant to this application officers have given due consideration to the historic function of the building as a former Infants School and how this historic function contributes to the special interest of the listed building. This consideration is reflected in the applicant's amended plans which propose to retain as much of the internal layout and room proportions as possible, in order to preserve the historic interest of the building. As such, officers do not feel that the policies ST45 and EDU2 of the UDP are relevant policy considerations.

### 2007 Character Appraisal for the Boundary Estate

- 2.12 St Hilda's objection claims that Section 8.58 of the committee report fails to complete a paragraph quote from the 2007 Character Appraisal which states that *"Commercial value can be generated directly from the building, through its use as a dwelling or office, or through its role in increasing the attractiveness of the area to tourists and visitors"*. The remainder of the paragraph from the 2007 Appraisal continues as follows: *"However, it should be noted that economic reasons alone will not in themselves justify the demolition or alteration of a building in a Conservation Area"*.
- 2.13 In response to this - it is not the intention of the committee report to misquote a paragraph from the Appraisal but to merely to refer to relevant extracts. The extract quoted in the report emphasises the Appraisal's encouragement of developments funding their own maintenance and refurbishment in order to secure the historic environment. Officers agree with St Hilda's and the Appraisal - that economic reasons alone will not in themselves justify the alteration of a building in a Conservation Area and this is why due consideration have been given in the report to the impact of the proposed alterations from an architectural and historic perspective.

### Consultation

- 2.14 St Hilda's claim that the committee report cites 'no objection' from the Boundary Estate Tenants & Residents Association, which according to St Hilda's, do not exist). In response to this, the Boundary Estate Tenants & Residents Association is and has been a standard local consultee on all applications within the Boundary Estate considered by the Borough. If it is the case that the body no longer exist, it is recommended that they are removed from our local list of consultees.
- 2.15 St Hilda's state that the committee report does not address the reservations of the

Council's specialist advisors, CADAG. However, in response to this, officers draw Members' attention to paragraph 6.9 of the main report which summarised CADAG's views.

- 2.16 St Hilda's also claim that the reference in the consultation section of the report to 19 'copied' letters devalues the views of those who signed their letters. In response to this, the intention of emphasising the 'copied' letters was to differentiate the objections from individual objection letters and/or petitions.
- 2.17 St Hilda's note that further objections by local residents and groups were submitted in January which are not mentioned. The case officer can confirm that subsequent objections (dated 23 January 2013) were received by the Council on the 1<sup>st</sup> Feb and received by Planning Officers on 11<sup>th</sup> Feb. (Acknowledgement letters also sent 11<sup>th</sup> Feb).
- 2.18 St Hilda's state that a separate objection letter was submitted by the Women's Environmental Network (WEN) and acknowledged by LBTH, but this has been omitted from the consultation section of the report. In response to this, the case officer has not named every individual or body who has commented but can confirm that a letter from the WEN was received and acknowledged and as with all general consultee comments received, the objections are summarised in paragraph 7.3.
- 2.19 Finally, St Hilda's state that an objection letter was submitted by Boundary Community School but not mentioned in the committee report. Officer can confirm that they are not in receipt of a submission by the Boundary Community School at time of writing this addendum report. All representations received have been summarised in the main report and officers unfortunately cannot account for any objections which were not received.

### **3.0 CIL**

The main planning report omitted a paragraph regarding the Mayor of London's CIL charging schedule and officers can now confirm that because the application proposal provides at least 100 square metres of gross internal floorspace, the scheme will be CIL liable. As such, due to the creation of 218sqm of gross internal floorspace, the scheme will be liable for £7,630 based on the CIL charging rate London Borough of Tower Hamlets which is £35 per square metre. It is recommended that the applicant be informed of this in the decision notice.

### **4.0 RECOMMENDATION**

- 4.1 Officer's recommendation remains unchanged. 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 the main report.

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> March 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application, local finance considerations, so far as material to the application, and any other material

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### LOCAL GOVERNMENT ACT 2000 (Section 97)

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

Brief Description of background papers:

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 Committee	<b>Date:</b> 13 <sup>th</sup> March 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7. 1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/12/03288	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

- Location:** Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue, E14
- Existing Use:** Vacant/Brownfield Site
- Proposal:** Erection of three and four storey development to provide 4 x 4 bedroom terrace houses (use class C3) with provision of landscaping and off-street car parking spaces on vacant site.
- Drawing No's:** 1123/01C and 1123/02B  
Design Statement dated December 2012  
Impact Statement dated December 2012  
Saunders Ness Road Daylight and sunlight letter dated 14<sup>th</sup> November 2012  
Flood Risk Assessment dated April 2012
- Applicant:** Mr J Hough  
**Owner:** As above
- Historic Building:** -Adjoins the Grade II listed Great Eastern Public House (Formally Known as the Waterman Arms Public House)  
-Adjacent to the Grade II listed Newcastle Drawdock (including Bollards)
- Conservation Area:** Island Gardens 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, Core Strategy 2010, the Managing Development Plan Document (Submission Version May 2012) with modifications, Interim Planning Guidance (October 2007), associated supplementary planning guidance, the London Plan and National Planning Policy Framework 2012 and has found that:
- The proposal makes efficient use of the site and provides an increase in the supply of housing within an acceptable density. As such the proposal accords with policies 3.3 and 3.4 of the London Plan (2011), HSG1 of the Council's Interim Planning Guidance (2007) and objective S07 of the Core Strategy (2010), which seek the maximum intensity of use compatible with local context.
  - The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given

the urban context of the site and as such accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) with modifications and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- The building height, scale, bulk, design and relationship of the proposed development with the surrounding built form is acceptable and accords with policies 3.5 of the London Plan (2011), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, CON1 and CON2 of the Council's Interim Planning Guidance (2007), policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012) and policy SP10 of the Core Strategy (2010), which seek to ensure buildings are of a high quality design and sensitive to the setting of the Island Gardens Conservation Area and the Grade II\* listed Public House.
- Transport matters, including parking, access and cycle parking, are acceptable and accord with policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) with modifications and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

### **3. RECOMMENDATION**

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

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

#### **Conditions:**

1. Time Limit 3 years
2. Compliance with approved plans and documents
3. Samples of all external facing materials and details of window reveals.
4. Details of replacement treesto be submitted and approved.
5. Construction Logistics and Management Plan
6. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
7. Detail of Highway Works to be submitted and approved
8. Cycle Parking details to be implemented on site
9. Permit free development for three of the properties
10. Retention of refuse facilities
11. Permitted Development Rights (GPDO 1995 as amended) removed for 4 dwellinghouses.
12. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

- 1) Section 278 required for works to highway.
- 2) Applicant advised to contact LBTH Building Control team.
- 3) No blocking of surrounding highway and carriageway.
- 4) No skips or construction materials shall be kept on the footway or carriageway.
- 5) Environment Agency- The applicant is advised to incorporate flood mitigation measures within the proposed development.

- 6) Thames Water- The applicant is advised to make proper provision for drainage of ground, water courses or a suitable sewer:
- 7) Cil Informative

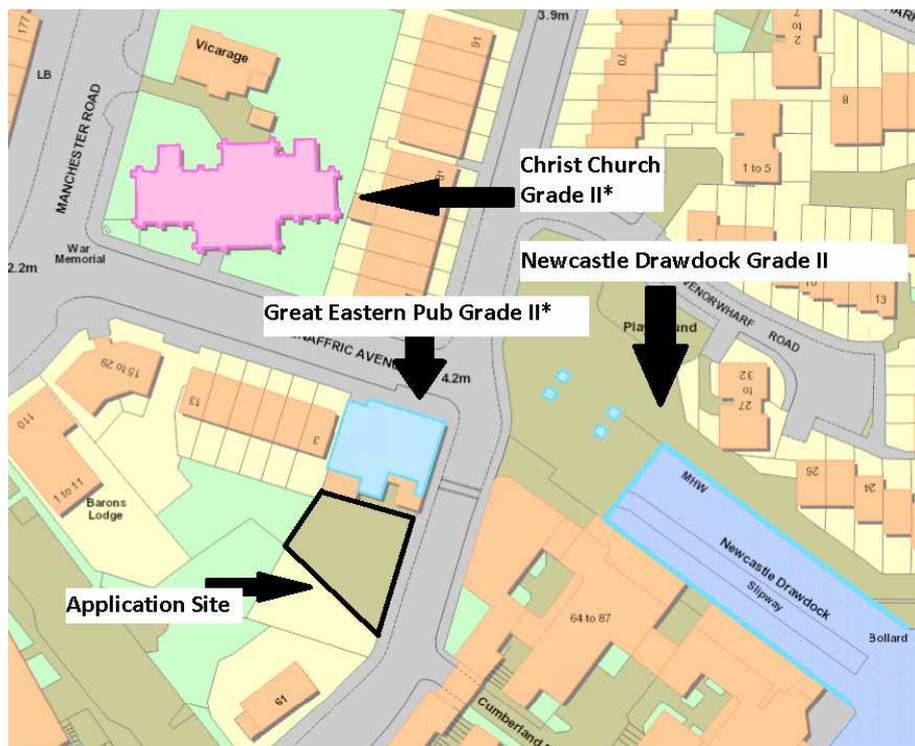
**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

- 4.1 The applicant seeks to erect part three, part four storey development to provide 4 x 4 bedroom terrace houses (use class C3) with provision of landscaping and off-street car parking spaces on vacant site.

**Site and Surroundings**

- 4.2 The application site area extends to 370sqm and is located on the western side of Saunders Ness Road. The site lies close to the junction of Saunders Ness Road and Glenaffric Avenue, close to the main arterial road on the Isle of Dogs, Manchester Road.
- 4.2 At the Junction of Saunders Ness Road and Glenaffric Avenue, lies the Great Eastern Public House (PH). The PH is an attractive building, three storeys in height and Grade II listed.
- 4.3 The PH forms a group of listed buildings/structures within Island Gardens Conservation Area, namely Christ Church and Christ Church Vicarage on Manchester Road (Grade II\* listed), and with the Newcastle Craw Dock, Saunders Ness Road (Grade II listed). The application site in relation to these listed buildings is shown in the following annotated map.



Map 1: Showing site in relation to listed buildings.

- 4.4 Adjacent to the site are London Dockland Development Corporation developments which are residential in nature.
- 4.5 Following the site to the west along Saunders Ness Road is a day nursery and George Green's Secondary School.
- 4.6 To the rear of the site, lie residential properties accessed from Glenaffric Avenue and

Manchester Road respectively.

### **Relevant Planning and Enforcement History**

- 4.7 The following section lists the relevant planning and enforcement history for the application site and the adjoining public house (PH)

#### Planning History

##### *Application Site*

- 4.8 PA/04/01233  
On 12 October 2004 planning permission was refused for a retrospective application for the provision of 7 new off-street car parking spaces with access off Saunders Ness Road and the removal of two main limbs of trees on site. The decision was appealed and the appeal was subsequently dismissed.
- 4.9 The appeal was dismissed on highways safety and impact on the Grade II listed public house.
- 4.10 PA/11/03808  
On 05<sup>th</sup> March 2012 planning permission was refused for the 'Erection of 4 x 4 bedroom terrace houses (use class C3) with provision of landscaping and off-street car parking spaces on vacant site.'
- 4.11 The current application is seeking to overcome the reasons for refusal on this application which are:

*1. The proposed development by virtue of its lack of detail design front rendered projection with a front canopy, and general fenestration detail does not result in a high quality development and fails to preserve or enhance the character of the Island Gardens Conservation Area and the setting of the adjoining Grade II listed building. As such, the proposal fails to accord with adopted Policy 7.4 of the London Plan, policy SP10 of the Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998), policies DM24 and DM27 of the Managing Development DPD (proposed submission version 2012), and policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007), which seeks to ensure a high quality design that contributes to the streetscene, and respects the setting of the boroughs heritage assets.*

*2. Insufficient information has been submitted to demonstrate that the proposal would not adversely affect the daylight/ sunlight conditions afforded to existing neighbouring residents. As such, the proposal fails to demonstrate compliance with policies SP10 of the adopted Core Strategy (2010), policy DEV2 of the Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy DM25 of the Managing Development DPD (proposed submission version 2012) which seek to protect residential amenity.*

*3. The provision of four parking spaces by virtue of design and location would require drivers to reverse onto Saunders Ness Road. No information has been submitted to demonstrate the required site lines can be achieved. As such, given the lack of information it is considered that the proposal would adversely impact on the safety of pedestrians on the footway of Saunders Ness Road by virtue of drivers having to reverse with an obstructed view of traffic. As such, the proposal is contrary to adopted Policy SP09(3) of the adopted Core Strategy (2010) and saved policy T18 of the Unitary Development Plan (1998) which seek to protect the safety of pedestrians and policy 6.3 of the London Plan (2011) which states*

*that development should not affect safety on the transport network.*

*4. The site is located within Flood Risk Zone 3a and the submitted Flood Risk Assessment is considered to lack the necessary detail on the probability of flooding. Based on this lack of information the local planning authority is not satisfied that the proposal has been suitably designed to mitigate against the risk of flooding. As such, the proposal fails to accord with government guidance set in PPS5 'Development and Flood Risk', policy SP04 of the adopted Core Strategy (2010), saved Unitary Development Plan policies U2 and U3, Interim Planning Guidance (2007) policy DEV21, these policies seek to prevent development from increasing the risk of flooding on site.*

#### *Adjoining Site (PH)*

#### 4.12 PA/11/00998

On 6 September 2011 planning permission was refused for change of use of the upper 1st and 2nd floors of The Watermans Arms from ancillary public house accommodation (Use Class A4) to backpackers' hostel accommodation (Sui Generis), comprising 8no. Dormitories with a total of 83no. beds.

#### 4.13 PA/11/02210

On 13 October 2011 listed building consent was granted for the demolition of existing single storey rear brick store and concrete access ramps and formation of a new external timber decked courtyard area with planters.

#### *Application site*

#### 4.14 Enforcement case (ref: ENF/11/00243).

May 2011 six mature trees were removed from the site without prior notification, which is required as the site is located within a conservation area.

#### 4.15 The Applicant was prosecuted for the removal of trees and was required to pay a fine of £4,500 plus costs, however this carries next to no weight when considering the current application.

#### *Adjoining Site (PH)*

#### 4.16 Enforcement case (ref: ENF/11/00808).

Alleged unauthorised change of use to hotel use and associated operational works. Enforcement Appeal was upheld and planning permission was effectively granted for a 60 bed hostel.

## **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:

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type

HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development

### **Core Strategy adopted 2010**

Strategic Objectives:	S07	Urban Living for Everyone
	S08	Urban Living for Everyone
	S09	Urban Living for Everyone
	SO14	Dealing with waste
	SO19	Making Connected Places
	SO20	Creating Attractive and Safe Streets and Spaces
	SO21	Creating Attractive and Safe Streets and Spaces
	SO22	Creating Distinct and Durable Places
	SO23	Creating Distinct and Durable Places
	SO25	Delivering Placemaking
Spatial Policies:	SP02	Urban Living for Everyone
	SP05	Dealing with waste
	SP08	Making connected Places
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

### **Managing Development DPD(Submission Version2012) with alterations.**

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM14	Managing Waste
	DM20	Supporting a Sustainable transport network
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place sensitive design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and the historic environment

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	HSG1	Determining Residential Density
	HSG2	Housing Mix
HSG7	Housing Amenity Space	

## Supplementary Planning Guidance/Documents

Designing Out Crime Parts 1 and 2

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

Policies:	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.9	Mixed and Balanced Community
	3.14	Existing Housing
	5.12	Flood Risk
	6.1	Strategic Approach
	6.3	Assessing Effects of Development on Transport Capacity
	6.9	Cycling
	6.10	Walking
	6.11	Smoothing Traffic Flow and Tackling Congestion
	6.13	Parking
	7.2	An Inclusive Environment
	7.3	Designing out crime
	7.4	Local Character
	7.5	Public Realm
	7.6	Architecture
	7.8	Heritage Assets and Archaeology

## Government Planning Policy Guidance/Statements

NPPF National Planning Policy Framework

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

### 6. CONSULTATION RESPONSE

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

#### Environment Agency (Statutory Consultee)

6.2 No objection in principle.

*(Officer Comment: Informatives to cover the planning issues raised by the Environment Agency would be placed on any permission issued.)*

#### LBTH Arboricultural Officer

6.3 The current tree planting with a specification to be agreed is acceptable. A contribution of £2250.00 is requested to plant an extra 6 trees for planting in the Highways.

*(Officer Comment: Given, that the nature of the development it is not subject to an s106 agreement. A condition will be imposed on the consent requiring the planting of a minimum of 6 new trees, details of which to be submitted to and approved by the local planning authority. With regards to requesting this via the imposition of a condition, a condition*

*requiring a financial contribution is not considered to meet the necessary tests for imposing a condition)*

### **LBTH Highways**

- 6.4 The applicant has proposed one car parking space for each property in the form of a front driveway. The subject site is located in an area with poor access to public transport (PTAL 2).
- 6.5 Given the small size of this development (4x4 bed houses) and the low PTAL rating, Highways does not object to the proposal of 1 car parking space per unit.
- 6.6 Glenaffric Avenue has a night time on-street parking occupancy of 100% and Saunders Ness Road has a night time parking occupancy of 75%, which is approaching stress levels. The development shall therefore be subject to a section 106 on-street car permit free agreement.
- 6.7 Each property has a dedicated refuse and cycle store for two bicycles. This is in compliance with the London Plan of two cycle parking spaces per three or more bed residential unit.
- 6.8 A section 278 agreement will be required to construct the crossovers for the driveways and renew the footway in front of the site. Subject to the section 106 and 278 agreements, Highways have no objections.
- 6.9 *Updated comments in relation to Highways safety:*
- 6.10 The applicant has demonstrated that the vehicle-to-pedestrian inter-visibility of each of the proposed drives meets highway standards (1.5m visibility envelopes on each side of the parking space, measured from the back of the footway). Thus, despite the proximity of the curve in the road, Highways does not have pedestrian safety concerns sufficient to require removal of any of the driveways.
- 6.11 Regarding vehicle-to-vehicle inter-visibility and the road safety risk of collision between vehicles exiting the proposed driveways and vehicles using Saunders Ness Road. LBTH Highways have consulted the Metropolitan Police Traffic Management Officer who has raised concerns that the western two parking spaces will have insufficient visibility of vehicles approaching from the south for drivers who may be reversing from these properties onto Saunders Ness Road.
- 6.12 The insufficiency of these parking spaces is based on the 85th percentile speed here to be approximately 25mph. However, surveys by both the applicant and Highways officers indicate that the 85th percentile speed of vehicles travelling north on Saunders Ness Road is materially below 25 mph (approximately 20 mph) reducing the typical stopping distance required of vehicles.
- 6.13 Based on the information provided Highways are of the view that the westerly most space has insufficient vehicle-to-vehicle inter-visibility and that this space should be removed on the grounds of road safety, In response highways will not subject this residential unit to having a residential on-street parking permit free agreement.
- 6.14 Further mitigation will be achieved through installation of signage prior to the bend to slow vehicle traffic. This will be secured via a s278 agreement.
- 6.15 *(Officer comment: The applicant has agreed to this suggestion and omitted the most westerly parking space, the signage works along with the dropped kerb works are recommended to be carried out under a s278 agreement)*

LBTH Environmental Health –Noise and Vibration.

6.16 No comments received.

## **7. LOCAL REPRESENTATION**

7.1 A total of 23 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised at the application site.

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

No. of individual responses: 18      Against: 6      In Support: 12  
No of petitions received:              1 in against containing 33 signatures.

### **Objections Received**

#### 7.2 Land use/design

- Height
- Overdevelopment of site
- Proposal has an adverse impact on adjoining Listed Building and the Island Garden Conservation Area.

*(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Land Use' and 'Housing'.)*

#### 7.3 Amenity Impacts

- Loss of trees
- Privacy
- Shadowing

*(Officer Comment: the above issues are discussed further within Material Planning Considerations under 'amenity' and 'Loss of trees'.)*

#### 7.4 Highway Impacts

- Increase in traffic
- impacting upon the safety of pedestrians and the highway network

*(Officer Comment: The development will be secured as car and permit free. This will prevent any exacerbation of traffic on local roads. Three of the four parking spaces have been considered by the Highway department and considered acceptable in terms of provision and highway safety, the remaining car-parking space has been omitted from the proposals. The Highways impacts are discussed in more detail within Material Planning Considerations under 'Transportation'.)*

### **Letters of support**

- 7.5
- Proposal is policy compliant in that it is an acceptable land use, acceptable design, preserves residential amenity and supports housing growth.
  - Proposal is an improvement on the existing condition of the site.
  -

*(Officer Comment: These comments have been noted.)*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The application has been fully considered against all relevant policies under the following report headings:
1. Land-use
  2. Housing
  3. Design, Impact on Heritage Assets
  4. Amenity
  5. Transportation

### **Land-use**

- 8.2 The application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP), the Interim Planning Guidance 2007 (IPG) or the Managing Development DPD (Submission Version May 2012) (MD DPD). The application proposes a residential development comprising 4 residential dwellings provided as a single terrace of properties. Each property is proposed to be delivered with private amenity space to the rear and a front garden fronting Saunders Ness Road, providing defensible space onto the local streetscape.

Prior to being felled, the site contained 6 mature Sycamore trees which provided a visual amenity contribution to the streetscene, the unlawful felling of the trees in May 2011 has resulted in the site appearing fairly unattractive, lacking a presence in the streetscene and harming the appearance of the conservation area and the grade II listed building.

The National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing. The application site whilst having a low Public Transport Accessibility Level (PTAL) rating of 2 with one being the lowest is located closest to the Island Gardens DLR and local bus services.

In land use terms, subject to the suitable replacement of the felled trees, the site is considered appropriate for re-development, in particular for residential uses which are prevalent in the area.

In overall terms, officers are satisfied that the development makes the most efficient use of land. In terms of housing use it is noted that the surrounding area is residential in nature and would therefore provide a suitable environment for future residential accommodation. The provision of additional units at this location would assist in meeting the boroughs housing targets in accordance with policies 3.3 and 3.4 of the London Plan (2011), policies S07 and SP02 of the Core Strategy September (2010) and national planning guidance contained in the recently adopted NPPF.

### **Housing**

- 8.9 The application proposes 4 residential (Use Class C3) units at the application site. All accommodation is proposed as private sale accommodation, as this development is not of a scale to require the delivery of affordable housing.

All four residential units are proposed to be four bedroom family homes. The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.

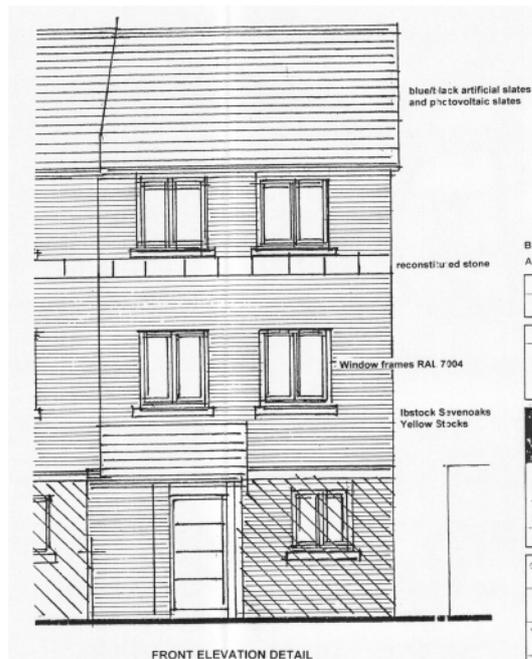
Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in London Plan policy 3.8 which also requires development to offer a range of housing choice. Policy SP02 of the CS and MD DPD policy DM3 specifies the particular mix of unit sizes required across different tenures in the Borough.

- 8.12 The proposed housing mix provides single family dwellinghouses which mirror the

accommodation provision along parts of Saunders Ness Road. This is in-keeping with the existing type and mix of housing in the immediate area and is considered to accord with planning policy in the delivery of family accommodation in the local area, which is meeting an identified need in the borough.

### **Design, Impact on Heritage Assets**

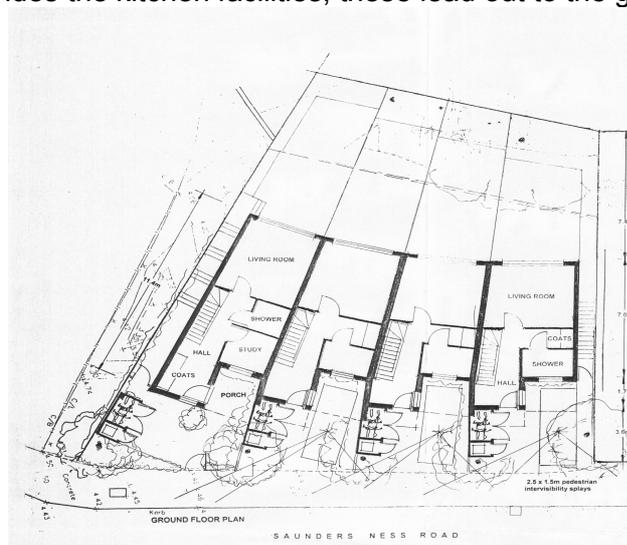
- 8.13 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criteria are reflected in saved policies DEV1 and DEV2 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.
- 8.14 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.
- 8.15 Furthermore, policy SP10 of the CS and DM24 of the MD DPD 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 within their surroundings.
- 8.16 The application is seeking permission for the erection of four x 4 bedroom houses in a staggered appearance on this infill site. Fronting Saunders Ness Road the houses are proposed as three storeys in height and to be constructed of yellow stock brick. They are staggered in terms of appearance with each having pitched roofs, with reconstituted stone detailing on the front elevation. A single storey front 'porch type' addition is also proposed.
- 8.17 The applicant in order to meet code for sustainable homes level 4 is proposing a combination of artificial and photovoltaic slates to the front elevation which is south facing.
- 8.18 Given the steep gradient of the site, the kitchen and dining room areas are located at a lower ground floor level and lead out to small gardens, creating the appearance of four storey buildings to the rear.
- 8.19 The applicant has omitted the two storey front projection, the front canopy and the rendered projection which formed the principle design concerns from the earlier proposal.
- 8.20 The front elevation is shown on the following plan.



8.21 The house nearest to the grade II listed public house is set 8.5m away from the main three storey part of the public house and set back from Saunders Ness Road by around 5 metres. The street scene elevation is shown in the image below.



8.22 The following plan outlines the ground floor of the units. The Ground floor consists of a lobby, and a small lobby and a living room. The upper floors consist of bedrooms and a lower ground floor level provides the kitchen facilities, these lead out to the garden.



8.23 Overall, the proposed terraced housing approach is considered suitable to the sites context.

The design, omitting obtrusive features from an earlier scheme is now considered acceptable and considered to overcome the previous reason for refusal.

- 8.24 The final materials will be conditioned to ensure they are acceptable especially in relation to the solar slate panels.
- 8.25 The design, scale, height and bulk of the proposed development is therefore considered to be acceptable and in accordance with saved policies DEV1, DEV2 and DEV3 of the UDP; policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the MD DPD (submission version 2012) and IPG policies DEV1 and DEV2.

#### Impact on Local Heritage Assets

- 8.26 The site is located within the Island Gardens Conservation Area, and there are several listed buildings/ structures in close proximity of the site. Of these, the Grade II listed public house adjoins the site.
- 8.27 The proposed London stock brick and design of the buildings is considered appropriate to the context of the site and would preserve and enhance the character and appearance of the Island Gardens Conservation Area.
- 8.28 The proposed height of the dwellings, which is just below the public house along with the setback away from the public house, is considered to preserve and enhance the setting of this Grade II listed heritage asset.
- 8.29 Overall, the design, scale and relationship of the proposed housing is considered to preserve the character of the Island Gardens conservation area and the setting of the Grade II listed public house. The proposal would accord with policies CON1 and CON2 of the IPG, policy SP10 of the Core Strategy, policy DM27 of the MD DPD and national guidance contained within the NPPF.

#### **Amenity**

##### Daylight and Sunlight

- 8.30 Policies DEV2 of the UDP, DM25 of the MD DPD and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants. These policies also seek to ensure the amenity of future occupants.
- 8.31 The previous application was refused, due to a lack of information on daylight/sunlight and as such, officers were unable to be certain that the proposed development would not adversely impact on the amenity of adjoining residents to the rear of the site and of those in the public House.
- 8.32 The revised application provides additional information outlining, that due to the oblique distances involved the proposed development would not fall within any of the vertical sky assessments for local residents to warrant a full daylight/ sunlight assessment. On this basis, officers are satisfied that the proposed development would not give rise to any unduly detrimental impact on local residents in terms of Daylight/ Sunlight.
- 8.33 The proposed development would not have an adverse impact on neighbours and future residential occupiers in terms of loss of daylight and sunlight. The proposal is therefore considered acceptable and complies with UDP policy DEV2, CS policy SP10, DM25 of the MD DPD (submission version 2012)with modifications, and IPG policy DEV1.

### Overshadowing

- 8.34 Due to the orientation of the building, the proposed development is likely to cause some overshadowing of the rear gardens in the early morning and late evening, however this is considered to be fairly minor in nature given the separation distances involved and considered acceptable overall, not leading to a loss of amenity.

### Privacy

- 8.35 Saved UDP Policy DEV 2 and policy DM25 of the MD DPD (submission version 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. These policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.36 The application site achieves a separation distance of 18 metres between the proposed development and the existing residential blocks opposite the site on Saunders Ness Road, and around 50 metres to those located at Manchester. The remaining properties at 3-13 Glenaffric Avenue are located at oblique angles.
- 8.37 The proposal therefore will ensure no significantly adverse impacts arise from the proposal. As such, the proposal accords with saved policy DEV2 of the UDP, policy SP10 of the CS, policy DM25 of the MD DPD and policy DEV1 of the IPG which seek to protect the amenity of future residents.

### Residential Floorspace Standards

- 8.38 London Plan policy 3.5 seeks quality in new housing provision and together with MD DPD policy DM4 and saved UDP policy HSG13, requires new development to make adequate provision of internal residential space.
- 8.39 The submitted drawings and details of the unit layouts show that the units meet the requirements of the space standards set out in policy 3.5, table 3.3, of the London Plan 2011 and policy DM4 of the MD DPD.

### Residential Amenity Space

- 8.40 Saved UDP policy HSG 16 requires that new development should make adequate provision for private amenity space, IPG Policy HSG7 and MD DPD policy DM4 set minimum space standards for the provision of private amenity space in new developments.

The application proposes the following private amenity space to the rear of each property:

Unit No.	Amenity space (sq.m)	Policy DM4 of Managing Development DPD (submission version 2012) with alterations
No.1	37sqm	8-10sqm
No.2	32sqm	8-10sqm
No.3	32sqm	8-10sqm
No.4	37sqm	8-10sqm

- 8.41 In quantitative and qualitative terms, the development provides quality private amenity space provision for family sized living accommodation and meets local policy requirements.

- 8.42 The limited scale of the proposal means that the applicant is not required to provide detailed landscaping proposal within each residential property. However, permitted development rights have been removed and this will control the height of the boundary treatment.

#### Noise/Disturbance

- 8.43 Saved Policy DEV50 of the UDP, policy DM25 of the emerging MD DPD and policy SP10 of the CS state that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours. Given the residential nature of the use, it is considered that the use is compatible with the area and there are unlikely to be any material noise related impacts from the proposed development.

#### **Transportation**

- 8.44 London Plan policies 6.1, 6.3, 6.9, 6.10, 6.13, CS policy SP09 and emerging MD DPD policies DM20 and DM22 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.45 Local Plan policies seek to ensure that consideration is given to the traffic impact of operational requirements of a proposed use and also seek to ensure priority is given to the safety and convenience of pedestrians.

#### Car-parking

- 8.46 The current proposals provide one car-parking space for three of the four units, the principle of which has already been considered acceptable within the earlier application. The subject site is located in an area with poor access to public transport (PTAL 2). Given the small size of this development (4x4 bed houses) and the low PTAL rating, Highways have not objected to the proposed 1 car parking space per unit for three of the four units.
- 8.47 It is considered necessary to promote the scheme as permit free for the three houses that would have a parking space, especially given the highways department have identified the adjoining streets as reaching 'stressed levels' in relation to the number of parking permits issues and night-time occupancy levels.
- 8.48 Subject to the imposition of car and permit free agreements for three of the four dwellings the proposal accords with London Plan policies 6.1 and 6.13, MD DPD policy DM22 and IPG policy DEV19

#### Highway Safety

- 8.49 The car-parking spaces are to be located off street and in the front of the proposed dwelling houses. They would be accessed from Saunders Ness Road. No information was provided within earlier applications (PA/04/01233 and PA/11/03808) to demonstrate the required site lines can be achieved to ensure vehicles reversing back onto the highway would not impede on pedestrian safety. This has formed part of previous reasons for refusal, with officers unable to be satisfied that the proposed development would not adversely affect Highway safety.
- 8.50 The current application is accompanied with information on vehicular site lines for vehicles leaving the parking space, which has been reviewed by the Councils highways officers and considered acceptable
- 8.51 In addition, concerns have been raised by members of the public regarding highway safety, with Saunders Ness Road having a blind and with George Green School located around

70metres south west of the site.

- 8.52 Reference is made to the comments made by the Councils Highways department (sections 6.4 to 6.15 of this report)As a result of these concerns and advice from the Highways department the applicant has omitted the most westerly car parking space for one of the properties, as it would be unable to meet acceptable sightlines and potentially cause an obstruction on the public highway.
- 8.53 The omission of the car parking space, the provision of sightlines, and subject to a s278 agreement to provide a signage to slow down along Saunders Ness Road, satisfies officers that the proposal will not have an unacceptable impact on the local highway network.

#### Cycle Parking

- 8.54 The application proposes cycle parking facilities to be contained within each residential property, with each unit proposing a cycle store at ground floor level offering safe and secure cycle parking for future residential occupiers.
- 8.55 The provision of secure cycle parking for each residential unit accords with London Plan policy 6.9 and IPG policy DEV16 and is acceptable. It is recommended that these stores are secured by condition.

#### **Others**

#### Trees

- 8.55 Concerns have been raised with regard to the loss of mature trees within the application site. However, given these have already been felledthe applicant and appropriate enforcement action taken. The applicant will be required by condition to re-plant 6 new trees within the boundary of the site, the details of which will be agreed with the Councils Tree Officer. It is considered that this will partially mitigate against the loss of amenity value afforded by the trees that have been lost.

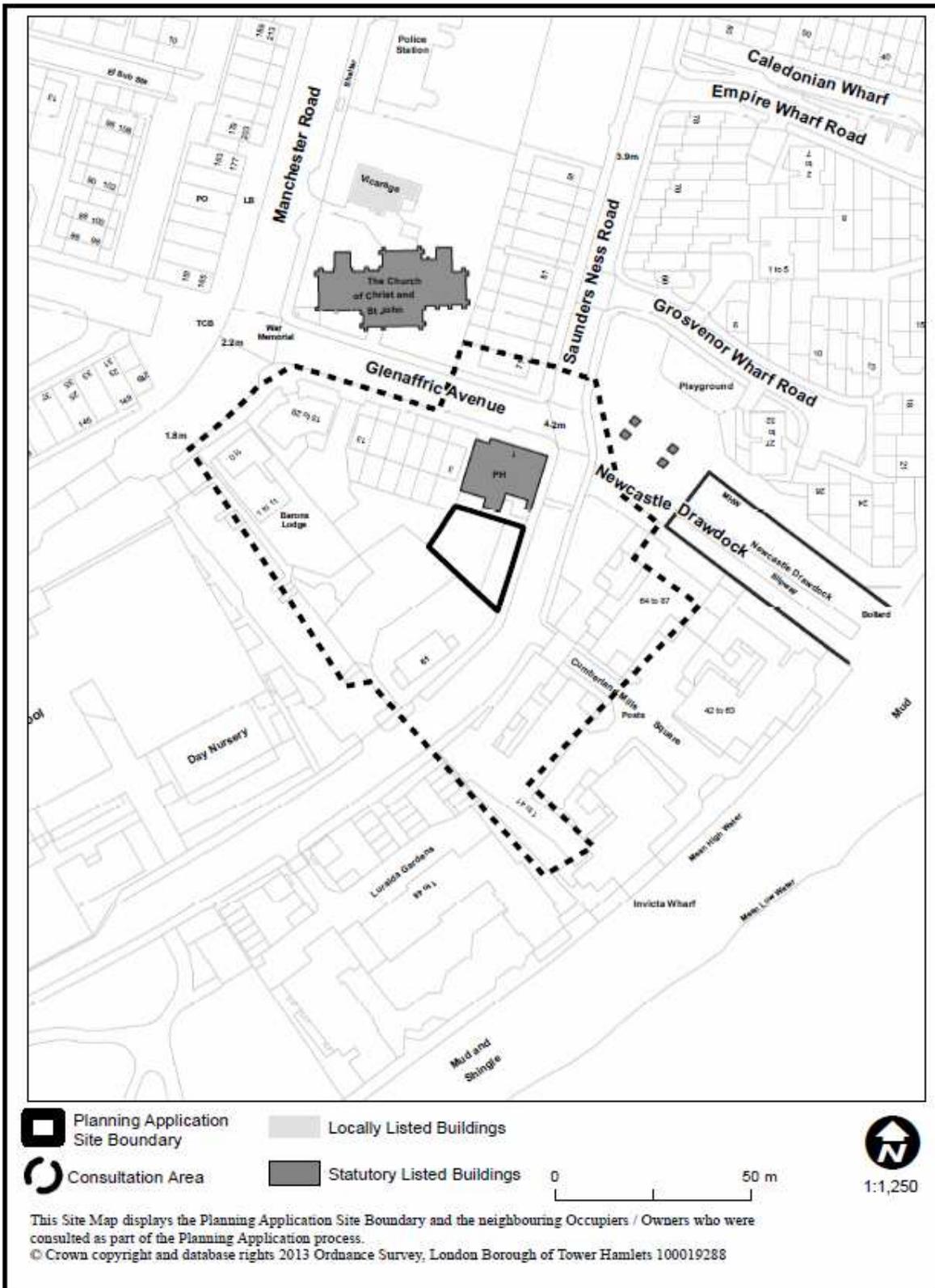
#### **Localism Act (amendment to S70(2) of the TCPA 1990)**

- 8.56 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:
- 8.57 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.
- 8.58 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.
- 8.59 In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

- 8.60 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.61 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. The Mayoral CIL applicable to a scheme of this size is approximately £20,720 which is based on the gross internal area of the proposed development 592sqm.
- 8.62 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 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.
- 8.63 Using the DCLG'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 £7,089.00 within the first year and a total of £42,536.00 over a rolling six year period.

## 9.0 **Conclusions**

- 9.1 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 8

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> March 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> March 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item</b> 8.1
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Shahara Ali-Hempstead		<b>Title:</b> Town Planning Application  <b>Ref No:</b> PA/12/02410  <b>Ward:</b> Bethnal Green South	

## 1. APPLICATION DETAILS

- Location:** Trinity Centre, Key Close, London, E1 4HG
- Existing Use:** Community use (former chapel)
- Proposal:** Application for listed building consent to carry out repairs to roof, roof access and bell tower to prevent water ingress to internal ceilings.
- Drawing Nos:** Site location plan, letter dated 6<sup>th</sup> September 2012 from S & D Contracting Services Ltd, photographs of Trinity Hall (undated and unnumbered).
- Applicant:** S & D Contracting Services Ltd
- Owner:** London Borough of Tower Hamlets
- Historic Building:** Grade I Listed.
- Conservation Area:** Stepney Green

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Managing Development: Development DPD (Submission Version 2012 with post EiP Modifications), associated Supplementary Planning Guidance, the London Plan and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed external alterations are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed building. As such, the proposal would preserve the character, fabric and identity of the listed building and its heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010), saved Policies DEV1 and DEV37 of the Unitary Development Plan (1998), Policies DEV2 and CON1 of the Council's Interim Planning Guidance (2007) as well as Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with post EiP Modifications).

## **RECOMMENDATION**

3. That the Committee resolve to refer the application to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
  - 3.1 1. Three year time period.
  2. Full details of lead flashing to base of bell tower.

## **4. BACKGROUND**

- 4.1 This application for Listed Building Consent proposes to carry out repairs to the roof, roof access and bell tower to prevent water ingress to the internal ceilings. As this Grade I listed building is owned by the London Borough of Tower Hamlets, the terms of reference of the Development Committee requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 As Members will recall, the Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 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. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1 To carry out repairs to roof, roof access and bell tower consisting of:
  - Replacement of timber door and timbers supporting sides of the bell tower.
  - Existing lead roof covering to the roof area will be removed and replaced.

### **Site and Surroundings**

- 5.2 The Trinity Centre, a former Chapel, is located within Trinity Green and forms part of the Almshouses development constructed between 1693 and 1697 for the "Corporation of Elder Brethren of Trinity House" to house retired and incapacitated mariners.
- 5.3 The site is located on the northern side of Mile End Road. The site itself is fairly concealed by properties, with Key Close properties to the west and Vawdery Close properties to the east. Open green space lies to the north and Trinity Green to the south.
- 5.4 The former chapel and almshouses are Grade I Listed; the former chapel is 2 storeys in height with a bell tower facing Trinity Green. The chapel has distinctive architectural features such as modillioned cornice and pediment. The main entrance of the chapel is from Trinity Green via a flight of stone steps curving outwards with iron balustrade. The chapel was extensively damaged by bombing in 1941 with the interior and roof completely destroyed, with restoration taking place in the 1950's and 1960's. The rear

of the chapel is a later addition in brick.

- 5.5 The northern, eastern and western curtilage of the site forms the boundary of the Stepney Green Conservation Area. The surrounding area is primarily residential in character with commercial uses along Mile End Road.

## **6. PLANNING HISTORY**

- 6.1 PA/00/01692 - Listed Building Consent was granted on 23<sup>rd</sup> march 2001 erection of a sign above the doorway facing the car park.

## **7. RELEVANT POLICIES**

### **Government Planning Policy**

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

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

- 7.2 Policies:           7.4       Local Character  
                              7.6       Architecture  
                              7.8       Heritage assets and archaeology

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

- 7.3 Policies:           SP09    Creating attractive and safe streets and spaces  
                              SP10    Creating distinct and durable places

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

- 7.4 Policies:           DEV1    Design  
                              DEV2    Amenity  
                              DEV37  Alterations to listed buildings

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

- 7.5 Policies:           CON 1   Listed Buildings  
                              DEV1    Amenity  
                              DEV2    Character and Design

### **Managing Development: Development Plan Document (submission version 2012 with post EIP Modifications)**

- 7.6 Policies:           DM24    Place Sensitive Design  
                              DM25    Amenity  
                              DM27    Heritage and the historic environment

## **8. CONSULTATION RESPONSE**

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

### **English Heritage**

- 8.2 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**

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

## **9. LOCAL REPRESENTATION**

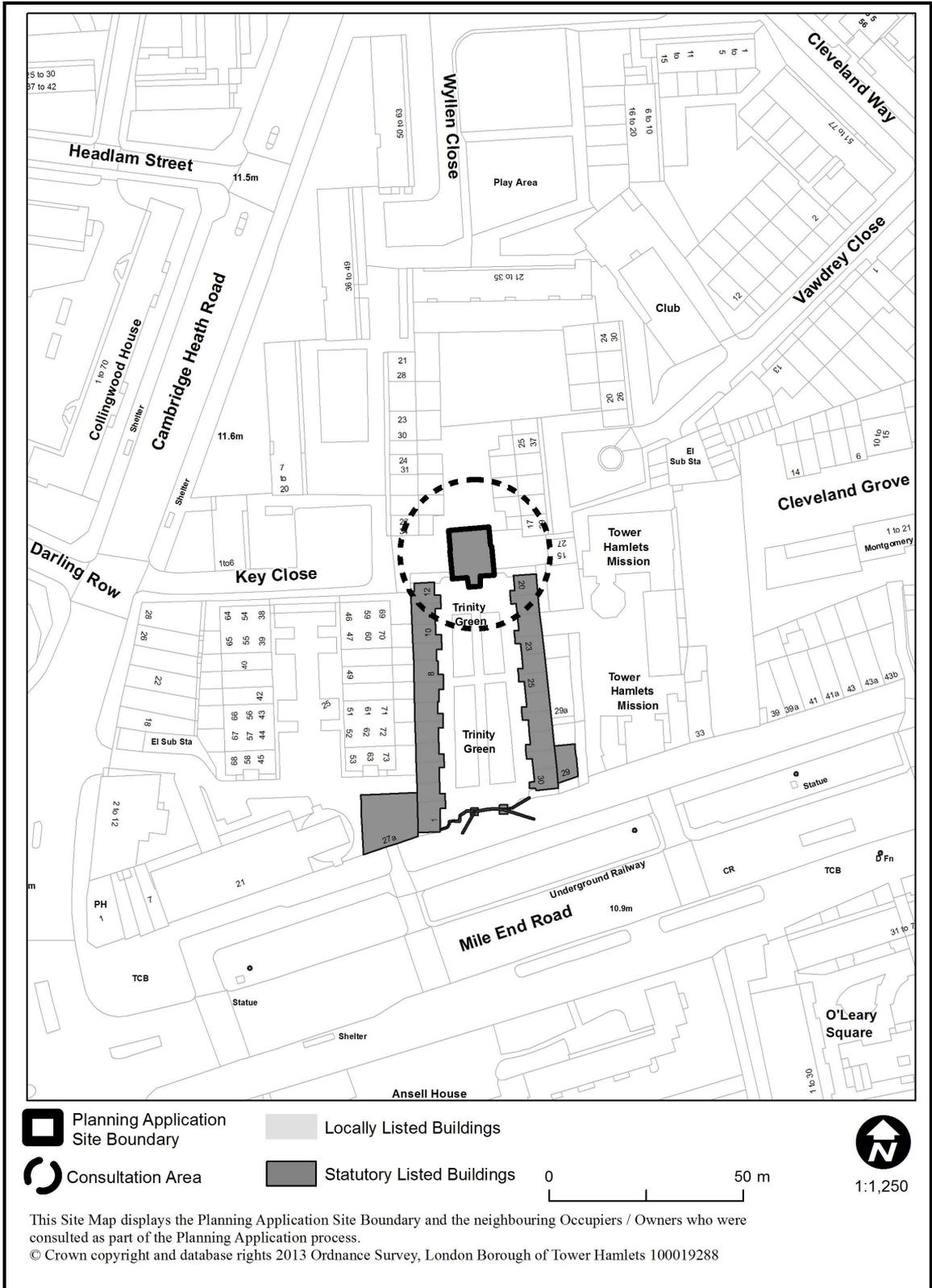
- 9.1 A total of 13 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. No letters of representation have been received.

## **10.0 MATERIAL PLANNING CONSIDERATIONS**

- 10.1 When determining listed building consent applications, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 10.2 The application proposal seeks to address the on-going problems of water ingress by carrying out repair works to the roof and bell tower.
- 10.3 The works will comprise of repairs to the bell tower which include the replacement of existing doors and support beams with a timber door and timber supporting sides of the bell tower. The existing lead roof covering to the roof area would be removed and replaced with lead covering and lead flashing.
- 10.4 In terms of the impact of the listed building, the existing building is in much need of repair works due to weather damage. The works would not result in a detrimental impact on the heritage asset and the buildings internal and external structure would be retained. The Borough’s Conservation Officer has concluded that on balance the works are acceptable as the proposed works preserve the architectural merit of the existing building.
- 10.5 In conclusion, the proposed repair works are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed building. As such, the proposal would preserve the character, fabric and identity of the listed building. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010), saved Policies DEV1 and DEV37 of the Unitary Development Plan (1998), Policies DEV2 and CON1 of the Council's Interim Planning Guidance (2007) as well as Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with post EiP Modifications).

## **11.0 Conclusions**

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



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings

0 50 m



1:1,250

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

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# Agenda Item 8.2

<b>Committee:</b> Development	<b>Date:</b> 13 <sup>th</sup> March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b> 8.2
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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/11/03666</b>
<b>Site:</b>	<b>13 Durham Row, E1 0NP</b>
<b>Proposed Development</b>	<b>Installation of hard wood window frames to listed building.</b>
<b>Decision:</b>	<b>REFUSE LISTED BUILDING CONSENT (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 This property is an early 19<sup>th</sup> Century listed, 3 storey distinctively designed terrace and the Planning Inspector considered that the special interest derived from the historic form of the terraces, within the York Square Conservation

area. The proposals sought listed building consent to change the three windows to the front and a further five windows to the rear.

- 3.3 The Planning Inspector was concerned that the proposal would have involved the loss of a significant amount of original fabric and that there had been no evidence relating to the aspects of this fabric that justified its proposed removal. The Planning Inspector was concerned that the introduction of double glazed units, utilising two panes of glass set within new timberwork would have been a modern intervention and would not have exactly replicated the qualities of the traditional windows.
- 3.4 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/01104</b>
<b>Site:</b>	<b>159 Commercial Street E1 6BJ</b>
<b>Site:</b>	<b>Construction of additional floors to provide 8 residential units along with private and communal amenity space and cycle storage.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.5 This proposed development sought planning permission for an additional three storeys (over the existing four storey property). The issues in this case were the impact of the additional height, scale and mass on the character and appearance of the Elder Street Conservation Area..
- 3.6 The Inspector noted that the immediate area (as identified by the Council's conservation area character appraisal) indicated a predominant 3-4 storey height and felt that the additional height proposed would have been out of place, when compared to the existing townscape found within Commercial Street and would have been considerably higher than properties in Fleur De Lis Street. He concluded that the features of this corner property did not warrant such a step up in scale and concluded that the proposed development would have failed to respect the context and the character and appearance of the conservation area.
- 3.7 The appeal was DISMISSED.

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

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

<b>Application Nos:</b>	<b>PA/12/02824</b>
<b>Sites:</b>	<b>Block E, Taylor Place, 5-25 Payne Road London</b>
<b>Development</b>	<b>Change of Use of existing commercial units to provide 12 residential apartments.</b>
<b>Council Decision</b>	<b>REFUSE (delegated decision)</b>
<b>Start Dates</b>	<b>22 February 2013</b>
<b>Appeal Method</b>	<b>WRITTEN REPRESENTATION</b>

- 4.2 This planning application was refused on grounds that the proposed development failed to comply with the Council's affordable housing policy – with the requirement of affordable housing provision in cases where 10 or more residential units are proposed.

**Application No:** PA/12/01764  
**Sites:** Dennis House, Roman Road, London E3  
**Development:** Installation of telecommunications equipment comprising GRP chimney stacks with cabinets at roof level  
**Council Decision:** REFUSE (delegated decision)  
**Start Date:** 14 February 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case was related to the failure of the proposed chimney stacks to preserve or enhance the character and appearance of the host building and the conservation area.

**Application No:** PA/12/02053  
**Sites:** 34 White Church Lane E1  
**Development:** Change of Use of existing warehouse to retail  
**Council Decision:** REFUSE (delegated decision)  
**Start Date:** 7 February 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.4 This application was refused, as the applicant failed to justify the loss existing employment generating employment floorspace.

**Application No:** PA/12/01130  
**Sites:** 253-261 Westferry Road E14  
**Development:** Extension of the property (through a proposed 3<sup>rd</sup> and 4<sup>th</sup> floor extension) and the conversion of the building to provide 9x1 bed and 1x2 bed flats  
**Council Decision:** REFUSE (delegated decision)  
**Start Date:** 31 January 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.4 This application was refused for the following reasons:

- Failure to provide affordable housing
  - § Poor mix of accommodation with and over-reliance on non-family accommodation
  - § Failure to provide wheelchair housing
  - § Loss of sunlight and daylight – along with increase enclosure
  - § Failure to provide bicycle

**Application No:** ENF/12/00353  
**Sites:** 11 Chapel House Street  
**Development:** Unauthorised two storey rear extension  
**Council Decision:** INSTIGATE ENFORCMENT ACTION (delegated decision)  
**Start Date:** 14<sup>th</sup> February 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.5 Enforcement action was instigated on grounds that the extension represents an over-bulky and incongruous form of development, out of keeping with the character and appearance of the adjacent conservation area. There was also concern about the impact of the development on neighbouring residential amenity (occupiers of 9 Chapel House Street, in terms of increased enclosure).

**Application No:** *ENF/12//00002*  
**Sites:** *26 Ferry Street, E14*  
**Development:** *Formation of a new doorway and various other internal and external alterations to the public house*  
**Council Decision:** *INSTIGATE ENFORCEMENT ACTION (delegated decision)*  
**Start Date** *15<sup>th</sup> February 2013*  
**Appeal Method** *WRITTEN REPRESENTATIONS*

- 4.6 The public house at 26 Ferry Street is a listed building and various alterations have been undertaken to the property without the required listed building consent. The works fail to respect the qualities of the listed building with substandard replacement elements.