

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 12 September 2012 at 7.00 p.m.

A G E N D A

VENUE

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

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

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

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

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 12 September 2012

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 22nd August 2012.

PAGE NUMBER	WARD(S) AFFECTED
----------------	---------------------

5 - 16

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. **17 - 18**

6. DEFERRED ITEMS

Nil Items. **19 - 20** **All Wards**

7. PLANNING APPLICATIONS FOR DECISION **21 - 24**

- 7 .1** **12 Hanbury Street, London (PA/11/01488)** **25 - 36** **Spitalfields & Banglatown**
- 7 .2** **Site at the South West Junction of Glenworth Avenue and Saunders Ness Road, Glenworth Avenue, London (PA/12/01646)** **37 - 54** **Blackwall & Cubitt Town**
- 7 .3** **313 Cambridge Heath Road, London E2 9LQ (PA/12/00623 and PA/12/00624)** **55 - 82** **Bethnal Green North**
- ## **8. OTHER PLANNING MATTERS** **83 - 84**
- 8 .1** **Raines Foundation Upper School, Approach Roach, London E2 9LY (PA/12/02022)** **85 - 92** **Bethnal Green North**
- 8 .2** **Appeals Report** **93 - 96**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 22 AUGUST 2012

**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 Craig Aston (7.1, 7.3-8.3)

Councillor Anwar Khan

Councillor Kosru Uddin

Councillor Peter Golds (6.1, 7.2)

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Jerry Bell	– (Applications Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Iyabo Johnson	– (Planning Officer, Development and Renewal)
Angelina Eke	– (Planning Officer, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Md. Maium Miah.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the extraordinary meeting of the Committee held 25th June 2012 and the ordinary meeting held on 10th July 2012 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Ability Place, 37 Millharbour, London (PA/12/00023)

In accordance with paragraph 11.4 of the Council's Development Committee procedure rules, the Members that voted on this item were Councillors Helal Abbas, Peter Golds, Kosru Uddin and Anwar Khan.

Jerry Bell (Applications Manager) presented the deferred report. The application was reported to the last meeting of the Committee on 10th July, 2012 and Members resolved to defer the application due to a series of concerns set out in the report. Officers interpretation of their reasons/concerns were set in paragraph 3.3 for consideration.

Whilst Officers considered that the reasons could be defended on appeal, subject to the submission of one additional representation, the material circumstances remained unchanged. Therefore Officers recommendation to grant remained the same.

Councillors Shiria Khatun and Craig Aston did not vote on this item having not been present at the 10th July 2012 Committee when it was previously considered.

(Councillor Peter Golds was deputising for Councillor Craig Aston)

On unanimous vote the Committee **RESOLVED**

That planning permission (PA/12/00023) at Ability Place, 37 Millharbour, London be **REFUSED** for the reasons set out at paragraph 3.3 of the report.

7. PLANNING APPLICATIONS FOR DECISION

7.1 4-6 Spey Street, London E14 6PT (PA/12/01088)

Update Report Tabled

Jerry Bell (Applications Manager) introduced the proposal regarding 4-6 Spey Street.

There were no speakers registered.

Iyabo Johnson (Planning Officer) presented the detailed report and the power point presentation for retrospective planning consent. She detailed the site location within a parade of shops and near a Conservation area and listed buildings. She confirmed the outcome of the consultation.

The proposal was for the retention of 6 fridge units with 2 timber cladding enclosures. One of the key considerations was the impact of noise on surrounding properties. However the noise assessment (undertaken over a 24 hour period recently) satisfied the Council's requirements in respect of the most noise sensitive properties and therefore was considered acceptable.

Given the lack of impact, the scheme should be granted.

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

That planning permission (PA/12/01088) at 4-6 Spey Street, London E14 6PT be **GRANTED** subject to the conditions and informative set out in the report.

7.2 Land at Commercial Road, Basin Approach, London (PA/12/00925)

Update Report Tabled

Councillor Craig Aston declared that he had received correspondence on this item and considered it appropriate that he step down from the Committee for this item and that Councillor Peter Golds would deputise for him.

As a result, Councillor Peter Golds deputised for Councillor Aston on this item (7.2).

Jerry Bell (Applications Manager) introduced the proposal regarding Land at Commercial Road, Basin Approach, London.

The Chair invited registered speakers to address the Committee.

Malcolm Tucker speaking in objection stated that he was speaking on behalf of the Greater London Industrial Archaeology Society (GLIAS). He objected to the impact on views from the Hydraulic Accumulator Tower by the proposed 6 storey tower. The tower was refurbished in the mid 1990s and provided a public viewing station for enjoyment of views. They were a unique aspect of the area. It was open to the public for 2 days a year. The proposed 6 storey tower would damage views from the tower to the north west replacing them with views of the flats.

He objected to the cumulative impact on views from previous Bellway Homes schemes. This scheme was the last straw.

The impact on the views to the tower was a material consideration but the report and application failed to give sufficient weight to these issues. He requested that the height of the proposed tower be lowered by 2 stories.

In response to Members questions regarding his involvement in the consultation, Mr Tucker reported that he had written a letter to the Council's Planning Officers that was noted in the report. However he had no other contact with the Council as he lived outside the Borough. In relation to the engagement with the applicant, he stated that early on in the process he attended a meeting with the applicant where they showed him some plans. They were only outline plans of the scheme with no detail. During the meeting he voiced his concerns about the views to the north west of the accumulator tower. He also raised issues about the ground floor of the scheme that the applicant said would be dealt with in the plans.

Tom Ridge spoke in objection on behalf of residents and the East End Waterway Group. He referred to the group's letter of objection. The report made no mention of these facts. He emphasized the concerns over the proposed 6 storey tower in terms of its impact on views to the accumulator tower. He highlighted the steps taken by the London Docklands Development Corporation to refurbish the tower. A considerable amount of public money had been spent on the tower. He read extracts from the Tower Hamlets Watch Magazine highlighting the unique views from the tower and its value. He questioned how public access to the tower would be maintained. Experience showed that gated communities prevented public access. He therefore requested that the arches in front of the tower be maintained to allow public access.

In reply to questions about use of the tower, he concurred with a Member's point that it was in reality used for public viewing more than twice a year. In

terms of the consultation by the applicant, there was none. However he did speak to the Council's Planning Officers.

He was in the process of finishing a guide on the East End Waters Ways. The tower was a unique part and feature of this guide and should be used more on a regular basis. This could only be achieved if public access via the arches was maintained. His letter from the East End Waterway group included his request for the proposed tower to be lowered by 2 storeys and was sent to the Council's planning department without reply. It was also sent to some Councillors.

Kieran Wheeler spoke in support on behalf of the applicant. He outlined the proposal based on extensive consultation with the Council and the community. The existing site was a derelict eye sore and this scheme would greatly improve the site for the benefit of all. The applicant was committed to maintaining public access to the tower. This would be secured by the S.106 agreement. The applicant had given a great deal of consideration to the impact on the views. It was felt that by setting back the scheme and providing the court yard the scheme would provide a good setting for the tower. Overall he disputed that any loss to the tower outweighed the many benefits of the scheme.

The issues around the railway arches fell outside the scope of the application because they were outside the development site and in different ownership. However the applicant was committed to working with British Waterways to provide public access via the arches to the tower.

In response to Member questions about the perceived lack of consultation by the applicant, Mr Wheeler stated that the applicant had been in contact with Mr Tucker's group (GLIAS) and were aware of their concerns. The design of the landscape had been amended to move it away from the tower. They had received their letter and had tried to contact Mr Tucker. He also confirmed receipt of Mr Ridges group's letter and had responded to it. Alongside this, the applicant had carried out widespread consultation and had offered amongst other things continued access to the tower and to engage in discussions with British Waterways to facilitate this. In relation to maintaining access to the tower, the committee were advised that this could be managed by the same management company appointed to manage the estate and as such there would not be any additional costs or financial impact on the s106. Details of the access would be worked up in the s106.

In response to questions about reducing the height by 2 stories and the impact on viability, Mr Wheeler could not comment on this as it would require further analysis and a tool kit assessment. Members were asked to deal with this scheme on its merits.

Chris Trap also spoke in support as the architect. He highlighted the applicant's impressive record in providing developments in the area for which they had won awards that he listed. The site fell outside the Conservation Area and was suitable for such development. However the tower was protected. The scheme fully took into account the impact on the tower and

had been sympathetically designed to respect the heritage assets. The height of the scheme accorded with the nearby developments along Commercial Road that comprised a wide number of housing sizes. The materials were in keeping and the landscaping would enhance the area. The applicant did meet with the objectors early on in the process where they were shown the plans. In response to Members about the brick colour, Mr Trapp reported that details of this would be secured via condition to ensure it blended in with the area.

A member expressed support for a bright colour brick that enhanced the area rather than a dark coloured brick.

Nasser Farooq (Planning Officer) presented the detailed report supported by a power point presentation. He explained the site location and the nature and proximity of the nearby heritage assets. He confirmed the outcome of consultation as set out in the report. He fully addressed the objections in particular those made by the GLIAS around the views to the accumulator tower that were sent into Officers as part of the consultation. Officers considered that given the accumulator tower's infrequent use as a public viewing platform (two days a year) and lack of weight normally given to loss of views the overall benefits of the scheme outweighed them.

He addressed the objections made about the archway sent to Officers. Any plans for the arches would need to be subject to a fresh application and considered separately. He also explained in detail the key aspects of the scheme including the affordable housing mix and the amenity space. Overall the scheme complied with policy and should be granted.

The Committee then asked questions around the following points:

- Loss of light, especially to the proposed ground floor properties from the 6 storey tower.
- Overshadowing from the proposed tower.
- The discussions with the applicant to mitigate this.
- The proposal to reduce the proposed tower by two floors. The merits in terms of reducing the impact.
- The statistics for number of affordable flats in p 8.62 of the report.

Officers responded to each point. In terms of sun light, the impact on the worst affected properties was considered acceptable on balance. Given that many were dual aspect units they should receive satisfactory levels of light from other facades. Furthermore, many also benefited from balconies and the benefit of these should be balanced against any minor losses in light. Overall, Officers considered that the impact was acceptable and quite usual for a development of this nature and the position of the flats.

The applicant had undertaken further work resulting in improvements to the daylight levels as set out in the update report. No existing properties would lose light. The minor failings in light solely related to the proposed units.

The number for affordable housing (p 8.62 of the report) should read 18 not 28.

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

That planning permission (PA/12/00925) at Land at Commercial Road, Basin Approach, London be **DEFERRED**.

Members agreed to defer the application so that the following issues could be addressed:

- The sunlight and daylight impact.
- The impact on the Hydraulic Accumulator Tower in terms of public use and loss of views.
- The potential to reduce the height of the six storey element to minimise the impact.

Accordingly, in accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to work with the Applicant to see if the above aspects of the scheme can be addressed and clarified and for the application to be reported back to a future meeting.

(The Members that voted on this item were Councillor Helal Abbas, Shiria Khatun, Kosru Uddin, Peter Golds and Anwar Khan)

7.3 Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 (PA/12/00358)

(Councillor Craig Aston rejoined the Committee for the remaining items of business)

Jerry Bell (Applications Manager) introduced the proposal regarding Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 (PA/12/00358)

The Chair invited registered speakers to address the Committee.

Councillor Marc Francis asked if a resident could address the meeting in objection. The Chair replied that as they had not registered in accordance with the speaking procedures, he could not allow the request.

Councillor Francis spoke in opposition to the scheme. He supported the overall principle of the TFL docking scheme and its expansion into the east end. However this scheme would have a serious impact on the area. It would lead to a loss of parking; attract anti social behaviour and harm amenity given it's proximity to residents properties. He suggested that it be relocated to Wick Lane.

In response to questions, he considered it fairer to relocate it to Wick Lane given the occupants there were most likely to use the docking station. This would prevent the users having to walk to the docking station at night. The applicant had made many amendments to the scheme subjecting the

residents to constant consultation. He disputed that a reduction in size of the station would help. If only few were provided, it would still attract nuisance behaviour outside peoples properties.

Laura Stritch spoke in support of the scheme on behalf of the applicant. The scheme formed part of the London wide TFL docking scheme – phase 2. The aim was to have docking stations every 300 metres to ensure adequate coverage and make the scheme viable. She explained the substantial reductions in length of the station to address the concerns following extensive consultation with Officers and the community. Highways had raised no objections regarding the loss of parking given the level of parking elsewhere in the area and that it provided a sustainable form of transport. TFL liaised regularly with the police and the station would have good overlooking from the residential properties. If there were any issues with ASB, the scheme would be reviewed and it was possible it could be removed if issues couldn't be resolved. The removal/return of the cycles made minimal noise.

There was a detailed site selection process. From this, the site was chosen as the best site to meet the requirements of the scheme. It would be located approximately 5 metres away from properties. The many stations elsewhere had been well received and she was not aware of complaints. In response to Members about whether Wick Lane had been considered, Ms Stritch stated she was not aware of this option until now. However the scheme should be considered in the first instance on its own merits. In choosing the scheme, many considerations were taken into account as well as residential amenity, and based on this, it was considered that the site provided the best location. All suitable sites were looked at and assessed. She did not believe that people gathered around the stations in groups or that they encouraged nuisance behaviour based on experience with other schemes. Action would be taken to address ASB. They would work with LBTH and the Police to prevent this. The applicant could possibly install CCTV. She could not confirm the distance of the nearest docking station.

Angelina Eke (Planning Officer) presented the detailed report supported by a power point presentation. She explained the principle of the scheme. She referred to the previously withdrawn scheme and the amendments made to overcome the issues. She addressed the objections as set out in the report. Officers considered that the location of the station near properties was acceptable in term of land use. It was planned to remove 4 parking spaces and redesign the layout to maintain current access arrangements. (Servicing, ambulance and disabled access). The Highway's Team approved of the changes especially as there was sufficient parking in the area to accommodate the scheme.

Overall Officers considered that the scheme was acceptable without adverse impact on access or impact on amenity. It should be granted.

Members raised a number of questions around:

- The distance away from residential properties.
- Experience with other schemes near people properties.

- The noise impact and the risk of ASB given the residential nature of the area. It was suggested that there was anecdotal evidence to support this from other docking stations.
- The possibility that people would use the scheme in groups.
- Whether Wick Lane had been considered as a possible alternative site.
- The use of credit card payment for cycles and impact of this in terms of disturbance.
- The impact on parking.

In response, Officers explained the method for using the cycles at the stations. Customers usually touched in and out with their Oyster cards which made minimal noise. There was no evidence to suggest that the stations caused ASB and that groups gathered around them. Customers normally just take the cycles and did not congregate. All sites chosen by TFL were checked by the Police who were involved in the initial canvassing for sites. It was required to consider this application on its own merits not potential alternatives sites.

On a vote of 2 in favour and 2 against with 1 abstention with the Chair using his casting vote in favour, the Committee **RESOLVED**

That planning permission (PA/12/00358) be **GRANTED** at Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 subject to the conditions and informatives set out in the report.

7.4 Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE (PA/11/02704)

Jerry Bell (Applications Manager) introduced the proposal at Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London. There were no speakers registered.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power point presentation.

He explained the site location and the existing uses of the site. He explained in detail the proposals showing recent photographs of both the existing site and the proposals. He explained the outcome of the two consultation exercises advertised on site, a local newspaper, and the subject of notification letters to nearby properties. To which a total of 105 representations (94 in favour and 10 against) were received and 1 petition containing 64 signatures. He addressed the objections raised as set out in the report and the material considerations. The proposal was considered acceptable in terms of the material issues.

TFL had raised no objections. Highways were satisfied with the scheme given the scale of the proposal and restrictions on the scheme. However were recommending that it be subject to a temporary consent to monitor and review the impact.

In reply, Members noted the advantages of a temporary consent in principle. However, Members queried the reasons for proposing a 1 year permission. There was some support for extending this given the lack of anticipated impact, the position of the premises, the start up costs and financial pressures that it may place on the business in the current economic climate. They also questioned the adequacy of the measures to prevent non customers using the car wash (particularly condition 5 prohibiting on site advertising) given the premises visibility on the street. They also asked about the suitability of a permanent consent with strong controls.

In response, Officers referred to the issues originally raised by highways (about servicing and possible congestion). They also referred to the objections. Officers were now satisfied with the scheme given the assurances offered by the applicant. However, in view of the issues, considered it necessary to monitor and review the permission for a 1 year period to fully assess the impact in practice. Any breaches would be enforced. Officers would have a better ability to address impacts arising with a temporary consent than a permanent permission.

Officers explained the measures to minimize the impact. The car wash would be for use of the on site retail shops only. This should prevent any queuing onto the highway. The shop was located on a side road and relatively non visible from the street, therefore unlikely to attract non customers to the car wash without publicity.

Councillor Kosru Uddin moved an amendment to condition (1) seconded by Councillor Shiria Khatun that the temporary permission be extended from 1 year to 3 years. On a vote of 3 in favour, 0 against and 2 abstentions this was agreed.

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

That the temporary planning permission (PA/11/02704) at Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE be **GRANTED** subject to the amendment agreed by the Committee that the temporary planning permission be extended from 1 to 3 years.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

8. OTHER PLANNING MATTERS FOR DECISION

8.1 Professional Development Centre, English Street, London, E3 4TA (PA/12/01672)

Nasser Farooq (Planning Officer) presented the detailed report regarding works to the Professional Development Centre. It was noted that the Council could not determine applications for listed building consent for its own buildings.

He explained the scope and the need for the works. Officers and English Heritage were supportive of the proposals. As a result, it was recommended that it should be granted.

On a unanimous vote the Committee **RESOLVED**

That the application (PA/12/01672) Professional Development Centre, English Street, London, E3 4TA be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.2 Bromley Public Hall, Bow Road, London E3 (PA/12/00787)

Angelina Eke (Planning Officer) presented the proposals for works to Bromley Public Hall to existing panelled doors to improve surveillance. It was noted that the Council could not determine applications for listed building consent for its own buildings.

On a unanimous vote the Committee **RESOLVED**

That application (PA/12/00787) Bromley Public Hall, Bow Road, London E3 be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.3 Planning Appeals Report

Jerry Bell presented the report

At the request of Members, it was agreed that the schedule for the Public Inquiry for Poplar Business Park should be reported to the Strategic Development Committee as the Committee that determined the application.

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 9.25 p.m.

Chair, Councillor Helal Abbas
Development Committee

This page is intentionally left blank

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 1st 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

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No: 6.
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. RECOMMENDATION

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

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

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

This page is intentionally left blank

Agenda Item 7

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

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

LOCAL GOVERNMENT ACT 2000 (Section 97)

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

This page is intentionally left blank

Agenda Item 7.1

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Adam Williams		Ref No: PA/11/01488	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

1.1 **Location:** 12 Hanbury Street, London

Existing Use: Restaurant at ground floor level with residential above

Proposal: Partial retention of, with amendment to, new kitchen extract system with duct riser on rear elevation terminating vertically at roof level with Swedish Cowl.

Drawing Nos:

- 083.P.50 (Rev A);
- 079.GA.10 (Rev B);
- 079.GE.10 (Rev D);
- 079.EX.01;
- 079.EX.02;
- 079.EX.10 (Rev A);
- 079.GA.01;
- Design Statement, prepared by Gundry & Ducker, dated 7 June 2011;
- Impact Statement – Rosas 12 Hanbury Street London E1 6QR;
- Plant Noise Assessment, prepared by Dragonfly Acoustics, reference DACC0235-R2, dated October 2010;
- JM Aerofoil Ancillaries Technical Specifications;
- Viledon CarboPleat and DuoPleat Filters Technical Specifications;
- Lindab Curved Access Doors Technical Specifications;
- Lindab Flexible Duct Connector Technical Specifications;
- Lindab Rectangular “RD” Series Access Doors Technical Specifications;
- The Discarb Cell – Gas Phase Filtration Product Datasheet;
- MaXfan/MaXfan Plus Cased Fans Technical Specifications;
- Elta Fans Quietflow SQS Technical Specifications;
- Shush UK Ltd., In-Line Silencer Manufacturers Specifications.

Applicant: Mr Alex Moore

Owner: Mr R Morris

Historic Building: N/A

Conservation Area: Brick Lane and Fournier Street Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), London Borough of Tower Hamlets Unitary Development Plan (1998), the Managing Development DPD (Submission Version May 2012), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Subject to condition, it is considered that the proposed kitchen extract system takes into account and respects the local character and setting of the development site and its surroundings in terms of design, scale, height, positioning and finished appearance. As such, the proposal accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998), Policy DM24 of the Managing Development DPD (Submission Version May 2012), and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is not considered that the proposal would adversely affect the visual integrity of the street, in accordance with saved Policy DEV9 of the Unitary Development Plan (1998).
- 2.3 The proposed kitchen extract system, by way of its design and positioning on the building, would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area. As such, the proposal accords with the requirements of Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012), Policy CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that developments are sensitively designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.
- 2.4 Subject to condition, it is considered that the proposed kitchen extract system would not result in undue noise, vibration or odour nuisance to neighbouring residents, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.5 The proposed kitchen extract system would not unduly restrict vehicular access to Pecks Yard for the purpose of off-street servicing, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010), Policy T16 of the Unitary Development Plan (1998) and Policy DM20(2) of the Managing Development DPD (Submission Version May 2012). These policies seek to ensure that developments do not result in any adverse impacts on the capacity and safety of the transport network.

3. RECOMMENDATION

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

Conditions

- 1 The kitchen extract system shall be amended to fully accord with the approved plans within three months of the date of the decision.
- 2 Development to be carried out in accordance with the approved plans.
- 3 The extract duct shall be painted black within three months of the date of the decision and

shall be maintained in black thereafter.

- 4 The kitchen extract system shall be amended and maintained in accordance with the submitted Plant Noise Assessment.

Informatives

- 1 Nil.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the partial retention of the existing unauthorised kitchen extract duct at 12 Hanbury Street, including alterations to the existing ducting at low level to raise the height of the duct to 3.0 metres above ground level, together with alterations to the extract termination point at roof level, with the amended flue to be located behind (south of) the existing chimney stack, terminating 1.3 metres above the height of the rear roof ridge with a Swedish cowl.

Site and Surroundings

- 4.2 The application site is 12 Hanbury Street, a four storey terraced property in use as a Thai restaurant at ground floor with residential dwellings on the floors above. Whilst there is no record of planning permission being granted for the restaurant use at ground floor level, an assessment of the use of the premises carried out in LBTH Planning Enforcement in 2008 concluded that the A3 restaurant was an established use at the site (see paragraph 4.5).
- 4.3 The application site is located within a terrace of similar three and four storey properties with commercial uses at ground floor levels. The surrounding area is home to a mix of uses, with Brick Lane and the adjoining streets including a large number of retail shops, cafes, restaurants, bars and hot food takeaways along the ground floor frontages, whilst the upper floors of buildings and wider surrounding streets are predominantly in residential use. The site is located adjacent to, although outside of, the western boundary of the Brick Lane District Centre, as defined in the Managing Development DPD (Submission Version May 2012).
- 4.4 The application site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and then extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site lies a short distance to the north-west of the Grade II listed three storey Victorian terrace at 13-25 Wilkes Street (odd).

Planning History

- 4.5 ENF/08/00122
On 16 June 2008 an enforcement case was opened in respect of an alleged breach of planning control for an unauthorised change of use (to a restaurant) and works to Listed Building. The assessment revealed that the site was not a Listed Building and LBTH Planning Enforcement concluded that the restaurant was an established use at the site that dated back decades and that no breach of planning control had occurred.
- 4.6 PA/09/00920
On 30 October 2009 an application for planning permission was **withdrawn** for: (a) retention of rear extension at second and third floors plus external alteration works to rear roof slope to create habitable accommodation at fourth floor level; (b) use of the first, second, third/fourth floors as three self contained flats; (c) retention of third floor fire escape door and balcony; (d) installation of a new ventilation flue associated with ground floor restaurant.

4.7 PA/09/00921

On 30 October 2009 an application for conservation area consent was **withdrawn** for partial demolition works in connection with PA/09/920 comprising the removal of unauthorised external alteration works at third and fourth floor level including alteration to rear roof slope; removal of unauthorised external balustrading works and external alterations incorporating railings, terrace doors and finishes; removal of existing ventilation flue and re-routing of new one.

4.8 PA/10/00705

On 16 June 2010 an application for planning permission was **withdrawn** for the installation of new kitchen and extract and ventilation system.

4.9 PA/10/02316

On 8 December 2010 planning permission was **granted** for the removal of existing roof extension, extract duct, all terraces, balconies and associated railings. Regularisation and retention of the rear extension in Peck's Yard. Existing windows on rear extension changed to sash windows. West elevation on rear extension finish changed to painted render. Removal of east windows on rear extension and removal of external escape door on 3rd floor. Internal alterations to provide two two-bedroom flats and one one-bedroom flat.

4.10 PA/10/02317

On 8 December 2010 an application for conservation area consent was **withdrawn** for removal of existing roof extension, extract duct, all terraces, balconies and associated railings. Regularization and retention of the rear extension in Peck's Yard. Existing windows on rear extension changed to sash windows. West elevation on rear extension finish changed to painted render. Removal of east windows on rear extension and removal of external escape door on 3rd floor. Internal alterations to provide two two-bedroom flats and one one-bedroom flat.

4.11 PA/10/02411

On 6 January 2011 planning permission was **refused** for the installation of new kitchen extract system, including installation of extract ducting to the rear of the building terminating at roof level.

Reasons for Refusal:

- 1) *The proposed kitchen extract ducting and flue fails to take into account and respect the local character and setting of the development site and its surroundings in terms of location, scale, height, design details, materials and external finishes. The proposal is therefore contrary to the requirements of Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is considered that the proposal would adversely affect the south elevation of the host building, which is contrary to the requirements of saved Policy DEV9 of the Unitary Development Plan (1998).*
- 2) *The proposed extract ducting and flue, by way of its location, scale, height, design details, materials and external finishes, would be an incongruous addition to the host building and would fail to preserve or enhance the character and appearance of the Fournier Street / Brick Lane Conservation Area. The proposal is therefore contrary to Policy SP10(2) of the adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy CON2 of the Interim Planning Guidance (2007), Policy 4B.12 of the London Plan (2008) and Planning Policy Statement 5 (2010). These policies seek to ensure that the design of development proposals either preserves or enhances the character and appearance of Conservation Areas.*

4.12 PF/11/00010

On 30 June 2011 the Local Planning Authority issued formal **pre-application** advice in respect of the proposed installation of new kitchen extract system, including installation of extract ducting to the rear of the building terminating at roof level.

***Officer Comment:** The current application was submitted following the above refusal (PA/10/02411) and pre-application meeting (PF/11/00010) and has been designed with the intention of overcoming the previous reasons for refusal.*

5. POLICY FRAMEWORK

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

Government Planning Policy Guidance

5.2 National Planning Policy Statement (2012)

London Plan 2011

5.3 Policies: 7.4 Local Character
 7.8 Heritage Assets and Archaeology

Adopted Core Strategy (2010)

5.4 Policies: SP10 Creating Distinct and Durable Places

Unitary Development Plan 1998 (as saved September 2007)

5.5 Policies: DEV1 Development requirements
 DEV2 Environmental Requirements
 DEV9 Control of Minor Works Within the Borough
 DEV27 Alterations Within Conservation Areas
 DEV50 Noise
 T16 Transport and Development

Emerging Policy

5.6 Managing Development DPD Submission Version May 2012
 DM20 Supporting a Sustainable Transport Network
 DM24 Place-sensitive Design
 DM25 Amenity
 DM27 Heritage and the Historic Environment

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

5.7 Policies: DEV1 Amenity
 DEV2 Character and Design
 DEV10 Disturbance from Noise Pollution
 CON2 Conservation Areas

Supplementary Planning Guidance

5.8 Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

Other Material Considerations

5.9 Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, DEFRA (2005)

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

LBTH Environmental Health

- 6.2 1. The restaurant premises has installed a new kitchen extract system and Environmental Health would require that the pre-filters and the activated carbon filters forming the component parts of the extract system are maintained and replaced regularly. The pre-filters shall be replaced every two weeks and the carbon filters at least every six months. The overall system shall also be regularly and routinely maintained at six monthly intervals, which will include a thorough and deep clean of the whole system including the ductwork, the fan and the termination point.
2. The ductwork forming part of the kitchen extract system shall terminate and discharge air extracted from the restaurant kitchen at high velocity via a Swedish cowl at a point one metre above the roof ridge of any building within a radius of 20 meters from the building housing the commercial kitchen to ensure adequate and effective dilution and dispersion of odours to prevent a smell nuisance.
3. In the event that the kitchen extract system required to be installed by Environmental Health does not remove the occurrence of odour from the air likely to cause a problem for neighbours then further smell abatement measures shall be installed by the applicant including but not restricted to Electrostatic Precipitators (ESP) and Ultraviolet Ozone (UV) systems.
4. The kitchen extract system shall ensure that the residence time/dwell time is between 0.3 - 0.6 seconds but with a desire for the upper limit (see defra guidance for further details).
5. The premises shall not cause a statutory nuisance (smell or noise) under the Environmental Protection Act 1990.

LBTH Transportation & Highways

- 6.3 LBTH Transportation & Highways have reviewed the amended plans and are satisfied that the proposed duct will not restrict the size of vehicles able to access the yard. Highways therefore has no objection to the application.

7. LOCAL REPRESENTATION

- 7.1 A total of 71 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.
- 7.2 The total 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:	12	Objecting:	12	Supporting:	0
No of petitions received:		1 objecting containing	19 signatories		
		0 supporting containing	0 signatories		

- 7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

7.4 Design

- (a). The ducting should be aligned with the existing chimney stack, which would be must less obtrusive and detrimental to the historic surroundings.
- (b). The design of the final section of the extract system is visually intrusive and dominates a fine old butterfly roof and does not preserve or enhance the character of the Brick Lane and Fournier Street Conservation Area.
- (c). The ducting should be enclosed within a brick slip enclosure.

Amenity

- (d). The existing extract system has caused ongoing smell nuisance to neighbouring residents.
- (e). The extract should discharge vertically in order to maximise the dispersion and dilution of fumes, in accordance with industry guidelines.
- (f). The ducting should terminate above the height of the 3rd floor rear windows in Wilkes Street so that the prevailing easterly winds do not blow discharged fumes into neighbours living spaces.

Highways

- (g). The extract system protrudes significantly from the side elevation of the building and is located below the level of the soffit of the vehicle undercroft, restricting vehicular access to the rear of 106 Commercial Street.

Case Officer's Comments: *With regard to points (a) and (b), the proposal was subsequently amended so that the flue terminates vertically, adjacent to the existing chimney stack. With regard to point (c), the application that has been submitted is for a non-enclosed duct and the application has been assessed on its own merits, with the design of the scheme discussed further in paragraphs 8.2 to 8.8. With regard to points (d), (e) and (f), the proposed extract system was subsequently amended to terminate vertically through a Swedish cowl and the design of the system is now considered to accord with the requirements of LBTH Environmental Health (see paragraph 6.2). With regard to point (g), the proposal was subsequently amended to raise the height and reduce the projection of the section of ducting adjacent to the vehicular access way to the rear of 106 Commercial Street.*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are the design of the proposed extract system, the impacts of the system on neighbouring residential amenity, and the impacts of the system on vehicular access for off-street servicing for the neighbouring commercial unit.

Design

- 8.2 The ground floor of 12 Hanbury Street is presently occupied by Rosa's Thai restaurant. The restaurant kitchen is currently served by a kitchen extract system with duct riser located at the rear of 12 Hanbury Street, which was installed without the benefit of planning permission. The existing unauthorised kitchen extract system was installed with the intention of addressing the requirements of an Abatement Notice issued by LBTH Environmental Health, which was issued in response to ongoing smell nuisance to neighbouring residents resulting from the operation of the previous, also unauthorised, kitchen extract system.
- 8.3 The proposal is for the partial retention of the existing extract system, with alterations to the ducting a low level and flue at roof level, whilst the majority of the vertical section of duct affixed to the rear (south) elevation of the building is sought to be retained. The proposed kitchen extract duct exits the kitchen at 2.5 metres above ground level on the west elevation of the building, above the kitchen door within Pecks Yard. The height of the duct then rises to 3.0 metres above ground level runs horizontally northwards to meet the rear elevation of the host building, at which point the duct turns horizontally west for 2 metres and then extends

vertically up the rear elevation of the host building. At the rear parapet the duct bends northwards, following the slope of the rear section of the roof, before extending vertically up the rear of the existing chimney stack, terminating with a Swedish cowl 1.3 metres above the rear roof ridge height.

- 8.4 The previous application for a kitchen extract system at the site (planning reference PA/10/02411) was refused on design grounds as it included bulky cladding system that was incongruous with the character and appearance of the host building and because the flue terminated over 2 metres above and forward from the rear roof ridge, and thus would be visible from the public highway on Hanbury Street (see paragraph 4.11).
- 8.5 A number of letters of representation, including a petition with 19 signatories, have been received by the Council in response to public consultation on the application, in which objection is raised to the proposed kitchen extract system on design grounds. A key issue raised by the objectors was that the flue of the proposed system terminated horizontally by the side of the existing chimney stack, and would dominate the roof of the building and would be visible from the public highway on Hanbury Street and would therefore adversely impact on the character of the Brick Lane and Fournier Street Conservation Area.
- 8.6 The design of the proposed kitchen extract system has been amended several times during the course of the application in an effort to address the concerns of Officers and local stakeholders. It is noted that there is a limited view of the existing flue from a small section of footway on the north side of Hanbury Street, immediately adjacent to the south elevation of the building at 114-118 Commercial Street, which is located at the junction of Commercial Street and Hanbury Street. However, the revised proposal would position the extract flue further back on the roof of the building, terminating immediately behind the existing chimney stack at the rear of the roof, and as a result the proposed flue would not be visible in views from the surrounding public realm. As such, it is considered that the proposal would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area.
- 8.7 Whilst the proposed kitchen extract system would not be visible from the surrounding public realm, it would be visible in views from nearby residential and commercial properties, and it is noted that letters of objection have been received, in which it is stated that the design and positioning of the final section of the (existing) extract system is visually intrusive and dominates the butterfly roof of the building, and that the flue should be aligned with the existing chimney stack so as to be less visually intrusive.
- 8.8 During the course of the application the design of the proposed kitchen extract system was subsequently amended so that the final section of the duct no longer extends forward (northwards) over the roof, but rather terminates vertically with a Swedish cowl, aligned with, and positioned immediately to the rear (south) of, the existing chimney stack at the south-west corner of the roof. Officers consider that the amended proposal would significantly lessen the visual impact of the duct and flue on the rear of the building, and whilst the duct and flue would still be visible in views from surrounding buildings, it would not have a significant adverse visual impact on the rear elevation of the building. As such, it is considered that the amended proposal is acceptable in design terms. However, in order to minimise the visual impact of the duct and flue, it is recommended that a condition be included to require the extract system to be installed in black and maintained in that colour thereafter.
- 8.9 Subject to condition, it is considered that the proposed kitchen extract system takes into account and respects the local character and setting of the development site and its surroundings in terms of design, scale, height, positioning and finished appearance. As such, the proposal accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998), Policy DM24 of the Managing Development DPD (Submission Version May 2012), and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is not considered that the proposal would

adversely affect the visual integrity of the street, in accordance with saved Policy DEV9 of the Unitary Development Plan (1998).

- 8.10 The proposed kitchen extract system, by way of its design and positioning on the building, would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area. As such, the proposal accords with the requirements of Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012), Policy CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that developments are sensitively designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

Amenity

- 8.11 There are a number of residential dwellings in the vicinity of the application site, with the upper floors of the application site itself being in residential use. Accordingly, consideration must be had to the potential impacts on neighbouring residential amenity from the proposed kitchen extract system, with specific regard to the noise, vibration and odour impacts of the system.
- 8.12 The application is accompanied by a Plant Noise Assessment, prepared by Dragonfly Acoustics, which includes the results of an environmental noise survey taken at the site over a five day period. The Plant Noise Assessment shows that the noise generated by the proposed kitchen extract system would be 9.9dB below the lowest background noise level at the nearest sensitive receptor, identified in the report as habitable room windows to the neighbouring building at 14 Hanbury Street. As such, the results of the submitted Plan Noise Assessment would suggest that the proposed kitchen extract system would be inaudible to neighbouring residents, which is supported. It is recommended that a condition be included on the permission to require the kitchen extract system be installed and maintained in accordance with the criteria specified in the Plant Noise Assessment, in order to prevent noise disturbance to neighbouring residents in perpetuity.
- 8.13 It is noted that 12 letters of representation, together with a petition with 19 signatories, have been submitted in objection to the proposal, with a number of the letters and the petition raising objection on the grounds that the existing kitchen extract system at the site has resulted in ongoing smell nuisance to neighbouring residents. From the letters and petition it would appear that the worst affected properties are located on Wilkes Street, to the south-east of the application site.
- 8.14 The current kitchen extract system was installed without the benefit of planning permission and incorporates an extract flue that discharges horizontally, facing northwards over the roof of 12 Hanbury Street. The Council has continued to receive complaints of smell nuisance from residents on Wilkes Street after the kitchen extract system was installed, and the design of the proposed extract system has subsequently been modified to incorporate a vertical discharge through a 'Swedish Cowl', which would provide a higher velocity discharge in order to dissipate the exhaust fumes at a greater height and thus lessen the likelihood of smell nuisance to neighbouring residents.
- 8.15 The proposed kitchen extract system has been assessed by LBTH Environmental Health, and has been found to be generally acceptable in terms of its design and specifications. However, it should be noted that LBTH Environmental Health have powers under Section 79 of the Environmental Protection Act 1990 to deal with nuisances to residents, including smell nuisance, and are able to serve Abatement Notices under Section 80 of the Act. If the Abatement Notices are breached then the Council can prosecute the offending party under the provisions of the Act.

8.16 Taking into account the above, it is considered that the design of the kitchen extract system is generally acceptable and that there are sufficient controls in place to ensure that the proposed kitchen extract system is likely to reduce smell nuisance to neighbouring residents. As such, the proposal accords with Policy SP10(4) of the adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

Highways

8.17 The proposed kitchen extract ducting is located on the side and rear elevation of the building, within Pecks Yard, and thus would have no direct impact on the safety or operation of public highway on Hanbury Street.

8.18 The original design for the proposed kitchen extract system included ducting that at low level projected horizontally outwards from the side elevation of 12 Hanbury Street into Pecks Yard to a depth of 0.6 metres at a height of 2.5 metres, which is 0.5 metres below the height of the undercroft leading from Hanbury Street into Pecks Yard. A letter of objection was subsequently received from the owner of 106 Commercial Street on the grounds that the low level section of ducting within Pecks Yard would unduly restrict vehicular access to the rear of 106 Commercial Street. The letter of objection also states that the existing extract system was not installed in accordance with the (originally) submitted plans, as it projects further outwards from the side elevation of the building than shown on plan (by 1.16 metres) and sits at a lower height (at 2.4 metres from ground level).

8.19 The proposed kitchen extract system was amended during the course of the application, raising the height of the low level section of ducting to 3.0 metres from ground level. It is noted that the point at which the duct exits the side elevation of the building would remain at 2.5 metres in height, which is restricted by the ceiling height of the ground floor unit. However, the horizontal projection of the duct into Pecks Yard has been reduced to the width of the duct (0.5 metres) and given that the proposed duct now immediately rises to a height of 3.0 metres after exiting the kitchen, it is considered that the amended proposal would maintain adequate clearance height and width within Pecks Yard to enable servicing vehicles to access the servicing bay at the rear of 106 Commercial Street. LBTH Transportation & Highways have assessed the amended proposal and are now satisfied that the proposed duct will not restrict the size of vehicles able to access the yard, and thus raise no objections to the proposal.

8.20 Taking into account the above, it is considered that the proposed kitchen extract system would not unduly restrict vehicular access to Pecks Yard for the purpose of off-street servicing, in accordance with Policy SP09(3) of the Councils' adopted Core Strategy (2010), Policy T16 of the Unitary Development Plan (1998) and Policy DM20(2) of the Managing Development DPD (Submission Version May 2012). These policies seek to ensure that developments do not result in any adverse impacts on the capacity and safety of the transport network.

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.

Planning Application Site Map



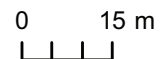
Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

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.

This page is intentionally left blank

Agenda Item 7.2

Committee: Development Committee	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No: 7.
Report of: Corporate Director of Development and Renewal Case Officer: Mandip Dhillon		Title: Planning Application for Decision Ref No: PA/12/01646 Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Site at the South West Junction of Glenworth Avenue and Saunders Ness Road, Glenworth Avenue, London

Existing Use: Vacant/Brownfield Site

Proposal: The erection of eight x three storey houses each containing three bedrooms inclusive of external amenity space and cycle parking.

Drawing No's: Drawings:

1a
2b
3b
6a

Documents:

Photographs of surrounding area (un-numbered)

Contamination Assessment Report Ref 5899C

Flood risk Assessment dated October 2011

Planning and Impact Statement

Design and Access statement

Assessment for the presence of Japanese Knotweed, dated 8th August 2012.

Applicant: Mr R Horban

Owner: Mr R Horban

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Core Strategy 2010, the Managing Development Plan Document (Submission Version May 2012), 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) 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 adjoining Island Gardens Conservation Area and the Grade II* listed St Johns Church.
- 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) 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:
- 3.3 That the Corporate Director 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. Contaminated land survey
4. Samples / pallet board of all external facing materials
5. Details of refuse and recycling to be submitted and approved.
6. Detail of private amenity space, to include proposed landscaping and boundary treatment to be submitted and approved.
7. Construction Logistics and Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Detail of Highway Works to be submitted and approved
10. Cycle Parking details to be implemented on site
11. Car and permit free development
12. Permitted Development Rights (GPDO 1995 as amended) removed for 8 dwellinghouses.
13. Refuse and Recycling to be submitted and approved
14. Survey of site and adjoining area to identify Japanese knotweed and remediation

strategy

15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 278 / S72 required
- 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) Construction vehicles must only load/unload/park at locations within the permitted times by existing restrictions.
- 6) Environment Agency- The applicant is advise to incorporate flood mitigation measures within the proposed development such as:
 - Raising threshold levels (or installing a secondary defence) to reduce the risk of the property becoming inundated in the event of a flood. This can help protect the property from other sources of flooding such as surface water or sewer flooding.
 - Using flood resistance and resilience measures and construction techniques to help reduce the impact of flooding should it occur. Please refer to "Improving the Flood Performance of New Buildings: Flood Resilient Construction" (CLG 2007).
- 7) Thames Water- The applicant is advised to make proper provision for drainage o ground, water courses or a suitable sewer:
 - Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be requires, they can be contacted on 0845 850 2777.
 - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8) The applicant is advised that if during the course of construction, identifiable remains are discovered at the application site (ie, urned burials or human skeletal remains) the applicant must cease works and obtain a burial licence from the Ministry of Justice.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the erection of a terrace of eight townhouses fronting onto Saunders Ness Road. The three storey properties all comprise three bedrooms providing family accommodation. Each residential unit would have a private rear garden and a front garden fronting onto Saunders Ness Road. The proposals also include the provision of cycle parking within each residential unit.

Site and Surroundings

- 4.2 The application site area extends to 980sqm and is located on the western side of Saunders Ness Road. The site lies at the junction of Saunders Ness Road and Glenworth Avenue, close to the main arterial road on the Isle of Dogs, Manchester Road. The application site has recently been cleared of much of its vegetation. Prior to this it comprised predominantly of trees and overgrown shrubs. Within the application site itself lies a structure which takes the appearance of a lighthouse. This is shown in the photograph below, Image 1.

Image 1



- 4.3 To the north of the site lies St Lukes Church of England Primary School and Nursery which is predominantly 1 to 2 stories in height immediately abutting Glenworth Road but rises to four stories in height within the school site. The residential properties to the east of the site comprise three storey town houses. To the south of the site lies a terrace of two storey residential properties. There have been a number of roof top extensions to this particular terrace taking the development to approximately three stories in height. To the west of the application site lies the Police Station which serves the local area, the building is three storeys in height. To the southwest of the site lies St Johns Church, the church is Grade II* listed and the vicarage within the Church grounds is a locally listed building.
- 4.4 The Island Gardens conservation area lies immediately adjacent to the application site, along its southern boundary. The application site is located to the east of the designated Manchester Road retail parade. The site has a Public Transport Accessibility Level (PTAL) of 2. The closest station to the site is Island Gardens DLR to the south west of the site which is a short walk from the application site, approximately 400 metres. The site is close to numerous bus routes which run along the Manchester Road, all of which are a short walk from the application site.

Planning History

- 4.5 The relevant planning history for this site includes:

Application Ref	Application Type	Description of Development	Decision and Date
PA/63/00269	Full Planning Application	Erection of a temporary structural engineering works and offices at the north east corner of the site	Granted 14/10/1963
PA/82/00428	Full Planning Application	Development of a community Garden	Granted 15/11/1982
PA/98/00833	Outline Planning Application	Erection of 8 three storey town houses.	Granted 17/06/99
PA/00/00742	Full Planning Application	Erection of 8 three storey town houses.	Granted 02/01/01
PA/01/01024	Full Planning Application	Erection of 8, three storey town houses. (Revised application to	Granted 06/02/02

		approved scheme dated 2nd March 2001, PA/00/742 with amendments to front elevation and new rear vehicular access to proposed basement car parking below decked garden level.)	
--	--	---	--

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
	DEV51	Contaminated Soil
	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 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 Development Plan Document (DPD) Submission Version May 2012

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
DM30	Contaminated Land

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
	CON1	Listed Buildings

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. Whilst the site is not located in a Flood Risk Zone, the location of the site is in an area which is at risk of flooding in the event of a breach or failure of the River Thames, an informative will be imposed recommending the development includes flood mitigation measures.
- 6.3 *(Officer Comment: Informatives to cover the planning issues raised by the Environment Agency would be placed on any permission issued.)*

Natural England

- 6.4 No response received. Details will be provided within an update report.

Defra

- 6.5 No response received. Details will be provided within an update report.

English Heritage Archaeology

- 6.6 During the course of this planning application, concerns were raised that the application site was consecrated ground and that a burial had taken place on the land. Officers have tried to verify this information, however following discussions with Christ Church in the Isle of Dogs, it was not possible to ascertain (due to no records being held at Christ Church) whether the land is in fact consecrated land or if a burial has taken place at the site.
- 6.7 Discussions with English Heritage Archaeology have identified that the responsibility of consecrated ground lies with the applicant and therefore the necessary information has been passed onto the applicant.
- 6.8 For information purposes, should identifiable remains be discovered during the course of construction (ie, urned cremation burials or human skeletal material (this does not include scattered ashes)) the developers will be required to obtain a burial licence from the Ministry of Justice which under separate legislation (the Burial Act) will ensure reinterment.
- 6.9 *(Officer comment: As the matters are the subject of separate legislation contained within the Burial Act, an informative will be added to any planning consent issued.)*

LBTH Conservation and Design

- 6.10 No objections in principle. The site is not located in a conservation area and does not impact upon the heritage assets of the Grade II listed St Johns Church.
- 6.11 The lighthouse structure located within the application site is not of any historical/heritage value. It is a modern addition and therefore no objection is raised to its loss.
- 6.12 Officers welcome the relocation of the plaque which formed part of the previous planning consents which have been issued at this site.

LBTH Aboricultural Officer

- 6.13 No objections raised to the proposed works.

LBTH Environmental Health- Contaminated Land

- 6.14 No objection in principle to the proposals. The Environmental Health team have identified the presence of elevated concentrations of contaminants including metals and PAH's at the site. As such, it is requested that a condition is imposed on any planning consent issued to ensure the developer carries out a further site investigation prior to commencement of development to identify potential contamination and the necessary remediation is undertaken.
- 6.15 *(Officer Comment: An appropriate condition will be applied to any planning consent issued.)*

LBTH Cleansing/Waste Officer

- 6.16 No objection in principle subject to a condition requiring details of the refuse and recycling facilities for each unit.
- 6.17 *(Officer comment: A condition will be imposed on any consent issued requiring details of refuse and recycling storage for each property.)*

LBTH Highways

- 6.18 There is a high level of on-street parking based on occupancy levels close to the site, being generally above the 80% 'stress' level for night time parking. As such, the development should be secured as car and permit free.
- 6.19 Highways do not support any more than 1 car parking space within the development proposal, as per the car parking standards within the Managing Development DPD (submission version 2012).
- 6.20 Each residential unit comprises of an internal cycle store at ground floor level. Each property also comprises of a private front and rear garden which provides sufficient and secure space for the storage of bicycles.
- 6.21 The proposals indicate land between the building line and the public highway. The applicant should be notified all areas between the building line and the public highway must be drained within the site.
- 6.22 The applicant is proposing work to the highway to secure the basement level ramp which is considered acceptable in principle subject to the modification of the gradient.
- 6.23 Highways was unable to support the application as submitted, as the level of parking was excessive, and designs for the access ramp to the basement required modification.
- 6.24 *(Officer comment: The basement level car parking has been removed from the proposal. The applicant has agreed to deliver the scheme as car and permit free. There are no outstanding objections from the Highways team.)*

Thames Water

- 6.25 No objection in principle subject to the imposition of two informatives regarding minimum pressure in the new proposal and prior approval should the developer propose to discharge into a public sewer.

6.26 (Officer comment: The above informatives will be added to any planning consent issued.)

7. LOCAL REPRESENTATION

7.1 A total of 29 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: 27 Against: 27 In Support: 0

Objections Received

7.2 Density and land use

- Number of properties proposed on the site appears to be very high
- Overdevelopment of site

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

7.3 Amenity Impacts

- Impact of building works during construction phase
- Insufficient detail of the landscaping/private amenity area provided- potential impact upon noise generation on surrounding local residents

(Officer Comment: A condition is proposed to be imposed to restrict the hours of construction works and to seek details of landscaping and private amenity space. This is discussed further within Material Planning Considerations under 'Amenity'.)

7.4 Highway Impacts

- Increase in traffic
- Impact on existing parking bays in the local roads
- Overspill of car parking onto local roads
- Vehicular access opposite the entrance into St Johns school, impacting upon the safety of pedestrians and the highway network (site line details not submitted)
- Vehicular access is out of character with the existing car access arrangements
- Basement excavation will impact upon drainage system

(Officer Comment: The proposal has been amended to remove the proposed basement and all associated car parking. The development will be secured as car and permit free. This will prevent any exacerbation of traffic on local roads. This also removes the vehicular access point on Glenworth Road. There are no proposed loss of parking bays as a result of this development. All other Highways impacts are discussed in more detail within Material Planning Considerations under 'Transportation'.)

7.5 Design/Heritage

- Loss of existing lighthouse feature located within the site
- Design of proposed dwellings and main Saunders Ness Road facade are out of character with existing houses on Saunders Ness Road
- Inappropriate use of materials, out of character with the surrounding area
- Proposal appears overdominant and overbearing within the existing streetscape
- Loss of memorial plaque and Rowan Tree planted in memory of Nancy David
- Building line does not match the adjoining building line
- The development has a detrimental impact on the local listed building and the Island

- Gardens conservation area (located to the south of the site)
- Increased surface water run-off

(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Design, Impact on Heritage Assets')

7.6 Trees

- The trees on site are protected by Tree Preservation Orders
- The drawings do not refer to any trees on the existing site
- The site contains Japanese Knotweed
- Loss of Mature Trees at the site

(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Other')

7.7 Other

- The application site is consecrated ground

(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Other')

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The application has been fully considered against all relevant policies under the following report headings:

- 8.2
1. Land-use
 2. Housing
 3. Design, Impact on Heritage Assets
 4. Amenity
 5. Transportation
 6. Other

Land-use

8.3 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 8 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.

8.4 The National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing. The application site is considered to be located in an accessible location, close to the Island Gardens DLR and local bus services. The density standards for such areas encourage developments to make the most efficient use of land through promoting density ranges of 200-450 habitable rooms per hectare (hr/ha). The application proposes a density of 571hr/ha. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG policy HSG1 is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.5 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in one or more of the following areas:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space; or
- Poor housing mix

8.6 These specific factors are considered in detail in later sections of the report – and are found to be acceptable.

8.7 In the case of this proposal it is considered that:

- The proposal is of a high quality and delivers a positive relationship to Sanders Ness Road and Glenworth Avenue.
- The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
- The proposal provides good quality family homes, of an appropriate scale and all provided with private amenity space.
- The development is proposed to be delivered as car and permit free and will not lead to an increase in traffic generation in the local area.

8.8 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 8 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.

8.10 The development proposes the delivery of 8 three-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.

8.11 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 Saunders Ness Road. Whilst the accommodation mix may not provide the exact mix of unit sizes and types as required by policy, which also seeks non-family housing, on balance the development is considered 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 criterion 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 DEV2 of the IPG, supported by 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 with their surroundings.
- 8.16 No substantial demolition works are proposed as a result of the current proposals, the works to demolish the existing structure on site are considered to be acceptable as the structure is a modern installation and of no heritage/historical value.
- 8.17 The application proposes a terrace of three storey townhouses fronting onto Saunders Ness Road. Whilst the adjoining buildings are of brick construction, many of these buildings are located within the Island Garden conservation area and the design is therefore appropriate within the context of the site designation. The application site however adjoins a conservation area and has sought to respect the height bulk and scale of the existing properties, albeit the design of the proposed development differs from that of the adjoining residential developments. The materials proposed within the proposed development comprise ashlar effect render with a traditional slate roof finish. It is considered that this design is acceptable, providing a contemporary palette of materials whilst respecting the surrounding built form in terms of scale and massing.
- 8.18 The building line of the proposed development projects 0.8 metres forward of the building line of the adjoining residential terrace along Saunders Ness Road. There is a proposed gap of 3 metres between the flank walls of the existing property at 91 Saunders Ness Road and the proposed terrace. The rear elevation of the existing properties to the south of the application site would project 1.8 metres beyond the proposed rear elevation of the development. Given the set back of the building line, the proposal would not appear over dominant or overbearing on adjoining residential occupiers located to the south of the application site. It is considered that this gap between the properties and the minimal front projection would not impact upon the streetscene.
- 8.19 The design rationale is considered to respect the surrounding residential blocks by virtue of scale, massing and height. Large windows are proposed at ground floor level, set back behind the front gardens of the residential properties providing defensible space for each property at street level, following the existing street pattern of Saunders Ness Road and providing natural surveillance to the surrounding streets.
- 8.20 The flank elevation of the property, fronting onto Glenworth Road is also provided with fenestration and set back from the site boundary. The relationship of the proposed block in relation to Saunders Ness Road and Glenworth Avenue is considered to respect the existing streetscene of the surrounding area.

- 8.21 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

- 8.22 The Island Gardens conservation area abuts the southern boundary of the site and the Grade II* listed St Johns Church lies to the southwest of the application site. The proposed residential dwellings all propose an area of private amenity space to the rear of each property providing a buffer between the application site and the curtilage of the adjacent listed building. It is not considered that the proposals have an adverse impact on the heritage assets and setting of the Grade II* listed church, especially as only oblique angled views would be achieved, partly obscured by the existing trees within the gardens of the church will also provide a buffer.
- 8.23 The proposals also seek the relocation of an existing Memorial plaque which is currently located within the application site. Alongside the erection of the memorial plaque, a Rowan tree was planted a number of years ago. There are no policy grounds on which it can be requested that the tree is relocated, however the applicants have agreed to plant a new Rowan tree near the relocated memorial plaque, which will now be positioned fronting onto Saunders Ness Road. Officers consider this to be an acceptable solution to ensuring that the Memorial plaque and a Rowan tree are re-provided within the site boundary.
- 8.24 The design, scale and relationship of the proposed terrace is considered to preserve the character of the Island Gardens conservation area which adjoins the site. 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

- 8.25 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.
- 8.26 The adjoining residential property at 91 Saunders Ness Road has no windows within its northern flank elevation abutting the site. The building line of the proposed development along the front elevation projects 0.8 metres beyond that of the terrace comprising 91 Saunders Ness Road. The rear building line of the existing terrace at 91 Saunders Ness Road will project 1.8 beyond the rear building line of the proposed terrace of properties at the application site. Given this relationship, it is not considered that the application would result in a material loss of daylight and sunlight to the adjoining residential occupiers in Saunders Ness Road. The relationship and distances of the application and toher nearby neighbouring properties including the police station to the west, the school buildings to the north and the residential properties to the east of the site are such that they will not result in a material loss of daylight or sunlight to these properties, by reason of the separation distances between properties.
- 8.27 The proposed development would not have an adverse impact on neighbours and future residential occupiers in terms of loss of daylight and loss of sunlight. The proposal is acceptable and complies with UDP policy DEV2, CS policy SP10, DM25 of the MD DPD (submission version 2012) and IPG policy DEV1.

Privacy

- 8.28 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.
- 8.29 The application site achieves a separation distance of 21 metres between the proposed development and the existing residential blocks to the east of the site on Saunders Ness Road. There are no other directly facing habitable room windows on other elevations. As such it is not considered that these existing residents will experience a loss of privacy.
- 8.30 The proposal therefore 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

- 8.31 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.
- 8.32 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

- 8.33 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.
- 8.34 The application proposes the following private amenity space to the rear of each property:

Unit No.	Amenity space (sq.m)
No.1	36sqm
No.2	30sqm
No.3	30sqm
No.4	33sqm
No.5	30sqm
No.6	30sqm
No.7	30sqm
No.8	40sqm

- 8.35 The amenity space figures above exclude the amenity space which is provided to the front of the properties and along the sides of the corner plots. In quantitative and qualitative terms, the development provides quality private amenity space provision for family sized living accommodation and meets local policy requirements.
- 8.36 No information has been provided of the proposed landscaping within each residential property. Concerns have been raised by residents about hard landscaping being provided and the subsequent implications of noise generation and runoff. A condition is proposed to be imposed seeking details of the landscaping and boundary treatment details to ensure the amenity spaces provided are quality spaces incorporating permeable surfaces, and are secure areas for the future residents of these units.

Noise/Disturbance

- 8.37 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.

Transportation

- 8.38 National guidance on transport provision is given in PPG13: Transport. London Plan policies 6.1, 6.3, 6.9, 6.10, 6.13 IPG policies DEV16, DEV17, DEV18 and DEV19, emerging MD DPD policies DM20 and DM22 and CS policy SP09 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.39 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.
- 8.40 It is noted that some residents considered that the level of car-parking is excessive and the basement car parking and access arrangements could lead to hazards at street levels. Concerns have also been raised with regard to the loss of on-street car parking bays.
- 8.41 The current proposals include no car parking. The basement which was originally proposed has been removed. The development will now be secured as car and permit free. The site is in an accessible location with good links to local buses and the DLR. The development would not therefore lead to an exacerbation of car parking in the area or an increase of vehicular traffic. As there are no dropped kerbs facilitating parking bays, there is also no loss of on-street parking bays in the local area.
- 8.42 Subject to the imposition of car and permit free agreements for all new dwellings the proposal accords with London Plan policies 6.1 and 6.13, MD DPD policy DM22 and IPG policy DEV19
- 8.43 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. 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

- 8.44 Concerns have been raised with regard to the loss of mature trees within the application site. The application site does not contain any trees which are protected by a Tree Preservation Order and the site is not located within a conservation area. As such, the applicants are able to fell trees within the application site without seeking the consent of the local planning authority.
- 8.45 During the course of the application, much of the vegetation and tree coverage within the site was cleared. The concerns of the loss of trees at the site are noted, however the applicant has acted within their rights to clear to the site.

Japanese Knotweed

- 8.46 Officers were made aware that Japanese Knotweed may be located within the application site through a response to the consultation of neighbours. It is not a criminal offence to have Japanese Knotweed growing within your land/site. It is however an offence (under the Wildlife

and Countryside Act 1981) to “plant or otherwise cause to grow in the wild” Japanese knotweed. Japanese Knotweed is classed as ‘controlled waste’ and as such must be disposed of safely (Environmental Protection Act 1990). Whilst on-site, it was noted that the site was being cleared of vegetation and the local police were subsequently notified of the potential removal of Japanese knotweed, to ensure any waste was being disposed of appropriately.

- 8.47 A condition is proposed to be imposed to ensure appropriate survey work is undertaken and any Japanese knotweed is eradicated.

Consecrated Ground

- 8.48 Officers were advised that the application site was consecrated ground and that a burial had taken place on the land through local neighbour representations submitted. Despite attempts being made to verify this, officers have been unable to confirm this information, although investigations are on-going with the Christ Church in the Isle of Dogs. Officers are however aware of the memorial plaque which will be relocated within the site.
- 8.49 Consecrated land is land which is used for religious or sacred purposes which is intended to be used in perpetuity. Land can only be consecrated by a bishop, and once consecrated the land will be subject to the bishops jurisdiction, and a faculty is required to authorise development.
- 8.50 In addition to this, clergymen can carry out burials where land is not consecrated, but where land is blessed. Accordingly, it does not follow that because a burial has taken place in accordance with the rites of the Church of England, that the land is automatically consecrated.
- 8.51 In order to ensure that the applicants are aware of any potential site constraints, the applicants have been advised of the potential that the site may be consecrated ground and that a burial may have taken place. Pursuant to the Burial Act 1857 it is unlawful to remove a body or the remains of a body which have been interred without first obtaining a licence from the Secretary of State (to which conditions may be attached) except in cases where a body is removed from one consecrated place of burial to another by faculty. On the basis that a licence or faculty would be required if the information provided by the representation is correct, it is not considered necessary to duplicate this through the planning system by way of condition. However this is something that the applicant will need to resolve with the diocesan and they will need to apply for a licence if it is necessary. Officers would suggest that an informative should be imposed on any consent in order that if the site is sold on, any future developer is aware of the potential that the site is consecrated ground and that a burial may have taken place on the land.

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

- 8.51 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:
- 8.52 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.
- 8.53 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.

8.54 In this context “grants” might include:

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

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

8.56 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.

8.57 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.

8.58 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 £14,073 within the first year and a total of £84,441 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.

Planning Application Site Map



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

1:1,250

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

Agenda Item 7.3

Committee: Development Control	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Mumtaz Shaikh		Ref No: PA/12/00623 and PA/12/00624	
		Ward(s): Bethnal Green North	

1. APPLICATION DETAILS

1.1 **Location:** 313 Cambridge Heath Road, London E2 9LQ

Existing Use: Ground floor office with unauthorised residential/student accommodation use on the 1st and 2nd floor. (Previously in use as a wine wholesaler (B1 use class)).

Proposal: **A.** PA/12/00623 - Full Planning Permission comprising of:

Demolition of existing 3 -storey building and redevelopment of site by construction of a new 5 -storey building with basement and lower ground floor levels to provide 80 bedroom Hotel (Use Class C1) with associated rear servicing bay.

B. PA/12/00624 - Conservation Area Consent for:

Demolition of existing 3 - storey building in connection with the construction of a 5 – storey building to provide a new 80 bed hotel and associated access and parking arrangements.

Drawing Nos:

- H7578-01 Revision A - Location Plan dated 25.03.11
- H7578-03 Revision B - Survey dated 15.12.11
- H7578-04 Revision B - Basement Floor Plans dated 15.12.11
- H7578-05 Revision E - Ground Floor Plan dated 15.12.11
- H7578-06 Revision C - Upper Floor Plans and Roof Plan dated 15.12.11
- H7578-10 Revision G - Proposed Elevations dated 15.12.2011
- H7578-11 Revision D - Cross section dated 15.12.11
- H7578-20 Revision - - Cross section dated 10.07.12

Documents:

- Design and Access Statement received on 20 July 2012
- Access Statement - Ref: RMC/ED/JMH/H7578/D&AS/13.01.2012
- Material Board by Architects of Smart Space
- Visual Impact of Application Scheme with Rooftop Plant received on 14/06/2012
- Design Proposals - Appearance Ref: RMC/ED/JMH/H7578/D &AS/13.01.2012
- Transport Assessment dated February 2012
- Travel Plan dated February 2012
- Post-Submission Highways Issues (Highways tracking and Service Management Plan) dated 20/07/12

- Mechanical and Electrical Renewable Energy Report Document Ref: BEB/715760/CL/001R, Revision 01 dated 15th February 2012
- Planning Statement (Marketing) Ref:THG11008.CW.120206.cw dated 6th February 2012
- Daylight and Sunlight Study dated 28th February 2012
- Breeam, Cambridge Heath Pre-assessment V2.20.xlsmFinal Score and Rating
- Overshadowing Analysis dated 19th July 2012
- Pre-Design Site Waste Management Plan Ref: DMB/723710/R1, Revision 0, dated January 2012
- Noise and Vibration Impact Assessment Ref: DMB/723710/R3, Revision 1, dated January 2012
- Heritage Impact Assessment dated February 2012
- Preliminary Contamination Assessment Report ref: DMB/723710/R2, Revision 1, dated January 2012
- Significance Assessment & Townscape Appraisal dated July 2011

Applicant: Goldman Real Estate Ltd
Owner: Vale Property Finance PCC Ltd
Listed Building: No
Conservation Area: Bethnal Green Gardens Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of these applications against the Councils approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Managing Development Plan Document (Submission Version May 2012), the Core Strategy (2010), Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and the National Planning Policy Framework and has found that:

1. A hotel scheme will contribute to the strategic target for new hotel accommodation. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies SP06 and SP12 of the Core Strategy 2010 and policy DM7 of the Managing Development DPD (Submission Version May 2012) which encourages the provision of a new London visitor accommodation and attraction near a town centre and in accessible locations and seeks to promote tourism development within the Borough.
2. The proposed height at 5-storey, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the adjacent Listed Buildings in Paradise Row and the Bethnal Green Gardens Conservation Area. As such, the proposal is in accordance with Planning Policy Framework (March 2012), policies 7.4, 7.6, 7.8 and 7.9 of the London Plan (2011) as well as saved policy DEV1 of the Unitary Development Plan (1998); policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007); policies SP10 and SP12 of the Core Strategy (2010) and policies DM23, DM24 and DM27 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to protect the character, appearance and setting of heritage assets.
3. The development and associated public realm improvements are considered to be inclusive and also improves the permeability of the immediate area. As such, it accords with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998); policy SP09 of the Core Strategy (2010), policies DEV3 and DEV4 Interim Planning Guidance (2007) of the Council's

Interim Planning Guidance (October 2007) and policy DM23 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.

4. It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding properties or occupiers. As such, the proposal is considered to accord with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DEV1 of the Council's Interim Planning Guidance (October 2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to protect residential amenity.
5. Transport matters, access and servicing, are acceptable and accord with policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy DM20 of the Managing Development: Development Plan Document (Submission Version May 2012), which seek to ensure developments minimise parking and promote sustainable transport options.
6. Sustainability matters, including energy, are acceptable and accord with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and DM29 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to promote sustainable, low carbon development practices.
7. Financial contributions have been secured towards the provision of training initiatives; streetscene and public realm improvements; open space; leisure and libraries, and sustainable transport tourism promotion in line with National Planning Policy Framework (March 2012), the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998); policy SP13 of the Core Strategy (2010) and the Planning Obligations SPD 2012 which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 A. That the Committee resolve to **GRANT** planning permission subject to:

The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Contribution towards Employment & Enterprise: **£13,871**
- b) Contribution towards Community Facilities: **£4,001**
- c) Contributions towards Public Realm: **£154,878**
- d) Contribution towards Sustainable Transport: **£80,000**
- e) Monitoring fee (2%): **£5,055**

Non-Financial Contributions

- f) A commitment to Employment and Enterprise and local procurement during the construction phase:

- g) Car and Permit Free Agreement
- h) Travel Plan
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£257,805**

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions for PA/12/00623 - Full Planning Permission

- 1) Three year time limit for full planning permission;
- 2) Development in accordance with approved plans;
- 3) Construction hours between 8am – 6pm Monday to Friday and 8am to 1pm Saturday only;
- 4) Details of noise levels and any necessary mitigation measures to safeguards the amenity of the area in general;
- 5) The development shall comply with the requirement of Secure by Design and include the following:
 - External CCTV
 - Blunt rod external railings
 - The rooflight to the basement shall be laminated and a sealed unit;
- 6) Submission of details and samples of all materials;
- 7) Submission of hard and soft landscaping; and sustainable drainage details;
- 8) Car and permit free development agreement;
- 9) Construction Management and Logistics Plan;
- 10) Archaeology;
- 11) Contamination;
- 12) Inclusive Access Management Plan;
- 13) Scheme of highways improvement works to be agreed (s278 agreement);
- 14) Ventilation and extraction system for the kitchen area;
- 15) Details of Roof top plant screens;
- 16) Waste Management Plan including waste and recycling details;
- 17) Delivery and Service Management Plan;
- 18) 10% Accessible hotel rooms;
- 19) BREEAM 'excellent';
- 20) Submission of Energy details;
- 21) Hours of servicing;
- 22) Hotel Use Only;
- 23) Occupation no longer than 90 consecutive days;
- 24) Cycle storage details to be submitted and approved and then after to be retained in accordance with plans approved;
- 25) Thames Water Piling condition;
- 26) Rear servicing facility to be provided in the scheme is to be retained in accordance with the plans approved
- 27) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) This planning permission for development is to be read in conjunction with the Section

- 106 agreement required;
- 2) Developer to enter into a Section 278 Highways works agreements required;
- 3) Developer to contact the Council's Building Control service;
- 4) Developer to contact Thames Water to meet their requirements.
- 5) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.4 B. That the Committee resolve to **GRANT** conservation area consent subject to:

Conditions for PA/12/00624 - Conservation Area Consent

- 1) The demolition works hereby granted consent shall be begun before the expiration of three years from the date of this consent;
 - 2) The demolition works hereby granted shall be carried out only between the hours of 10am to 4pm Mondays to Fridays and between the hours of 10am to 1pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays;
 - 3) The demolition works hereby granted consent shall not commence until a valid contract for the re-development of the site in accordance with a valid planning permission has been let;
 - 4) Before the commencement of the demolition works hereby granted consent, details of the means by which the boundary of the cleared site is to be treated shall be submitted to and approved in writing by the local planning authority
 - 5) Submission and approval of a Demolition and construction Logistics Plan
 - 6) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.
- 3.5 That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission and conservation area consent.

4 BACKGROUND

- 4.1 The application site comprises three-storey building occupying the front half of the site, with an area of hard surface to the rear providing 8 off-street car parking spaces and servicing facilities.
- 4.2 Historically, the site was used to provide storage space for a wine wholesaler (Balls Brothers). This use comprised a warehouse/wholesale space at ground floor level with associated offices above (Use Class B1). Balls Brothers have recently vacated the site and the site is now under new ownership.
- 4.3 The application building at present (i.e. since July 2011), is being used as offices on the ground floor by Hanson Thermalite Blocks and first and second floor is being used to provide an unauthorised residential/student accommodation without planning permission.
- 4.4 The current use of the first and second floors of the building is unauthorised and a separate enforcement action is being pursued under ref: ENF/11/00280. An appeal against the enforcement notice was dismissed and as such the compliance date to cease use as residential and/or serviced apartments including removal of kitchen facilities and bathrooms is 4 October 2012.

PROPOSAL AND LOCATION DETAILS

Proposal

- 4.5 The application proposes the demolition of an existing three-storey building, which was previously in use as a warehouse/wholesale at ground level with associated offices above (Use Class B1). Following the demolition, the applicant seeks the erection of a new five-storey building across the site (excluding rooftop plant) which utilises the fall across the site from west to east by adding two lower ground floor levels to the building.
- 4.6 The new building is to provide an 80 bedroom Holiday Inn Express Hotel with ancillary bar, restaurant and meeting facilities. Whilst the new building layout occupies the full extent of the site footprint, the raised upper ground level is recessed on three sides (i.e. Cambridge Road, Nant Street and Paradise Row) to provide natural light into the lower ground level and to create servicing at the rear via a pull in service bay and disabled car parking off Paradise Row.

Site and Surroundings

- 4.7 The application site (540sq.m.) is square in shape and is bounded to the north, west and east by roads/footpaths and to the south by the adjacent Bethnal Green Medical Mission Building. The site's primary frontage faces east towards Cambridge Heath Road with secondary frontages facing north on to Nant Street and west on to Paradise Row.
- 4.8 The application site comprises a three storey building built approximately 30 years ago which is of concrete framed construction with part brick and part glazed curtain walling. Internally each floor is arranged to provide broadly rectangular office accommodation, divided by demountable partition walls into individual office area and meeting rooms. The windows are generally metal framed, single glazed units.
- 4.9 At ground level there is an entrance lobby on the eastern side of the building (frontage to Cambridge Heath Road), accessed through timber framed double doors. There is a kitchen as well as male and female WCs to the rear and there is a lift lobby and stairwell leading to the upper floors in the north east corner of the building.
- 4.10 The building sits on a podium approximately 700mm above Cambridge Heath Road pavement level. The footprint of the building occupies approximately half of the site at the front with the remaining half alongside Paradise Row being an open informal parking/servicing area. The parking area provides 8 car parking spaces.
- 4.11 The site is located within the Bethnal Green Gardens Conservation Area. The application site is not a Listed Building. However, it is located within close proximity to Listed Buildings and this includes Bethnal Green Museum of Childhood (Grade II* Listed) almost opposite the site to the east and the adjacent Museum Gardens (Listed Parks and Gardens). To the rear (i.e. towards south-west of the site) Nos. 2-11 Paradise Row are also Grade II Listed.
- 4.12 The majority of the buildings surrounding the application site are 3, 4, and 5-storeys in height with significant variations in floor to ceiling heights creating a variety of heights and scale in the local area.
- 4.13 The site is in a highly accessible location, located close to Bethnal Green Underground Station and numerous bus routes. Pedestrian access onto the site is currently via Cambridge Heath Road with vehicular access to the site via Paradise Row. A public footpath runs along the Cambridge Heath Road and Nant Street road frontages. However, there is no public footpath along the Paradise Row frontage.
- 4.14 The dominant landscape feature of this area is the public open space of Bethnal Green Gardens (also known as Museum Gardens), along with Paradise Gardens to the south of the Bethnal Green Medical Mission.

- 4.15 The below site map shows the location of the application site (star) in relation to the surrounding buildings and the area in general.



Relevant Planning History

- 4.16 The following planning decisions are relevant to the application:

ENF/11/00280 On 04/07/2012, appeal against enforcement notice for unauthorised *Change of use of 1st and 2nd floors to residential/ student accommodation*. Appeal dismissed. Compliance date to cease use as residential and/or serviced apartments including removal of kitchen facilities and bathrooms is 4 October 2012.

PA/11/03882 This is a retrospective planning application for *Temporary Change of Use (maximum 2 years) from Business (Use Class B1) to Serviced Accommodation (Use Class C1) comprising 21 rooms*. Application currently under consideration.

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)

- | | | |
|---------------|-------|---|
| 5.2 Policies: | DEV1 | Design Requirements |
| | DEV2 | Environmental Requirements |
| | DEV3 | Mixed Use development |
| | DEV4 | Planning Obligations |
| | DEV12 | Provision of Landscaping in Development |
| | DEV27 | Heritage and the historic environment |
| | DEV28 | Development Adjacent to Conservation Area |

DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP3	Surplus Office Floor Space
EMP6	Employing Local People
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Restaurants

Interim Planning Guidance for the purposes of Development Control 2007

5.3	Policies:	DEV1	Amenity
		DEV2	Character & Design
		DEV3	Accessibility & Inclusive Design
		DEV4	Safety & Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency & Renewable Energy
		DEV7	Water Quality and Conservation
		DEV8	Sustainable Drainage
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Quality
		DEV12	Management of Demolition and Construction
		DEV13	Landscaping
		DEV15	Waste and Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capacity of Utility Infrastructure
		DEV22	Contaminated Land
		EE2	Redevelopment / Change of Use of Employment Sites
		RT5	Evening and Night-time Economy
		CON1	Listed Buildings
		CON2	Conservation Areas

Supplementary Planning Guidance/Documents

5.4		Designing Out Crime
		Planning Obligations SPD 2012
		Bethnal Green Gardens Conservation Area Appraisal and Management Plan
		English Heritage – The Setting of Heritage Assets

Core Strategy (2010)

5.5	STRATEGIC OBJECTIVES:	SO3, SO5, SO6, SO10, SO11, SO12, SO14, SO16, SO17, SO19, SO20, SO22, SO23, SO24 and SO25,
5.6	Policies	SP01 Refocusing on our town centres
		SP03 Creating healthy and liveable neighbourhoods
		SP04 Creating a green and blue grid

SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP07	Improving education and skills
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Planning Obligations

Managing Development: Development Plan Document (Submission Version May 2012)

5.7	Policies	DM7	Short stay accommodation
		DM9	Improving air quality
		DM13	Sustainable drainage
		DM14	Managing waste
		DM15	Local job creation and investment
		DM20	Supporting a sustainable transport network
		DM22	Parking
		DM23	Place-sensitive public realm
		DM24	Place-sensitive design
		DM25	Amenity
		DM27	Heritage and the historic environment
		DM29	Achieving a zero-carbon borough and addressing climate change
		DM30	Contaminated land

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

5.8	<u>Policy</u>	<u>Title</u>
	4.1	Developing London's economy
	4.3	Mixed use development and offices
	4.5	London's visitor attraction
	4.10	New and emerging economic sectors
	4.11	Encouraging a connected economy
	4.12	Improved opportunities for all
	5.1	Climate Change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.8	Innovative energy technologies
	5.13	Sustainable drainage
	5.18	Water use and supplies
	5.21	Contaminated land
	6.4	Enhancing London's transport connectivity
	6.7	Better streets and surface transport
	6.8	Coaches
6.9	Cycling	
6.10	Walking	
6.11	Smoothing traffic flow and tackling congestion	
6.12	Road network capacity	
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
- 8.2 Planning Obligations

London Plan – Relevant Supplementary Planning Guidance

- 5.9
 - Accessible London: Achieving an Inclusive Environment (April 2004)
 - Sustainable Design and Construction (May 2006)

Government Planning Policy Guidance/ Statements

- 5.10 National Planning Policy Framework 2012
- 5.11 **Community Plan** The following Community Plan objectives relate to the application:
 - A better place for living safely
 - A better place for creating and sharing prosperity
 - A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

- 6.3 No principle objection, subject to conditions requiring 10% of hotel rooms to be wheelchair accessible. Further Access Management Plan to be submitted which addresses accessibility throughout the site.

(OFFICER COMMENT: Condition has been attached to ensure 10% accessible hotel rooms)

LBTH Biodiversity

- 6.4 There is nothing of biodiversity value currently on the site, so there will not be adverse impacts on biodiversity.

(OFFICER COMMENT: No green roof is proposed as part of this planning application and it is not considered necessary in order to secure planning permission at the site. As set out in the comments above the site has no biodiversity at present therefore it is not required, as per policy, to provide any mitigation as part of the planning submission.)

Energy Efficient Unit

- 6.5 The principles of the energy strategy are considered acceptable, subject to conditions securing the delivery of the energy policies strategy in accordance with Council policies.

(OFFICER COMMENT: The requested conditions are recommended to be included on any planning permission granted).

Development, Design and Conservation

- 6.6 The proposed scheme has been development through consultation with the Council's Development, Design and Conservation Officer at both during the pre-application and the current application stage and is considered to be acceptable.

Environmental Health – Noise and Vibration

- 6.7 The application site falls within an area which is exposed to high levels of noise and vibration, as such environmental protection requires agreement on the noise and mitigation measures to protect future users, including adequate acoustic ventilation details to be submitted prior to commencement of development.

(OFFICER COMMENT: Officers consider that full details can be dealt with via planning conditions to ensure the mitigation details are submitted and implemented in accordance with environmental requirements and standards).

Environmental Health - Contaminated Land

- 6.8 No objections to the proposal provided an appropriate condition requiring the developer to carry out further intrusive works to investigate and identify potential contamination and that it be treated and made safe before the development commences.

(OFFICER COMMENT: Conditions will be attached to this effect.)

Environmental Health – Air Quality

- 6.9 No adverse comments have been received.

Environmental Health – Smell and Pollution

- 6.10 Details of kitchen extract system are required to be submitted and approved.

(OFFICER COMMENT: The requested conditions will be attached to any decision notice)

LBTH Transportation/Highways

- 6.11 Highways officer has no objection to the principle of the proposals subject to a car-free agreement and section 287 highways works are entered into by the applicant. Moreover, the officer commented that, the applicant has supplied a comprehensive Transport Statement as well as a framework Travel Plan which is welcomed.

(OFFICER COMMENT: The provision of cycle space and car-free agreement will be conditioned, and a scheme of highway works will also need to be agreed and implemented through a Section 278 agreement).

Head of Planning Policy

- 6.12 No adverse comments received.

Enterprise & Employment

- 6.13 Appropriate financial and non-financial contributions should be secured for this development.

(OFFICER COMMENT: The applicant has agreed to provide financial and non-financial planning obligations, as detailed within the Heads of Terms in paragraph 3.1.)

LBTH Communities, Localities and Culture

6.14 No adverse comments received.

LBTH Waste Policy and Development

6.15 No adverse comments received. Officers however suggested that the total waste storage capacity required for this site is 23,250L to store for an 8 day period including bank holiday. As such, the collection frequency from the site needs to be adjusted accordingly during the time of operation.

(OFFICER COMMENT: Waste storage and collection arrangements will be secured by planning conditions in accordance with local policy and standards).

London Fire and Emergency Planning Authority (statutory consultee)

6.16 No adverse comments received.

Transport for London - Street Management (Highway Authority)

6.17 No comments received to date.

Network Rail

6.18 No comments received to date.

English Heritage

6.19 Do not wish to comment in detail on this occasion but offer the following; that the applications be determined in accordance with both the national and local policy guidance, and on the basis of specialist conservation advice.

(OFFICER COMMENT: The applications have been recommended in accordance with the Council's development plan, moreover submission of details and samples of all materials for the external building are reserved matters.)

LBTH Crime Prevention Officer

6.20 The comments received are stated as follows:

1. Use of rooflight to basement area will need to ensure it is secure from illegal entry, laminated glass sealed unit preferably.
2. External railings must be blunted rod to reduce seating/gathering.
3. External CCTV imperative.
4. Rear goods delivery space very tight, not sure this is a practical use of the space, and may end up causing problems on both Nant Street and Cambridge Heath Road

(OFFICER COMMENT: The above mentioned point 1 to 3 can be conditioned. However, point 4 is a matter that has been considered under transportation.)

Thames Water

6.21

Thames Water has requested a condition to secure details of any impact piling proposed at the site to prevent and minimise the potential for damage to subsurface water or sewerage. The applicants are also advised to contact Thames Water regarding Ground Water discharge.

(OFFICER COMMENT: A condition relating to Piling Method Statement and an informative for the applicant to contact Thames Water will be included on any planning permission granted.)

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure they would not have any objection to the proposal and recommends that the following informative be attached to this planning permission:

Informative

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres /minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

(OFFICER COMMENT: The above mentioned informative will be attached to any planning permission granted).

7. LOCAL REPRESENTATION

- 7.1 A total of 67 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	32	Objecting:	21	Supporting:	9	Comment:	-
No of petitions received:		Objection:	1 containing 12 signatures	Support:	0		

7.2 Objections

The objections to the proposed development are raised on the following ground:

- The design, height and bulk of the proposed development would be detrimental to the character and appearance of the Bethnal Green Gardens Conservation area and the setting of the registered Museum Gardens and Paradise Gardens.
- The new building is of a poor quality and an eye sore that fails to respond to its historic and conservation area surroundings.
- It will block out sun from and cast a huge shadow on the Museum Gardens and the Museum of Childhood that would be detrimental to the large number of visitors to these buildings.
- The property is currently operating as a hotel. There is already a vast hotel a few yards north of this and a Travel Lodge being built a few hundred yards further south. There is no need for further hotels in the area.
- The proposal fails to adequately address PPS1 (sustainable development) and PPS3 (affordable housing).
- The development would bring in more traffic and car parking in the area. The street behind the proposed building would be blocked by traffic.
- The new hotel would not bring any benefit to the locals.

(OFFICER COMMENT: The above objections so far as they can be considered material considerations are addressed in the Material Planning Considerations section of this report. It is noted that PPS1 and PPS3 have now been replaced by the NPPF).

Support

- The former Ball Brothers is in clear need of replacement and a new, modern hotel will ensure that the site is brought to life.
- An active street frontage will make this part of Cambridge Heath Road more attractive and encourage further retail development.
- It is clear that Bethnal Green needs more hotel rooms. Bethnal Green is one stop away from the City and two stops away from Stratford. By enticing people to stay in the area will help to grow the local economy and help establish Bethnal Green as a must-visit location in London.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Demolition of Existing Building
3. Design and Heritage
4. Amenity
5. Transportation and Highways
6. Energy Efficiency and Sustainability
7. Planning obligations
8. Localism Act

1. Land Use

- 8.2 The authorised use of the site is as a warehouse/wholesale space at ground floor level with associated offices above (Use Class B1). The building occupies the front half of the site with an area of hard standing to the rear. The wholesale/warehouse use at the site recently ceased and the site is now in a different ownership.
- 8.3 The current use of the building on the ground floor is offices where as the upper floors of the building is being used as residential/ student accommodation which is unauthorised and the subject of a separate enforcement action (see planning history). Therefore, the authorised use of the building is mixed warehouse/wholesaler space at ground floor with offices above.
- 8.4 The application proposes the erection of an 80-room Hotel (Use Class C1) with associated ancillary hotel facilities including restaurant and bar (Use Class A3 and A4, respectively) and meeting facilities located on the ground floor.
- 8.5 There are two main land use issues for the proposal:
1. Loss of Employment Floorspace.
 2. Principle of Hotel Use

These are discussed in turn below:

8.6 Loss of Employment Floorspace

The LBTH Unitary Development Plan (1998) Policy EMP1 seeks the retention of employment generating floorspace in the Borough and Policy EMP3 of the UDP, policy EE2 of the IPG, policy DM15 of the MD DPD set criteria that would be applied to proposals which involve the redevelopment or loss of employment floorspace including B1 uses.

- 8.7 Core Strategy policy SP06(1b) seeks to promote the creation of a balanced economy by ensuring the provision of a range of employment spaces, with a particular focus on a small

and medium enterprise sector. Applications should be accompanied by information detailing the likely levels of employment generated from the proposed use, and should demonstrate that the proposal contributes towards the provision of employment opportunities for local people.

- 8.8 Policy guidance states that applications should be accompanied by a detailed office/employment land study focused on the surrounding area. This study should demonstrate that the loss of this building would not result in any significant decrease in the availability of adequate office accommodation in the Borough.
- 8.9 The applicant has submitted a Planning Statement setting out a detailed Marketing Strategy which has been undertaken at the site. Based on the details submitted the Planning department are satisfied that the redevelopment of this particular site does not result in the loss of a viable employment use. The site has been actively marketed and is no longer considered to be suitable for continued employment uses due to its location and condition and other facilities available within the local area.
- 8.10 Principle of Hotel Use
Core Strategy 2010 Policy SP06(4) seeks to concentrate hotels in specified locations including designated District Centres. The application property is located outside the Bethnal Green District Centre, approximately 150metres from the boundary of the town centre, however it is within the 'Civic Cluster' identified around the Bethnal Green station and within very close proximity to public transport links and the boundary of the Bethnal Green District Centre.
- 8.11 The London Plan (2011) identifies tourism as playing an important part in the city of London economy. To support London visitor economy, policy 4.5 of the London Plan specifies a target of 40,000 net additional hotel bedrooms by 2031, of which at least 10% should be wheelchair accessible. Whilst the policy identifies the Central Activities Area (CAZ) as a priority location for new hotel accommodation, it also recognises town centres as a suitable location and areas where sites will not compromise local amenity or the balance of local land uses. It is considered that the proposed site, which is located on the outer boundary of the Bethnal Green District Centre and within a highly accessible location, and does not compromise local amenity or land uses, is considered on balance to be an acceptable location for hotel accommodation.
- 8.12 In light of the above, it is considered, on balance, that the proposed hotel and ancillary bar, restaurant and meeting facilities are acceptable and accord with the above mentioned development plan policies.

2. Demolition of the Existing Building

- 8.13 In determining the application for conservation area consent for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Bethnal Green Gardens Conservation Area.
- 8.14 Saved UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
 2. The condition of the building;
 3. The likely costs of repair or maintenance of the building;
 4. The adequacy of efforts to maintain the building in use; and
 5. The suitability of any proposed replacement building.

- 8.15 Policy CON2 of the Council's IPG states that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted.
- 8.16 English Heritage advises "*the application should be determined in accordance with planning policy*". Based on the existing building and the policy guidance, it is not considered that the existing buildings make any contribution to the character and appearance of the Bethnal Green Gardens Conservation Area and therefore the principle of demolition is acceptable, subject to demolition being conditioned to the implementation of an appropriate planning permission. This is in accordance with saved policy DEV28 of the UDP, policy DM27 of the Managing Development DPD and policy CON2 of the IPG which seek to ensure appropriate development within conservation areas.

3. Design and Heritage

- 8.17 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.18 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007), Policies DM23 and DM24 of the Managing Development: Development Plan Document (Submission Version May 2012) and National Planning Policy Framework (March 2012) state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.19 Policy SP10 of the Core Strategy (2010) and Policy DM27 of the Managing Development: Development Plan Document (Submission Version May 2012) seek to ensure that developments promote good design to create high quality, attractive and durable buildings. These policies also seek to preserve or enhance the wider built heritage and historic environment of the borough.

Layout

- 8.20 The building layout occupies the full extent of the site footprint, the raised upper ground floor level is recessed on three sides (Cambridge Heath Road, Nant Street, Paradise Row) to allow natural light into the lower ground floor level and to create a service pull in and disabled car parking space off Paradise Row.
- 8.21 The application proposes full height glazing to the bar/restaurant/reception areas which extend the full length of Cambridge Heath Road and return along Nant Street, creating active frontages which are set back from the main building line and facades along the back of the public footpaths. This provides natural daylight into the bedrooms at lower ground level and into meeting room and staff room at basement level.

Servicing is accommodated at the rear of the hotel via a pull in service bay off Paradise Row.

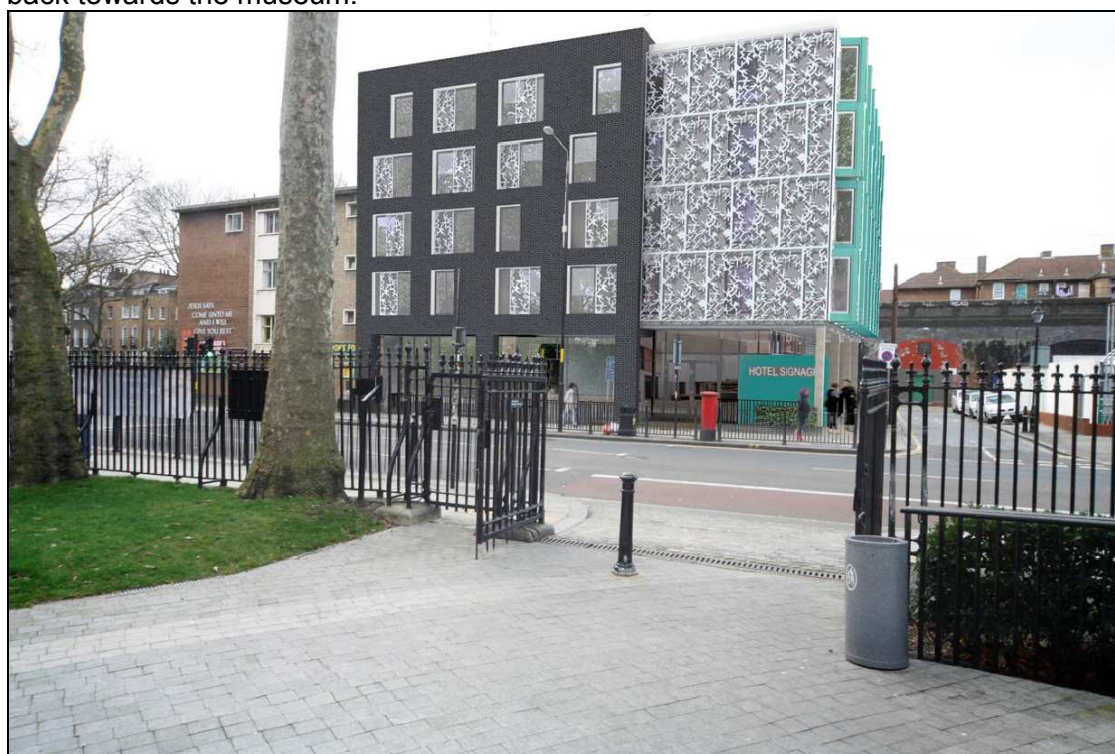
Scale/Massing

- 8.22 The building has been designed to provide a five storey development across the site (excluding rooftop plant) and utilises the fall across the site from west to east to accommodate a lower ground floor level, achieving the necessary accommodation required for the hotel.
- 8.23 The frontage of the development is five storeys in height and would be similar in height to the ridge height of the Museum of Childhood building opposite, thereby fitting into the streetscene in this location.
- 8.24 Historically this area of Cambridge Heath Road was divided into smaller narrower plots. To reflect the more traditional urban grain the building has been designed as two complimentary elements to reduce its visual mass and create variety and interest along the streetscene.

Appearance

- 8.25 The proposed development incorporates different architectural treatments to the facades fronting Cambridge Heath Road and Nant Street.
- 8.26 Where the proposed building adjoins the Mission Church building, the external façade is treated in traditional brick with large recessed window openings to the upper floors. The brick facade continues down to pavement level incorporating larger, taller openings to express its public function and active frontages along with the increased storey height.
- 8.27 The northern section of the site incorporates the main entrance to the hotel on the corner of Cambridge Heath Road and Nant Street and a secondary frontage along Nant Street, returning on to Paradise Row. This section of the site is on columns with the upper ground floor podium recessed beneath.
- 8.28 The upper floors of the northern part of the site, as the block returns onto Nant Street are clad with a composite cladding and a veil screen with a series of staggered projecting full height bay windows along the Nant Street elevation orienting views from the hotel bedrooms back towards the museum.

8.29



Analysis

- 8.30 The site is located in the Bethnal Green Gardens Conservation Area, for which the Council has adopted an Appraisal and Management Plan. This document notes that the character of the Conservation Area stems from 'a series of significantly statutory listed civic buildings, such as the Town Hall and Bethnal Green Museum, set among the public gardens and the open space of Bethnal Green Gardens.'
- 8.31 The Conservation Appraisal also notes that the existing building scale of the area is varied but predominantly low-rise. The terraces along Paradise Row are a uniform 3 storey. The land mark buildings are independent forms, and generally range between 2-5 storeys with high floor to ceiling heights. The overall scale depends on the individual building's roof profile, features and function.
- 8.32 The site is part of the setting of Bethnal Green Gardens and the Museum of Childhood. Together these buildings form an enclave, incorporating the buildings on this site, and the more prominent heritage assets on the opposite side of the road.
- 8.33 The design, scale, mass and height of the proposed building are considered to be appropriate to the surrounding context. The height and the elevation treatment are considered to be well balanced in the context of the existing built environment.
- 8.34 With regard to Core Strategy policy SP10, it requires development to be of the highest quality and creatively respond to the historic character of the area, it is considered that the proposal successfully achieves this. It is not seeking to repeat or mimic the historic context, but rather to produce a building which responds well with the historic context through use of appropriate materials and fenestration details without being overly fussy, architecturally. It is thus fittingly civic and at an appropriate scale to its neighbours. The glazed elements and the introduction of Anthracite facing brick, projecting window baffles, Reglite sandblasted Wave glass cladding, powder coated laser cut Aluminium and Grey Panel cladding are interesting and appropriate response to the need for a multi-fenestrated facade driven by the proposed use.
- 8.35 With regard to secure by design aspects of the proposal, with adequate lighting and security measures within the public areas, it is not considered that the proposal would create an unsafe public environment.
- 8.36 In light of the above, it is considered that the design of the proposal satisfies the above mentioned policies.

Heritage and Conservation

- 8.37 National Planning Policy Framework requires local planning authorities who consider proposals which affect a heritage asset, such as Listed Buildings or a conservation area, to have special regard to the preservation and enhancement of the setting of the asset. In particular, Core Planning Principle No. 12 "Conserving and enhancing the historic environment" para 131 states 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;*"
- 8.38 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.8 and 7.9 seek to preserve, record, refurbish and enhance heritage assets wherever appropriate and reinforce the qualities that make the heritage asset significant,

including buildings, landscape features and views.

- 8.39 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods.
- 8.40 Policies CON1 – CON5 of the IPG (2007) and policy DM27 of the MD: DPD (Submission Version May 2012), seek to protect heritage assets such as Listed Buildings and conservation areas.

Analysis

- 8.41 As detailed above within the Design section of this report, it is considered that the proposal successfully respects the general form and expression of buildings and does not appear as unduly dominant or incongruous within the street scene or when viewed against neighbouring buildings. English Heritage and the LB Tower Hamlets Design and Conservation Team have raised no objections to the current proposals.
- 8.42 In summary, it is not considered that the proposed building would harm the setting of the adjacent and nearby listed buildings or the Bethnal Green Gardens Conservation Area. The proposed building design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; and the area as a whole. The clear outline of the building and proposed façade detailing is a good response to the sensitive area.
- 8.43 In light of the above, it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the heritage assets within close proximity of the site. The proposal is therefore in accordance with the abovementioned development plan policies.

Inclusive Design

- 8.44 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and DEV3 of the IPG and policy DM24 of the MD:DPD (Submission Version May 2012), seek to ensure that developments are accessible, usable and permeable for all users and that development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.45 The proposed 80 room hotel would provide 8 universal accessible bedrooms at lower ground, ground and upper floor levels. This would comply with requirements of the London Plan policy 4.5, with 10% of the bedrooms to be wheelchair accessible.
- 8.46 The proposal creates an inclusive environment, gaining access to and from the building and access to services within the building has been fully considered. The scheme also incorporates the following measures;
- On site disabled parking bay
 - Level surface between disabled parking bay and hotel access with tactile inserts as required
 - Level access thresholds to all entry points into the building including a ramp and ambulant steps at main hotel entrance
 - Automatic opening doors to main entrance
 - 10% of the total number of bedrooms to be universally accessible including wheelchair users
 - Unisex disabled toilet facility provided off the reception area

- Refuge areas within protected shafts for assistance during evacuation
- Induction loop provided at reception desk
- All doors widths to have a minimum clear opening of 800mm
- 1200mm minimum wide corridors to allow accessible access to all bedrooms
- Corridors widened to 1500mm at bedroom doors to allow sufficient passing space within corridors and ease of access into all bedrooms
- Lifts provided for access in an emergency to conform with the relevant recommendations BS5588
- Staff trained in the basic evacuation procedures so that they are responsible for assisting people getting of the building during emergencies.

The Council's Access Officer is satisfied with the proposal subject to detailed Access Management Plan to be secured through a planning condition.

8.47 Accordingly, the proposal is considered to be truly accessible in accordance with the aims and objectives of the aforementioned development plan policies.

4. Amenity

Daylight and Sunlight

8.48 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (2011).

8.49 Policy 7.6 of the London Plan (2011) requires that all large-scale buildings pay particular attention in residential environments to amenity and overshadowing. Furthermore, developments should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the Unitary Development Plan (1998) and Policies DEV1 and DEV27 of the Interim Planning Guidance (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect residential amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight. Policies DM23, DM24 and DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) require new development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings, school, community uses and offices and not result in an unacceptable level of overshadowing to surrounding open space.

8.50 The application is accompanied by a Daylight and Sunlight Study which assesses the impact of the development on the neighbouring property known as Bethnal Green Medical Mission which has residential use at upper floor level.

8.51 The Daylight and Sunlight Study confirms there is no loss of daylight and sunlight to the adjoining Bethnal Green Medical Mission. The proposed development therefore satisfies the BRE requirements.

8.52 The proposed daylight and sunlight Study has assessed the overshadowing to adjoining areas. The development will not lead to an unreasonable level of overshadowing of the adjoining gardens and open spaces.

8.53 Overall, it is concluded that the proposed development will have a low to no impact on the

daylight and sunlight to neighbouring properties. Right of Light Consulting firm that was commissioned to carry out the independent review of the applicants Daylight and Sunlight Study confirms that the development design satisfies all the requirements set out in BRE guide 'Site Layout Planning for Daylight and Sunlight'.

- 8.54 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 7.6 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007), Policy SP10 of Core Strategy (2010) and Policies DM23, DM24 and DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) with regards to sunlight and daylight, and accordingly the proposals are not likely to cause any adverse impacts to the surrounding residential properties and amenity areas.

Noise and Vibration

- 8.55 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policies DEV1, DEV10 and DEV12 of the Interim Planning Guidance (2007), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) seek to minimise the adverse effects of noise.
- 8.56 The front of the application site faces Cambridge Heath Road which is a very busy vehicular route while the rear of the application site faces the railway line.

Adjoining the application site at Bethnal Green Medical Mission, residential properties are located at upper level and further residential properties can be found at Paradise Row. In order to secure appropriate mitigation for the existing and future residents, the opening hours of the proposed restaurant use will be restricted, alongside a condition which requires further details of all plant and machinery proposed at the site.

- 8.57 Conditions are also proposed which restrict construction hours to minimise the impact on existing nearby residents.
- 8.58 As such, it is considered that the proposals are generally in keeping with National Planning Policy Framework (March 2012), policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets Unitary Development Plan (1998), policies DEV1, DEV10 and DEV12 of Tower Hamlets Interim Planning Guidance (2007), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012).

Privacy

- 8.59 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy. To the south of the site is the Bethnal Green Medical Mission. Upper floor windows on this building face the application site. The proposed development would maintain on average 4.5m distance from the side of the existing Bethnal Green Medical Mission building. Also the rearmost part of the proposed building (i.e. of approximately 4.5m depth) facing the Bethnal Green Medical Mission Building has no side windows. The proposed development therefore would not give rise to loss of privacy and overlooking issues for the occupiers/users of this neighbouring building.

5. Transportation & Highways

- 8.60 The National Planning Policy Framework and the London Plan (2011) seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.61 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policy DM20 of the Managing Development: Development Plan Document (Submission Version May 2012) requires new development to demonstrate that it is integrated with the transport network and to contribute towards new transport network and to contribute towards new transport infrastructure and improvements where necessary.
- 8.62 The application site has one of the highest levels of public transport accessibility, with a Public Transport Access Level of 6a where 1 represents the lowest and 6b the highest. The site is located north west approximately 187 metres from Bethnal Green Underground Station served by the Central Line. A National Rail Service is also available from Cambridge Heath Station (410m from the site) and Bethnal Green Station (725m from the site). There are 10 London bus routes including 4 services which operate a night bus/24 hour service which can be accessed from bus stops within walking distance of the application site.

Car Parking

- 8.63 Policy 6.13 of the London Plan (2011), saved Policy T16 of the Unitary Development Plan (1998), Policies DEV17, DEV18 and DEV19 of the Interim Planning Guidance (2007), Policy SP09 of the Core Strategy (adopted September 2010) and policy DM20 of the Managing Development: Development Plan Document (Submission Version May 2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.64 Due to the high public transport accessibility level of the site (PTAL 6b) and the limited size of the site, it is proposed that no general on-site parking will be provided.
- 8.65 While it is not proposed to provide any general on-site car parking, it is proposed that one disabled parking space will be created within the site by means of an undercroft area at the rear of the site to be accessed from Nant Street.
- 8.66 The proposed development is a car free development except for the single disabled parking space, and would encourage its visitors to use other modes of sustainable transport. The quality of footways and public realm (particularly along Nant street) in the vicinity of the site is poor but the applicant has agreed to provide a planning contribution towards public realm improvements within the vicinity of the site. This will be achieved through the S278 Highway works, which is welcomed.

Coach Parking

- 8.67 Planning Standard 3 of the Interim Planning Guidance (2007) requires a coach parking bay to be provided for every 100 hotel bedrooms. Policy DM22 of the MD:DPD (Submission Version May 2012) and IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport

assessment.

- 8.68 The application does not propose any provision for on-site coach parking due to constraints of the site. However, an on-street coach parking bay exists directly opposite the site on Cambridge Heath Road adjacent the Museum of Childhood. It is therefore anticipated that this existing coach bay would be utilised by the hotel. LBTH Highways have raised no objection to these arrangements.

Cycle Parking

- 8.69 Policy T17 of the adopted Unitary Development Plan (1998) requires new development should take full account of the Council's Planning Policies and Standards for the cycle provision (Planning Standard 3) among other things. Planning Statement 3 of the Adopted Unitary Development Plan (1998) require new hotel development in whole of the borough to provide a minimum of 1 off-street car-parking space per 15 bedrooms. Policy DM22 of the Managing Development: Development Plan Document (Submission Version May 2012) require new development to meet and preferably exceed, the minimum standards for cycle parking set out in appendix 2. The Appendix 2 Standards, sets out minimum cycle parking required hotels, which is 1/10 staff and 1/15 residents.
- 8.70 According to the Transport Assessment, the proposed 80 bedroom budget hotel is likely to employ around 25 staff with a maximum of 16 on site at any given time. On this basis 2 cycle parking spaces would be provided for staff and this is considered to be acceptable by the LBTH Highways.
- 8.71 With regards to residents/guest the Borough's standards would require 11 cycle parking spaces, but the trip generation and guest check-in survey data reported in the Transport Assessment document suggest that no guests would cycle to and from the site. However, the proposal would provide 2 cycle parking spaces for guests and this is considered to be acceptable by the LBTH Highways.
- 8.72 In conclusion, given the site's location, its very high PTAL (6a) rating, within close proximity of underground and National Rail station, bus routes (including those providing night-time services), the provision for cycle parking, the provision for coach parking (if required) across the road on Cambridge Heath Road to drop-off/pick-up visitors, it is considered that the proposal therefore would not unduly detriment pedestrian movement nor the safe operation of the highway. The proposal is therefore considered to accord with the aforementioned development plan policies.

Servicing and Deliveries

- 8.73 The proposed development provides access for servicing and deliveries via the under-croft area to the rear of the site. This will ensure that Nant Street and Paradise Row are unobstructed during servicing activity.
- 8.74 The height of the under-croft would be 4.0m which has been confirmed by LBTH Highways to be sufficient for access for servicing and delivery vehicles. These arrangements are considered to be acceptable. A delivery and servicing plan would be secured by condition to ensure road safety in this area.

Refuse

- 8.75 The Design and Access Statement indicates refuse areas to be within protected shafts. Refuse servicing would be carried out either by the Borough's own trade refuse contractor or by the hotel operator's own refuse contractors. At present refuse vehicles collect waste from Nant Street and Paradise Row and as such there is precedence for refuse vehicles to use

this route.

- 8.76 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

6. Energy Efficiency and Sustainability

- 8.77 At a national level, National Planning Policy Framework (March 2012) encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.78 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.79 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.80 Saved Policy DEV2 of the Unitary Development Plan (1998), DEV6 of the Interim Planning Guidance (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The policy DM29 of the Managing Development: Development Plan Document (Submission Version March 2012) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through cumulative steps of the Energy Hierarchy.
- 8.81 The submitted energy strategy in broad terms follows the energy hierarchy and focuses on energy efficiency measures through a Combined Heat Pump (CHP) and Photovoltaic Panels (PV). Final details of the cumulative savings are required to be submitted and approved, however the principle of the energy strategy has been assessed and is considered to be acceptable.

7. Planning Obligations

- 8.82 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.83 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as community facilities, open space and transport and that appropriate infrastructure to facilitate the development are secured.
- 8.84 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998),

policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations with developers where appropriate and where necessary for a development to proceed through their deliverance in kind or through financial contributions.

- 8.85 The Council has recently adopted Supplementary Planning Document on Planning Obligations in January 2012. This document provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the below contributions to mitigate against the impacts of the proposed development, which the applicant has agreed.
- 8.86 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £257,805. This has been applied as follows through the SPD.

The proposed heads of terms are:

Financial Contributions

- a) A contribution of **£13,871** towards Employment, Skills, Training and Enterprise to create employment opportunities.
- b) A contribution of towards **£4,001** towards Community Facilities including Idea Stores, Libraries and Leisure facilities
- c) A contribution of **£154,878** towards the Public Realm which includes public open space, local streetscene and the built environment
- d) A contribution of **£80,000** towards Sustainable Transport to provide an improved transport interchange and further Barclays Cycle Hire facilities within the vicinity of the site.
- e) A contribution of **£5,055** towards monitoring and implementation.

Non-Financial Contributions

- f) A commitment to Employment and Enterprise and local procurement during the construction phase
- g) Car and Permit Free Agreement to mitigate the impacts on the surrounding highway network.
- j) Provision of a Green Travel Plan to encourage sustainable modes of transport

Total financial contribution: **£257,805**

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

- 8.87 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:
- 8.88 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.

8.89 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.

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

8.91 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.

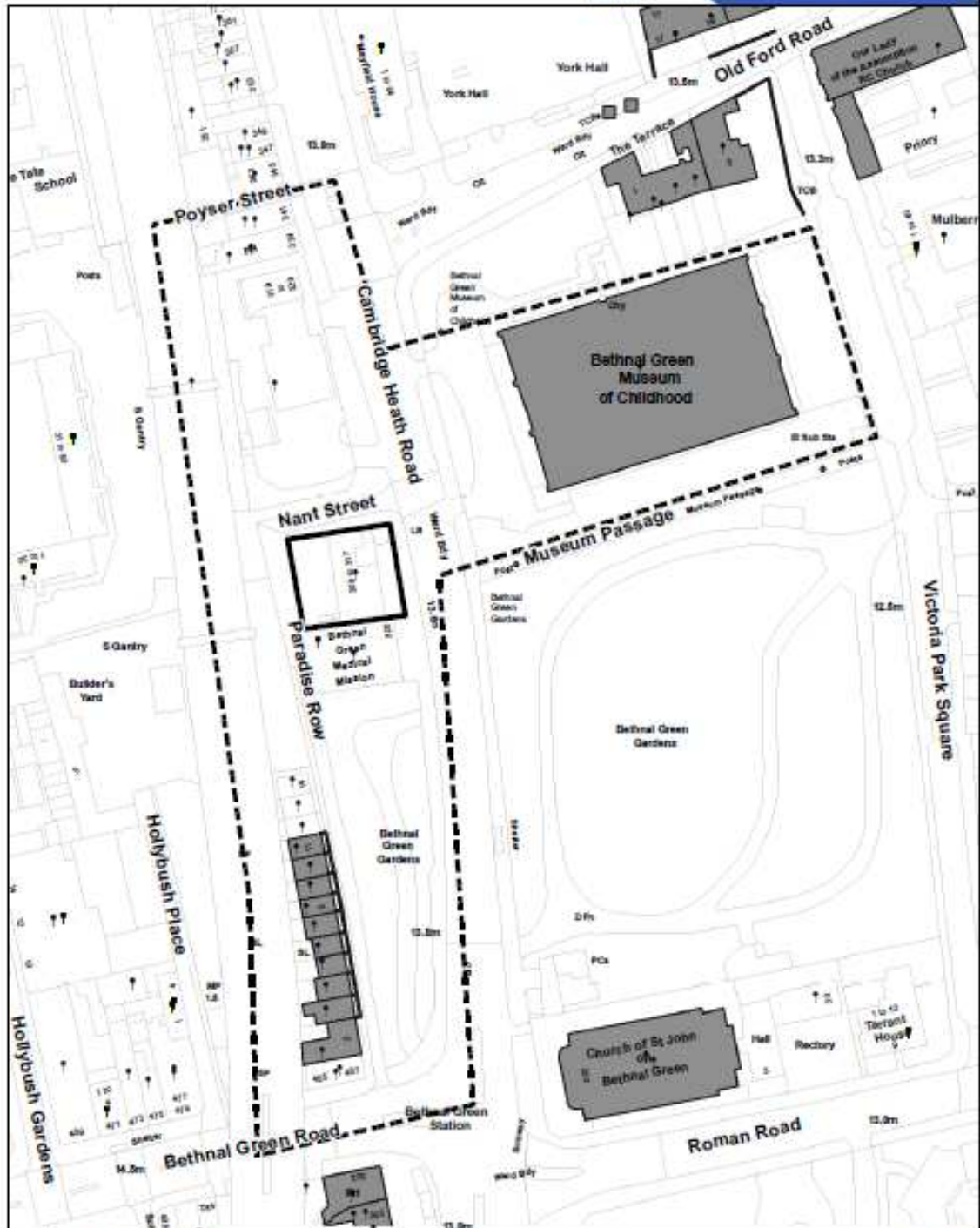
8.92 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended. This charge has been calculated on the new floorspace being created within the development.

8.93 The CIL contribution based on the new floorspace is £88,690. This charge is payable upon commencement of the chargeable development and is in respect of the London Mayoral Community Infrastructure Levy (CIL). The Greater London Authority and Transport for London are responsible for setting the London Mayoral CIL charge and the London Borough of Tower Hamlets is responsible for collecting the monies on their behalf.

9 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.

Planning Application Site Map



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

0 15 m
1:1,250

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

This page is intentionally left blank

Agenda Item 8

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

This page is intentionally left blank

Agenda Item 8.1

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Piotr Lanoszka		Ref No: PA/12/02022	
		Ward: Bethnal Green North	

1. APPLICATION DETAILS

- Location:** Raines Foundation Upper School, Approach Roach, London E2 9LY
- Existing Use:** Secondary School
- Proposal:** Internal alteration works, including forming of new doors, widening of existing doors, mechanical & electrical installation and associated work.
- Drawing Nos:**
- Containment Routes Mark-up ground floor dated 13/02/12,
 - Containment Routes Mark-up first floor dated 13/02/12,
 - Containment Routes Mark-up second floor dated 13/02/12,
 - RAI-AST-GA-00022 rev 2,
 - RAI-AST-GA-900023 rev 2,
 - RAI-AST-SCH-190244 rev 2,
 - Heritage Statement by CGMS Consulting dated June 2012,
 - Photograph of a sample cable basket.
- Applicant:** Bouygues UK on behalf of Raines Foundation School
- Owner:** LBTH
- Historic Building:** Grade II Listed.
- Conservation Area:** Victoria Park 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 adopted Core Strategy (2010) Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Managing Development: Development DPD (submission version 2012), associated supplementary planning guidance, the London Plan and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed internal alterations are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed school building. As such, the proposal would preserve the character, fabric and identity of the listed building. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Council's Interim Planning Guidance (2007) as well as policy DM27 of the Managing

Development DPD (submission version 2012).

RECOMMENDATION

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

4. BACKGROUND

- 4.1 This application for Listed Building Consent is required for internal alteration works in order to install new services and to provide new or altered access points to comply with Disability Discrimination Act (DDA) requirements. The building is Grade II Listed and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed 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 Listed Building Consent for internal alteration works in order to install new services and to provide new or altered access points to comply with Disability Discrimination Act (DDA) requirements.
- 5.2 In particular, it is proposed to:
 - widen two doors on ground floor level - one to the Hygiene Room and one to the Library;
 - create a new door opening between the ICT store and classroom on the first floor level;
 - reorganise cabling and servicing away from central corridors on ground, first and second floor levels.
- 5.3 The proposed internal alterations are to be carried out in connection with the Schools for the Future redevelopment of the school site which received planning, conservation area and listed building consent on the 24th of August 2010.

Site and Surroundings

- 5.3 Raines Foundation School is a Grade II Listed Building situated on the southern side of Approach Road in what is a predominantly residential area.
- 5.4 The school building dates from 1887 and underwent various alterations and extensions during the course of the 20th century, the most prominent of which was the modernist side extension built in the 1960s which has now been demolished and is currently being replaced by a contemporary extension as part of the Building Schools for the Future programme.
- 5.5 The school building together with its perimeter wall, gates and piers was designated as a Grade II Listed Building in 1973. The Gothic style primary elevation to Approach Road is the most prominent architectural feature of the building with only a limited number of surviving original internal features. Most of the original internal layout has, however, been preserved.
- 5.6 The noteworthy original internal features include:
- the Assembly Hall with original joinery, lights and windows;
 - the Entrance Hall with original staircase, balustrade and flooring;
 - central corridors and adjoining classrooms with original windows, some original doors, dado rails, skirting and other woodwork.
- 5.7 The site is located within Victoria Park Conservation Area.

Relevant Planning History

- 5.8 The site has an extensive planning history. The following applications are considered the most relevant to this application:
- 5.9 PA/10/01072 Full Planning Permission, PA/10/01073 Listed Building Consent and PA/10/01229 Conservation Area Consent granted on 19/01/2011 for demolition of side and rear extensions of existing building and redevelopment by erection of a 2 - 4 storey rear with basement and side new build construction to Approach and Bonner Roads comprising educational floorspace.

These works are expected to be substantially complete by the end of 2012.

6. POLICY FRAMEWORK

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

6.2 Government Planning Policy

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

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

Policy: 7.8 Heritage assets and archaeology

6.4 **Adopted Core Strategy (2010)**

Policies: SP07 Improving education and skills
 SP10 Creating distinct and durable places

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

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

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

Policy: CON 1 Listed Buildings - criteria for consent

6.7 **Managing Development: Development Plan Document (submission version 2012)**

Policy: DM27 Heritage and the historic environment

7. **CONSULTATION RESPONSE**

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:
- 7.2 English Heritage - do not wish to make any comment on this occasion and recommend for this application to be determined in accordance with national and local policy guidance.

8. **LOCAL REPRESENTATION**

- 8.1 A total of 53 neighbouring addresses were consulted by letter in relation to the application, a site notice was erected on 1st August 2012 and a press notice published 30th July 2012. No responses have been received.

9.0 **MATERIAL PLANNING CONSIDERATIONS**

- 9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 9.2 The main issue for Members to consider is whether the proposed works are appropriate in this respect.

Land Use

- 9.1 This application does not raise any land use issues. The proposal is to upgrade existing educational floorspace and does not facilitate an intensification of use.

Impact of proposed alterations on the architectural quality of the Grade II Listed School Building.

- 9.2 The National Planning Policy Framework (2012) emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 9.3 The Council's Adopted Core Strategy strategic objective No. 22 and policy SP10 aim to enhance and preserve borough's heritage in order to enable creation of locally distinctive neighbourhoods.
- 9.4 Preservation of listed buildings is specifically supported by saved policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007) and policy DM27 of the Managing Development DPD (submission version 2012) which require alterations to listed buildings to preserve the special architectural or historical interest of the building and to retain and repair any architectural features. Any adverse impact on the character, fabric or identity of the listed building is to be resisted.
- 9.5 The proposal seeks to alter a number of internal elements within the Grade II listed building in connection with the Schools for the Future redevelopment of the site and in order to facilitate improved access points to comply with DDA requirements. In particular, the proposal is to:
- widen two doors on ground floor level - one to the Hygiene Room and one to the Library;
 - create a new door opening between the ICT store and classroom on the first floor level;
 - reorganise cabling and servicing away from central corridors on ground, first and second floor levels.

Widening of the door opening to the Hygiene Room

- 9.6 The proposal is to enlarge the existing door opening between the ground floor central corridor and the Hygiene Room in order to comply with DDA access requirements.
- 9.7 The alteration will result in loss of the arched opening characteristic of this part of the ground floor corridor and its transformation into a horizontal lintel. This has been considered by the Council's conservation officer who advised that this is the preferred option to creating a wider arched opening which would appear asynchronous and detract from the architectural rhythm and character of the remaining alcoves. It is considered that the proposed replacement is appropriate because it maintains the height, materials, and style of finishes and over-door panelling of the other alcoves while contributing to improvement of quality and accessibility of educational floorspace.

Widening of the door opening to the Library

- 9.8 The proposal is to enlarge the existing door opening between the ground floor

central corridor and the new rear library extension in order to comply with DDA access requirements.

- 9.9 The alteration will result in a wider door opening but will maintain the height, style and materials of other door openings along the corridor. The original dado and skirting will be replicated to dress the extended opening in line with advice from Council's conservation officer. It is considered that the changes are sympathetic to the architectural quality and fabric of the listed building and ensure viability of its use as an educational facility in light of current access requirements.

Creation of a new door between the ICT store and classroom

- 9.10 The proposal is to introduce a new door opening between the ICT classroom and the associated storage area on first floor level.
- 9.11 The ICT classroom and storage room have little architectural or historical detailing as they have undergone a large amount of alterations throughout the last century. It is considered that the new door, which does not interrupt any of the architectural features, will not adversely affect the quality of the listed building while facilitating improvements to the educational floorspace.

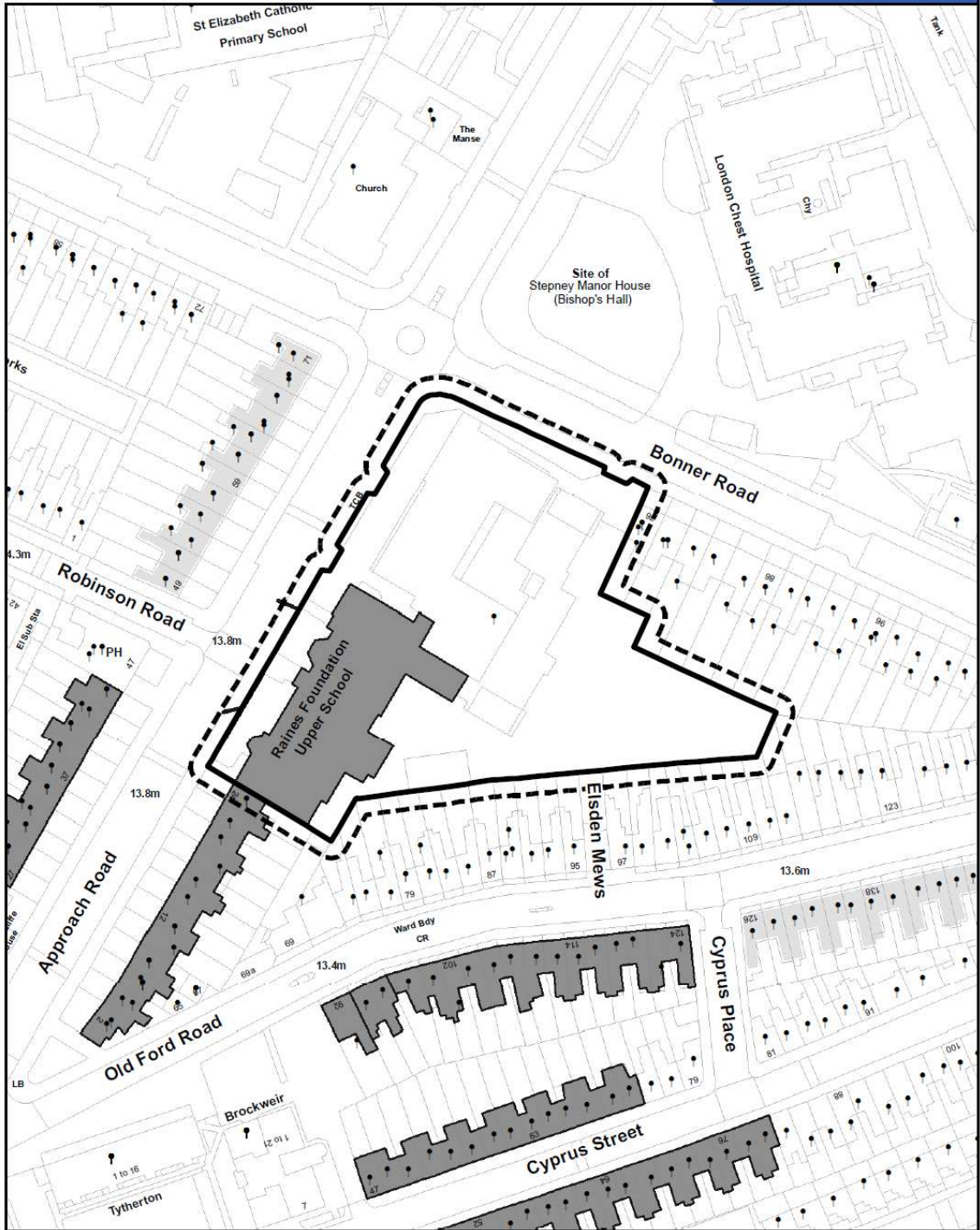
Reorganisation of cabling and servicing

- 9.12 In order to facilitate provision of adequate IT facilities, the application proposes reorganisation of cabling and servicing away from the central corridors on ground, first and second floor levels.
- 9.13 Cabling is to be routed through the class rooms in high level brackets to avoid the main corridor areas which contain more original features and which are of more architectural value. These works are reversible and retain the historic elements of the listed building while improving the appearance of the main circulation areas in line with conservation officer's advice.
- 9.22 In conclusion, the proposed internal alterations are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed school building and are reversible. 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 policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Council's Interim Planning Guidance (2007) as well as policy DM27 of the Managing Development DPD (submission version 2012).

10 **Conclusions**

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

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

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.

© Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288

This page is intentionally left blank

Agenda Item 8.2

Committee: Development	Date: 12 September 2012	Classification: Unrestricted	Agenda Item Number:
----------------------------------	--------------------------------------	--	----------------------------

Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
--	--------------------------------

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.

Application No:	PA/11/03912
Site:	pavement at the corner of Whitechapel High Street and Commercial Road.
Proposed Development	Display of a double sided digital portrait advertisement display unit.
Decision:	REFUSE ADVERTISEMENT CONSENT (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	DISMISSED

- 3.2 The main issues in the case were the effect of the advertisement on the visual amenities of the area including the effect on the character and appearance of the adjacent conservation area and the setting of listed buildings.
- 3.3 The Inspector noted that the site occupies a prominent location at a busy junction on a main arterial road, close to the exit of Aldgate East Underground station. He made specific reference to the quality of the adjacent conservation area and the high levels of architectural detailing (the Whitechapel Art Gallery in particular). He was concerned that the signs would be overwhelming for pedestrians and whilst he accepted that there is an opportunity to use the sign part of the time for public information purposes, his overall conclusion was that the sign would have unacceptably harmed the visual amenities of the area, especially the adjacent conservation area and the setting of nearby listed buildings.
- 3.4 The appeal was DISMISSED.

Application No:	PA/11/02156
Site:	1 Whites Row E1 7NF
Site:	Erection of a fourth floor extension to provide a 3 bedroom penthouse apartment to previously approved mixed use conversion.
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 The main issues in respect of this case involved the effect of the proposal on the character and appearance of the conservation area and the living conditions of future occupiers in terms of the efficiency of the internal layout.
- 3.6 The Inspector noted that the appeal premises comprise a relatively modern four storey brick built property, located within the Artillery Passage Conservation Area. He made specific reference to that character as being relatively fine grained with consistency of height and scale which encloses narrow streets. He was concerned about the principle of an additional storey which would have resulted in a building which would have been noticeably higher than its neighbours. He concluded that there would have been an uncomfortable transition at roof level between the appeal site and adjacent buildings in Whites Row. He was also concerned about the appearance of a proposed lift shaft which would have represented considerable bulk at roof level and concluded that the proposed development would have failed to preserve the character and appearance of the conservation area.
- 3.7 He was less concerned about the unit sizes and whilst he acknowledged the benefits of the development, in terms of the provision of additional residential units, he did not feel that these outweighed the harm caused to conservation area character.
- 3.8 The appeal was DISMISSED.

Application No:	ENF/09/00450
Site:	127-129 Roman Road E2 0QN
Development:	Erection of an outbuilding at the rear

Decision:	of the property. INSITIGATE ENFORCMENT ACTION (delegated decision)
Appeal Method: Inspector's Decision	WRITTEN REPRESENTATIONS DISMISSED AND ENFORCMENT NOTICE UPHELD

3.9 The main issue in this case was the impact of the building on the character and appearance of the Globe Road Conservation Area and as Members may recall, there was a previous appeal against the refusal of restrictive planning permission to retain the outbuilding. The Planning Inspector was in full agreement with the previous Inspectors conclusions in terms of the harm being caused by the outbuilding, in terms of the visual amenities of the area and the harm being caused to conservation area character.

3.10 The appeal was DISMISSED and the Enforcement Notice UPHELD.

Application No:	ENF/11/00170
Site:	115A -117 Roman Road E2 0QN
Development:	change of use of the ground floor from a restaurant to a hotel, the installation of upvc windows and the erection of first second and third floor level, the erection of 2rd and 3rd floor extensions at 115A Roman Road with associated balconies and railings
Council Decision:	INSTIGATE ENFORCMENT PROCEEDINGS (delegated decision)
Appeal Method: Inspector's Decision	WRITTEN REPRESENTATIONS DISMISSED

3.11 The two grounds of appeal were that that the Council went beyond what is necessary to remedy the breaches of planning control and that more time should be allowed to require compliance with the breach.

3.12 On the first issues, as the appellant had accepted that the matters referred to in the enforcement notice were breaches and that no appeal had been made that planning permission should be granted for the works, the Planning Inspector concluded that the steps required to remedy the breach were reasonable and proportionate.

3.13 On the second issue, the Planning Inspector considered that a period of 6 months to comply with the Notice was reasonable.

3.14 The appeal was DISMISSED and the enforcement UPHELD

4. NEW APPEALS

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

Application Nos:	PA/12/01612
Sites:	22 Fournier Street, E1
Development	Retention of existing first floor roof terraces.

Council Decision
Start Dates
Appeal Method

REFUSE (delegated decision)
14 August 2012
WRITTEN REPRESENTATION

- 4.2 The Development Committee had previously granted planning permission for a roof terrace in respect of the above property but unfortunately the occupier did not carry out the works in accordance with approved drawings. This retrospective planning application was refused by officers under delegated powers on grounds of impact on neighbouring occupiers in respect of overlooking and the potential for unacceptable noise and disturbance.

Application No:
Sites:

PA/11/03312
Part of Unit CG-001 Ground Floor Block C Truman's Brewery, 91 Brick Lane E1
Change of use of event space to restaurant with outdoor seating

Development:

Council Decision:
Start Date
Appeal Method

Refuse (delegated decision)
10 August 2012
WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case involved the over-concentration of late night uses in and around Brick Lane and the cumulative impact of such uses on the amenities of neighbouring residential occupiers.