

Meeting of the

DEVELOPMENT COMMITTEE

Thursday, 12 September 2013 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 Anwar Khan	
Councillor Tim Archer Councillor Judith Gardiner Councillor Kosru Uddin Councillor Gulam Robbani 1 Vacancy	Councillor Zara Davis, (Designated Deputy representing Councillor Tim Archer) Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer) Councillor Md. Maium Miah, (Designated Deputy representing Councillor Gulam Robbani) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin) Councillor Rajib Ahmed, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin) Councillor Carli Harper-Penman, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin)

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

Committee Services Contact:

Zoe Folley, Democratic Services,

Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

<http://www.towerhamlets.gov.uk/committee>

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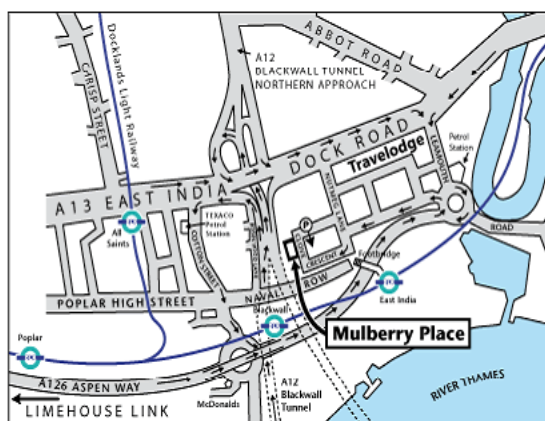
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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Thursday, 12 September 2013

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 14th August 2013.

**PAGE
NUMBER** **WARD(S)
AFFECTED**

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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.

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The deadline for registering to speak at this meeting is 4pm Tuesday 10th September 2013.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

13 - 14

7 .1 15-19 Rigden Street (PA/13/00188)

15 - 26

**East India &
Lansbury**

7 .2 429B Roman Road, London, E3 5LX (PA/13/01392)

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Bow West

7 .3 Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/01647)

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Millwall

7 .4 85 - 87 New Road, London, E1 1HH (PA/13/01607)

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Whitechapel

8. OTHER PLANNING MATTERS

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8 .1 11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE (PA/11/2306)

65 - 72

**Spitalfields
&
Banglatown**

8 .2 Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/13/01581)

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Limehouse

8 .3 PLANNING APPEALS REPORT

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 AUGUST 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Tim Archer
Councillor Judith Gardiner
Councillor Gulam Robbani
Councillor Denise Jones (Substitute for
Councillor Kosru Uddin)
Councillor Rajib Ahmed (Substitute for
Councillor Anwar Khan)

Other Councillors Present:

None.

Officers Present:

Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anwar Khan and Kosru Uddin for who Councillors Denise Jones and Rajib Ahmed were deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Helal Abbas declared an interest in agenda item 7.1 Central Foundation Girls School Lower School, College Terrace, London, E3 5AN (PA/12/02576, PA/12/02577 and PA/12/02578) as his daughter attended the school.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 17th July 2013 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

Nil Items

7. PLANNING APPLICATIONS FOR DECISION

7.1 Central Foundation Girls School Lower School, College Terrace, London, E3 5AN 9 (PA/12/02576, PA/12/02577 and PA/12/02578)

Update report tabled.

Paul Buckenham (Team Leader, Planning Services) introduced the application regarding the Central Foundation school, E3 5AN for the change of use of sixth form school to provide residential units including the part demolition and replacement of existing infill building and refurbishment of Grade II Listed Building.

Shahara Ali-Hempstead (Planning Officer) presented the report. She explained the key features of the scheme including the site location. The application had been subject to a local consultation and in response five letters of objections had been received regarding loss of education use,

density, impact on the listed building, highways and amenity. She addressed each point and the material planning issues.

A key issue for consideration was the land use and the loss of an education use. Officers considered that the application was acceptable on these grounds given the sixth form college had been re-provided at 41- 47 Bow Road and that the area surrounding the site was mostly residential in character.

The plans would preserve the layout of the listed building with internal works to convert to residential units. The 1970s' infill building would be demolished and replaced with new build dwellings. This was the only proposed demolition. The Council's Conservation Design Officer had no objections to the loss of this building given the lack of architectural quality. Overall, the proposal would not cause any major harm to Grade II Listed building.

The impact on amenity was negligible (in terms of privacy, overlooking, outlook, sense of enclosure, overshadowing light and noise) given the separation distances between the neighbours and that there would be no increase in height or bulk of the building.

The housing mix broadly complied with policy given the offer of 35% affordable housing. Within this, there was an overprovision of family housing at social rent levels as well as policy compliant level generally across the tenures. The location of the different housing tenures within the development was explained.

The community and child play space exceeded the requirements in policy. As a result, it was considered that the level of recreational space was acceptable taking into account the lack of private amenity space due to the listed building constraints where intervention would be undesirable.

The site had good transport links and the scheme would be car free. The obligations fully complied with the Council's Supplementary Planning Document.

Officers were therefore recommending that the scheme be granted planning permission.

In response, Members sought clarity on the use of the New Homes Bonus funding. Officers agreed to report back to the Committee to clarify this. Members also asked about whether the site was allocated as a school site and officers confirmed that the site did not have an allocation in the Council's Managing Development Document as a school site. Therefore, the argument around loss of an educational use would be difficult to defend especially as the sixth form was being relocated. Officers also confirmed the plans to cross subsidise the new sixth form at 41-47 Bow Road and the main school with the proceeds from the sale of the land.

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

1. That planning permission PA/12/02577 Conservation Area Consent PA/12/02576 and Listed Building Consent PA/12/02578 for the site at Central Foundation Girls School Lower School, College Terrace, London, E3 5AN be **GRANTED** for:

- PA/12/2577 - Full planning permission for a change of use of existing sixth form school (Use Class D1) to provide 36 residential dwellings (Use Class C3) comprising 10 x 1 bedroom, 13 x 2 bedroom, 12 x 3 bedroom and 1 x 4 bedroom units with communal amenity space. Part demolition and replacement of existing infill building and refurbishment of Grade II Listed Building.
- PA/12/2576 - Conservation Area Consent for Part demolition and replacement of existing infill building.
- PA/12/2578 - Listed Building Consent for change of use of existing sixth form school (Use Class D1) to provide 36 residential dwellings (Use Class C3) comprising 10 x 1 bedroom, 13 x 2 bedroom, 12 x 3 bedroom and 1 x 4 bedroom units with communal amenity space. Part demolition and replacement of existing infill building and refurbishment of Grade II Listed Building.

Subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the committee report .
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.
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.

(Councillor Denise Jones could not vote on this item having not been present at the introduction of the item).

Note: The Planning Application Reference numbers have subsequently been amended to correct a typographical error in the Committee report.

7.2 4 Crispin Street, E1 (PA/13/00719)

Application withdrawn from the agenda by the applicant.

8. OTHER PLANNING MATTERS

Paul Buckenham (Team Leader, Planning Services) presented the report.

8.1 PLANNING APPEALS REPORT

Paul Buckenham (Team Leader, Planning Services) presented the report. He drew attention to a number of the appeal decisions including the outcome of 4 Wilkes Street that was allowed. He highlighted the condition added by the Inspectorate to remove opportunities under permitted development rights in relation to A3 uses to protect amenity. The Committee also noted the outcome of the 24-26 Bow Road appeal and the Inspectors comments about the allocation of the s106 contributions for community facilities and the public realm. In particular, the merits of allocating these contributions locally to directly mitigate the impact. This was something that would need to be given further consideration in the future.

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 7.40 p.m.

Chair, Councillor Helal Abbas
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 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 7

Committee: Strategic Development	Date: 12 th September 2013	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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

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

- 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 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.
- 3.7 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.
- 3.8 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.

Agenda Item 7.1

Committee: Development	Date: 12th September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Angelina Eke	Ref No: PA/13/00188
	Ward: East India and Lansbury

1. APPLICATION DETAILS

Location:	15-19 Rigden Street
Existing Use:	Residential
Proposal:	Provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies.
Drawing Nos:	Ordnance Survey OS Map RS 01 Scheme 3 RS 02 Scheme 3C RS 03 Scheme Rev 3C
Documents:	None
Applicant:	Mr Stephen Conlay
Ownership:	As above
Historic Building:	N/A
Conservation Area:	Lansbury Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) which seeks to ensure the use of land is appropriately optimised.
- 2.2 The proposed roof extension would be acceptable in term of its bulk, scale and massing including height and design and it would integrate successfully with the host building and it would preserve the appearance of the Lansbury Conservation Area. As such the proposal would comply with Policies 7.1, 7.4 and 7.6 in the London Plan (2011), Policy SP10 of the Core Strategy (2010) and policies DM24 and DM27 in the Managing Development Document (2013) including guidance in the National Planning Policy Framework (2013). The above policies and guidance seek to promote principles of good design and ensure new developments are sensitive and respectful to the character and setting of the surrounding area and conservation area context.
- 2.3 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document (2013) and the Mayor's London Housing

Supplementary Planning Guidance (November 2012).

- 2.4 On balance, transport matters, including servicing arrangements are acceptable. The new units will be car free and adequate cycle parking will be secured by way of a condition. These accords with policies 6.1 and 6.9 of the London Plan (2011) and policy SP09 in the Core Strategy (2010) and Policy DM22 in the Managing Development Document (2013), which seeks to ensure new developments, promote more sustainable modes of transport.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.3 Compliance Conditions

1. Time limit –three years
2. Compliance with plans - development in accordance with the approved schedule of drawings and documents.
3. Provision and retention of cycle spaces
4. Compliance with Lifetime homes
5. Refuse provision in accordance with drawing
6. Prior to commencement, full details of ground floor external amenity space to the rear
7. Car and permit Free Development secured by s106 agreement
8. Materials – details to be submitted

Informatives

1. For the applicant to contact Building Control
2. CIL

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 It should be noted that as originally proposed the application scheme was for a two storey roof extension to the existing three storey building. However, following concerns raised by officers in respect of the resulting built form, the application scheme has been revised. The current revised proposal seeks planning permission for the erection of an additional roof storey to the existing three storey building to form 1 x 2 bed flat. Planning permission is also sought for alterations to the first and second floor front elevation to provide balconies

Site and Surroundings

- 4.2 The Lansbury Estate is a post-war, planned neighbourhood, and comprises a comprehensive redevelopment with residential accommodation of varied types but mainly fairly low rise and low density, with private gardens and communal green spaces, several schools, two churches, a shopping precinct (Chrisp Street Market) and a small park. It was designed by a number of different architects and was built over a period of years, something which is evident from the variations in the style of buildings. The southern half of the estate is designated as a conservation area and includes a number of older buildings, several of them listed, such as the old George Green School and an ex Seamen's' hostel along East India Dock Road.

- 4.3 The Lansbury Estate lies within a conservation area which was designated in 1997. In 1948, Lansbury was chosen as the site of the 'Live Architecture' Exhibition of the 1951 Festival of Britain.

Planning History

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

PA/10/02609: Erection of rear extension to existing building, construction of two new floors and change of internal layout of existing floors to create a five storey building and nine new flats, consisting of 4 one bedroom and 5 two bedroom flats. This application was validated on 14 January 2011 and subsequently withdrawn on 10 March 2011.

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:

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.8	Housing Choice
3.9	Mixed and Balanced communities
6.1	Strategic Approach
6.9	Cycling
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.4	Local character
7.6	Architecture
8.3	Community Infrastructure Levy

Core Strategy Development Plan 2025 Development Plan (September 2010) (CS)

SPO2	Urban Living for Everyone
SPO5	Dealing with waste
SPO9	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP12	Delivering Place making

Managing Development Document (April 2013) (MDD)

DM3	Delivering Homes
DM4	Housing Standards and amenity space
DM14	Managing Waste
DM20	Supporting a sustainable transport network
DM22	Parking
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the Historic Environment

Government Planning Policy Guidance/Statements

- National Planning Policy Framework (2012) (NPPF)
- Mayor of London Housing Supplementary Planning Guidance (November 2012)

Community Plan

The following Community Plan objectives relate to the application:

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

6.3 LBTH Waste and Recycling:

The waste arrangements are considered satisfactory by the waste section, subject to larger bins.

(Officer comments: Full details of this aspect can be secured by way of a condition.)

6.4 LBTH Building Control

The initial scheme for a two storey roof extension was unacceptable as flats directly off a staircase as the resulting development would be over 4 storeys in height and a stair lobby (possibly ventilated) at each floor would be required. As the proposal has been revised to show one additional flat, the resulting development would be 4 storeys in height and the proposal would appear more acceptable.

(Officer comments:An informative will be attached to the planning permission advising the applicant to contact the Council's Building Control Team in respect of meeting the necessary building control requirements)

6.6 LBTH Transportation and Highways:

According to a recent on-street car parking survey (2010), Rigden Street has a daytime and night time parking occupancy of between 29% and 143% respectively. This demonstrates that the parking stress has exceeded the 80% level (as of 2010). In addition, the good PTAL of the area (PTAL 4) would warrant a 'car and permit' free condition. Therefore, in accordance with DM22.2 of the Managing Development Document (2013) and to promote sustainable modes of transportation and manage the growth of vehicular traffic within the borough, Highways would require a section 106 'car and permit' free agreement for this development.

On balance, the Highways Team cited that they had no objections in principle to the proposal, but considered that further information and clarification would be required in respect of cycle storage before planning permission could be considered. In addition, an s106 agreement should be secured for this development.

(Officer comments: The provision of a car free agreement is to be addressed as part of a planning condition.)

7. LOCAL REPRESENTATION

7.1 A total of 51 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:

7.2 No of individual responses: 6 Objecting: 6 Supporting: 0

No of petitions received: 3 Three petitions were received, although the formats of the petitions were identical raising the same issues and signed by the same people, save for two additional signatures on the third petition. The total number of signatures received from local residents (taking account of duplicates) is 26 signatures

7.3 Following subsequent revisions to the scheme, further consultations were undertaken and 4 letters of representation including a petition letter (containing 26 signatures) were received outlining concerns about the proposal on the following grounds:

1. Design

The proposal fails to respect the local context and street pattern and the resulting development will be unsympathetic to the character of the area by virtue of its scale and proportions and use of materials and it will not preserve or enhance the conservation area.

(Officer Comment: Officers consider that the proposed built form will not be out of keeping with the host building or site context. The Council's Urban Design and Conservation officer considered that the principle of an additional storey would be acceptable given the varied architectural styles in this locality.)

2. Amenity

Even at a slightly reduced scale, the application proposal will result in loss of daylight/sunlight as the new development will be significantly taller (at five storeys) when compared to the surrounding two storeys residential buildings.

(Officer Comment: The proposal is unlikely to unduly detrimentally worsen the daylight/sunlight conditions to the adjoining properties and this will be addressed within the 'amenity' section of this report)

The proposal would result in loss of satellite signals.

(Officer comment: It is not considered that the additional height and massing of the building will adversely impact on the satellite reception as envisaged.)

The proposal will result in the reduction in privacy and increased overlooking to adjoining properties, which will adversely impact on residential amenity.

(Officer Comment: It is considered that the overlooking and outlook from the additional storey would be commensurate to that which already exists on site, at first and second floor levels. Accordingly, it is not considered that the proposal would result in an unduly detrimental loss of privacy for nearby residential occupants)

3. Highways

The additional flat will result in additional traffic congestion and there are insufficient parking spaces within the area.

(Officer Comment: Whilst an additional flat is proposed, officers do not agree that this

this will result in a material increase in traffic congestion. Notwithstanding this, the proposal will be subject to a condition to ensure that the prospective occupiers of the flat are prohibited from applying for car parking permits to park on street.)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Land Use
2. Housing
3. Design and impact on Lansbury Conservation Area
4. Amenity
5. Transportation and Highways
6. Other

Land Use

8.2 Delivering housing is a key priority both nationally and locally and it is acknowledged within the National Planning Policy Framework, Policy SPO2 in the Council's Core Strategy (2010) and Policy 3.3 in the London Plan, which gives Boroughs targets for increasing the supply of housing.

8.3 An important mechanism for achieving the strategic housing objectives in the London Plan are set out in Policies 3.3 and 3.4, which seeks to encourage council's to maximise the development of sites including the provision of family housing to ensure targets are achieved where appropriate.

8.4 Policy SPO2 in the Core Strategy (2010) sets out the Borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development Document (2013) sets out more detailed guidance on how developments can deliver new homes for existing and future residents.

8.5 The application premises is a three storey 1960 detached block containing 3 x 3 flats. The application proposal does not impact on the existing family sized units.

8.6 The current revised application seeks to create one x two bed flat within a proposed roof addition, which will result in the intensification of residential use of the site.

8.7 There is no objection on land use grounds with the principle of intensifying the residential use of the site as this would accord with Policies 3.3 and 3.4 in the London Plan, policies SP02 (1c) and SP02 (5a) of the Adopted Core Strategy (2010) including national guidance set out in National Planning Policy Framework (2012), which seek to encourage initiatives to optimise housing densities and housing supply where appropriate.

Housing Mix

8.8 London Plan Policy 3.8 encourages new residential proposals that incorporate housing choice. This is further supported in the Mayor of London's Supplementary Planning Guidance, which seeks to secure a range of housing types, and Policy SP02 in the Core Strategy and Policy DM3 in the Managing Development Document which seek to encourage a balance of housing types and sizes.

- 8.9 Officers consider that the additional two bedroom unit would add to and diversify the mix of units on site which is welcomed and in accordance with the objectives of Policy 3.8 of the London Plan (2011), Policy SPO2 in the Adopted Core Strategy (2010) and Policy DM3 in the Managing Development Document (2013), which seek to ensure that new developments optimise housing choice.

Housing Quality and Residential Space

- 8.10 Policy 3.5 in the London Plan seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the site context. Part C of the Policy states that new dwellings should generally conform to the specified dwelling space standards, have adequately sized rooms and efficient layouts and it should meet the changing needs of Londoners over their lifetime.
- 8.11 Policy SPO2 in the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with The Mayor of London Housing Supplementary Planning Guidance (November 2012). The policy aims are reiterated in Policy DM4 in the Managing Development Document (2013).
- 8.12 The proposed unit would be 62m² which meets the minimum standard requirements in Policy 3.5 of the London Plan. The layout and the design of the proposed unit would be of high quality, and benefit from good natural lighting and double aspect, and as such the proposal would accord with policy 3.5 in the London plan and policy DM4 in the Managing Development Document (2013), which seeks to deliver new homes to meet the full range of needs of existing and future residents.

External Amenity Space

- 8.13 The proposed unit does not have any external amenity space and as such this would fail to meet the objectives of Policy SP02 of the Adopted Core Strategy (2010) and Policy DM4 in the Managing Development Document (2013). However, it should be noted that the applicant has made alterations to the family sized units on the front elevation to provide balconies at first and second floors. Whilst the top floor would have no external amenity space, it is considered that the introduction of this facility for the two flats below is welcomed. Furthermore, the opportunity exists at ground floor level to enhance the layout and utility of the communal open space for existing and future residents which is welcomed. The details relating to the layout of the ground floor communal amenity space will be secured by condition. Overall, it is considered that the proposal will meet the policy aims set out above, which seeks to ensure that external amenity space fully integrated within new developments to improve the amenity and liveability for residents.

Wheelchair Housing and Lifetime Homes Standards

- 8.14 The proposal unit would be fully accessible and would meet 100% Lifetime Homes standards. The inclusive design and access arrangements accords with London Plan policies 3.8 and 7.2 and the internal layout would comply with Policy DM4 in the Managing Development Document. It is recommended that this provision be conditioned as part of the consent.

Design and Impact on Lansbury Conservation Area

- 8.15 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new

housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

- 8.16 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring good design that should be considered at all scales of development ranging from major development schemes to minor residential extensions.
- 8.17 More specifically, policies DM23 and DM24 in the Managing Development Document (2013) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.18 The proposal is a three storey detached 1960's building, which occupies an important position at the junction of Duff Street and Rigden Street. There are varied architectural styles within this part of Lansbury Conservation Area, however, a number of developments have a distinct rhythm of single pitched and double pitched roof as well as flat roofs.
- 8.19 The application seeks to provide an additional roof storey, with the top storey terminating with a mansard style roof form, which will have a straight edge on the north and south elevations, where the new development adjoins 21 Rigden Street. However, the east and west elevations will have a mansard type design.
- 8.20 The extension is proposed to be constructed of natural slate, with matching brickwork incorporated and reconstituted stone cills. The windows are proposed as powder coated aluminium.
- 8.21 The application site is within an area where the adjoining buildings are predominantly two storeys, with some three and four storey buildings, and incorporate a variety of architectural styles. The immediate context is predominantly residential in character.
- 8.22 The existing building despite its era is considered to be simple and functional in terms of its design. The proposed additions and alterations to the front elevation of the building would be sympathetic to the host building by virtue of its bulk, mass scale and appearance and the overall design including the additional height of the roof extension would integrate well with the surrounding context and conservation area setting.
- 8.23 Although concerns were raised by residents on design grounds, officers consider that concerns raised have been addressed in the most recent revisions to the scheme. Given the sympathetic design approach and varied site context, the proposal would not appear visually overbearing at street level. Furthermore, it is not considered that the proposal would have a negative impact on the Lansbury Conservation Area.
- 8.24 Subject to conditions to ensure a high quality materials and finishes, the proposal would accord with Policies 7.1, 7.4 and 7.6 in the London Plan (2011), Policy SP10 of the Core Strategy (2010) and policies DM24 and DM27 in the Managing Development Document (2013) including guidance in the National Planning Policy Framework (2013). The above policies and guidance seek to promote principles of good design and ensure new developments respect the integrity of the host building and are appropriate to the site context.

Amenity

- 8.25 Policy SP10(4) of the Core Strategy(2010) and policy DM25 in the Managing Development Document (2013)requires 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. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook and privacy.
- 8.26 Local residents raised concern regarding privacy and overlooking, from the additional storey and introduction of balconies on the front elevation. Whilst overlooking will be increased through the alterations, it is not considered that this would be to an unduly detrimental level, and the approach is appropriate within the urban context of the site.
- 8.27 In respect of daylight/sunlight loss to neighbouring properties, it is considered that the additional height of the roof is unlikely to result in any unacceptable impacts to adjoining properties through daylight/sunlight loss, due to the scale of the addition.
- 8.28 In The proposal is considered in terms of amenity for existing and future residents, and would accord with Policy SP10 in the Adopted Core Strategy (2010), Policy DM25 in the Managing Development Document (2013) including guidance within the National Planning Policy Framework (2012). The above policies and guidance seek to safeguard the amenities of residential occupiers of the Borough.

Transportation and Highways

Car Parking

- 8.29 Policy 6.9 in the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development Document (2013) seek to facilitate more walking and cycling activities and create a safer environment for cyclists.
- 8.30 The application site is highly sustainable and benefits from having good connectivity to public transport and is within walking distance to All Saints Docklands Light Railway station, with a PTAL of 4.
- 8.31 The applicant intends for the proposal to be car free and therefore the prospective residents will be prohibited from having a car parking permit to park on-street. The Council's Highway and Transportation Team was consulted in this regard and raised no objections to a car free development secured by way of a condition.

Cycle Parking

- 8.32 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 in the London Plan requires transport demand generated by new development to be within capacity.
- 8.33 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development Document (2013) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 8.34 An area for secure cycle parking for the proposal has been incorporated within the communal amenity space and although full details need to be submitted, it is considered that the provision of a dedicated area can be secured by condition.
- 8.35 The Council's Highway and Transportation Team have reviewed the cycle parking provision proposed and they have confirmed that this would be acceptable. The proposal

therefore accords with Policies 6.1 and 6.9 of the London Plan (2011) and policy SP09 in the Core Strategy (2010) which seeks to secure adequate cycle parking within developments, subject to details of the cycle parking being secured by condition.

Other

Refuse

- 8.36 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development Document (2013) and Policy SP05 of the Core Strategy (2010) require developments to make suitable waste and recycling provision within developments.
- 8.37 The existing development has refuse at ground floor level within the rear part of the site, and the submitted drawings (RS 02 Scheme 02) illustrates 4 x 500 litre bins. The Council's Waste Management Team was consulted and notes that the waste arrangements were satisfactory, subject to the bin store capacity being able to accommodate 1100 litre refuse bin and 1280 litre recycling bin. Details of this can be secured by condition.
- 8.38 Subject to conditioning final capacity details, the refuse provision for the new units can be easily accommodated within the curtilage of the site subject to condition to meet the objectives set out in Policy SP05 of the Adopted Core Strategy (2010) and Policies DM14 and DM25 in the Adopted Managing Development Document (April 2013), which seeks to ensure that adequate refuse provision is made within new developments.

Community Infrastructure Levy

- 8.39 In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. In this case, it is considered that the CIL payment may be required and this will need to be the CIL requirement should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised.

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

- 8.40 Section 70 of the Town and Country Planning Act 1990 (as amended) requires that

in dealing with 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

- 8.41 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.

- 8.42 In this context "grants" might include the New Homes Bonus.

- 8.43 These issues are material planning considerations when determining planning

applications or planning appeals.

- 8.44 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.
- 8.45 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 £2596 within the first year and a total of £15,579 over a rolling six year period.

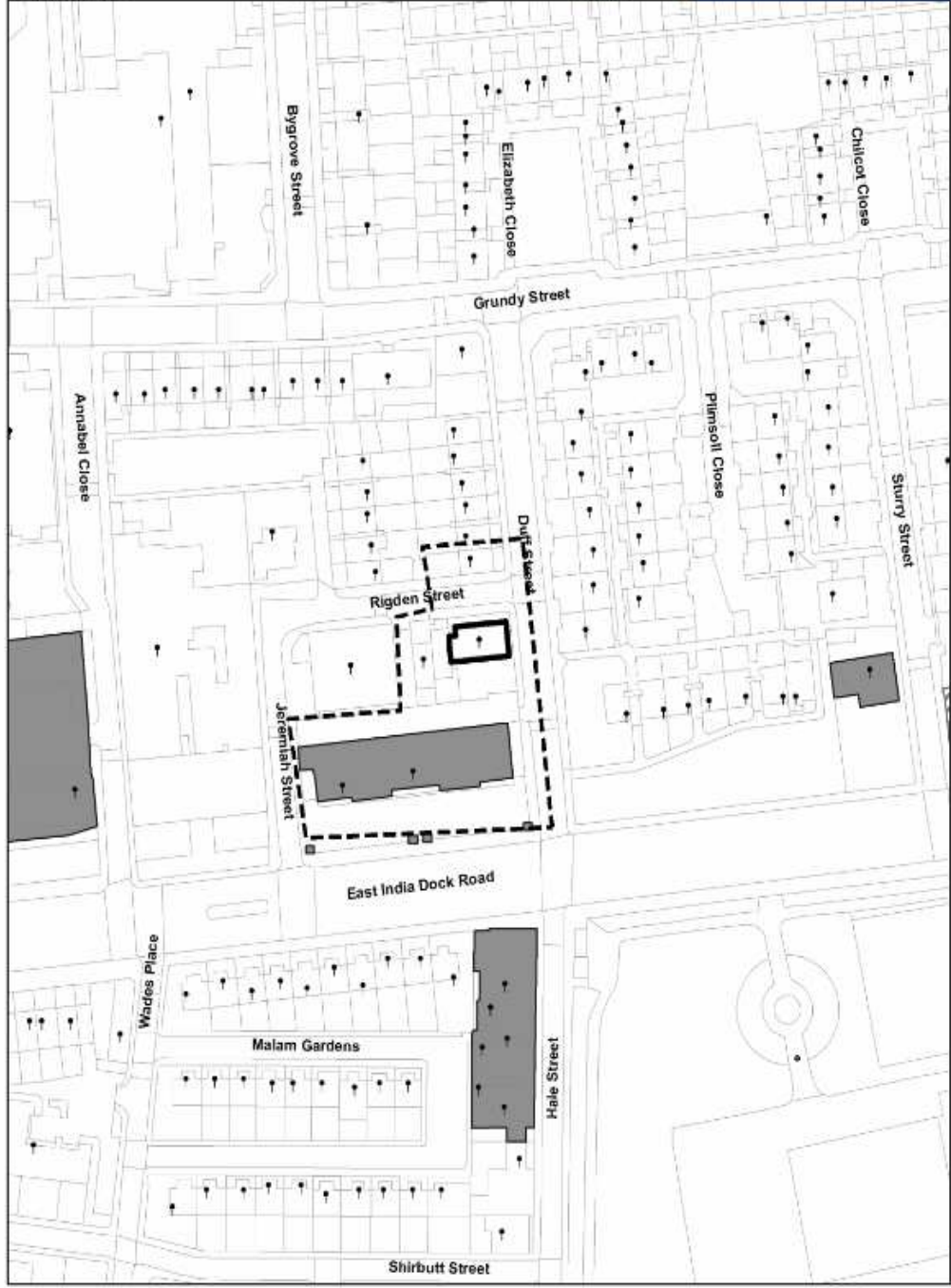
Equalities

- 8.46 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.
- 8.47 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.
- 8.48 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

CONCLUSION

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

Planning Application Site Map
PA/13/00188



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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1:1,250

Agenda Item 7.2

Committee: Development Committee	Date: 12 th September 2013	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/13/01392	
		Ward(s): Bow West	

1. APPLICATION DETAILS

Location: 429B Roman Road, London, E3 5LX

Existing Use: Estate Agent (A2 use class order)
Proposal: Change of use of 4sq meters of estate agent (A2 Use Class) to mini cab call centre use (sui generis) at ground floor level.

Drawing Nos: 2132_001 and 2132_200

Supporting Documents: Design, Access and Impact Statement

Applicant: Mr Abu Bakkar

Owners: Mr J Styles

Historic Building: N/A

Conservation Area: Driffield Road

2. EXECUTIVE SUMMARY

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy (2010), the Council's Managing Development Document (April 2013), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:-

1) The proposed change of use of 4sq meters of estate agent floor space (A2 Use Class) to mini cab call centre only (sui generis) is acceptable as it does not undermine the vitality and viability of the town centre.

2) Subject to the imposition of conditions, the proposed change of use as a mini-cab control office will not result in loss of amenity to neighbouring residents in terms of noise. This is considered acceptable.

3) The proposed mini-cab control office would not result in any detrimental impact on the safety and efficiency of the adjoining highway network and is therefore considered acceptable.

3. RECOMMENDATION

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

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this planning permission.
3. The mini -cab operation shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts nor shall the premises be used as a pick up point for customers.
4. No flashing lights shall be fixed to the external face of the building in association with the use hereby permitted.
5. No signage/advertising shall be displayed on the building or within windows of the property in association with the use hereby permitted.
6. Hours of operation 9:00 - 19:00 Monday to Saturday. Closed on Sunday

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of 4sq meters of estate agent floor space (A2 Use Class) to a mini cab call centre (sui generis).

Site and Surroundings

- 4.2 The application site is located to the rear of 429 Roman Road and is a two storey end of terrace building, located to the northern side of Roman Road. The site is bounded by no. 2 Driffield Road to the north, no. 431 Roman Road to the east, public highway at Roman Road to the south and Driffield Road to the west.
- 4.3 The surrounding area is mixed in character with Victorian terraced houses and a mix of uses, including retail and cafe/restaurant uses along Roman Road. The site lies within the designated town centre; Roman Road East District Centre and Driffield Road Conservation Area and the site and surroundings include no Statutory Listed Buildings.

Planning History

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

PA/67/00242:

Planning permission granted on 07/01/1968 for the change of use of the premises above from a retail shop and living accommodation to use for storage purposes.

PA/75/00302:

Planning permission granted on 20/02/1975 for the erection of a first floor extension to provide showroom and workshop.

PA/99/00561:

Planning permission granted on 03/08/1999 for Change of use from retail shop to estate agents and office (A2)

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:

5.2 London Plan 2011

Policies	6.3	Assessing effects of development on transport capacity
	6.13	Parking
	7.1	Building London's neighbourhoods and communities

5.3 Adopted Core Strategy (2010)

Policies:	SP06	Maximise investment and job creation
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

5.4 Managing Development Document (MDD) (April 2013)

Policies	DM15	Local job creation and investment
	DM25	Amenity
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and the public realm

5.5 Supplementary Planning Guidance/Documents

Driffield Road Conservation Area Appraisal

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.

6.2 The following were consulted regarding the application:

London Borough of Tower Hamlets - Transportation & Highways

6.3 *The proposed change will be creation of a 4 sq. m room, from A2 to Sui Generis (mini cab call centre). The applicant has stated that the change of use is solely to accommodate a call centre. Taxis will be positioned remotely and receive jobs via PDA/smartphone from the controller. Although the 4 sq. m use area suggests that customer waiting facilities are not provided, cumulative vehicular traffic and parking on Roman Road and Driffield Road will inevitably be increased as a result of this business regardless of the notion of a remote call centre.*

6.4 *This is primarily related to mini cabs waiting outside cab offices in order to return fares, pick up waiting customers or to return to the office during quiet operational periods. Highways require operational conditions to be secured in order to ensure that vehicles do not wait outside of the unit/complex, no waiting facilities for drivers or customers are provided, no*

customer/fare collection occurs from the premises and no advertising or flashing lights are to be provided. Moreover, the adjacent road (Driffield Road) has high parking occupancy overnight 104% and 78% during the day; therefore Highways have concerns over public and residential amenity around the site. Subject to appropriate conditions being secured, Highways have no objections in principle to the proposal. Informative: Highways will object to the installation of any advertisement (including trade branding and phone number) and/or flashing lights to promote a minicab service.

- 6.5 **Officer Comment:** As requested by the Highways Officer, appropriately worded conditions will be imposed on any decision notice, to ensure highways safety within the vicinity is maintained.

7. LOCAL REPRESENTATION

- 7.1 A total of 14 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: 4 Objecting: 4 Supporting: 0
No of petitions received: 1 objecting containing 121 signatories

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

- 7.2 • Noise and pollution from mini-cab drivers waiting outside the application site

Officer's Comments Amenity related matters are discussed in detail in section 8 of this Report.

- 7.4 • Increase in foot traffic

- 7.5 • Increase fumes will erode the façade of the buildings

Officer's Comments Amenity related matters are discussed in detail in section 8 of this Report.

- 7.6 • Parking problems associated with the mini-cab use

- 7.7 • Increase traffic will result in accidents

Officer's Comments Highways related matters are discussed in detail in section 8 of this Report.

- 7.8 • Mini cab offices already operate within 100 yards of the application site.

Officers Comments The issue of competition is not a material planning consideration as such it does not form part of the decision making process.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Land Use
 2. Amenity
 3. Highways
 4. Human Rights Considerations
 5. Equality Act

Land Use:

- 8.2 The proposal is for the change of use of a ground floor measuring 4sq meters from estate agent (Use Class A2) to a mini cab control room (Use Class Sui Generis).
- 8.3 The application site is located within designated town centre; Roman Road East District Centre. Policy SP01 of the Core Strategy (2010), states that district centres should contain a wide range of shops and services to meet the needs of the local community. Policy DM1 of the Managing Development Document (2013) supports a diverse mix of town centre uses in District centres.
- 8.4 Policy SP06 of the Core Strategy (2010) seeks to achieve an increase in provision of employment space for small and medium businesses to support the Borough's economy. Supporting a sustainable economy is also one of the pillars of the National Planning Policy Framework which specifies that local authorities should not place unreasonable burdens on operation of businesses.
- 8.5 The proposed change of use to a mini-cab call centre would result in the partial loss of the existing A2 use, which is currently being operated as a letting agent. A2 uses are considered to be an appropriate town centre use pursuant to policy DM1 of the MDD. However, the proposed new sui generis use, a mini cab call centre, is also considered to be an acceptable town centre use, given that the proposed activities of a call centre would be similar to an office type (A2/B1) use, the change of use is considered acceptable and compatible with the area and its general commercial usage.
- 8.6 The restricted use would not result in any reduction of a retail floorspace and therefore will not undermine the Roman Road East District Centre.
- 8.7 As such, it is considered that the mini cab call centre use is acceptable as it does not undermine the role of the town centre and its viability and vitality in line with policy SP06 of the Core Strategy (2010).

Amenity

- 8.8 Part 4 b of policy SP10 of the CS and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by noise.
- 8.9 The applicant has applied for the mini-cab control office to operate from 9:00am to 7:00pm Monday to Saturday and closed on Sunday. Residential properties are located to the north and south of the application site.
- 8.10 The application proposes the use of 4sq metres of the floor space as a mini-cab control office only, with no facilities provided on site for drivers waiting for fares or between shifts or as a pick up point for customers. A condition restricting any form of advertisement will also be imposed to ensure that the premise is not advertised and is used as a call centre only with no access to the public.
- 8.11 Given the minicab office proposes to operate as a remote office only with no vehicles coming to the office at any time, it is considered that subject to the imposition of suitable conditions, the proposed use of part of the premises as a mini cab control office will not result in the loss of amenity to surrounding residential occupiers or impact upon the local highway network. The proposal is considered to accord with policy SP10 of the Core Strategy 2010 and policy DM25 of the Managing Development Document (April 2013).

Transport & Highways

- 8.12 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.13 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.14 Council's Highways Officers have advised that the mini-cab centre should have the following restrictions imposed to prevent potential for cabs being drawn to the site and congesting the highway:
- No waiting facilities for drivers or customers are provided, no customer/fare collection
 - No advertising of services on site, this covers no telephone number/address and no flashing light
- 8.15 The area suffers from heavy car parking stress, however subject to the application of suitable conditions restricting the use to that of an operating centre only, it is not considered that there will be any adverse impact on the surrounding highway network.
- 8.16 The mini-cab control office would complement the borough's public transport provision. It is not foreseen that there will be any impact on the traffic flow as the mini cab will operate as a control centre only with no cars parking, dropping or picking up customers from the site. It is considered that if the use of the mini-cab call centre is controlled in order to ensure it operates as a control base with no pick up at the site it would be in accordance with Policy DM25 of the Managing Development Document (April 2013).
- 8.17 Therefore, the use of the mini-cab call centre would not result in any impacts on the safety and efficiency of the highway network and it is therefore considered acceptable in terms of policy SP09 of the Core Strategy which seeks to ensure highway safety and efficiency.

Human Rights Considerations

- 8.18 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.19 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- o Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - o Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 8.20 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.21 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.22 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.23 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.24 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions.

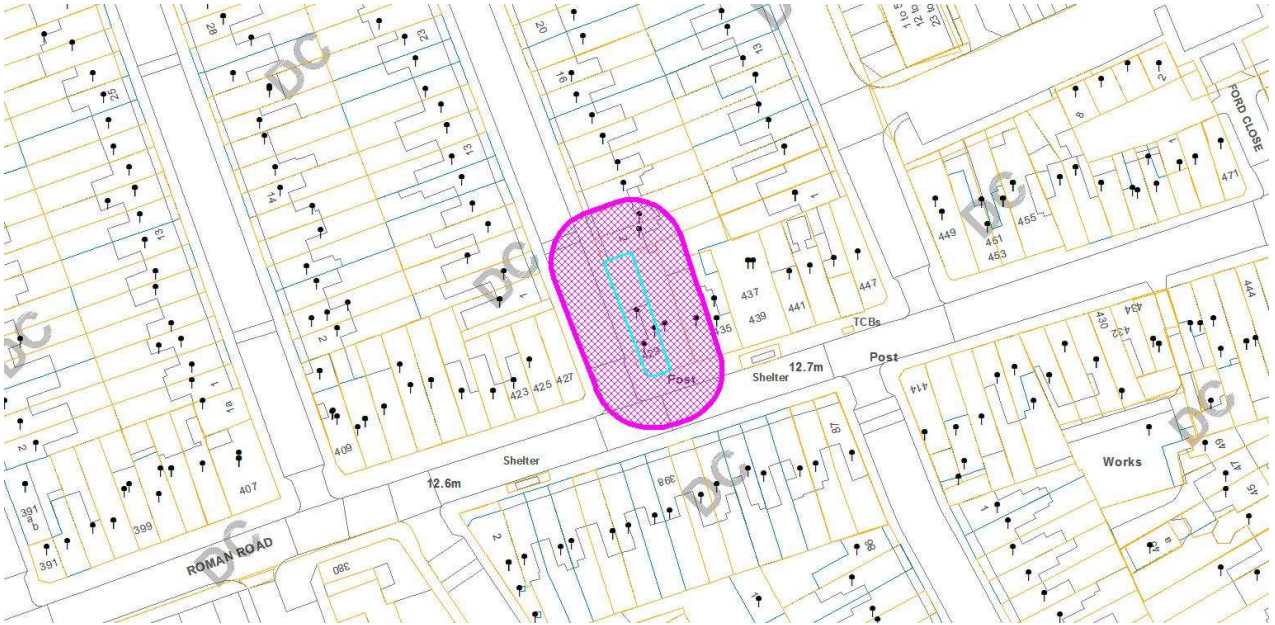
Equality Act consideration

- 8.25 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.26 In this instance there are no specific equalities that have been identified.

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.

Consultation Map – 429B Roman Road



Agenda Item 7.3

Committee: Development	Date: 12 September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Mary O'Shaughnessy	Ref No: PA/13/01647 (Variation of Condition)
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB

Existing Use: Light industrial (B Class Uses)

Proposal: Variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, reference PA/13/00116 for the "*Change of use of existing light industrial units (Use Class B1) (numbers 24, 26, 28, 30 and 32) to a secondary school (Use Class D1) offering vocational courses for 14-19 year olds.*"

1. Variation of Condition 5 (Student Numbers) to limit the maximum number of students on site to 490.
2. Variation of Condition 6 (Hours of Operation) staggering the arrival time of staff and students as follows:
 - Teachers and staff - 07:00 - 23:00
 - 14 - 16 year old students - 09:30 - 15:00
 - 16 - 19 year old students - 10:00 - 15:30
 - Social enterprise units - 10:00 - 18:00

Drawing and documents: Drawings:
099 REV0 (Location Plan)
Documents:

- Planning and Impact Statement, prepared by TP Bennett, dated July 2013.
- City Gateway 14-19 Provision School Management Plan, prepared by City Gateway, dated 7 July 2013.
- Transport Assessment, Document Reference: JNY7860-01A prepared by RPS, dated 16 January 2013.
- Framework School Travel Plan, Document

Reference: JNY7860-02A, prepared by RPS,
dated 16 January 2013.

Applicant:	City Gateway
Ownership:	City Gateway
Historic Building:	None
Conservation Area:	None

2. Executive Summary

- 2.1. Officers have 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), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:
- 2.2. The introduction of staggered arrivals and departures for students controlled by condition 6 ensures that the development would not have an unduly detrimental effect on the capacity of the public transport network within the vicinity of the site. Furthermore, in light of this, condition 5 can also be varied to allow a maximum of 490 students on site at any one time.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT the variation of the conditions as set out in the description of development.
- 3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.3. **Conditions**

Compliance:

1. Time Limit for implementation 3 years from 10 July 2013 (date of original consent).
2. Compliance with plans
3. Compliance with Construction Management Plan
4. Compliance with School Management Plan
5. Maximum number of Students 490
6. Compliance with hours of operation

Prior to Commencement

7. Contamination

Prior to Occupation:

8. Travel Plan including details of management of short stay car parking spaces.
9. Delivery and Servicing Plan
10. Flood Evacuation Plan

11. Energy
12. Post completion testing to demonstrate best endeavours to comply with Building Bulleting 98 with regard to noise.

3.4. **Informatives**

- Consultation with School Travel Plan Officer

4. PROPOSAL AND LOCATION DETAILS

Proposal and Background

- 4.1. Planning permission for the change of use of the existing industrial units to a secondary school was granted on the 10th of July 2013. At the Development Committee on the 15 May 2013 members resolved to grant planning permission subject to a number of conditions. The applicant is now seeking to vary two of these conditions.
- 4.2. Given, the applicant is seeking to vary two conditions which were specifically subject to the Members resolution to grant, this matter is being reported back to the Development Committee for decision.
- 4.3. The proposal is for the variation of condition 5 which currently restricts the maximum number of students on site at any one time to 150 and restricts the maximum number of students enrolled to 280. The varied condition would allow a total of 490 students to be on site at any one time and would not restrict the number of students enrolled.
- 4.4. The proposals also seeks the variation of condition 6 which currently restricts the hours of operation of the school as follows:
 - Teachers and Staff – 07:00 – 23:00
 - Students – 09:00 – 23:00
 - Social Enterprise Units – 10:00 – 18:00.
- 4.5. The varied condition would have staggered arrivals and departures and would restrict the hours of operation as follows:
 - Teachers and Staff – 07:00 – 23:00 (would remain as existing)
 - 14-16 year old students – 09:30 – 15:00
 - 16-19 year old students – 10:00 – 15:30
 - Social Enterprise Units – 10:00 – 18:00 (would remain as existing).
- 4.6. The School would be managed and run by City Gateway who are a charity based in Tower Hamlets who run women's projects, youth training, youth centres and a social enterprise hub. Their aim is to assist disadvantaged local communities of Tower Hamlets that haven't benefited from the area's wider economic development. The proposed education centre would assist young people who haven't achieved in mainstream education to enjoy learning, and gain vocational qualifications with the aim to move onto employment or further education.
- 4.7. City Gateway gained 'Free School' status in early 2012 from the Department for Education (DfE). They opened a Free School in September 2012 and currently are based at Ensign Court, Ensign Street and Limehouse Youth Centre, Limehouse Causeway. They currently have a capacity for 266 places and provide vocational training for 14 – 19 year olds. The intention is to move the Free School to the site and begin operations in early September.

Site and Surroundings

- 4.8. Clipper House and Mastmaker Quay, is a light industrial complex located on the western side of Mastmaker Road. There are currently eight units of different sizes within the complex. The units are two storeys in height and are planned around an open courtyard with car parking spaces around the site. Two of the units are in active commercial use by small businesses: Unit 34 is occupied by Party Ingredients who are Private Caterers and WF Senate are Electrical Supplies Distributers who occupy unit 22.
- 4.9. There is currently a boxing gym (with a ring) and church operating at Unit 28. However, there is no evidence on the statutory planning register that planning permission was ever granted for these uses. It would appear that the use of the unit as a boxing gym and church is unauthorised and this is further discussed within the planning history section of this report.
- 4.10. The site is neither listed nor located within a conservation area. There are no designated heritage assets within the immediate vicinity of the site.
- 4.11. The site forms part of the Millennium Quarter site allocation within the Managing Development Document (MDD) which sets out the vision for the development of the area.
- 4.12. Clipper House and Mastmaker Court, is one of the last remaining light industrial uses within the site allocation boundary. This marks the transition that has occurred from a mainly industrial area to a more residential area. Directly to the north of the site is Phoenix Heights which is a residential development with commercial uses at ground floor level. To the east of the site is the old Guardian Press Office site. All of the buildings have been demolished and the site is currently surrounded by a hoarding. The site is subject to pre-application discussions. To the south of the site is Gainsborough House which is a residential development. To the west of the site is a row of terraced houses which front Alpha Road. Numbers 9 – 41 Alpha Road have rear gardens which face onto the application site.

Relevant Planning History

- 4.13. **PA/13/00116** – The LPA granted planning permission on the 10 July 2013 for the “Change of use of existing light industrial units (Use Class B1) (numbers 24, 26, 28, 30 and 32) to a secondary school (Use Class D1) offering vocational courses for 14-19 year olds.”
- 4.14. **PA/97/00651** – The LPA granted planning permission on the 14 August 1997 for Unit 26 for the “Change of use from B1/B8 to car servicing and valeting.”
- 4.15. **ENF/13/00077** – The planning enforcement team are investigating the unauthorised use of unit 28 as a boxing gym (with a ring) and church.

5. POLICY FRAMEWORK

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

- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
Policy Statement – planning for schools development (August 2011)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**
3.18 Educational Facilities
6.1 Strategic approach
6.3 Assessing effects of development on transport capacity
6.7 Better streets and surface transport
6.9 Cycling
6.10 Walking
6.12 Road network capacity
6.13 Parking
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
DM20 Supporting a Sustainable transport network
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
- 5.7. **Tower Hamlets Community Plan**
The following Community Plan objectives relate to the application:
- A Great Place to Live
 - A Prosperous Community
 - A Safe and Supportive Community
 - A Healthy Community

6. CONSULTATION RESPONSE

- 6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2. The following were consulted regarding the application:
- Transport for London (TfL)**
- 6.3. Extensive discussion between the council planning officer, school operator and TfL took place post the granting of the original consent concerning minimising impact to the transport network while enabling the school to function and operate efficiently.
- 6.4. The revised proposal (varying condition 6 – hours of operation) suggested that the school opening hours would be amended as follow, as stated in the application form: Teacher & Staff: 0700-2300hrs, Pre 16 pupils: 0930-1500hrs, 16-19 yrs old: 1000-1530hrs, and social enterprise: 1000-1800hrs.

- 6.5. This is considered acceptable by TfL as students will be generally arriving outside the AM peaks and departing in a staggered manner during the PM; this helps relieve capacity impact to the bus network.
- 6.6. Having regarded the proposed change of operational hour, TfL considers that the suggested revised cap on maximum number of students (varying condition 5 – student number) by the applicant would be acceptable.
- 6.7. To ensure impact to the public transport network would be kept to a minimum; TfL considers that the school management plan be strictly enforced and be secured by condition; the travel plan would also need to be revised to reflect the new proposed arrangement and enrolled into the STAR accreditation scheme.
- 6.8. TfL request the following informative be attached: *“TfL should be consulted on any further changes to the operational hour, number of students on site and changes to the school management plan in future; and may therefore seek an contribution toward public transport service enhancement if deemed necessary in light of change in circumstances in future.”*
- 6.9. Subject to the above are being met, TfL has no objection to the proposal.
- 6.10. **[Officer Comment:** Conditions and informatives would be attached to any permission granted as requested.]

LBTH Transportation and Highways

- 6.11. These conditions were attached to the parent application in response to TfL concerns over the development’s impact on local bus capacity. TfL have responded to the proposed variation to conditions 5 and 6 and are satisfied they can be discharged subject to the school management plan being strictly enforced and secured by condition and a revised travel plan that reflects the new proposed arrangements. The Borough Highway Officer support TfL’s views and has no further comments.
- 6.12. **[Officer Comment:** With regard to who requested the conditions, it is noted that in the first instance a condition restricting the maximum number of students on site was requested by TfL. At the committee meeting Members amended this condition to lower the maximum number of students allowed on site. Should planning permission be attached the conditions as requested would be attached.]

7. LOCAL REPRESENTATION

- 7.1. A total of 218 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. No representations have been received from neighbours and local groups in response to notification and publicity of the application.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. Section 73 of the Planning Act allows the variation or removal of a condition imposed on a planning permission. This application seeks to vary condition 5 and 6 of the consented permission.

- 8.2. The development which this application under s.73 seeks to amend has been judged acceptable in principle when it was considered at the 15 May 2013 Development Committee where Members resolved to grant subject to conditions. Government advice states that when assessing these types of applications, that local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.
- 8.3. Since the grant of planning permission in July 2013 there have been no changes in national or local policies. As such, this report focuses on the changes sought. However, at appendix 1 there is a copy of the planning report and update report presented to members on the 15 May 2013 to inform members.
- 8.4. The main planning issues raised by the application that the committee must consider are:
- § Highways
 - § Amenity

Highways

Policy Context:

- 8.5. Policy SP07 of the CS states that secondary schools should be located in highly accessible locations and integrated into secondary and main movement routes. Also relevant is policy SP09 of the CS and DM20 of the MDD which seek to ensure that new development has no adverse impacts upon the safety and capacity of the road network by ensuring new development is appropriately located depending on its type and scale with developments generating a higher number of trips to be located in town centres and/or other areas well served by public transport.
- 8.6. The site is accessible by public transport with bus stops located a short walk away on Marsh Wall. The bus stops on Marsh Wall are approximately a two to three minute walk from the proposed school site (approximately 190 metres). There is also a bus stop at Westferry Road (Byng Street stop) to the west of the site which is approximately 400 metres from the site (four to five minute walk). The area has a Public Transport Accessibility Level (PTAL) of 3 which indicates 'moderate' level of accessibility.

Local Area and Site:

- 8.7. There are a total of five bus routes operating within 400 metres of the site. The service from Stratford to Asda (Crossharbour) stops at the Marsh Wall bus stops. The D3 (London Chest Hospital to Asda (Crossharbour)), D7 (Poplar to Mile End Station), 135 (Moorefield's Eye Hospital to Asda (Crossharbour)), and N550 (Trafalgar Square to Canning Town Station) services stop at Westferry Road (Byng Street Stop). These services provide links to Canary Wharf, Poplar, Bow, Stratford, Shoreditch, Liverpool Street and Limehouse.
- 8.8. South Quay DLR station is located within a four to five minute walk of the proposed school site (approximately 380 metres). Finally the centre of Canary Wharf, including the Jubilee Line station is approximately a six to seven minute walk from the proposed school site (circa 550 metres).

8.9. Mastmaker Road routes traffic north to south. It is a single carriageway road and is street lit along its length with footways on either side of the carriageway up to four metres in width. Mastmaker Road provides access to various business units and residential units and is subject to a 30 mile per hour speed restriction.

8.10. The site has existing vehicular access from Mastmaker Road and the main pedestrian entrance to the school would be from Mastmaker Road.

Assessment:

8.11. The application is for the variation of condition 6 (hours of operation) to allow a staggered arrival and departure time for students to alleviate the impact of the development on the public transport network specifically the bus network. The applicant also seeks to vary condition 5 (number of students) to restrict the number of student on site at any one time to 490.

8.12. During the course of the previous application, TfL had raised concerns about the impact of the number of students would have on the transport network. As a result they suggested a condition restricting the maximum number of students on site at any one time to 302 and a condition restricting students from arriving at the school before nine.

8.13. At the Development Committee meeting on the 12 May 2013, members resolved to grant planning permission subject to a condition restricting the maximum number of pupils enrolled to 280 and the maximum number of students on site at one time to 150. This was to address concerns regarding impacts of the school on the local transport network. The planning permission was issued with this condition attached.

8.14. It is noted that concerns were also raised in relation to anti-social behaviour however these related to the hours of operation of the social enterprise units and this was resolved by restricting the hours of operation of these units to between 10:00 – 18:00. This application does not proposed any change to this part of the condition.

8.15. The applicant has advised that condition 5 which restricted the number of students prevents the school from opening. They currently have space for 280 students at their current sites and the purpose of the previous application was to seek permission for a change of use to allow the school to relocate to one larger premise's where they could have capacity for up to 490 students.

8.16. In order to resolve this matter the applicant met with TfL and Council Planning Officers. At this meeting it was established that the key issue was the impact of students arrivals and departures on the public transport network specifically buses which are at capacity in the area.

8.17. As a result the applicant is seeking to vary condition 6 (hours of operation) to stager pupil's arrival and departure times as follows: 14-16 year old students – 09:30 – 15:00 and 16-19 year old students – 10:00 – 15:30. This would mean that students would not be using public transport during the am and pm peaks. TfL support the amended condition.

8.18. Moving to condition 5, given students would be travelling outside of the am and pm peak, the maximum number of students on site can be raised to 490. TfL support the amended condition.

8.19. It is noted that a School Travel Plan was secured by condition for the previous development via condition. The purpose of a School Travel Plan is to encourage

sustainable means of transport for staff, students and visitors. This condition would be attached again in line with TfL comments.

- 8.20. The applicant has also submitted an updated School Management Plan to reflect the staggered arrival and start time approach. The revised School Management Plan would be approved as part of this application and compliance with the School Management Plan would also be secured via condition in line with the consented scheme.
- 8.21. In conclusion, by staggering the arrival and departure time of students the pressure on the local bus service during the am and pm peak is alleviated. In turn, this means that the number of students on site at any one time can be raised to 490. It is considered that the variation of condition 5 and 6 should be allowed given there would not be an unduly detrimental impact on the safety and capacity of the surrounding highway network and public transport network.

Amenity

- 8.22. Strategic policy SP10 of the CS and policy DM24 of the MDD seek to protect the amenity of residents of the borough. With regard to the variation of condition 6 (hours of operation) the varied hours would not have an unduly detrimental impact on the amenity of adjacent residents given they are more restrictive than the consented hours.

Conditions

- 8.23. In line with paragraph 3.3 of this report it is proposed to retain the conditions (aside from those varied by this application) which were part of the original decision notice.
- 8.24. It is noted that the applicant is seeking to discharge condition 10 (flood evacuation plan) attached to the parent permission. This application was received on the 8 August 2013 and is currently being assessed by officers. Should this condition be discharged ahead of the decision for this application being issued it would be possible to approve the documents and revert condition 10 to a compliance condition. This would mean the applicant would not need to discharge the details associated with condition 10 again.

Human Rights

- 8.25. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.26. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.27. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.28. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.29. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.30. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.31. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.32. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

Equalities

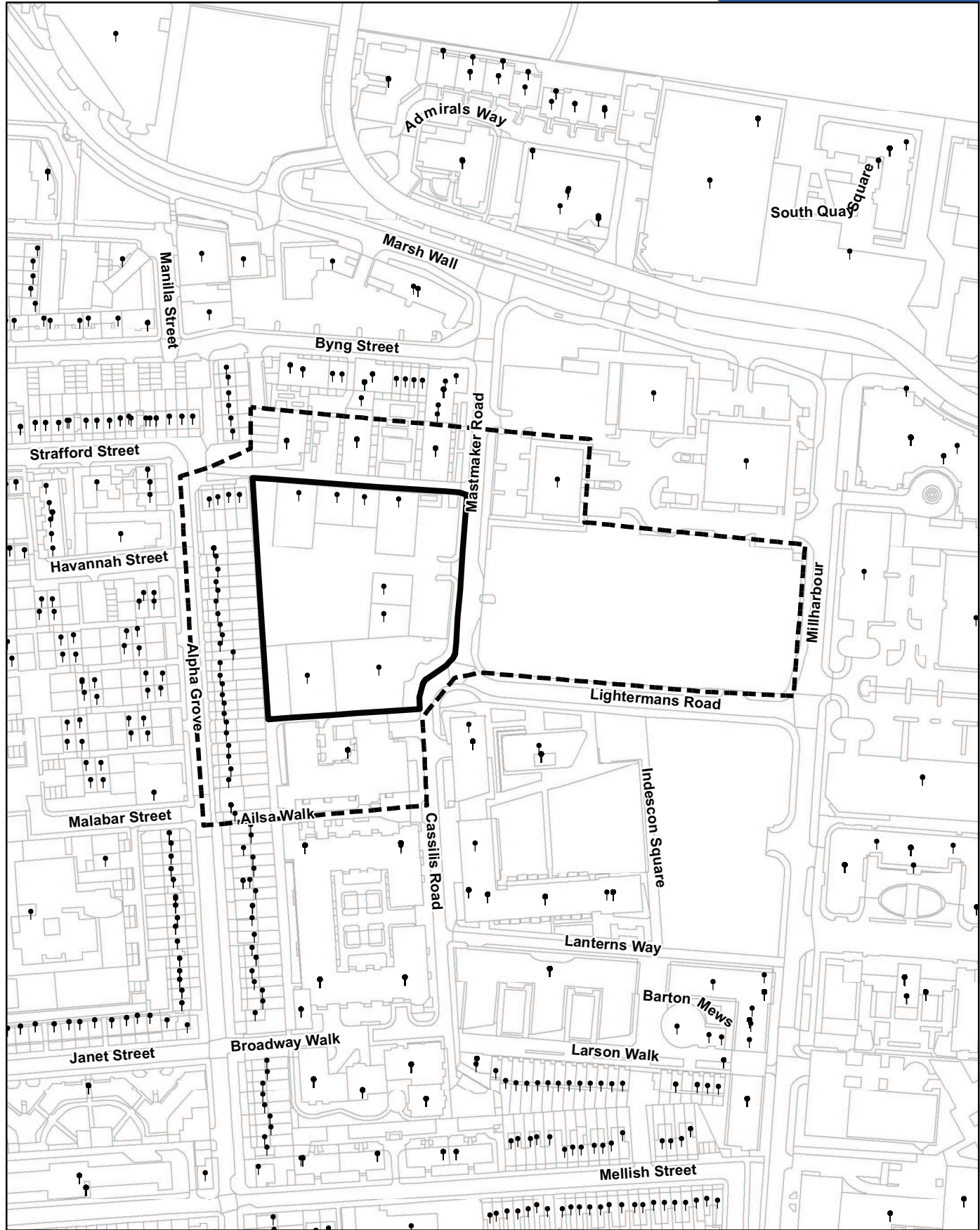
- 8.33. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation 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.
- 8.34. 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.

- 8.35. The proposal is for a non-denominational mixed sex secondary school which will improve the choice of schools and number of secondary school places within the borough, as such it is considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief will be positive.
- 8.36. The proposed works associated with the change of use include creating accessible entrances to the buildings which would make the buildings more accessible at ground floor level which would improve access for persons with a disability. However, it is noted that persons with a disability requiring use of a wheelchair would only be able to access the ground floor level of the school. However, given that they can receive a full teaching experience or visitors can access all the key activities it is considered that this would not result in inequality.
- 8.37. With regard to age, gender reassignment, pregnancy and maternity, and sexual orientation there are no identified equality considerations.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. The variation of condition application should be supported for the reasons set out in RECOMMENDATION section of this report.

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

0 20 m



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

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Agenda Item 7.4

Committee: Development	Date: 12 th September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adrian Walker	Ref No: PA/13/01607
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	85 - 87 New Road, London, E1 1HH
Existing Use:	85 New Road – Shop (Use Class A1) 87 New Road – Restaurant (Use Class A3)
Proposal:	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.
Drawing Nos/Documents:	01, 02, 03, 04, 05, 06, 07, Survey of businesses on New Road, Planning Statement, Design and Access Statement
Applicant:	Needoo Grill
Ownership:	Mushtaq Ali Naveed Khan Khalid Bashir
Historic Building:	NA
Conservation Area:	Myrdle Street

2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposal leads to an over-concentration of restaurant uses (Use Class A3) in the vicinity of the application site. Surveys have been carried out by both the applicant and the planning officer. The decision on this case must be carefully balanced as there is no clear policy guidance on what defines an 'overconcentration' of a specific use in this area. The applicant and the planning officer chose different parameters for their surveys. It is clear from the results it is possible to get very different conclusions depending on the parameters chosen. The applicant's survey shows that only 11% of the commercial units are in restaurant (Use Class A3) use. The planning officer's survey shows that 33% of the commercial units are in restaurant (Use Class A3) use.
- 2.2 The Authority is concerned about the proliferation of restaurant uses along New Road, and the adverse impact that this proliferation could have on the amenity of the residential occupiers of the areas - in terms of potential for increased noise and disturbance from patrons coming and going. There is also concern that a mix of uses should be retained in the area. The results of the planning officer's survey shows that the number of restaurants (Use Class A3) and takeaways (Use Class A5) is at a high level and the introduction of any more units of this nature would lead to an over-concentration in the area.
- 2.3 The proposed restaurant would therefore be contrary to policy which seeks to promote a vibrant mix of uses in the designated Activity Areas and prevent adverse

impacts on residential occupiers of the area in terms of increased noise & disturbance.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** planning permission for the reason below;
- 3.2 The proposed restaurant would add to the proliferation this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants. The proposal is therefore contrary to the objectives of policies SP01(2ci); of the adopted Core Strategy (2010) and policy DM1(4a) of the adopted Managing Development (2013).

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal seeks to change the use of the existing shop (Use Class A1) at 85 New Road to a restaurant (Use Class A3). The unit would be used in conjunction with the existing restaurant at 87 New Road, which trades under the name Needoo. The restaurant would make use of the existing kitchen in 87 New Road, with unit 85 being used to provide an additional 'family area' a 'conference / business meeting area' and a lounge/waiting area.
- 4.2 The proposal involves the erection of a rear extension, and the creation of a new mezzanine floor level. The proposal would involve the loss of circa 100 square metres of A1 floorspace (including storage areas), and the provision of a total (including the change of use and new build elements) of circa 121 square metres of restaurant floorspace (including a storage area).
- 4.3 The main land use issues relate to
1. The loss of the retail unit, and
 2. The provision of new restaurant floorspace.

Site and Surroundings

- 4.4 The application site comprises the ground floor and basement of a three-storey terraced building.
- 4.5 The site is located on New Road. New Road has a mixed use character, where commercial uses predominate on the ground floor, with residential uses typically located above. To the South the Road becomes more residential. New Road is a relatively busy route linking Whitechapel High Street to Commercial Road. On the opposite side of the road from the site there are the larger buildings associated with the Royal London Hospital.
- 4.6 There are residential properties to the rear along Romford Road.
- 4.7 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site is outside the Town Centre boundary of the

Whitechapel District Centre. The boundary of this centre lies approximately 50m to the north, past Stepney Way/Fieldgate Street.

4.8 The site is located within the Myrdle Street Conservation Area.

4.9 The site is not Listed.

Planning History

4.10 85 and 87 New Road

- **PA/13/00823** Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road (No new cooking and extraction facilities required now or in the future).
- **Refused** 11/06/2013

Reason:

The proposed restaurant would add to the proliferation of this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants.

This application has been resubmitted with additional information to be considered in an attempt to overcome the reason for refusal.

- **PA/13/01566** – 87 New Road – Variation of Condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day. Pending decision
- **PA/09/02482** – 87 New Road – Demolition of raised parapet wall around roof of rear extension at upper ground floor level and reconstruction in brick to match with the existing building (Revised proposal following refusal). **Permitted** 29/01/2010
- **PA/09/01266** – 87 New Road – Retrospective consent for the retention of a 1100mm extension to the parapet on the existing rear extension. **Refused** 09/10/2009
- **PA/08/02662** – 87 New Road – Change of use of ground and lower ground floors from retail (Use Class A1) to café/restaurant (Use Class A3), operating hours from 10am to 10pm Monday to Sunday, including bank holidays, and alterations to shop front. **Permitted** 06/02/2009

Enforcement

4.11 **ENF/13/00161** – 87 New Road London E1 1HH - Trading outside of conditioned hours and carrying out works without planning permission. On-going investigation awaiting outcome of planning application PA/13/01566

Neighbouring Sites

4.12 Café Blanco, 83 New Road London E1 1HH- PA/12/00605

Planning permission was **refused** on 23/11/2012 for the change of use from retail (A1) to mixed use coffee shop and restaurant (A1/A3) with no primary hot food cooking facilities and no associated extract flue system

Reasons:

- Adverse impact on the amenity of residents
- Proliferation of such uses outside of a designated Town Centre
- Over-concentration of such uses in the area

4.13 Café Blanco, 83 New Road London E1 1HH- PA/10/01878

Planning permission was **refused** on 23/12/2010 for the change of use from retail (A1) to restaurant (A3) with ancillary hot food takeaway.

Reasons:

- Over concentration of similar uses within the local area,
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents.
- Insufficient information to determine if the proposed duct riser and flue were acceptable in design terms and in regards to noise disturbance.
- Inadequate provision for the storage and collection of waste refuse and recyclables

4.14 93 New Road London E1 1HH -PA/10/02692

Planning permission was **refused** on 08/08/2011 for the change of use from retail (A1) to a restaurant (A3), together with extract duct and flue.

Reasons:

- Over concentration of similar uses within the local area
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents. .
- The proposed kitchen extract duct riser would neither preserve nor enhance the character and appearance of the Myrdle Street Conservation Area
- Insufficient information to determine if the proposed duct riser and flue was acceptable in design terms and in regards to noise disturbance.
- Inadequate provision for the storage and collection of waste refuse and recyclables

4.15 89-91 New Road London E1 1HH-PA/10/02327

Planning permission was **refused** on 04/01/2011 for the change of use of ground floor from retail shop (A1) to restaurant (A3) with extract system.

Reasons:

- Over concentration of similar uses within the local area
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents. .
- The proposed kitchen extract duct riser would neither preserve nor enhance the character and appearance of the Myrdle Street Conservation Area
- Insufficient information to determine if the proposed duct riser and flue was acceptable in regards to noise disturbance.

5. POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements:

National Planning Policy Framework 2012

Spatial Development Strategy for Greater London (London Plan):

4.7 - Retail and Town Centre Development

7.15 - Reducing Noise and Enhancing Soundscapes

Core Strategy Development Plan Document 2025 (adopted September 2010):

SP01 - Refocusing on Town Centres

SP03 - Creating Healthy and Liveable Neighbourhoods

SP10 - Creating Distinct and Durable Places

Managing Development Document (Adopted 2013):

DM1 - Development within Town Centre Hierarchy

DM2 - Local shops

DM15 - Local job creation and investment

DM24 - Place Sensitive Design

DM25 - Amenity

Supplementary Planning Guidance:

Myrdle Street Conservation Area Appraisal

6. CONSULTATION RESPONSE

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

- 6.2 The following were consulted regarding the application:

6.3 **LBTH Transportation & Highways**

- Highways have no objection in principle
- The servicing arrangement for this proposal is acceptable
- The developer will be required to provide cycle facilities for staff and visitors based on following criteria. For staff: 1 cycle facility every 20 seats For visitors: 1 cycle facility every 20 seats
- Highways require the developer to provide information about number of cycle facilities they should be providing and proposed location for these facilities
- Further information is needed on the storage of waste and recycling

(Officer's comment: Officers are recommending that the application is refused, however if the application was to be approved a condition could be placed on the permission requiring the provision of cycle parking and waste and recycling to be submitted to and approved by the LPA.)

6.4 **LBTH Waste Policy and Development**

- Further information is needed on the existing waste management arrangement

(Officer's comment: If the application is recommended for approval a condition could be placed on the permission requiring the provision of waste and recycling to be submitted to and approved by the LPA.)

- 6.5 **LBTH Environmental Health Officer** –There has previously been a complaint in regards to noise from the extract fans at 87 New Road which has subsequently been resolved. There has also been complaints regarding the noise and odour from 85-89 Fieldgate Street (Tayyabs) which is still to be addressed. Environmental Health raise no objections to the proposal.

7. LOCAL REPRESENTATION

- 7.1 A total of 31 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	1	Objecting:	1	Supporting:	0
No of petitions received:	1 objecting containing 21 signatories				
	3 supporting containing 114 signatories				

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

- The proposal will result in increased levels of air pollution and litter
- The proposal will result in increased noise disturbance to neighbours
- The proposal will result in an over-concentration of restaurants in the area.
- The proposal will adversely impact upon on-street parking provision and traffic congestion.
- The proposal fails to have any provision for the management of waste

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

- Improved accessibility
- Reducing overcrowding when queuing
- Reducing noise to local residents
- Need for a business /meeting room in the locality

- 7.4 The following issues were raised in representations, but they are not material to the determination of this application:

- The applicant has already started work on the development
- The existing A3 unit at 87 New Road is trading outside the permitted trading times.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The loss of the retail unit
2. The provision of new restaurant floorspace.
3. The suitability of the rear extension

Loss of Retail Unit.

Policy Considerations

8.2 Consideration has been given to a number of policies which guide development involving the loss of A1 retail uses in certain locations. Policy SP01 (2) of the Core Strategy (2010) seeks to ensure the scale and type of uses within town centres are consistent with the town centre hierarchy and SP02 (Part 5) promotes areas outside and at the edge of town centres as places which support and assist in the creation of sustainable communities. Part (a) of Policy SP02(5) promotes mixed use development at the edge of town centres.

8.3 The site is within the THAA, but outside the boundary of the Whitechapel District Centre. Policy DM2 of the Managing Development Document (Adopted 2013) seeks to ensure the existing level of local shop provision is maintained and complements the town centre network. In summary, this Policy also goes on to explain how the loss of A1 will only be supported where there is another shop within 300m walking distance, the shop has been vacant for more than 12 months, and there is no viable prospect of retail use.

8.4 The following issues are relevant:-

- a) 85 New Road is currently vacant.
- b) No evidence has been submitted to demonstrate that the premises have been marketed for retail use at values prevailing in the area.
- c) Evidence has been provided to demonstrate that there are a number of shops in the locality, which the Applicant considers meet local needs.

8.5 It is noted that the site is in close proximity to other retail shops and that shops of the Whitechapel District Centre are only 50 - 100m away.

8.6 On balancedespite the lack of evidence to demonstrate market or vacancy issues it is considered that the loss of the A1 retail unit is acceptable, due to the proximity of the site to the Whitechapel District Centre.

Introduction of A3 use

8.7 Policy SP01.2c of the Core Strategy (2010) seeks to ensure evening and night time economy uses, including restaurants, are not over-concentrated in areas where they will have a detrimental impact on local people.

8.8 Policy DM1 (2) of the Managing Development Document (Adopted 2013) explains that within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Policy DM1 (4) states that 'restaurants, public houses and hot food takeaways (class A3, A4 and A5) will be directed to the CAZ, THAA and town centres, provided that a)

They do not result in an over concentration of such use.

It is noted that part b of this policy, which states that '*In all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit*' is not relevant here as the site is outside of the Town Centre Boundary.

8.9 The key issue here is whether the proposal leads to an over-concentration of restaurant uses in the vicinity.

8.10 There are other restaurants already trading within the vicinity of the site. These include 131 New Road, 119 New Road, 97 New Road, 95 New Road, 93 New Road, 87 New Road (Needoo), and 49-53 (Sahara Grille) New Road. There is also a large restaurant on Fieldgate Street (Tayabbs).

8.11 Previously submitted planning application PA/13/00823 for the change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) was refused on the basis that the change of use would lead to an over-concentration of these types of uses in the area. This application has been resubmitted with additional information to be considered. The additional information submitted would need to show that there is not an overconcentration of such uses in the area.

8.12 The applicant has submitted a survey of the commercial uses currently trading in and off New Road. This survey has looked at the uses of 53 commercial premises along the whole of New Road and some units just off New Road. The result are as follows;

8.13

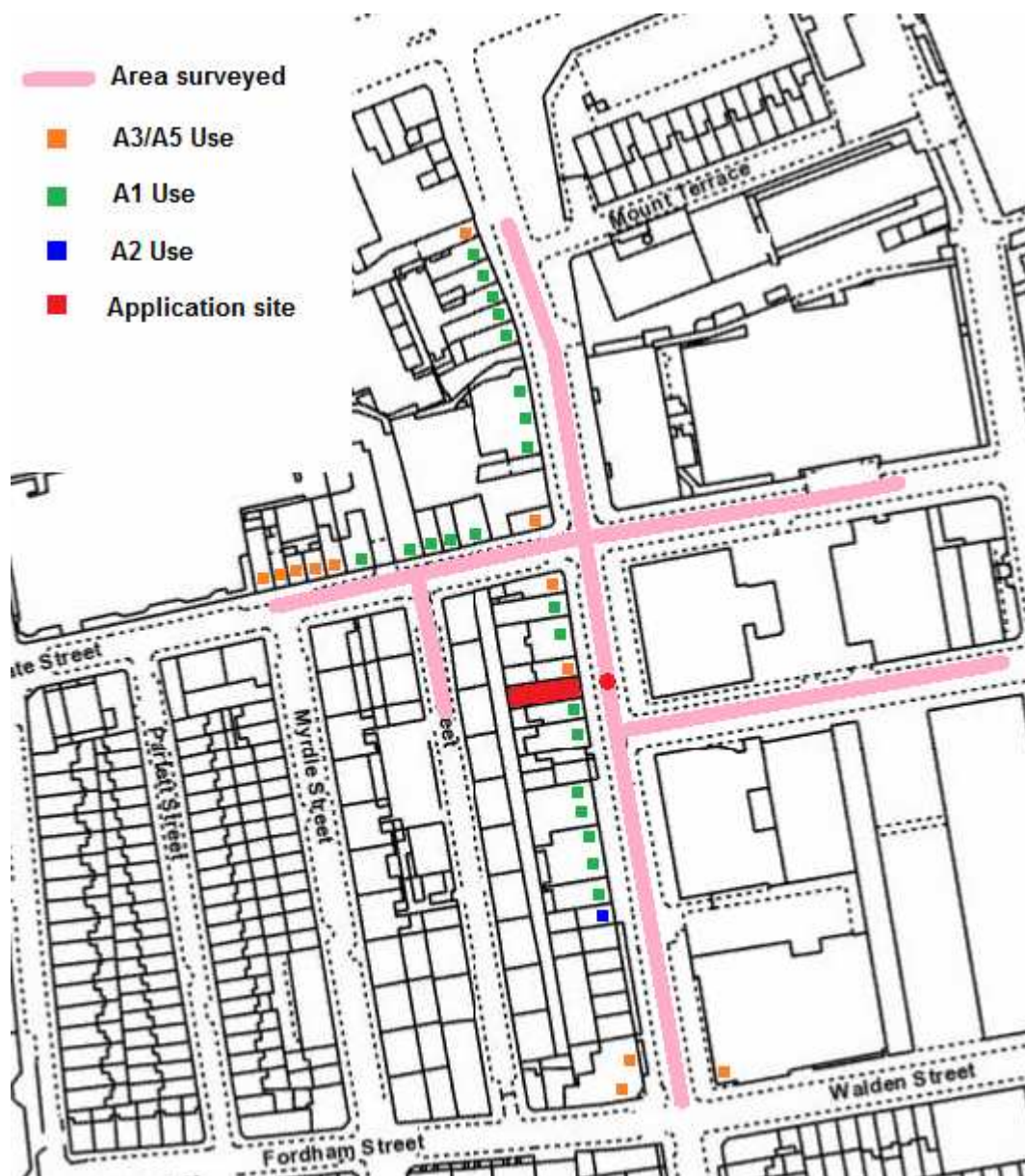
A1 (Retail including sandwich/coffee shops)	35	66%
A2 (Financial and professional)	12	23%
A3 (Restaurants)	6	11%

8.14 The results of the applicant's survey shows that only 11% of the commercial units along the whole of New Road, including some on surrounding roads, are in A3 use.

8.15 However, Officers were concerned that the methodology used by the Applicant excluded the large restaurant on Fieldgate Street (Tayabbs), and included a large number of units further to the South.

8.16 A survey was also undertaken by the case officer. This survey looked at the 36 commercial units within a distance of approximately 100m along the road from the premises as shown on the following plan;

8.17 Plan showing the area surveyed by the Planning Officer



8.18 The results of the officer's survey are as follows;

A1 (Retail including sandwich/coffee shops)	23	64%
A2 (Financial and professional)	1	3%
A3/A5 (Restaurants/Takeaways)	12	33%

8.19 The case officer's survey takes into consideration 36 commercial units within a 100m distance along the road from the application site. The applicant's survey looked at 56 commercial uses along the whole of New Road and a few uses just next to New Road. The difference in results show that there are more A3 units closer to the application site and that there are more A1 and A2 uses further away from the application site along New Road.

- 8.20 It should also be noted that there are 4 café/coffee shops that are trading under use class A1 providing further food based businesses.
- 8.21 It is clear that it is possible to get very different results depending on the parameters of the survey. The results of the planning officer's survey show that there is a higher concentration of A3/A5 uses in closer proximity to the application site compared to the applicant's survey that looked at a wider area.
- 8.22 The Authority is concerned about the proliferation of restaurant uses along New Road, and the adverse impact that this proliferation will have on the amenity of the residential occupiers of the areas - in terms of potential for increased noise and disturbance from patrons coming and going. There is also concern that a mixed balance of uses should be retained in the area.
- 8.23 The application has received 3 petitions with over 100 signatures in support of the application. Whilst this support is noted by the planning officer one letter of objection and one petition has also been received from a number of objectors who are close residents to the premises who have raised concerns about the existing levels of air pollution, litter, and noise disturbance and the increase to this that a new restaurant will create.
- 8.24 The absence of objection from LBTH Environmental Health or history of noise complaints is something that weighs in favour of the scheme. However, the decision on this case must be carefully balanced as there is no clear policy guidance on what defines an 'overconcentration' of a specific use in this area.
- 8.25 The applicant and the planning officer chose different parameters for their surveys. Officers consider that it is more appropriate to look at the concentration of restaurants in the vicinity of the site, rather than assessing New Road as a whole. This is because whilst there are a number of commercial uses interspersed along New Road a significant number are concentrated around this end of New Road due to its proximity to Whitechapel Road and the hospital.
- 8.26 The Officer's survey showed that 33% of the commercial units directly around the application site were currently in A3/A5 use. It is the officer's opinion that this number of A3/A5 is at a high level. For instance, for the purposes of comparison it is noted that this level is higher than the 25% over-concentration threshold set for the Brick Lane District Centre. On balance it is therefore considered that the introduction of any more units of this nature would result in an over-concentration in the area and will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants.
- 8.27 This would be contrary to the objectives of policies SP01(2ci); of the adopted Core Strategy (2010) and policy DM1(4a) of the adopted Managing Development (2013).

Other issues associated with change of use to restaurant.

- 8.28 The proposal does not include any new kitchen extraction systems or ducting as there will be no cooking at 85 New Road. Instead food will be cooked in the existing kitchen at 87 New Road. The applicant has provided information showing that a new kitchen extract system has been installed at 87 New Road to mitigate odour and smoke pollution which is regularly serviced. This is acceptable.
- 8.29 The proposal would make use of the existing servicing arrangements (bay outside

front door) for deliveries etc. This would be acceptable.

- 8.30 Additional bin storage to cater for the increased size of the unit could be secured by condition in the event scheme approved.

Design and Impacts of Proposed Extension

- 8.31 The application also proposes the erection of a single storey rear extension. The extension is appropriate in terms of scale and mass given the existence of other similar extensions to commercial units along this section of New Road. Details of materials would be required by condition in event of approval. The extension would not have any adverse impacts on the amenity of neighbouring properties in terms of loss of daylight, sunlight, and outlook.
- 8.32 It is considered that the proposed development is appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Myrdle Street Conservation Area Conservation Area, in accordance with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (Adopted 2013), and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas and historic buildings.

Highways and Transport

- 8.33 The subject site is located in an area with excellent access to public transport (PTAL 6a). LBTH Highways had no objections to this application. The servicing arrangements for the existing restaurant would continue, and the increase in floor space would not lead to any significant increase in servicing trips.
- 8.34 New Road has very limited on street parking bays and together with the excellent PTAL rating, it is unlikely that there will be a significant increase in vehicular trips from customers to be of concern.

9.0 Other Planning Issues

- 9.1 It should be noted that under Class D of the amended GPDO (2013) development is permitted consisting of a change of use of a building and any land within its curtilage—
- a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,
 - b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule,

for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.

9.2 This provision would allow the use of 85 New Road as a restaurant for a temporary period of two years. After two years the premises would have to revert to use as a shop. If planning permission for the development is refused it would not remove the Applicants right to make use of this provision.

9.3 On 5th June 2013 the applicant provided notice that they intend to make use of these provisions.

10.0 Human Rights Considerations

10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

10.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

10.4 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

10.5 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

10.6 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.8 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is

proportionate and in the public interest.

10.9 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

11.0 Equalities Act Considerations

11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

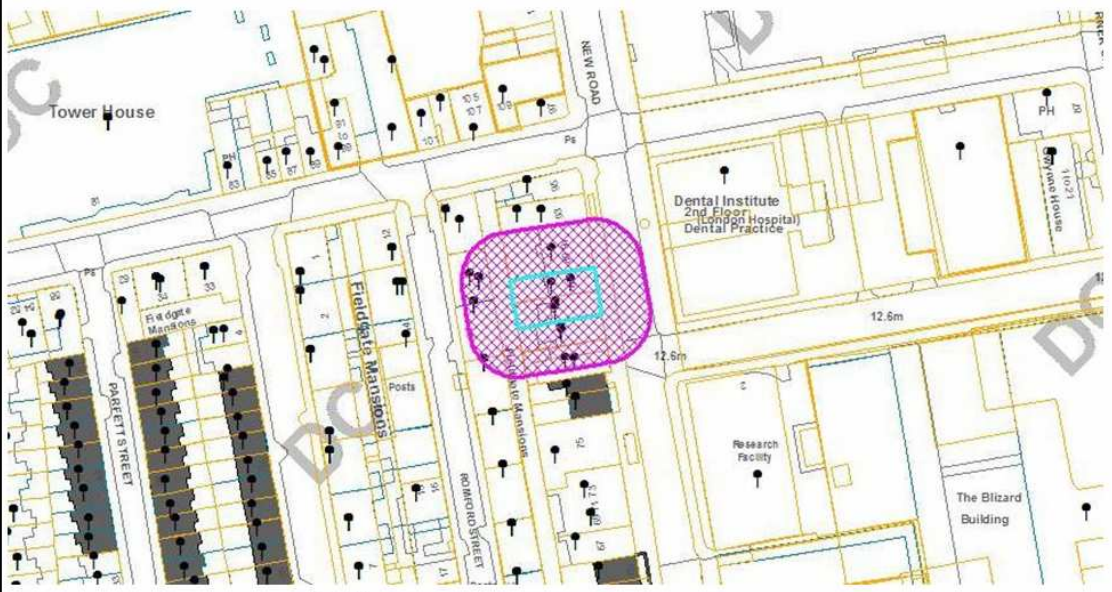
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.0 Conclusions

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED. The details of the decision are set out in the RECOMMENDATION at the beginning of this report.

13.0 Site Map

Planning Application Site Map
 Planning Application Reference: PA/13/01607



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



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 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

Agenda Item 8

Committee: Development	Date: 12 th September 2013.	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal Originating Officer:		Title: Other Planning Matters Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 12 th September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Ref No: PA/11/2306
Case Officer: Beth Eite	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location:	11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE
Existing Use:	Commercial and vacant
Proposal:	Demolition of the existing commercial buildings on site and redevelopment to provide a ground plus part two, part three, part four storey building comprising 5 commercial units at ground for flexible A1/A2/B1 use, 1 commercial unit at ground for flexible A1/A2/A3/B1 use and 19 residential units on upper floors and other works incidental to the application (5 x 1 bed, 11 x 2 bed, 2 x 3 bed and 1 x 4 bed).
Drawing Nos	E100, E109, E110, E111, E130, E131, E132, E150, E151, E152, P209 rev A, P210, P211, P212, P213, P214, P215, P230, P231, P232, P250, P251, P252, P260 and P253.
Documents:	Heritage Statement March 2013, Planning Statement dated April 2013, Design and Access Statement March 2013.
Applicant:	London Borough Of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	Wentworth Street

2. **Executive Summary**

No.'s 15-31 Toynbee Street make a contribution to the overall character of the Wentworth Street conservation area. The demolition of these buildings has therefore been considered against paragraph 133 of the National Planning Policy Framework. The current condition of the buildings prevents all reasonable re-use and the benefits of the replacement scheme are considered against the loss of the existing buildings. The loss of the existing buildings on the site would therefore not result in substantial harm to the heritage asset or surrounding Wentworth Street conservation area.

3. **RECOMMENDATION**

- 3.1 That the Committee resolve to refer the application to the Secretary of State with the recommendation that the council would be minded to grant Conservation Area Consent subject to conditions as set out below.

3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the conservation area consent to secure the following matters:

3.3 Conditions for conservation area consent

1. Time limit
2. Development to be carried out in accordance with the approved drawings
3. Contract in place for re-development of site prior to demolition of buildings.
4. Demolition works to only take place between 10.00am to 4.00pm Monday to Friday and 10.00am to 1.00pm on Saturday and no other time including Sundays or Public Holidays.

3.4 Informatives

1. This Conservation Area Consent should be read in conjunction with planning application PA/11/2305 and the associated legal agreement.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application seeks consent to demolish all of the existing commercial buildings on site and construct a five storey building fronting Commercial Street and a part three, part four, part five storey building fronting Toynbee Street. The building would be constructed from a mixture of patterned and plain brick. This planning application is still under consideration for delegated approval and completion of the s106 legal agreement.

Site and Surroundings

- 4.2 The site can be seen in two distinct parts, 67-69 Commercial Street (including 11 & 13 Toynbee Street at the rear) and 15-31 Toynbee Street. The Commercial Street buildings are single storey at present, the upper floors have been missing for some years and may have been the result of war damage. The ground floor units have two frontages, Commercial Street and Toynbee Street. Both are vacant at the present time.
- 4.3 The site represents a transition between the building heights, the buildings to the north are taller and built on grander proportions than the buildings to the south which are four storeys in height and have narrower plots.
- 4.4 The Toynbee Street properties date from 1929 and were constructed as part of the Holland Estate redevelopment. These are two storey buildings with a pitched roof above. These were commercial properties with storage above, the majority of these are vacant and the buildings are in a state of disrepair.
- 4.5 The site is located within the Wentworth Street conservation area which was designated in 1989.

Relevant planning applications:

4.6 PA/11/2305 - Demolition of the existing buildings on site and redevelopment to provide a ground plus part two, part three, part four storey building comprising 5 commercial units at ground for flexible A1/A2/B1 use, 1 commercial unit at ground for flexible A1/A2/A3/B1 use and 19 residential units on upper floors and other works incidental to the application (5 x 1 bed, 11 x 2 bed, 2 x 3 bed and 1 x 4 bed). 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:

Government Planning Policy Guidance:

National Planning Policy Framework – Chapter 12 Conserving and enhancing the historic environment

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies SP10 Creating distinct and durable places

Managing Development Document (adopted April 2013)

Policies DM24 Place sensitive design
DM27 Heritage and the historic environment

Spatial Development Strategy for Greater London (London Plan 2011)

7.9 Heritage Assets and archaeology

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

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

- 6.2 The following were consulted regarding the application:

English Heritage

- 6.3 Nos. 15-31 Toynbee Street were part of the Holland Estate. The East London Volume of Pevsner’s Buildings of England series notes that ‘The pre-war parts of the Holland Estate, by the LCC 1927-36, fill much of the area between Brune Street, Bell Lane and Wentworth Street, part of a continuing effort to clear the squalid c19 slums of this area. Three four-storey ranges in the LCC’s usual Neo-Georgian around a grassed court facing Bell Street, with a three-storey block, Barnett House in the centre. Behind is a two-storey range of workshops in Toynbee Street’. The workshops are distinctive structures; whilst definitely related architecturally to the main body of the Holland Estate, their small, suburban estate sets them apart. They are currently in poor condition; parts appear to have been empty for some time.
- 6.4 In our view, whilst not a designated heritage asset, nos. 15-31 Toynbee Street make a contribution to the overall significance of the Wentworth Street Conservation Area and therefore constitute a building of significance. The proposal to demolish, involving a total loss of significance, should therefore be fully considered against the test contained in paragraph 133 of the NPPF.

7. LOCAL REPRESENTATION

- 7.1 A total of 179 neighbouring properties within the area shown on the map appended to this report were notified about the planning application and conservation area consent 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: 5 Objecting: 5 Supporting: 0
No petitions received

- 7.2 The majority of the objections received relate to the planning application and issues resulting from the redevelopment of the site. One objection was received relating to the loss of the existing buildings and how this would be detrimental to the street and the conservation area. *(Officer response: The loss of the building has been considered against the criteria set out in paragraph 133 the NPPF and has been found to be acceptable. The replacement building would be of a high quality design and is considered to complement the surrounding streetscene and conservation area.)*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires an application for conservation area consent to be made to demolish any building within a conservation area.
- 8.2 The main planning issues raised by the conservation area consent application that the committee must consider are:
1. Loss of the existing commercial buildings and the impact of the demolition on the character and appearance of the Wentworth Street conservation area.
 2. The quality and suitability of the replacement building.

Loss of the existing buildings

- 8.3 The proposal includes an application for conservation area consent for the demolition of the existing buildings. The acceptability of this should be measured against policy DM27 of the Managing Development Document 2013 and the requirements of the National Planning Policy Framework. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to preserve or enhance areas which are designated as conservation areas.
- 8.4 Within policy DM27 the following criteria are relevant:
- The significance of the asset, architecturally, historically and contextually
 - The condition of the building
 - The likely costs of repair
 - The adequacy of efforts to maintain the building in use
 - The suitability of any replacement building.
- 8.5 No.s 15-31 Toynbee Street contribute significantly to the Wentworth Street conservation area, as their demolition would lead to a total loss of significance the application has been assessed against paragraph 133 of the NPPF. The advice within the NPPF is that a total loss of significance of a heritage asset should be refused unless there is a substantial public benefit which outweighs the harm caused by its loss or:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

- 8.6 A structural statement has been submitted with the application which explains the current state of the building and the likely costs for repair and refurbishment. Whilst the external walls and roof structure are in a reasonable condition the rest of the buildings would need to be replaced. The cost of this refurbishment when measured against the gain which could be achieved within the existing two storey built form would render the scheme unviable
- 8.7 The demolition scheme seeks to regenerate Toynbee Street by increasing footfall along this street and make it more welcoming than it currently is. The scheme includes new employment space and additional residential accommodation bringing significant public benefit to the area in line with adopted policies. The existing buildings are not designated heritage assets (although are recognised as having some significance) and are currently in poor condition with high repair costs. The design of the replacement building is considered acceptable and is supported by the Council's conservation and design team (see photographs below). It would enhance the character and appearance of this part of the Wentworth Street conservation area due to the high quality design, both through the use of materials and architectural design.
- 8.8 It is considered that the Wentworth Street conservation area would not be harmed by this appropriate demolition for the reasons set out above and the proposal is therefore in accordance with the National Planning Policy Framework and policy DM27 of the MDD and therefore the demolition of 67-69 Commercial Street and 11-31 Toynbee Street is acceptable.

Image of site currently:



Proposed replacement building:



Quality of the proposed replacement building

- 8.9 Policy 7.1 of the London Plan states that new development should help reinforce or enhance the character legibility, permeability and accessibility of the neighbourhood. Policy 7.4 provides further detail and requires developments to have regard to the form, function and structure of an area. They should be human in scale, creating a positive relationship with the street level and should have regard to the existing scale proportion and mass.
- 8.10 Policy SP10 of the Core Strategy also provides general design advice for new developments and seeks to ensure that buildings are high-quality, sustainable, accessible, attractive, durable and well-integrated into their surroundings. They should contribute to the enhancement or creation of local distinctiveness.
- 8.11 This is reinforced within the Managing Development Document within policies DM23, DM24 and DM27. DM23 seeks to ensure that development contributes to a high quality public realm, accessible for all and designed to a standard which is suitably safe and secure. Policy DM24 requires high quality design for all developments, this is both internally and externally. Finally, policy DM27 requires all development to protect and enhance the borough's heritage assets, their setting and their significance. In this case the site is a heritage asset by virtue of its location within the Wentworth Street conservation area.
- 8.12 Consideration of the design of the scheme should be split into two parts, the way the development sits within the Commercial Street elevation and how it contributes to the Toynbee Street elevation.

Commercial Street.






- 8.13 The development has taken its cue from the existing buildings with a traditional window arrangement set within a contemporary façade with Juliet balconies. The height of the building would be the same as the property to the north with the proportions of the windows following the tradition pattern of decreasing in size throughout the higher floors of the building. The windows would be set within deep reveals which is also a traditional feature for the buildings along Commercial Street.

- 8.14 Brickwork is proposed as the main construction material. Glazed bricks for the ground floor and a patterned brick for the first to third floor and a plain brick for the set back upper floors. The pattern for the brick has taken inspiration from the silk-weaving traditions which the Spitalfields area has been traditionally associated with.
- 8.15 A modern, aluminium shopfront is proposed on the ground floor. A zone for signage has been detailed within the glazing.
- 8.16 The proposed Commercial Street elevation is considered to represent a contemporary approach with elements of the traditions of the local area and the proportions of the surrounding traditional buildings being brought through. The building would be in keeping with the bulk and scale of its surroundings and would help to reinforce the existing character of the Spitalfields area. It is considered that the development would represent a significant enhancement to the streetscene and the Wentworth Street conservation area.
- 8.17 *Toynbee Street.*
The design of the Commercial Street elevations is continued through to Toynbee Street with a mixture of patterned brickwork and glazed bricks. The floors above the main three storey building would be set back and constructed from plain bricks.
- 8.18 The height and bulk of the building is considered to be in keeping with the general streetscene and would not be out of character. The height of the existing buildings to the top of the ridge line is 8.5m, the proposed building would be predominantly 11.5m in height with elements at the northern end being up to 16.5m in height and at the southern end up to 14.5m in height.
- 8.19 The taller elements at the north and south of the site would be set back and constructed of a plain light grey brick. It is at the northern end where it is highly visible, however these additional storeys would be viewed against the existing five storey buildings at the northern end of Toynbee Street which run through to Commercial Street. Given this context it is considered that this additional height would be acceptable.
- 8.20 The development would provide a distinctive new feature within the streetscene and would enliven Toynbee Street creating activity both through the introduction of residential units and the commercial element. The contemporary design is considered to be appropriate as there are design elements within the scheme which respects the historic nature of the conservation area.
- 8.21 The shopfronts would have a clean modern appearance with glazed bricks and aluminium frames. Fabric canopies would be installed above the shop windows which would ensure signage would be located below this, therefore maintaining a consistent approach and would allow places for pedestrians to shelter in inclement weather. These canopies would be similar to those located around Spitalfields Market and are considered to be an acceptable addition to the scheme.

Conclusions

- 9.0 All other relevant policies and considerations have been taken into account. Conservation Area Consent should be granted (subject to planning permission being granted for the redevelopment of the site under PA/11/2305) for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8.2

Committee: Development	Date: 12 September 2013	Classification: Unrestricted	Agenda Item Number: 8
Report of: Corporate Director of Development and Renewal		Title: Application for Listed Building Consent	
Case Officer: Kamlesh Harris		Ref No: PA/13/01581	
		Ward: Limehouse	

1 APPLICATION DETAILS

- Location:** Poplar Baths, 170 East India Dock Road, London E14 0EH
- Existing Use:** Vacant – former community training centre and public baths
- Proposal:** Alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths and surrounding buildings.
- Drawing Numbers and reports:** 50_N_01 and 50_N_61; 50_O_01B, 50_Y_01B, 50_Y_41B and 50_Y_61B; 150, 151, 152, 153 and 154; 401302735.
Site location plan;
Heritage Statement, June 2013;
Structural repairs report by PEP; and
Structural Engineering Appraisal Report Draft, April 2011
- Applicant:** Guildmore Ltd and London Borough of Tower Hamlets
- Owner:** London Borough of Tower Hamlets
- Historic Building:** Grade II Listed
- Conservation Area:** Not applicable

2 EXECUTIVE SUMMARY

- 2.1 This report deals with an application for listed building consent for works to Poplar Baths.
- 2.2 The works would facilitate the construction of a new electricity substation within the south west corner of the building (to the rear).
- 2.3 The report advises the Development Committee on the officer recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

3 RECOMMENDATION

- 3.1 That the Committee resolve to refer the application to the Secretary of State for Communities and Local Government with the recommendation that the Council would

be minded to grant Listed Building Consent subject to conditions as set out below.

- 1) The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

REASON: As required by Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to avoid the accumulation of Listed Building Consents.

- 2) Full details including samples (where specified) and drawings, in respect of material and finishes shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant approved work is begun. The relevant work shall be carried out in accordance with such approved details, as follows:

- a) Proposed brickwork to be used for the repairs to the brick elevations. This should comprise a sample panel to be erected on site, measuring approximately 1 meter square and demonstrating the brick bonding, mortar mix and finishing method. This sample should be retained on site for the duration of the works.
- b) Proposed new metal windows, including a 1:1 scale sample. This sample should provide clear illustration of the proposed opening method, ironmongery, surface finishes, beading and glazing. Details should also be provided of proposed method of fixing to the existing building, where this differs from existing.
- c) Proposed louvered doors and panels, including a 1:1 scale sample. Details should also be provided of the associated framing and method of fixing to the building.

REASON: To ensure that the special architectural or historic interest of this building is safeguarded in accordance with the requirements of Tower Hamlets Core Strategy policy SP10 and policies DM24 and DM27 of the Managing Development Document 2013.

- 3) All new internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

REASON: To ensure that the special architectural or historic interest of this building is safeguarded in accordance with the requirements of Tower Hamlets Core Strategy policy SP10 and policies DM24 and DM27 of the Managing Development Document 2013.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves proposed alterations to the Grade II listed Poplar Baths to facilitate a new electricity sub-station including the installation of cable ducts at rear. The works would provide the necessary electrical infrastructure to facilitate a

more significant proposal for the restoration and repair of the listed swimming baths, which would bring the building back into use as an indoor leisure centre with swimming pool. These more significant works are the subject of separate planning and listed building consent applications which will be reported to the Development Committee later this year.

- 4.2 The proposed development comprises the reconfiguration of the building at the southwest corner to facilitate a new electricity substation, including cable ducts. The ground floor transformer room would measure 5.8m by 3.7m on plan and with an internal head height of 2.4m.
- 4.3 At the basement the works would involve the insertion of four loadbearing brick walls to create an enclosure which fits within the existing structural frame. Two of the new walls are tied to the existing structure, and two would be freestanding of the existing structure. There would be no requirement for the demolition of structures at basement level, other than the southern wall of the existing electrical switch room.
- 4.4 At ground level the works would involve the removal of one of the two symmetrically arranged concrete stairs at the back of the existing stage which connect the lower (street) level with the upper (poolside gallery) level. The works would also require the removal of a lavatory under the stairs and a pair of existing internal double doors which form a lobby.
- 4.5 Two internal loadbearing brick walls are to be inserted, to the north and east, along with fire protected steel stanchions along the south. The new enclosure would project into a largely featureless area that would originally have been the location of collapsible dressing boxes related to the seasonal use of the building as a pool/public hall and which have since been removed.
- 4.6 At the upper (poolside gallery) level, the tiled walls at the back of the stage are to be retained. A section of the floor will be removed to form the roof of the new substation.
- 4.7 Externally the doors and windows to be overlapped by the new internal enclosures would be removed and replaced with bronzed metal louvered windows to match the existing in design.
- 4.8 A new pedestrian doorway would be inserted at the south elevation, aligning with the window bay above. The tall, tripartite windows would be replaced with new double glazed metal windows with a bronzed finish, with frames and glazing bars to match existing windows.
- 4.9 Associated steelwork and brickwork repairs will be carried out in association with the substation works will ensure that the structural failings of the building are properly remedied and that the repairs are carried out in a way that would have the least impact on the architectural integrity of the elevation. The Heritage Report anticipates that the existing 'silver grey' coated red bricks on the external face of the building will not be re-usable and matching, handmade bricks have been sourced.

Site and Surroundings

- 4.10 Poplar Baths is located to the south of East India Dock Road opposite Chrisp Street town centre and markets. The site is bounded by Poplar Bath Street to the west, Grove Villas to the east and Lawless Street to the south. Further to the east of the site is All Saints Docklands Light Railway station.

- 4.11 The building is listed as a building of special architectural and historic interest (Grade 11). The most significant external elevation of the baths in heritage terms is the front elevation facing East India Dock Road. The rear and side elevations are less significant and are viewed mainly from the residential streets and estate access roads.
- 4.12 The area immediately surrounding the application site to the south and west is mainly residential in character with a variety of buildings ranging from two to seven storeys in height.

5 RELEVANT PLANNING HISTORY

- 5.1 Current undetermined applications as follows:
- 5.2 PA/13/01432(19 June 2013) –Application for full planning permission for the demolition of existing garages and ball court, erection of 10 storey residential block to provide 60 affordable housing units along with external alterations and refurbishment to Poplar Baths building including the demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area, plus ancillary landscaping and vehicular parking.
- 5.3 PA/13/01441(19 June 2013) –Application for listed building consent for internal and external alterations and refurbishment to Poplar Baths building including demolition of chimney and associated ancillary works.

6 RELEVANT PLANNING POLICIES

Government Planning Policy

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

London Plan Spatial Development Strategy for Greater London (2011)

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

Adopted Core Strategy (2010)

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

Managing Development Document (adopted April 2013)

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

7 CONSULTATION RESPONSES

- 7.1 The views of the Directorate of Development and Renewal are expressed in the material planning considerations section below.

English Heritage

- 7.2 No objection. English Heritage welcomes the proposal and sees this as the first step in the regeneration and repair of this iconic and highly significant listed building.

As well as providing essential power provision on site, the proposal will serve to inform the wider scheme for the site by enabling further understanding of the structural composition of the building and undertaking of trial repairs to the structural frame and external brickwork. The proposal will also allow consideration, at an early stage, of the treatment of new and existing openings in the brickwork, including louvres and window samples.

LBTH - Borough Conservation Officer

- 7.3 No objection. This proposal has been subject to much pre application discussion. The works involved will help to facilitate the wider reuse and restoration of this important heritage asset which is included on the English Heritage Register of Heritage at Risk. The detailed information with regard to brickwork and window replacement which will be secured by means of condition will help to inform the forthcoming application for the overall building.

8 LOCAL REPRESENTATION

- 8.1 A total of 66 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment.
- 8.2 The application has also been publicised in East End Life and on site.
- 8.3 No letters of representation have been received.

9 MATERIAL PLANNING CONSIDERATIONS

- 9.1 As this Grade II listed building is owned by the London Borough of Tower Hamlets, 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. The terms of reference of the Development Committee require that where the Council is applying for works to a Listed Building that it owns, the application must be considered by the Committee.

Setting and Appearance of the Listed Building

- 9.2 When determining listed building consent applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that regard should be paid to the desirability of preserving the building or/and its setting, and any features of special architectural or historic interest.
- 9.3 The application proposal seeks to create a new UK Power Networks compliant electricity substation, including the installation of cable ducts. The proposed substation would be a critical piece of infrastructure required to facilitate the proposed future refurbishment and re-use of the baths. If consent is granted the carrying out of the minor works, including brick work repairs and window replacements would also provide an opportunity to complete an external repair sequence at one of the less sensitive parts of the building.
- 9.4 The proposed location of the substation would be at rear on the south-west corner of the building facing Lawless Street. Whilst the Poplar Baths building is a building of special architectural and historic interest the works would affect the side and rear elevations are utilitarian in character and of lesser architectural interest than the main

front elevation.

- 9.5 In design and heritage terms, the location of the substation would be appropriate in terms of the character and appearance of the listed building. The rear elevation is faced in red brick and is subservient to both the front elevation and the west façade. The introduction of a substation at that point would have minimal impact on the whole building.
- 9.6 The external works proposed, including replacement windows and doors and repairs to brick work would be in keeping with the architectural appearance of the listed building and are supported by both English Heritage and the Borough Conservation Officer.
- 9.7 The internal alterations would not affect features of special architectural or historic significance. They would represent a minimal intervention in the overall fabric of the listed Baths. No objections have been raised to the internal works by English Heritage or the Borough Conservation Officer.
- 9.8 The internal and external refurbishment works and elevation treatment together with the change in materials for the windows would not harm the overall special architectural or historic interest of the listed building. The materials proposed would have only a marginal and limited effect on the setting and appearance of the building due to the rather industrial feel of the building when viewed from the rear. The replacement of original Crittall windows with new steel framed thermally broken double glazed windows would match existing windows and finished in a similar colour.
- 9.9 The proposed works are therefore considered sympathetic and would preserve the character, fabric, integrity 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) and Policies DM24 and policy DM27 of the Managing Development Document (adopted April 2013).
- 9.10 Furthermore, the external works required to facilitate the sub-station would allow consideration, at an early stage, of the proposed approach to the treatment and repair of new and existing openings in the brickwork in other parts of the building, confined to a limited and less prominent part of the building.

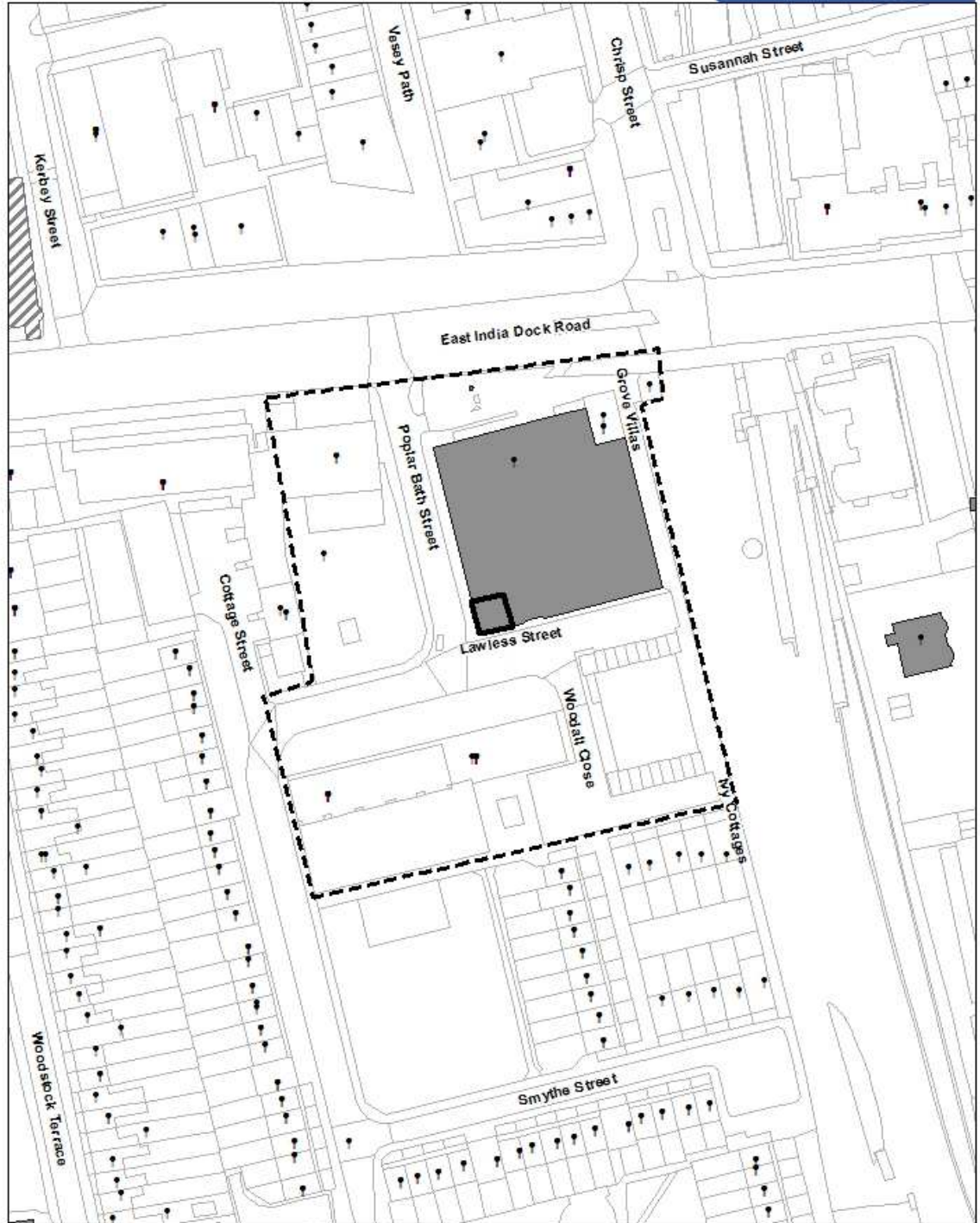
Other Considerations

- 9.11 The proposed sub-station itself would occupy less than 2% of the overall ground area of Poplar Baths and would involve minor internal works to the main building. The substation would be ancillary to the established leisure use of the main building and would therefore be permitted development. Officer's opinion is that the proposals would not require planning permission in their own right.

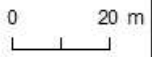
10 CONCLUSION

- 10.1 All other relevant policies and considerations have been taken into account and the Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent subject to the conditions set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/01581



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8.3

Committee: Development	Date: 12 September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. All Members of the Council receive a regular monthly email update of appeals received by the Council.
- 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/12/01210, PA/12/01209
Site:	3-4 Vine Court E1 1JH
Proposed Development:	Demolition of former light industrial building and the erection of a part 2 part 3 storey row of terrace housings comprising 2x2 bed and 3x3 bed units
Decision:	REFUSE PLANNING PERMISSION AND CONSERVATION AREA CONSENT
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case were

- Whether the proposal would preserve or enhance the character and appearance of the Myrdle Street Conservation Area;
 - Whether it would affect the amenities of occupiers of 5-6 Vince Court;
 - Whether the development would provide satisfactory living conditions;
 - Whether adequate cycle facilities would be provided.
- 3.3 Whilst the Planning Inspector recognised that the appeal scheme had evolved over a period of time, trying to find an acceptable solution in respect of a difficult site, he concluded that the proposed scale of development, along with its height, massing, height and plot coverage would not have been appropriate for the site. He also was concerned about the form of the development, which would not have suitably referenced pitched roofs common to the lower height development found nearby.
- 3.4 He also concluded that the proposed development would have related unsatisfactorily to 5-6 Vine Court, which would have created an over-bearing relationship, creating increased sense of enclosure. He felt that the windows and light-wells would not have provided enough relief from its overall mass and bulk. He was also concerned about the quality of the units, oppressive outlook and an unacceptable sense of enclosure for the occupants of these properties which he felt was symptomatic of overdevelopment. He concluded that the proposal would not have been appropriate for the site and would have appeared as a rather contrived development, of a scale which would not have preserved or enhanced the character or appearance of the conservation area.
- 3.5 In view of the unsuitability of the proposed development, the Planning Inspector was not willing to sanction the demolition of the existing building
- 3.6 The appeals were DISMISSED

Application No:	PA/12/02757
Site:	504 Roman Road, London E3
Proposed Development:	Change of use of first floor from retail to residential alongside an extension and alterations to 504 Roman Road to provide a 1x2 bed flat and 2 studio units with cycle and refuse stores
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.7 The main issue in this case was the effect of the proposed development on the living conditions of the occupiers of 502 and 506 Roman Road. The part of the development the Planning Inspector found unacceptable was the proposed first and second floor rear extensions which would have significantly affected the amenities of neighbouring residential occupiers. It would have resulted in an unacceptable reduction in daylight and sunlight together with overshadowing and loss of outlook.
- 3.8 The appeal was DISMISSED on this basis

Application No: *ENF/10/00319*
Site: 60 Canton Street, E14
Site: Unauthorised porch extension – appeal against enforcement notice issued on 3 April 2013.
Council Decision: **INSTIGATE ENFORCEMENT ACTION (Delegated decision)**
Appeal Method: **WRITTEN REPRESENTATIONS**
Inspector’s Decision **DISMISSED AND ENFORCEMENT NOTICE UPHELD**

- 3.9 The Planning Inspector was satisfied that the full width porch extension required planning permission and represented a breach of planning control. The main issue in this case was whether the development was harmful to the character and appearance of the Lansbury Conservation Area.
- 3.10 The Planning Inspector noted that the Lansbury Estate properties exhibit unpretentious façades, relieved by flat canopies over the front doors and whilst he appreciated that the Canton Street terrace had been much altered, he highlighted that some of the surviving detailing remained intact. Apart from the appeal premises, no house in the vicinity had been previously extended in the form undertaken (full width bringing the front wall much closer to the back edge of the highway). Consequently, he concluded that the extension was harmful to the character and appearance of the conservation area
- 3.11 The Planning Inspector **DISMISSED** the appeal and **UPHELD** the terms of the planning enforcement notice, requiring the extension to be moved within 3 months of the date of the decision letter (by 22 November 2013).

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