

DEVELOPMENT COMMITTEE

Wednesday, 25 June 2014 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Sirajul Islam

Vice Chair :

Councillor Suluk Ahmed, Councillor Shah Alam, Councillor Gulam Choudhury, Councillor Marc Francis, Councillor Shiria Khatun and Councillor Andrew Wood

Deputies:

Councillor Craig Aston, Councillor Asma Begum, Councillor Andrew Cregan, Councillor Julia Dockerill, Councillor Peter Golds and Councillor Rajib Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 23 June 2014**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Tuesday, 24 June 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web:<http://www.towerhamlets.gov.uk/committee>

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agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

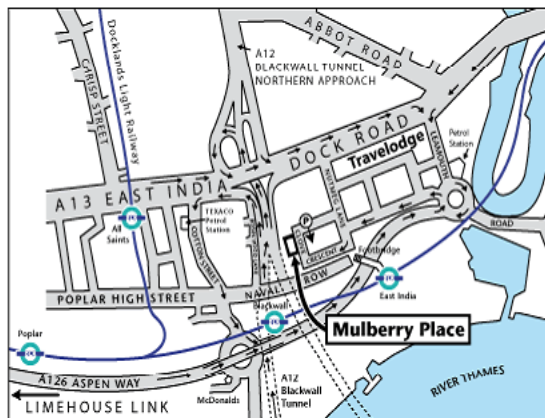
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Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

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Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

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Meeting access/special requirements.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. ELECTION OF VICE-CHAIR OF THE COMMITTEE 2014/15

To elect a Vice-Chair of the Development Committee for the Municipal Year 2014/2015.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

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. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 7th May 2014.

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.

	PAGE NUMBER	WARD(S) AFFECTED
5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE	11 - 12	

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS **13 - 20**

Recommendation:

To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

7. DEFERRED ITEMS

Nil Items

8. PLANNING APPLICATIONS FOR DECISION **21 - 22**

8.1 Land at rear of 60 Jubilee Street, London (PA/13/02667) **23 - 36** **Stepney Green**

Proposal:

Erection of a 2 storey, 4 bedroom wheelchair accessible dwelling with one car parking space.

Recommendation:

To GRANT planning permission subject to a legal agreement conditions and informatives.

8.2 97-99 Sclater Street, London, E1 6HR (PA/14/00128) **37 - 44** **Weavers**

Proposal:

Internally illuminated display signage to advertise the Cinema premises.

Recommendation:

To **REFUSE** advertisement Consent for the reason set out in the Committee report.

8 .3 Car Park, Cygnet Street, London (PA/13/02529) 45 - 80 Weavers

Proposal:

Erection of a building up to six storeys to provide basement gym (Use Class D2), ground floor commercial (Use Classes A1, A2, A3 and B1) and 39 dwellings above.

Recommendation:

To GRANT planning permission subject to a legal agreement conditions and informatives.

9. OTHER PLANNING MATTERS 81 - 82

9 .1 Former Professional Development Centre, English Street, London, E3 4TA PA/14/00702 83 - 90 Mile End

Proposal:

Various external works to create play areas.

Recommendation:

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

Next Meeting of the Development Committee

Thursday, 24 July 2014 at 5.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

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, 7 MAY 2014

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Judith Gardiner
Councillor Khaled Uddin Ahmed
Councillor Tim Archer

Other Councillors Present:

None.

Apologies:

Councillor Kosru Uddin, Councillor Gulam Robbani and Councillor Harun Miah

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Elaine Bell	– (Legal Advisor, Directorate, Law, Probity and Governance)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. ELECTION OF VICE-CHAIR

It was proposed by Councillor Helal Abbas and on a unanimous vote
RESOLVED:

That Councillor Judith Gardiner be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2013/2014.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9th April 2014 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 AND MEETING GUIDANCE

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

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION**7.1 638 Commercial Road/Limehouse Library (PA/13/2580 & PA/13/2581)**

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the item for the conversion and extension of 638 Commercial Road/Limehouse Library.

The Chair invited registered speakers to address the Committee.

Councillor Craig Aston spoke in objection to the proposal. He objected to the impact on the listed Edwardian building due to the proposed removal of key features. The plans were completely inappropriate for the building.

The plans conflicted with the Development Brief for the Limehouse Library that considered that the building was unsuitable for subdivision and residential use and should only be refurbished to preserve its special features. The building should be brought back into community use but in a way that protected its heritage value.

Murat Aydemir spoke in support of the proposal. He described the poor state of the current building and the key features of the proposals. The proposal would restore the building and provide education facilities and economic benefits to the area. The proposal would be a high quality building and would leave the Edwardian Building generally untouched.

Shay Bugler (Planning Officer, Development and Renewal) presented the detailed report and the update. He described the site, surrounds and the key elements of the current building including the protected Edwardian section.

He also advised of the outcome of the consultation, the design, height, external changes, the layout and facilities, the student base, transport links and the cycle facilities. It was proposed to restrict use of the outdoor terrace to safeguard amenity.

The proposed land use was deemed acceptable given the retention of education facilities and the difficulties with alternative uses. The impact on daylight and sunlight was marginal. The servicing from Norway Place satisfied requirements subject to the measures. It was required that a Building Management Plan would be submitted to minimise noise. There were s106 contributions to mitigate any impact.

Overall, it was considered that the plans would bring a range of positive benefits whilst restoring and protecting the historic Library building and surrounds. The application was therefore recommended for approval.

Members sought clarity on the status of the building, the condition of the mural and the difference between residential and student accommodation in terms of planning.

Questions were also asked about the loss of the public Library given the distance to the nearest Idea Stores and the need for community facilities generally.

Assurances were also sought about the servicing from Norway Place and the merits of the plans in terms of the targets for student accommodation. It was also questioned whether the plans might lead to an overdevelopment of the site.

In response, Members were advised that the entire Library building was listed. The listed mural was beyond repair. Members noted a current photograph supporting this. Any enforcement issues would be taken forward by the relevant Council Officers.

It was considered that the site was not suitable for residential accommodation due to the lack of amenity space for such accommodation amongst other issues. However, the site could satisfy the needs of student accommodation whilst restoring the building and an educational use. Residential use would also require substantial external changes.

Officers were satisfied with the servicing plans subject to the stringent conditions. The facilities (gym launderette) would be open to the students only. There were Idea Stores nearby in more accessible places in accordance with policy.

The plans would ease the pressure for student accommodation from the college. There was no evidence that there was an over concentration of such uses in the ward.

The proposal showed no symptoms of overdevelopment.

On a vote of 2 in favour and 2 against, with the Chair casting a second vote in favour, the Committee **RESOLVED**:

Planning permission

1. That planning permission (PA/13/2580) at 638 Commercial Road/Limehouse Library be **GRANTED** for the conversion and extension of existing vacant library to provide part 3-5 storey building with a kitchen, laundry and gymnasium facilities at basement level; study/lecture rooms at ground floor ; 64 self contained student accommodation units at ground and upper floors and 73 bicycle spaces SUBJECT to:
2. The prior completion of a legal agreement, to the satisfaction of the Head of Legal Services, to secure the matters set out in the committee report.
3. That the Service Head - (Legal Services) is delegated power to complete the legal agreement.
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. Any other condition(s) and informative(s) considered necessary by the Head of Development Decisions.
6. That, if within three 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.

Listed Building Consent

7. That Listed Building Consent (PA/13/2581) at 638 Commercial Road/Limehouse Library be **GRANTED** for the conversion and extension of existing vacant library to provide part 3-5 storey building with a kitchen, laundry and gymnasium facilities at basement level; study/lecture rooms at ground floor; 64 self contained student accommodation units at ground and upper floors and 73 bicycle spaces SUBJECT to the conditions set out in the committee report.

8. OTHER PLANNING MATTERS**8.1 Former Professional Development Centre, English Street, London, E3 4TA (PA/14/00245)**

Paul Buckenham (Development Manager, Development and Renewal) introduced the item and highlighted the key elements of the scheme.

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

That the application (PA/14/00245) at the Former Professional Development Centre, English Street, London, E3 4TA for alterations to glazed screens, repositioning of screens/doors and associated works to facilitate improved access and escape from the building be **REFERRED** to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the Committee report.

8.2 Last Meeting of the Committee for 2013/14

The Chair noted that this was the last meeting of the Committee for this current year 2013/14. The Chair thanked Members and Officers for their contributions. He particularly referred to Councillors Tim Archer and Judith Gardiner who were not standing in the forthcoming Council Elections.

The meeting ended at 7.55 p.m.

Chair, Councillor Helal Abbas
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?



The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters

- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting. For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee	Date	Classification	Report No.	Agenda Item No.
Development Committee	25 th June 2014	Unrestricted	DC 01/145	
Report of/Originating Officer(s) : Service Head, Democratic Services		Title : Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings Ward(s) affected: N/A		

1. Recommendation

- 1.1 To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

2. Background

- 2.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 2.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 26 March 2014 and 22 June 2014.
- 2.3 In accordance with the programme, meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

3. Comments of the Chief Financial Officer

- 3.1 There are no specific comments arising from the recommendations in the report.

4. Legal Comments

- 4.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 26 March 2014 and 11 June 2014

5. One Tower Hamlets Considerations

5.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

6. Sustainable Action for a Greener Environment

6.1 There are no specific SAGE implications arising from the recommendations in the report.

7. Risk Management Implications

7.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

8. Crime and Disorder Reduction Implications

8.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

9. Efficiency Statement

9.1 There are no implications arising from the recommendations in the report.

Appendices

Appendix 1 - Development Committee Terms of Reference and Quorum

Appendix 2 - Development Committee Membership 2014/2015

Appendix 3 - Development Committee Meeting Dates 2014/2015

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

None.

EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.4 Development Committee

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Function
<p>1. Planning Applications</p> <p>a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p>i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p>iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p>iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Development and Renewal considers that these objections cannot be addressed by amending the development, by</p>	<p>The Corporate Director, Development and Renewal (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>imposing conditions and/or by completing a legal agreement.</p> <p>b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.</p> <p>c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.</p> <p>(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)</p> <p>2. Observations</p> <p>d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues</p> <p>3. General</p> <p>e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p>	
<p>Quorum Three Members of the Committee</p>	

DEVELOPMENT COMMITTEE
(Seven members of the Council)

Labour Group (3)

Tower Hamlets First Group (3)

Conservative Group (1)

Cllr Sirajul Islam (Chair)
Cllr Marc Francis
Cllr Shiria Khatun

Cllr Suluk Ahmed
Cllr Shah Alam
Cllr Gulam Kibria Choudhury

Cllr Andrew Wood

Deputies:-
Cllr Rajib Ahmed
Cllr Asma Begum
Cllr Andrew Cregan

Deputies:-
t.b.c.

Deputies:-
Cllr Craig Aston
Cllr Julia Dockerill
Cllr Peter Golds

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APPENDIX 3

SCHEDULE OF DATES 2014/15

DEVELOPMENT COMMITTEE

Wednesday 25th June 2014
Thursday, 24th July, 2014 (5.30pm)
Wednesday, 20th August, 2014
Monday, 15th September, 2014
Wednesday, 15th October, 2014
Wednesday, 19th November, 2014
Wednesday, 17th December, 2014
Wednesday, 14th January, 2015
Wednesday, 11th February, 2015
Wednesday, 11th March, 2015
Thursday, 9th April, 2015
Thursday, 14th May, 2015

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 24th July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 8

Committee: Strategic Development	Date: 25 June 2014	Classification: Unrestricted	Agenda Item No: 9
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. LEGAL COMMENTS

- 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 in the Agenda

5. RECOMMENDATION

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

Agenda Item 8.1

Committee: Development	Date: 25 June 2014	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/13/02667
	Ward: Stepney Green

1.0 APPLICATION DETAILS

Location:	Land at rear of 60 Jubilee Street
Existing Use:	Residential car park and communal amenity area for the 6 flats at 60 Jubilee Street
Proposal:	Erection of a 2 storey, 4 bedroom wheelchair accessible dwelling with one car parking space
Drawings and documents:	<ul style="list-style-type: none">- Design and Access Statement by MEPK Architects, dated October 2013;- Impact Statement by MEPK Architects, dated October 2013;- Site Location Plan ref 1273_p05;- Drawings 1273_p01 rev D, 1273_p02 rev B, 1273_p03 rev B, and 1273_p04 rev B.
Applicant:	Gateway Housing Association
Ownership:	As above
Historic Building:	N/A
Conservation Area:	N/A

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for erection of a 2 storey in-fill dwelling to replace a car park and a landscaped area. Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report, and recommend approval of planning permission for the proposal.
- 2.2 The proposal would make efficient use of the site and provide a much needed wheelchair accessible dwelling suitable for a large family.

2.3 The design of the scheme, including the massing, siting, architectural design and response to the site's setting, is of a high quality. High quality materials and detailing would be used throughout.

2.4 The design has been well thought through to minimise amenity impact while providing a high quality of accommodation to the future occupiers. No unacceptable amenity impacts would occur to any of the adjoining residents.

3.0 RECOMMENDATION

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

3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

3.4 Non-financial Obligations:

a) Car free agreement with respect of the future occupiers of the 6 flats within 60 Jubilee Street;

b) Car free agreement with respect of the future occupiers of the 4 bedroom house;

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

3.5 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.

3.6 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.3 Conditions:

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. Samples of brick and all other external facing materials, full details of railings
5. Full details of cycle and refuse stores
6. Protection of existing trees
7. Code for Sustainable Homes Level 4
8. Compliance with Lifetime Homes Standards
9. Signage to ensure that vehicles enter and leave the site in forward gear

3.4 Informatives:

1. Development liable for Mayor of London Community Infrastructure Levy
2. Compliance with Building Regulations

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks to erect a two storey four-bedroom wheelchair accessible dwelling with 1 car parking space and a private garden. The tree on site would be retained.
- 4.2 The house is intended by the applicant to be within the affordable tenure however this would not be secured through the S106 agreement.

Site and Surroundings

- 4.3 The application relates to the land at rear of 60 Jubilee Street, a 3 storey block of 6 two-bedroom flats dating back to the 1990s. The entirety of the site is in the applicant's ownership with the residents of the flats benefiting from secure tenancies.
- 4.4 The land to be built on is currently underutilised and contains a hard landscaped area with 4 car parking spaces as well as a grassed area with one tree. The remainder of the rear of 60 Jubilee Street contains two private gardens, two carports and residential entrances to the ground floor flats. The entrance serving the 4 flats located on the 1st and 2nd floors is located on Jubilee Street
- 4.5 The vicinity of the site is of a residential character dominated by low to medium rise post war public housing estates. The closest residential properties, other than at 60 Jubilee Street, are at 1 Musbury Street, immediately to the east of the application site, as well as within the 4 storey public housing block at 68-114 Clark Street, to the north-east.
- 4.6 The application site is located in an out of town centre location and carries no policy designations. The site is not located in a conservation area nor is it a listed building. The nearest statutorily listed building is located some 40m to the north of the site, at 62 and 64 Clark Street. The setting of this Grade II listed terrace would not be affected by the proposal.
- 4.7 The site is located on the northern side of Musbury Street, off Jubilee Street. It benefits from good public transport accessibility - PTAL rating of 4.

Planning History

- 4.8 Full planning permission for the erection of a three storey building providing 6 x two-bedroom flats at 60 Jubilee Street and the accompanying 6 car parking spaces at rear was granted on 13th January 1995 under planning reference ST/94/00142.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

- 2.9 - Inner London
2.14 - Areas for regeneration
3.3 - Increasing housing supply

- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.8 - Housing choice
- 4.8 - Supporting a successful and diverse retail sector
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.17 - Waste
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.1 - Building London's neighbourhoods and communities
- 7.4 - Local character
- 7.6 - Architecture
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM24 - Place-sensitive design
- DM25 - Amenity

5.6 **Supplementary Planning Documents**

- National Planning Policy Guidance 2014
- Mayor of London Housing SPG 2012
- Draft Further Alterations to the London Plan 2014

5.7 **Tower Hamlets Community Plan objectives**

- A Great Place to Live

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Transportation and Highways

6.3 No objection subject to conditions securing signage instructing residents using the car park to enter and leave the site in forward gear and requesting submission of details of cycle storage and a S106 car free planning obligation.

LBTH Design and Conservation

6.4 No objection to revised proposal. The proposed massing, elevation treatment and use of materials are supported.

LBTH Inclusive Access

6.5 No adverse comments.

LBTH Energy Efficiency and Sustainability

6.6 No objection. Achievement of Code for Sustainable Homes level 4 rating should be secured through condition.

7.0 LOCAL REPRESENTATION

7.1 A total of 96 letters were sent to neighbours on 2nd December 2013. A site notice was displayed on 4th December 2014.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 4 Supporting: 0

No of petitions received: 1 in objection with 41 signatories

7.3 The following issues were raised in objection to the proposal and will be addressed in the material considerations section of this report:

- Loss of view and outlook
- Loss of daylight and sunlight
- Overlooking and privacy intrusion
- Increase in parking stress
- Disruption from construction works
- Loss of part of the garden at 60a Jubilee Street
- Security of 60a Jubilee Street being compromised by parked cars

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Standard of Accommodation
3. Design
4. Amenity
5. Transportation and Highways
6. Other

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system.
- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850; however, for years 2015-2025, the Draft Further Alterations to the London Plan revise the Council's target to 39,314 homes.
- 8.5 The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable family homes throughout the borough.
- 8.6 The Core Strategy place-making policy SP12 pictures Stepney as a largely residential area with high quality housing and regenerated housing estates. One of the principles for the area is to promote Stepney as a place suitable for families, with housing typologies that offer dedicated amenity space, including private gardens.
- 8.7 It is considered that provision of a four-bedroom, wheelchair accessible, family-sized house with a private garden, making an efficient use of a currently underutilised area of a car park and communal green landscaping, is strongly supported in planning policy terms.

Standard of Accommodation

- 8.8 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."
- 8.9 The application is for construction of a wheelchair accessible four-bedroom detached house. The property would measure 160sqm and have a private garden of 25sqm, in excess of the minimum policy requirement of 107sqm and 10sqm respectively.

- 8.10 The property would be accessed from Musbury Street, with separate living room and kitchen/dining areas on the ground floor. The ground floor would also house a toilet with a shower, storage areas and a wheelchair charging zone as well as stairs and a wheelchair lift to the 1st floor. The 1st floor would contain 1 double bedroom, 2 twin bedrooms, a single bedroom, a bathroom and a further store.
- 8.11 All of the rooms would benefit from adequate daylighting, privacy and outlook. Defensible space with low metal railings and planting would be provided to separate the building from the footway on Musbury Street.
- 8.12 The suitability of the proposed layout for wheelchair users and disabled occupiers has been confirmed as satisfactory by the Council's Occupational Therapist as well as by the Inclusive Access Officer.
- 8.13 Overall, the quality of the proposed residential accommodation would be good and the proposal would meet the relevant floorspace and housing design standards.

Design

- 8.14 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.55 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.15 Chapter 7 of the London Plan as well as the Council's policy SP10 set out broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. These aims are to be realised through the detailed development management policy DM24 which aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes. Furthermore, policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.16 The setting of the application site is characterised by low and medium rise post war public housing developments built in a modernist functionalist style. The proposed building would be visible from the corner of Jubilee Street and Musbury Street - set behind the 3 storey, 1990s block of 60 Jubilee Street and adjoining the post war, 2 storey 1 Musbury Street and 4 storey 68-114 Clark Street. On the opposite side of Musbury Street is another 3 storey modernist public housing development. The streetscene of Musbury Street is generally poor quality, dominated by car parking garages at ground floor level and access walkways on upper stories. There is little active frontage and poor sense of passive surveillance.

- 8.17 The 2 storey dwelling would be orientated north to south to minimise amenity impact while providing increased passive surveillance and active frontage to Musbury Street and enabling a better outlook for residents. It would have a flat roof with a parapet concealing a sedum roof and photovoltaic panels.
- 8.18 Due to its modest scale and use of architectural language referencing the nearby modernist architecture, the proposal would sit comfortably in the streetscene.
- 8.19 The building would consist of two clear elements - the main part faced in London Stock brick, and a projecting box sheltering the car port clad with lightweight weatherboards. Large feature windows with weatherboard panels would be provided in the Musbury Street elevation.
- 8.20 Due to introduction of defensive space the building would be set back from the building line of 60 Jubilee Street and provide a transition to the post war public housing developments further east. The overall architectural design of the building, including the broken-up massing and roof line would be of a simple but clear-cut contemporary style appropriate to the development's location.
- 8.21 The proposal has also been appropriately design with regard to safety and security and would not compromise the security of any of the adjoining properties.
- 8.22 The Council's Urban Design Officer has been involved in development of the proposal and following amendments considers it to be acceptable.
- 8.23 Overall, it is considered that the proposal represents an appropriate design response to the setting of the application site and that it would form a visually attractive feature in the local streetscene. Full details of materials and finishes, including samples of windows, weatherboarding and brick would be reserved by condition.

Amenity

- 8.24 In line with the principles of the National Planning Policy Framework and the London Plan, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents with regard to daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.25 The 60 Jubilee Street houses 6 two-bedroom flats, all of which are dual aspect. The ground floor properties at 60a and 60b benefit from private car ports and gardens. These properties are accessed off Musbury Street, directly from the courtyard which is to be shared with the proposed stand-alone dwelling. The eastern elevation of 60 Jubilee Street would be at between approximately 8 and 11m from the western elevation of the proposed building.
- 8.26 1 Musbury Street is a single aspect residential unit located at 1st floor level atop a car garage immediately to the east of the proposed building. The windows facing the application site would be approximately 8m from the eastern elevation of the proposed building. 1 Musbury Street also benefits from a large roof terrace facing the application site.
- 8.27 The 4 storey public housing block at 68-114 Clark Street is located some 12m to the north-east of the application site. The residential accommodation within the block is arranged in the form of dual aspect maisonettes. The maisonettes located at ground

and first floor level have private gardens either side of the building. Generally, living rooms face the application site at ground level and bedrooms at 1st floor level.

8.28 The petitioners and objectors are concerned about the following amenity issues:

- Overlooking and privacy intrusion
- Loss of view and outlook
- Loss of daylight and sunlight
- Disruption from construction works
- Loss of part of the garden at 60a Jubilee Street

8.29 The proposed building has been arranged north to south in order to minimise amenity impact on adjoining residential occupiers. In particular, the principal fenestration would face to the south and to the north preventing any direct overlooking or privacy intrusion. There would be no fenestration in the eastern elevation facing 1 Musbury Street, while the fenestration within the western elevation facing 60 Jubilee Street has been minimised and would be either obscure glazed or high level. The ground floor kitchen/dining windows would be set at an angle, looking north-west to avoid overlooking. Similarly the windows to 1st floor bedrooms within the projecting element would also be set at an angle facing north-west and south-west so as to reduce overlooking. Overall, it is considered that the proposal would not result in undue privacy intrusion or overlooking.

8.30 With regard to loss of view and outlook, the proposed building, at 2 storeys in height, would not restrict the outlook from adjoining properties to an unacceptable extent. While it would be located between 8 and 12m from adjoining properties, due to its modest height and broken-up massing it would not appear overbearing or result in an unacceptable sense of enclosure. In all instances the building would be visible only in part of the outlook to the properties and would allow oblique views as well as views of the sky to be maintained.

8.31 Due to the location of the proposed building relative to the adjoining residential premises and its modest height it is not considered that material loss of sunlight would occur.

8.32 With regard to daylighting, it is considered that the proposal is unlikely to result in any unacceptable impacts to adjoining properties, in particular bearing in mind the site's inner city setting, the modest scale of the proposal and its location in relation to habitable room windows of the adjoining dwellings.

8.33 The disruption from construction works by virtue of its temporary nature would not warrant a refusal on amenity grounds alone. Nevertheless, in order to minimise the level of disruption to neighbours a condition would be attached to restrict the construction hours to from 8:00am to 6:00pm Mondays to Fridays and from 8:00am to 1:00pm on Saturdays. No works would take place on Sundays or Public Holidays.

8.34 The occupier of the ground floor flat at 60a Jubilee Street is concerned about loss of part of the property's private garden, an area of approximately 3.5sqm out of 65sqm. This area of private garden has been included in the application site because of requirements for provision of a sufficient space for a disabled person to use a parking space and the general spatial constraints of the site. It is considered that the loss of a small section of the large private garden would not have a sufficient impact on the living conditions of the occupier as to warrant refusal of the application.

- 8.35 Overall, it is considered that the detailed design of the proposal has been well thought through to minimise amenity impacts of the scheme. The proposal would not result in any unacceptable amenity impacts in accordance with planning policy.

Transportation & Highways

- 8.36 Policy 6.3 of the London Plan, SP09 of the Core Strategy, and DM20 of the Managing Development Document aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network.
- 8.37 Policies 6.9 and 6.13 of the London Plan and policy DM22 of the Managing Development Document set out standards for bicycle and car parking provision in new developments.
- 8.38 The development is located in an area with good access to public transport and high parking stress.
- 8.39 The site currently houses 4 car parking spaces for use of the tenants of the 4 upper floor flats at 60 Jubilee Street. Gateway Housing Association has confirmed that none of the occupiers of these flats currently has a car and no objections were received to the loss of the 4 car parking spaces during the planning process. To ensure that in the long term the proposal does not result in displacement of car parking onto the surrounding public highways the applicant has agreed to enter into a bespoke car free agreement ensuring that the future occupiers of the flats within 60 Jubilee Street would not be able to obtain on-street car parking permits.
- 8.40 One dedicated on-site disabled car parking space would be provided for the future occupiers of the new dwelling and a planning obligation would prevent the occupiers from obtaining on-street car parking permits.
- 8.41 The applicant has submitted auto-tracking diagrams demonstrating that cars can be parked safely in the new car port as well as the two existing car ports to the two ground floor flats. Highways Officers have reviewed the submitted information and raise no objection subject to a condition requesting signage to ensure that cars leave and enter the site in forward gear rather than reverse which could be a threat to safety.
- 8.42 A timber bike store with space for storage of 2 bicycles would be provided within the private garden at rear.
- 8.43 Overall, subject to conditions and planning obligations as requested by the Council's Highways Officers, the proposal would be acceptable with regards to transportation and highway safety matters.

Sustainability

- 8.44 In terms of sustainability all residential development is required to achieve a Code for Sustainable Homes level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with policy 5.3 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development Document.
- 8.45 In accordance with policy, the applicant proposes to construct the building to achieve a Code for Sustainable Homes level 4 rating. This would be secured by condition.

- 8.46 The roof of the building would also be covered in sedum which would provide biodiversity and sustainable drainage benefits.

Waste

- 8.47 Policies SP05 of the Core Strategy and DM14 of the Managing Development Document require provision of adequate waste storage facilities in all new development.
- 8.48 In accordance with the above policies, the proposal includes a dedicated bin store for storage of refuse and recycling.

Human Rights Considerations

- 8.49 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:
- 8.50 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".
- 8.51 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.
- 8.52 Members need to satisfy themselves that the potential adverse impacts from the development are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.53 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.
- 8.54 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 8.55 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.

Equality Act Considerations

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

9.0 CONCLUSION

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED as set out in the recommendations section of this report.

10.0 SITE MAP



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Agenda Item 8.2

Committee: Development	Date: 25 June 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Advertisement Consent
Case Officer: Adrian Walker	Ref No: PA/14/00128
	Ward: Weavers

1. APPLICATION DETAILS

Location:	97-99 Sclater Street, London, E1 6HR
Existing Use:	Cinema (D2)
Proposal:	Internally illuminated display signage to advertise the Cinema premises.
Drawing Nos/Documents:	13-486-P-001 13-486-P-021 13-486-P-121 13-486-P-402 13-486-P-403
Applicant:	Close-Up Film Centre
Historic Building:	No
Conservation Area:	Fournier Street/Brick Lane

2. EXECUTIVE SUMMARY

- 2.1 The pair of host buildings are believed to date from the late 1800s. The buildings have an attractive brick frontage. Each of the two buildings current has its own shop front with corresponding signage zone above. Period detailing, including attractive console brackets remain. The site is located in the Fournier Street / Brick Lane Conservation Area. The application seeks Advertisement Consent for new signage associated with a new cinema opening at ground floor level.
- 2.2 On balance Officers consider that the proposals are not sympathetic to the traditional shop front detailing of the ground floor of the host building. Officers consider that the vertical up riser part of the signage is overly prominent. Officers recommend refusal for the reasons given below.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** Advertisement Consent.
- 3.2 Reason for refusal:-

The up-riser component of the signage is located at first floor level on the host building which makes it appear unduly prominent. This part of the signage detracts from the uncluttered appearance of the upper floors of the building and the terrace of which it forms a part. The horizontal component of the signage has a boxy form that runs across the pair of buildings removing the delineation of two discrete shop fronts with signage zones and traditional features such as console brackets.

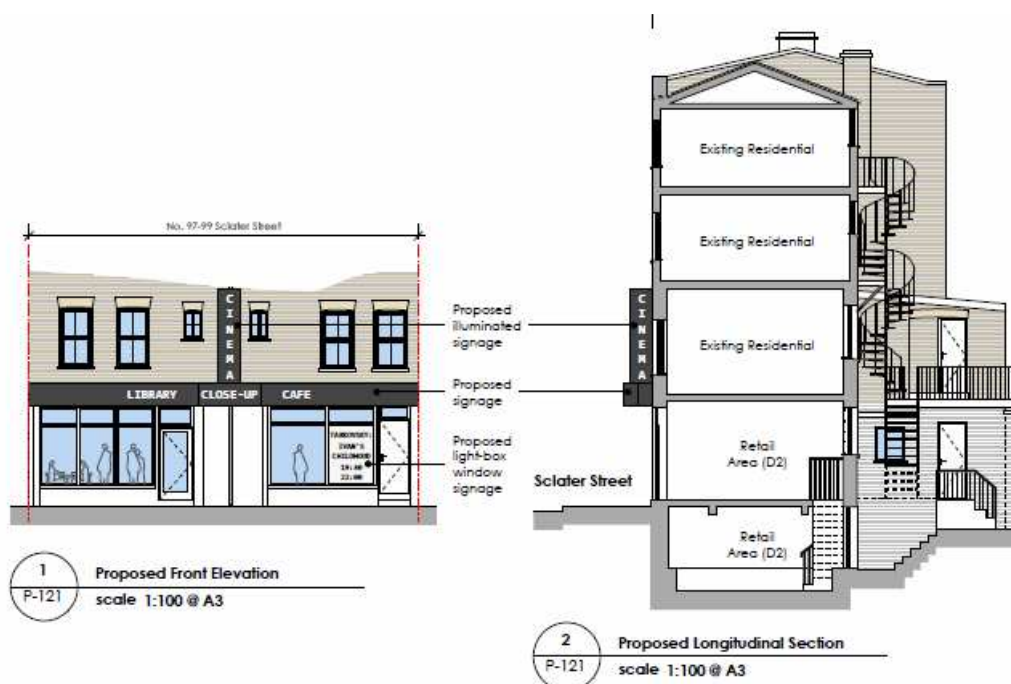
The signage has an unacceptable impact on the visual amenity of the area and detracts from the character and appearance of the Fournier Street / Brick Lane Conservation Area. The proposal is contrary to Policy DM23 of the Adopted Managing Development Document (2013).

4. PROPOSAL AND LOCATION DETAILS

Proposal:

- 4.1. The proposal involves the installation of internally illuminated signage. The signage is to be constructed of black PPC aluminium casing with cut-outs to take white translucent lettering at a luminance level of 500.000 cd/m. The horizontal part of the signage is 10.6m long and 600mm high. It projects a maximum of 800mm forward of the building, and is a minimum of 2.7 metres above the pavement. The 'Close-Up' lettering would be internally illuminated. The upriser part of the signage would be 2.5m high (giving a total height to the signage from top to bottom of 3.1m), the upriser would be 600mm wide, and would project by 545mm. The 'Cinema' lettering on all three sides would be illuminated.

4.2



Site and Surroundings:

- 4.3 The application site is a four-storey with basement mid-terraced property located on the northern side of Sclater Street. The surrounding terrace is mainly commercial at ground floor level with residential above.
- 4.4 The application site is located within the Fournier Street/Brick Lane conservation area. The impact of the proposal on the Conservation Area is discussed under main issues. The site is approximately 30 metres from the Grade II Listed Braitewaite Viaduct. The site is sufficiently far from the viaduct to ensure that the scheme has no impact on the setting of this heritage asset.



4.5 Site (behind scaffold) and terrace of properties along Sclater Street.



4.6 Front elevation of the buildings.

Planning History:

- 4.7 **PA/13/01781** -Change of Use of Existing B1 Space to D2 Class XVII (Cinemas, Music & Concert Halls) and structural alterations to form new cinema and retail unit. Permitted 07/10/2013

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

National Planning Policy Guidance

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

SP09 - Creating attractive and safe streets and spaces

Managing Development Document (Adopted 2013):

DM23 Streets and Public Realm

Supplementary Planning Guidance:

Fournier Street/Brick Lane 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**

The sign projects over the public highway (footway) on Sclater Street hence in accordance with section 177 & 178 of the Highways Act 1980, the applicant is required to apply for a projection licence prior to installation of the signage. (Contact Officer: Martin Waugh on 02073646752). Highways have no objection in principle subject to the above condition

7. LOCAL REPRESENTATION

- 7.1 A total of 46 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:	257	Objecting:	1	Supporting:	256
No of petitions received:	0				

- 7.2 The following issues were raised in support of the proposal;

- Simple/Classic Design
- Distinguishable from regular shops
- Establishing a wider cultural landmark
- The existing illuminated advertisements along Brick Lane

Officer Comment: These points will be addressed in the material planning

considerations section of the report

7.3 The following issue was raised in objection to the proposal;

- Disturbance created by the illuminated advertisement situated at a high level shining into nearby residential windows

Officer Comment: These points will be addressed in the material planning considerations section of the report

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The majority of applications for Advertisement Consent are dealt with by Officers under delegated Authority. In this case the application has been referred to committee as a large number of letters in support of the scheme have been received contrary to the officers' recommendation for refusal. This follows the requirements set out in the Council's constitution.

8.2 The committee must exercise its powers under the Advertisement Regulations in the interests of amenity and public safety, taking into account –

- (a) The provisions of the development plan, so far as they are material; and
- (b) other relevant matters

8.3 As the site is located within the Fournier Street/Brick Lane Conservation Area Members must pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.4 Policy DM23 of the adopted Managing Developing Document (2013) deals with advertisements. At paragraph 23.16 this policy states '*Advertisements should not obscure historic and architectural features, they should not be located above ground floor level (this includes adverts as part of screens for vacant sites or building sites) and there should be no more than one hanging sign per building*'.

Amenity:

8.5 The amenity impact of the advert primarily relates to its impact on the visual amenity of the area. The pair of host buildings are believed to date from the late 1800s. The buildings have an attractive brick frontage. Each of the two buildings currently has its own shop front with corresponding signage zone above. Period detailing, including attractive console brackets remain. The site is located in the Fournier Street / Brick Lane Conservation Area.

8.6 Last year the Authority granted planning permission for the ground floor of the building to be converted to a cinema. At this time no changes were proposed to the front elevation. The upper floors are in residential use.

8.7 The signage comprises a horizontal element which spans the two units, and a vertical up riser component.

8.8 At fascia level the proposed signage runs across the two units, and would involve the removal of the existing discrete signage zones for each shopfront and the central console bracket. The signage has a boxy profile that projects 800mm beyond the front elevation. By removing the traditional divides between shopfronts and the

console brackets the signage is not considered sympathetic to the historic character of the host buildings. In this respect the signage is seen as having a detrimental impact on the visual amenity of the area.

- 8.9 The vertical up-riser component of the signage is designed to make the premises more visible from Brick Lane to East and Bethnal Green Road to the West. At paragraph 23.16 policy DM23 notes that signage should not normally be located above ground floor level. The wider terrace of which the application site forms a part does not currently have any higher level signage. The terrace has a simple and uncluttered appearance. The up-riser part of the signage appears overly prominent in views along the terrace and as such is considered to detract from the visual amenity of the area.
- 8.10 Many representations have been received in support from the members of Close Up Cinema who are going to be occupying the building. The representations note that high level signage is often associated with cinemas and that this signage has a '*clean and classic design*'. The applicant has stressed that the business needs a presence that can be seen from both Brick Lane to the east and towards Bethnal Green Road to the west.
- 8.11 Officers are sympathetic to the need for businesses to attract customers. However, it is considered that other forms of advertising at fascia level (including projecting signs) could achieve the same ends without the adverse impacts associated with the current scheme. Whilst Cinemas typically have large and prominent signs, it is noted that this building was not originally designed as a cinema. Signage that better respects the architectural form of the original shopfronts is likely to be more appropriate. Officers appreciate that care has been taken with the design of the signage and that it would unify the pair of buildings giving them a greater presence on the street. However, this is only one of several businesses along the street. Though each application is judged on its own merits, care must also be taken in terms of consistency of decision making. It could be difficult to allow very prominent signage on this building and then refuse other examples that may also come forward.
- 8.12 The Applicant has also drawn attention to the large number of high level signs along Brick Lane. Officers accept this, but would note that these signs are typically old and pre-date the current policy context. In the majority of cases these signs do not benefit from advertisement consent, and have become immune from enforcement action with the passing of time. Where new high level signage is proposed along Brick Lane the Council will apply current policy and such signage would typically be refused. Officers also note that Scalter Street does not currently have any high level signs and therefore has a different character to Brick Lane.
- 8.13 One representation was received from a nearby resident in regards to the illumination of the high level sign creating a visual disturbance late in to the night due to light shining into residential windows. Though Officers have concerns about the prominence of the advertisement, if this was found to be acceptable the level of luminance of the signage in itself is unlikely to cause any significant amenity impacts.
- 8.14 On balance Officers consider that the proposed signage is unacceptable for the reasons given in the recommendation.

Public Safety:

- 8.15 The main public safety issues to consider in the case of this advertisement are the impacts on highway and pedestrian safety.

- 8.16 At its lowest point the bottom of the signage is located 2.7m above the footway. This is considered sufficient to ensure that it will not obstruct pedestrian movement. The illumination would be static, which would ensure the signage would not be distracting to drivers.
- 8.17 The Council's Highways Department have raised no objections to the proposal. The signage would be acceptable in terms of public safety.

9.0 Other Planning Issues:

9.1 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.

It is not considered that this application raises any equalities issues.

10.0 Conclusions

10.1 All other relevant policies and considerations have been taken into account. Advertisement Consent should be **REFUSED** 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.

11.0 Site Map

Planning Application Site Map
 Planning Application Reference: PA/14/00128



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

Agenda Item 8.3

Committee: Development	Date: 25 June 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/13/02529 (Full Planning Application)
	Ward: Weavers

1. APPLICATION DETAILS

Location: Car Park, Cygnet Street, London.

Existing Use: Car park.

Proposal: Erection of a building up to six storeys to provide basement gym (Use Class D2), ground floor commercial (Use Classes A1, A2, A3 and B1) and 39 dwellings above.

Drawings and documents: List of Plans:

1219 PL0999, Revision A
1219 PL1000, Revision A
1219 PL1001, Revision B
1219 PL1002, Revision A
1219 PL1003, Revision A
1219 PL2000, Revision A
1219 PL2001, Revision A
1219 PL2002, Revision A
1219 PL2003, Revision A
1219 PL2004, Revision A
1219 PL3000, Revision A
1219 PL3001, Revision A
1219 PL3002, Revision A
1219 PL040, Revision A
1219 PL041, Revision A
1219 PL042, Revision A
1219 PL502
1219 601
1219 602

Documents:

- Design and Access Statement
- Transport Statement
- Daylight and Sunlight Assessment

- Planning Statement
- Viability Report
- Energy and Sustainability Strategy
- Sustainability Statement
- Energy Statement
- BREEAM Pre-Assessment
- Arboricultural Summary Report
- Ecological Appraisal
- Geotechnical and Land Contamination Assessment
- 3 CGI Views
- Photograph of Brick Sample

Applicant: Galliard Homes Ltd.

Ownership: Mr Stephen Ratzker

Historic Building: None

Conservation Area: Brick Lane/ Fournier Street

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for full planning permission to redevelop the existing car park to provide 2 storeys of gym floorspace at basement level, commercial uses at ground floor level and 39 residential units at first to floor level. The proposed building would be part four storey, part 5 storey and part 6 storey in height.
- 2.2 The proposed housing would provide a policy compliant mix of one, two and three bedroom homes. 36% would be affordable housing including intermediate housing (shared ownership) and homes for rent at Tower Hamlets preferred affordable rent levels. Four wheelchair accessible units are provided at the first, second and third floor levels. The proposed housing meets lifetime homes standards and blue badge spaces will be available on a demand led basis.
- 2.3 The proposal would be acceptable in terms of design and would respect the character of surrounding buildings. The scheme would enhance the character of the Brick Lane/ Fournier Street Conservation Area. It is also considered that the proposal would deliver high quality private, intermediate and affordable homes in a sustainable location. The scheme comprises commercial uses at ground floor level which would add to the vibrant mix of uses in the area and there are 2 levels of gym space at basement level which would support healthy and active lifestyles.
- 2.4 The proposal would not give rise to any material harm to the amenity of adjoining occupiers in terms of overlooking, loss of privacy or outlook or sense of enclosure. The daylight/ sunlight report showed there will be some overshadowing and loss of light but officers are satisfied that these instances have been justified and are acceptable on balance. Subject to appropriate conditions, noise and vibration will be mitigated to avoid disturbance to neighbouring residential properties.
- 2.5 Transport matters including parking, access and servicing are acceptable subject to condition and the proposal seeks to deliver a 34% reduction in CO2 emissions.

2.6 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure affordable housing and contributions towards education, health, open space, community facilities, employment, transport and sustainability in accordance with national and local policies.

3. RECOMMENDATION

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

3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- £10,599 is required towards Idea Stores, Libraries and Archives
- £35,328 is required towards Leisure Facilities
- £67,503 is required towards Public Open Space
- £1,089 is required towards Smarter Travel
- £56,337 is required towards Streetscene and the Built Environment
- £24,772 is required towards Enterprise & Employment
- £98,948 is required towards Education
- £46,456 is required towards Health
- £27,186 is required towards the Carbon Offset

- In addition, £8,208 is required for Monitoring

Total financial contributions: £376,426

3.3 In addition, the following non-financial obligations would be secured:

- 36% affordable housing (13 units with a 77%/33% split in favour of affordable rent)
- 4 wheelchair accessible units
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction and end user stage (20%)
- Blue badge parking space to be funded by applicant at request of potential tenants for a term of 5 years.

3.4 That the Corporate Director, Development & Renewal and Head of Legal Services be delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

Conditions – full planning permission PA/13/02529

3.6 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of operation for proposed commercial uses

4. Hours of construction
5. All residential accommodation to be completed to lifetime homes standards
6. No more than 100 square metres of the commercial space shall be in A3 use

3.7 Prior to commencement

7. Demolition/Construction Environmental Management Plan/Construction logistics
8. Scheme of Highways Works (S.278)
9. Details of cycle parking/storage for commercial units
10. Submission of details of the wheelchair housing specification/standards to show revised mix of wheelchair adaptable design,
11. Submission of details and samples of all facing materials including windows, balustrades and screening
12. Landscaping and boundary treatment details
13. Details of play space/communal space
14. Details of all external lighting and CCTV
15. Details of brown and green roofs and other ecological enhancement/mitigation measures
16. Details of external plant and ventilation, including noise attenuation measures
17. Details of all Secure by Design measures
18. Details of rooftop PV array
19. Location of dry risers
20. Contaminated Land Desk Study Report

3.8 Prior to Occupation

21. Delivery and Servicing Plan
22. Waste Management Plan including a refuse collection management
23. Code for Sustainable Homes post completion assessment
24. BREAAAM post completion assessment
25. Contaminated Land Remediation Works

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

3.10 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations
4. S278

4. SITE AND SURROUNDINGS

4.1 The application site is situated to the west of the borough and falls within the electoral ward of Weavers. The site is approximately 0.1 miles east of Shoreditch High Street Overground Station and lies just south of Bethnal Green Road and approximately 50 metres west of Brick Lane. The site at present comprises a car park which fronts Bacon Street to the north, Cygnet Street to the west and Sclater Street to the south. The application site itself does not fall within a Conservation Area but immediately adjoins the Brick Lane/ Fournier Street Conservation Area to the east and on the opposite side of Sclater Street to the south. There are no Listed Buildings on the site or within the immediate surrounding area.

- 4.2 To the north of the site on the opposite side of Bacon Street there is a new build residential development which is four storeys in height with a fifth storey set back from the front elevation. Towards the west, this building increases to eight storeys in height. The residential units within this part 5, part 8 storey block have recessed balconies looking on to Bacon Street. Beyond this, the building meets an open piazza area with high quality hard landscaping. This open area provides a key view of the north-west corner of the application site.
- 4.3 To the west of the application site on the opposite side of Cygnet Street, an eight storey building has been built and at the time of writing is still under construction. The building is not currently occupied, but has permission for commercial use at ground floor level and residential accommodation on the upper floors. Both buildings to the north and west have modern elevations though the building to the north has predominantly brick elevations and the building to the west has an exterior predominantly comprising cladding.
- 4.4 To the south of the site on the opposite side of Bacon Street, there is another vacant plot. This land forms part of the Bishopsgate Goodsyards site allocation as set out in the Core Strategy (2013). At present, hoardings are erected around the boundary of this site.
- 4.5 The eastern boundary of the application site adjoins two rows of buildings; one fronting Bacon Street to the north and the other fronting Sclater Street to the south. A single storey structure presenting a corrugated metal exterior at number 10 Bacon Street immediately adjoins the northern part of the eastern boundary. It was noted at the time of the site visit, the premises of number 10 was being used for the sale of furniture. Further east of number 10, there are two period buildings with traditional elevations; 12-14 Bacon Street (four storeys) and; 16 Bacon Street (3 storeys).
- 4.6 The southern terrace immediately adjoining the eastern boundary (southern side) of the application site begins with a traditional four storey building comprising a pitched roof finished with pan tiles. The majority of buildings along the northern part of Sclater Street are 4 storeys in height, traditional in appearance and host commercial uses on the ground floors and residential accommodation on the upper floors. Beyond the adjoining buildings immediately east of the application site lays Brick Lane.
- 4.7 The site itself hosts a car park which can accommodate up to 60 spaces. On a Sunday, the Brick Lane Market extends up to Bacon, Cygnet and Sclater Street and some stalls are set up over the car park.
- 4.8 The site falls within the designated City Fringe Activity Area, and Clear Zone. Sclater Street forms part of the Tower Hamlets Cycle Network. The site falls outside of the Brick Lane District Centre.

5 RELEVANT PLANNING HISTORY

- 5.1 None relevant for the application site itself; however, the planning history of the adjacent sites (Former 32-42 Bethnal Green Road Sites) to the north and west is detailed below.
- 5.2 On 25 May 2008, planning permission was granted for the: Demolition of existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sqm of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising of 32 x studios, 135 x 1 bed, 116 x 2

bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), car parking, bicycle parking, refuse /recycling facilities, access, public amenity space and new public space. (LBTH Ref: PA/07/02193)

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Full planning permission is sought to redevelop the existing car park to provide 2 storeys of gym floorspace (approximately 1800 square metres) at basement level, commercial uses (A1, A2, A3 and B1) at ground floor level and 39 residential units at first to fifth floor levels. The proposed building would be part four storey, part five storey and part six storeys in height.
- 6.2 The Bacon Street elevation of the building is 5 storeys in height towards the east; further west along the Bacon Street elevation, the building extends an additional storey in height to enclose outdoor amenity space on the roof. Precast brick columns and balustrading contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Further south of the Cygnet Street elevation, the 6 storey element is set back and the building drops to 4 storeys at the front façade and then increases up to 5 storeys.
- 6.3 Recessed balconies serving the residential accommodation on the upper floors feature along the Cygnet Street and Sclater Street elevations. Towards the western end of the Sclater Street elevation, the building is 5 storeys in height with a sixth storey set back. The setback sixth storey element ends towards the eastern part of the Sclater Street elevation and the whole building drops to 3 storeys with an additional setback storey to address the adjoining period 4 storey building to the east. This part of the proposed building, although a storey less than the adjoining 4 storey building to the east, externally appears at the same height by virtue of the large ceiling heights and a parapet above the second floor of the building. The setback third floor level has a pitched roof element which meets the roof ridgeline of the adjoining pitched roof of the neighbouring building to the east.
- 6.4 The external materials are predominantly yellow London stock brick and the windows and doors would be aluminium powder coated, painted in dark grey/ black. The Sclater Street elevation, which adjoins period buildings to the east (and within the Brick Lane/ Fournier Street Conservation Area) would be a red brick to match the neighbouring properties.
- 6.5 The proposal comprises 39 residential units; 27 of which would be market housing 12 of which would be affordable housing. The scheme provides 17 one bedroom units, 17 two bedroom units and 5 three bedroom units. Four of the units would be wheelchair accessible. All of the residential units would be designed to lifetime Homes standards and Sustainable Homes Code 4. The market housing core is located to the south and the residential units are accessible from Sclater Street. The affordable housing core is located to the north and the residential units are accessible from Bacon Street. Each core has its own outdoor amenity space on the roof of the building, totalling approximately 220 square metres. Each residential core has access to an area for cycle store spaces (allowing space for a total of 58 spaces) and refuse and recycling storage at ground floor level.
- 6.6 The entrance to the gym would be from Bacon Street to the north, a lift and stairs provide access to the two floors of gym at levels -1 and -2. The gym would share the commercial waste storage with the retail units at ground floor level. The commercial waste is located within the centre of the ground floor level behind the commercial

units and residential access cores. Refuse collection would be from Bacon Street and Sclater Street. Servicing would take place from Cygnet Street and Bacon Street; The proposed development would be car free although the section 106 makes provision for spaces for blue badge users should there be demand.

7 POLICY FRAMEWORK

7.1 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:

7.2 Government Planning Policy

NPPF - National Planning Policy Framework (2012)

NPPG- National Planning Policy Guidance (2014)

7.3 Spatial Development Strategy for Greater London - London Plan 2011

London Plan Revised Early Minor Alterations 2013 (LP REMA)

2.9 Inner London

3.1 Ensuring equal life chances for all

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

3.6 Children and young people’s play and informal recreation facilities

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.14 Existing Housing

3.16 Protection and enhancement of social infrastructure

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.8 Innovative energy technologies

5.11 Green Roofs and Development Site Environs

5.13 Sustainable drainage

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

5.21 Contaminated land

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.11 Smoothing Traffic Flow and Tackling Congestion

6.13 Parking

7.1 Building London’s Neighbourhoods and Communities

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.8 Heritage and Archaeology

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

8.2 Planning Obligations

8.3 Community Infrastructure Levy

7.4 Tower Hamlets Adopted Core Strategy 2010

SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP05 Dealing with waste
SP06 Employment uses
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering place making
SP13 Planning Obligations

7.5 Managing Development Documents 2013

DM0 Delivering sustainable development
DM1 Development within the Town Centre Hierarchy
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community Infrastructure
DM10 Delivering Open Space
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012
Brick Lane/ Fournier Street Conservation Area Appraisal

7.7 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

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Environmental Health

- 8.2 The submission does not include an acoustics report to consider the impacts of noise/ vibration caused by the basement gym and ground floor commercial uses on the surrounding residential properties.

(OFFICER'S COMMENT – Should permission be granted, it is recommended a condition be attached requiring an acoustics report to be submitted and approved in writing by the Local Planning Authority prior to occupation).

LBTH Environmental Health Contaminated Land

- 8.3 The site was previously used as a saw mill. A contamination land survey is recommended before development takes place

(Officer comment: Suitable conditions would be added to permission)

LBTH Biodiversity Officer

- 8.4 The application site has no existing biodiversity value nor potential to support protected species. There will therefore be no adverse impacts on biodiversity. Policy DM11 seeks living roofs and biodiversity gains from developments. A condition should require details of the green roof.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included.)

LBTH Energy Efficiency Unit

- 8.5 The proposals have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply (installation of a CHP). The proposals also include the installation a PV array to further reduce CO2 emissions.

- 8.6 The overall CO2 emission reductions considered achievable for the development are approximately 34%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposal fall short of this policy requirements by 16%, this equates to 19.7 tonnes of CO2 of regulated CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. For the proposed scheme it is recommended that a figure of £27,186 is sought for carbon offset projects in the vicinity of the proposed development.

- 8.7 At present the current interpretation of Policy DM29 is to require all residential developments to achieve a minimum Code Level 4 and non-residential to achieve a BREEAM Excellent rating. The proposals have been designed to achieve the relevant ratings and are therefore are supported by the sustainable development team. Appropriately worded conditions should be applied to secure the submission of the Code and BREEAM certificates post occupation of the building.

- 8.8 Initial assessment confirms that the proposed development would also achieve Sustainable Homes Code 4. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included. The carbon offset figure of £27, 186 has been included in the section 106 requirements).

LBTH Communities, Localities & Culture (Strategy)

8.9 The units proposed will result in an estimated 74 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

- £10,599 is required towards Idea Stores, Libraries and Archives.
- £35,328 is required towards Leisure Facilities.
- £67,503 is required towards Public Open Space.
- £1,089 is required towards Smarter Travel
- £56,337 is required towards Public Realm (Street Scenes and Built Environment)

(OFFICER'S COMMENT: The requested contributions have been agreed and included in Section 106 Heads of Terms).

LBTH Transportation & Highways

8.10 Further details are required regarding cycling and servicing strategy. Should approval be given the following conditions and informatives need to be imposed:

8.11 Two existing crossovers are to be removed and reinstated to footway, which will be carried out by LBTH or an approved contractor, at the cost of the applicant. A S278 agreement will be required for this and any other works to the public highway. Because of the increase in footfall there may be a necessity to improve street lighting in the area, particularly in Cygnet Street. An assessment will be made and any new lighting should be funded through the S106 / S278 process.

8.12 Details of the cycling strategy and storage facilities for all uses / users are to be supplied and agreed prior to occupation.

8.13 A Service Management Plan identifying how servicing to the development will be controlled to be submitted and agreed prior to occupation.

8.14 A Construction Management Plan to be submitted prior to any works taking place.

8.15 A *Permit Free* agreement secured via the S106 agreement, restricting all future residents of the development from obtaining parking permits in the surrounding controlled parking zone.

8.16 The S106 should also include an agreement from the applicant to fund any disabled bays required on street as a result of the development for a period of 5 years after first occupation. This fee to include signing, marking, advertising and cost of amending the Traffic Management Orders.

(OFFICER'S COMMENT: Conditions have been added requiring the additional information on cycle storage and waste management. The additional abovementioned suggested conditions have also been included. Highway matters will be addressed in Section 10 of this report.)

LBTH Waste Policy and Development

- 8.16 No objections to waste storage proposals.

(OFFICER'S COMMENT: A Waste Management Strategy condition has been included).

LBTH Senior Arboricultural Officer, Parks and Open Spaces

- 8.17 No objection is raised to the proposed works; any work carried out must adhere strictly to recommendations in BS5837: 2012 "Trees in relation to design demolition and construction" to facilitate retention of the trees. The loss of any trees during and up to 5 years following construction of the development must be replaced by the developer up to the values to be agreed with the Council.

(OFFICER'S COMMENT: As demonstrated in the submitted Arboricultural Summary Report, of the four trees on site, 3 have been assessed as dead trees and the fourth has been significantly cut back in the past and has no particular arboricultural quality. It is not feasible to replant trees within the site, however the section 106 heads of terms include open space that could include tree planting.

LBTH Enterprise & Employment

- 8.18 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets.

- 8.19 The Council will seek to secure a financial contribution of £15,265 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and £9507 for the end user.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

External consultation responses

Thames Water Utilities

- 8.29 Thames Water raised no objections and requested a standard informative to be included on the decision notice.

(OFFICER'S COMMENT: An informative has been included with the advice from Thames Water).

Crime Prevention Officer

- 8.30 The officer asked for more detail on the use of the ground floor commercial units. More generally, concerns were raised regarding the number of access points across different uses and residential cores at ground floor level.

- 8.31 The suggestion was made that work be carried out on the adjacent building to the east as this could compromise the security of the proposed development.

(OFFICER'S COMMENT: The applicant submitted revised plans based on the initial comments. The new plans have fewer access points and no longer accommodate access between different uses/ cores. In relation to the adjoining building, this is a separate site owned by separate private landowners. The council would have no remit to impose requirements on this land in relation to the current planning application).

Primary Care Trust

- 8.32 A figure of £46,456 is required for capital contribution costs.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

- 8.33 The following were also consulted; however, no responses have been received.

- London Fire and Emergency Planning Authority
- The Spitalfields Trust
- Spitalfields Community Association

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 Site notices were displayed on 14 November 2013. The proposal was also advertised in the press on 18 November 2013. A total of 190 neighbouring addresses were notified in writing. 6 letters of objection have been received.

- 9.2 For completeness, all issues raised in the objections are summarised below.

- 9.3 The objection raises the following matters:

1. Design (Proposed 6 storey height inappropriate adjacent to surrounding 3 storey buildings).
2. Disruption and noise during works.
3. Concern that noise and disturbance from late night uses in the area will harm the amenity of future occupants of the building.
4. Concern that the windows on the eastern elevation would overlook the adjoining site at numbers 14-22 Bacon Street. A second objection letter also raised concern more generally to overlooking.
5. Decreasing value of surrounding properties.

- 9.4 Point 1 is addressed in the design section of the report (within section 10 below); points 2, 3 and 4 are considered within the amenity section of the report (within section 10 below). With regard to point 4, decrease in property value is not a material planning consideration.

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage matters
3. Housing - density, mix and tenures
4. Residential Amenity
5. Transport and Access
6. Sustainability, Energy efficiency & Climate Change
7. Health Considerations
7. Planning Obligations & CIL
9. Localism Act (amendment to S70 (2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations
12. Conclusion

Land Use

- 10.2 The site falls within the City Fringe Activity Area. Policy SP01 in the Core Strategy states that within the Boroughs activity areas, the Council will seek to provide transitional areas that are complementary, yet different, to the distinct designations of the CAZ and Canary Wharf major town centre. This will be achieved through the promotion of a vibrant mix of uses that are economically competitive, based on a set of principles, defined in the Town Centre Spatial Strategy. The accompanying diagram indicates the range of acceptable uses within the boroughs activity areas: 'specialist/ niche uses, creative and cultural uses, small and large offices, cafes and restaurants.'
- 10.3 The Adopted Core Strategy place-making policy SP12 more specifically identifies a vision for Shoreditch: 'The borough's area of Shoreditch will build on the diverse heritage, culture and enterprise that it shares with its neighbouring borough, Hackney. It will accommodate and encourage sustainable growth through the synthesis of old and new and maintaining the character and townscape qualities of this place.' A key priority is to protect residential amenity in the area using night-time environmental, safety, licensing and planning management in and around Redchurch Street and Brick Lane.
- 10.4 The key principles to achieve the vision for Shoreditch are as follows: Heritage will be protected in conservation areas; Small-scale redevelopment may be acceptable where it preserves or enhances the character and appearance of the area; Development outside of the Bishopsgate Goodsyrd area should seek to retain and enhance the traditional street pattern and medium-rise character of the area and finally; To retain and encourage the vibrant mix of uses, which consist of small shops, businesses and enterprise spaces, in and around the neighbourhood centre, to the west of the area, and along the main routes.
- 10.5 There are no particular land use designations on the site although the site adjoins the Fournier Street/ Brick Lane Conservation Area to the east and the Conservation Area boundary also extends south on the opposite side of Sclater Street; this position results in the need for particularly high quality design.

Loss of car park

- 10.6 The application site is a former brownfield site and is currently in use as a carpark. The car park provides approximately 60 spaces and at times is well used. The supporting text of policy 6.13 (Parking) in the London Plan (2011) states that given the need to avoid over-provision, car parking should reduce as public transport

accessibility increases. The application site is in a location with a very high PTAL (Public Transport Accessibility Location) of 6. The reduction in car parking spaces also complies with the Council's local policies which seek to reduce car use and improve sustainability as outlined within Policy SP09 in the Core Strategy (2010) and DM29 in the Managing Development Document (2013). By virtue of the high PTAL of the site and the need to reduce car dependency in the area, the loss of the carpark is considered acceptable.

Principle of residential use

- 10.7 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885.
- 10.8 The need to address the demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.9 The above policies also set out where new housing could be delivered and identify the Shoreditch area as having potential for medium growth. By virtue of the existing surrounding uses, the principle of residential use in the area has been established and the proposed development for 39 dwellings would contribute to the boroughs housing targets. The housing mix and quality will be discussed further in following sections of the report.

Proposed Commercial Use

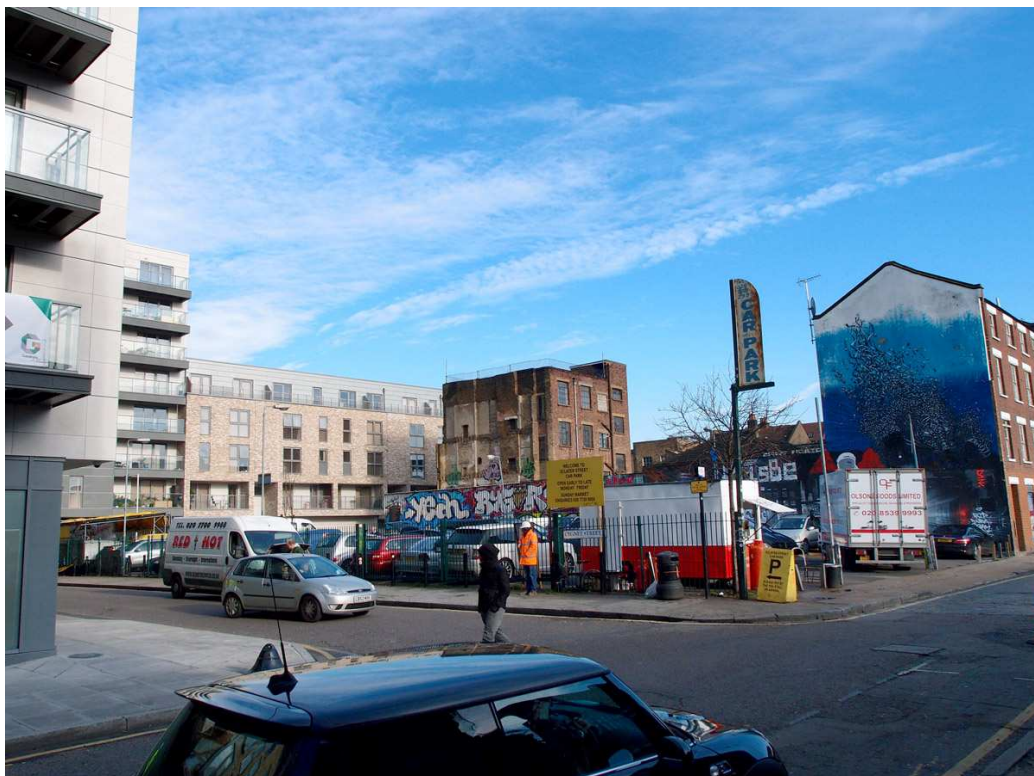
- 10.13 Policy SP01 of the adopted Core Strategy (2010) seeks to support the boroughs Town Centres. Policy SP01(5) seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 10.14 As outlined in paragraph 10.4 of this report, the application site lies within the City Fringe Activity Area where a range of uses are considered acceptable and a 'vibrant mix' of uses are sought. The proposal seeks to create 450 sqm flexible A1, A2, A3 and B1 use class space at ground floor level and approximately 1800 sqm of D2 (gym) space over the two basement levels.
- 10.15 The active frontages created by the proposed A1, A2 and A3 ground floor uses would contribute to the 'vibrant mix of uses' in accordance with DM1 and would contribute to additional retail and amenities for local people. However, relevant to the proposed A3 use, Policy DM1 part ii states that A3, A4 and A5 uses will only be acceptable in the boroughs activity areas providing that: a) they do not result in an overconcentration of such uses; and b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit. By virtue of the large area of the ground floor commercial space, the proposed development itself has the capacity to cause an overconcentration of uses.

- 10.16 Core Strategy (2010) Policy SP12 (The Vision for Shoreditch) states that a key priority is to protect residential amenity in the area using night-time environmental, safety, licensing and planning management in and around Redchurch Street and Brick Lane. In accordance with this part 6 of Policy DM1 in the Managing Development Document (2013) states that A3, A4 and A5 uses in Brick Lane district centre will be supported where they do not exceed 25% of the total number of units.
- 10.17 The site lies just outside of the Brick Lane District Centre, however, it is recognised that there is an ongoing issue with the late night economy in this area. Furthermore, as stated above, by virtue of the large area of the ground floor, the proposal itself could result in an overconcentration of late night economy uses. As such, a condition has been attached to the permission restricting the amount of A3 use space to 100 sqm.
- 10.18 In terms of the inclusion of B1 (office) use within the flexible ground floor use, this would support Policy SP06 in the Core Strategy (2010) which seeks to deliver successful employment hubs and Policy DM15 in the Managing Development Document (2013) which seeks to create local jobs and investment. As such, no objections are raised to the inclusion of B1 office space within the proposed development.
- 10.19 Policy DM8 requires that new health, leisure and social and community facilities should be located in or at the edge of town centres. The inclusion of a gym over the two basement levels is considered acceptable in principle by virtue of the sites position within the city fringe activity area. Furthermore, the proposed use accords with Policy SP03 in the Core Strategy which seeks to create healthy and liveable neighbourhoods.
- 10.20 The submission documents estimate that the proposal would create approximately 16 jobs based on the indicative layout. Furthermore, the proposed commercial uses would contribute to a 'vibrant mix of uses' in the borough's activity area. As such, the proposed mixed use residential and commercial development is acceptable in landuse terms subject to acceptable design, layout and detailing.

Design and Heritage

- 10.21 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.22 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.23 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.24 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.25 The site abuts the Brick Lane/ Fournier Street Conservation Area. Members must satisfy themselves that the proposal pays special regard to the desirability of the Conservation Area and that the proposal conserves or enhances the appearance of the Conservation Area.



Layout, height and scale

- 10.26 The site is a brownfield site and is currently used as an open car park. The site is nominally flat, with hard standing over its entirety. Immediately adjoining the site to the east, there is single storey structure presenting a corrugated metal exterior at number 10 Bacon Street which at the time of site visit was occupied by a furniture sales business. More generally, the site is adjacent to buildings of historical interest

to the east and to the north east. These plots appear small and comprise period buildings 3-4 storey in height. Facades are built to the back edge of the pavement along narrow streets. Beyond the adjoining buildings to the east of the application site lays Brick Lane which also consists of long narrow plots with buildings of 3-4 storeys in height.

- 10.27 To the north and west of the site are recently consented and recently constructed developments which form part of the redevelopment of the land at 32-42 Bethnal Green Road. On the opposite side of Bacon Street there is a new build residential development which is four storeys in height with a fifth storey set back from the front elevation. Towards the west, this building increases to eight storeys in height. The residential units within this part 5, part 8 storey block have recessed balconies looking on to Bacon Street. Beyond this, the building meets an open piazza area with high quality hard landscaping. This open area provides a key view of the north-west corner of the application site.
- 10.28 To the west of the application site on the opposite side of Cygnet Street, an eight storey building has been built and at the time of writing is still under construction. The building is not currently occupied, but has permission for commercial use at ground floor level and residential accommodation on the upper floors.
- 10.29 To the south of the site on the opposite side of Bacon Street, the site is currently vacant. This land forms part of the Bishopsgate Goodsyrd site allocation as set out in the Core Strategy (2013). At present, hoardings are erected around the boundary of this site but the site will eventually accommodate a dense, mixed use development including some high rise elements.
- 10.30 The proposed Bacon Street elevation of the building is 5 storeys in height towards the east; further west along the Bacon Street elevation, the building extends an additional storey in height to enclose outdoor amenity space on the roof. Precast brick columns and balustrading contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Further south of the Cygnet Street elevation, the 6 storey element is set back and the building drops to 4 storeys at the front façade and then increases up to 5 storeys.



CGI Looking towards scheme at junction Cygnet Street / Sclater Street.

- 10.31 Recessed balconies serving the residential accommodation on the upper floors feature along the Cygnet Street and Sclater Street elevations. Towards the western end of the Sclater Street elevation, the building is 5 storeys in height with a sixth storey set back. The setback sixth storey element ends towards the eastern part of the Sclater Street elevation and the whole building drops to 3 storeys with an additional setback storey to address the adjoining period 4 storey building to the east. This part of the proposed building, although a storey less than the adjoining 4 storey building to the east, externally appears at the same height by virtue of the large ceiling heights and a parapet above the second floor of the building. The setback third floor level has a pitched roof element which meets the roof ridgeline of the adjoining pitched roof of the neighbouring building to the east.



CGI Image of Corner of Building at Junction Bacon and Cygnet Street (Opposite Rich Mix Square)

- 10.32 It is considered that the proposed part 4, part 5, part 6 storey height of the building responds to both the 4 storey buildings to the east by virtue of the lower height and setbacks adjacent to these buildings and the eight storey buildings on the opposite side of Bacon and Cygnet Street. The proposed building presents a gradual increase in height towards the taller and denser sites to the west while respecting the traditional lower rise buildings to the east. In particular to the east, a pitched roof element has been incorporated at fifth floor level and the roof ridge height adjoins the roof ridge of the period 4 storey building to the east. To the north west, the tallest part of the building marks an entrance in to the road from the newly constructed public piazza.
- 10.33 In terms of layout, the market housing core is located to the south and the residential units are accessible from Sclater Street. The affordable housing core is located to the north and the residential units are accessible from Bacon Street. Each core has its own outdoor amenity space on the roof of the building, both amenity areas total approximately 220 square metres. Each residential core has access to an area for cycle store spaces (allowing space for a total of 58 spaces) and refuse storage at ground floor level.
- 10.34 The entrance to the gym would be from Bacon Street to the north, a lift and stairs provide access to the two floors of gym at levels -1 and -2. The gym would share the commercial waste storage with the retail units at ground floor level. The commercial waste is located within the centre of the ground floor level behind the commercial units and residential access cores.

- 10.35 It is considered that the proposed layout would provide active frontages and access points at ground floor level which would contribute to activity and natural surveillance in the area. The residential and commercial entrances are clearly defined and allow ease of access for both residents and visitors of the commercial premises. The entrances to the building are level access and two lifts serve each residential core with a separate commercial lift providing access to the basement level gym. The details of servicing will be agreed through a service management plan and a condition has been added requiring this to be provided prior to the commencement of development.
- 10.35 For the reasons outlined above, it is considered that the design of the proposed development would be appropriate in terms of height, layout and scale and would relate well to the surrounding street layout and townscape.

Architectural Appearance, Materials and Landscape

- 10.36 The submitted design and access statement states that the existing urban block is incomplete and that the proposals allow for the completion of the urban block and the reinstatement of the street. Furthermore, it states that the resultant facades on three sides reintroduces a vertical organisation to the urban fabric. It can be seen that the three frontages present different characters and each respond to the surrounding context in terms of height, verticality and materiality.
- 10.37 The external elevations of the proposed building would be predominantly brick. The agent submitted samples of potential materials (photographs included in the case file) although the exact brick type is to be agreed via condition and will depend on availability at the time of construction. The brick will be a form of yellow London stock brick and will be constructed in stretcher bond form.
- 10.38 An area of the façade fronting Sclater Street and adjoining the period building to the east would be formed of a red London stock brick type in Flemish bond. This part of the building has a pitched roof set behind a parapet wall. The southern elevation of the building is also lowest in height and contains longer, narrow windows, creating more verticality to respect the character of the adjoining period buildings. This design detailing will respect the sensitive setting and character of the Brick Lane/ Fournier Street Conservation Area to which the eastern boundary of the site adjoins.
- 10.39 The north and west elevations fronting Cygnet and Bacon Street are overall of a more modern design with wider windows and recessed balconies creating less verticality. However, the set of windows adjoining the site to the north east and fronting Bacon Street are longer and narrow in design to address the period buildings to the east. The small 4 storey element, 5 storey element and set back 6 storey element on Cygnet Street adds variety to the elevation running the length of the road whilst also taking in to account lighting levels for residential properties within and surrounding the development.
- 10.40 The top level of the building comprises precast brick columns and balustrading to contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Openable metal shutters are behind the balustrading and these would have an aluminium powder coated finish to match the window and door frames. A condition has been attached requiring further details of the top floor element to ensure a satisfactory appearance.

- 10.41 The proposed window and doors would have a one brick reveal and the frames would be aluminium powder coated painted in a dark grey/ black colour. The submitted drawings show fascia design details below and to the sides of the fenestration on the upper floors of the building. This design detail would also be aluminium powder coated to match the proposed window frames and doors, as would the proposed fascia boards for the commercial units below. Metal balustrading contains the private amenity balconies for the residential units on the upper floors. Beneath the residential windows, reconstituted stone forms the window sill adding an interest to the elevation. Reconstituted stone is also used for wall copings on the upper levels of the building. A blue grey engineering brick is used at the base of the building and adds variety and interest to the external elevations.
- 10.42 The proposed commercial units have predominantly glazed shopfronts with elements of powder coated aluminium to match the residential windows and doors on the upper floors. The CGIs provide indicative layouts for the signage (which would require separate advertisement consent). It is considered that overall the shopfront presents a high quality design with brick reveals incorporated appropriately in to the Conservation Area. Whilst the signage will be fully considered within a subsequent advertisement consent application; to be in keeping with the surrounding area and to respect the character of the adjoining Conservation Area, 1 projecting sign for each unit at fascia level would be accepted as a maximum. As indicated above, these details would be agreed at the time of the advertisement consent application.
- 10.43 Overall, it is considered that the proposed design responds to the surrounding building form, heights, architecture and appearance. The three elements of the building take in to account the lower density more traditional buildings to the east and the denser, modern buildings to the west. The stepped height formats and design detailing add interest to the elevations and present a high quality design sensitive to the character of the surrounding area. For these reasons it is also considered that the proposal pays special regard to the desirability of conserves and enhances the appearance of the adjacent Brick Lane/ Fournier Street Conservation Area to the south and east.

Housing

- 10.44 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Residential density

- 10.45 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.46 The application site benefits from an urban context and very good public transport accessibility - PTAL score 5. In areas of PTAL 5 and above plus an urban setting, the

density matrix associated with policy 3.4 of the London Plan supports densities of up to 650-1100 habitable rooms per hectare. This proposal seeks to create 39 units which represents a density of 954hr/ha and falls within the mid-range of the density guidance and as such is considered acceptable.

Affordable housing

- 10.47 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.48 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on new sites, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. The application would offer a 36% affordable housing by habitable room. This exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and as such is acceptable.
- 10.49 This proposal would provide a split of 77%:23% in favour of affordable rent accommodation which is considered acceptable. All of the affordable units would be rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership; the LBTH affordable housing team has confirmed that they would support the 36% offer at our POD levels for this postcode.
- 10.50 The POD rents for this area, inclusive of service charges, are as follows:
- 1 bed £232 per week
 - 2 bed £247 per week
 - 3 bed £264 per week
 - 4 bed £292 per week

Table 1: Proposed housing mix compared with policy DM3.

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH policy%	Unit	%	LBTH policy %	Unit	%	LBTH policy %
1bed	17	4	40%	30%	1	33.3%	25%	12	46%	50%
2bed	17	3	30%	25%	1	33.3%	50%	13	50%	30%
3bed	5	3	30%	30%	1	33.3%	25%	1	4%	20%
4bed	0	0	0%	15%	0	0%	0%	0	0%	
Total	39	10	100	100	3	100	100	27	100	100

Housing mix and tenures

- 10.51 The above table shows the range of sizes and tenures that the scheme would deliver. Whilst the scheme is not completely policy compliant in percentage terms, it should be noted that by virtue of the size of the scheme, the addition/ removal of just one unit significantly alters the percentage. Overall, the scheme provides a good level of 3-bedroom units within the affordable housing tenure. One of each sized units is provided within the intermediate housing and this indicates an acceptable mix.
- 10.52 Within the market tenure, only 4% of 3 bedroom units is being delivered against a target of 20%; however, it is recognised given the site constraints, viability issues and floor sizes of the separate housing cores, it would be difficult in this instance to provide a fully compliant mix. Furthermore, family sized units are most in demand within affordable housing according to the boroughs most up to date Strategic Housing Market Assessment.
- 10.53 Given the relatively small size of the scheme, exact compliance with all aspects of the housing size policy in DM3 is more difficult to achieve and on balance the proposals would offer a range and good mix of housing types, sizes and tenures. The proposed mix is supported by the Affordable Housing Team.

Standard of accommodation

- 10.54 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 10.55 All the units proposed are in line with the above policies and all units meet the minimum space standards as set out in policy DM4 of the Managing Development

Document (2013). Several of the flats located in the centre of the building are single aspect but none of these would be north facing. Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.56 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.57 Four wheelchair accessible homes are proposed consisting of four 2 bedroom flats at first, second and third floor level with private amenity space and entrances together with car parking spaces. Two lifts service each core which ensures that if one lift is out of use the other can facilitate wheelchair users. The LBTH Housing Team confirmed that the proposed housing is in line with the needs of families waiting for fully accessible housing on the Common Housing Register.
- 10.58 The MDD allows consideration for wheelchair accessible units by habitable rooms where this would deliver a better outcome for the development. The four units would have a combined total of 12 habitable rooms which would therefore equate to 11% of the total provision of wheelchair accessible units.

Private and communal amenity space

- 10.59 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.60 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies.
- 10.61 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 79sqm is required for a development of 39 flats. The development would provide two roof top communal amenity space areas (the western area measuring approximately 117 sqm and the eastern area measuring approximately 102sqm), totalling a combined area of approximately 219sqm.

Breakdown of Amenity Space							
Private Amenity		Communal Amenity		Child Play		Open Space	
LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision
5 sqm for 1-bed flat (extra sqm for each occupant)	All units comply.	79 sqm	129sqm	90 sqm	90sqm	88sqm	0sqm

10.62 As shown in the table above, all units meet or exceed private amenity space standards and the amount of communal space also exceeds requirements. Appropriate conditions would be attached to ensure that details of these spaces are approved at a later stage.

Child play space

10.63 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.

10.64 Using the LBTH child yield calculations, the development is anticipated to yield 10 children and accordingly the policy sets an overall benchmark of 100sqm of child play space to be provided.

10.65 It is anticipated that the development would yield 4 0-3 year olds, 4 4-10 year olds and 2 11-15 year olds. As demonstrated in the table above, the child play space provision is compliant with policy. Appropriate outdoor space should be provided for each age group and details of the play space areas will be secured through condition prior to the commencement of development.

Open Space

10.66 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. The MDD includes a monitoring target of 1.2 ha per 1000 population.

10.67 The proposal would not provide any outdoor space. However, given the site's space constraints and the fact that the proposal meets the communal and child play space standards and exceeds the requirement for communal open space by 40 square metres, the shortfall of additional open space is considered acceptable. Furthermore, as stated in the above sections of the report, the proposal would make a £67,503 financial contribution towards public open space. Overall it is considered the proposal is in accordance with policies and the financial contribution is welcome.

Residential amenity

10.68 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

- 10.69 The nearest residential property is the adjoining building at 93-95 Sclater Street as well as the residential developments on the opposite sides of Bacon Street and Cygnet Street to the north and west of the site.
- 10.70 Balconies are positioned all around the building and are predominantly outward looking. The building would be approximately 11m from the front façades of the buildings to the north and west and approximately 10m from the Bishopsgate Goodsyrd site to the south.

Overlooking and privacy

- 10.71 Due to the orientation of neighbouring buildings to the east, there would be no overlooking or loss of privacy in to habitable rooms in this direction. The proposed building is set back from the eastern boundary and the rear of the properties fronting Bacon Street and Sclater Street predominately have extended elements up to the rear boundary. The closest windows to the adjoining site to the east would be approximately 9m. This is fairly typical of distances in the borough within this urban setting. However, an objection has been raised by the owners of the site to the east as the windows on the eastern elevation could compromise development opportunities on this site. A condition has been attached requesting privacy screens for balconies on this elevation and obscure glazing up to 1.7m in height for non-habitable rooms to address this issue.
- 10.72 The windows and balconies to the north and west elevations would be approximately 11m from the residential properties on the opposite side of the road. Again, it should be noted that this is a fairly typical arrangement within this urban setting within the borough. Furthermore, like the application site, the properties on the opposite sides of the road have recessed balconies which creates a greater separation distance between the glazed elements of habitable rooms in many cases.
- 10.73 Similarly, it is not considered that a distance of 10m to the southern site would cause unacceptable loss of overlooking or privacy for future development coming forward at this site for the same reasons. Overall, it is not considered that the proposed development would give rise to unacceptable levels of overlooking or loss of privacy as the proposed development is typical of many urban housing developments in the borough.

Daylight and sunlight

- 10.74 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.75 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment clearly identifies where the BRE standards have not been met. The report was reviewed by an independent daylight/ sunlight consultant. Originally further information was requested on Daylight Distribution (DD) and Average Daylight Factor (ADF) calculations. This was provided and the

independent consultant concluded that although there are some failures, the existing levels of daylight are low by virtue of their inherent design and therefore any development is likely to have a material adverse impact on neighbouring properties. It was also noted that existing lighting levels rely on light from a low trajectory over the existing cleared site condition.

1-15 Bacon Street

- 10.76 The study shows the results of the Daylight Distribution test to 90 rooms. The results show that 85.5% of the rooms adhere to BRE Guidelines. Of the remaining rooms 6.7% receive a reduction of between 0.6 and 0.79, 2.2% of rooms receive a reduction of 0.4 – 0.59 and 5.6% rooms a reduction of 0.4 or lower.
- 10.77 The worse affected rooms are at lower floor level. In this development the rooms are set back behind balconies have very low levels of direct sky visibility and will therefore have an impression of a very closed outlook.

32- 42 Bethnal Green Road

- 10.78 The study shows that 75.2 of the rooms will satisfy Daylight Distribution BRE standards. Of the remaining rooms 5.5% have a reduction of 0.6 – 0.79, 8.3% a reduction of 0.4 – 0.59 and 11% rooms with 0.4 reduction or lower.
- 10.79 As with Bacon Street, there are significant reductions in daylight levels to lower floor rooms. However, this in part is a consequence of the design with rooms set behind balconies.

Donovan Homes

- 10.80 The results for the Donovan Homes scheme show a number of rooms on the 1st & 2nd floors which experience a reduction in VSC of more than 20% from existing. However, the VSC results are at a good level for an urban area. The NSL (No Sky Line) figure does in some cases have a reduction of more than 20% but it should be taken in to account that the site currently benefits from being opposite an open (car park) area which is not typical in such an urban setting.

70-74 Sclater Street and 66-68 Sclater Street

- 10.81 With regard to 70-74 Sclater Street and 66-68 Sclater Street, the results show that only 1 of the rooms fails to meet the VSC standards and the reduction is only 21% from existing. Overall, this is considered to be acceptable.
- 10.82 Finally, the submitted daylight/sunlight report identifies that the scheme proposals will not meet the primary APSH standard for those neighbouring properties which need to be tested. The independent daylight/ sunlight consultant stated that it would be inappropriate to expect 25% annual probable sunlight hours (and 5% in the winter months) for an area developed at the level that this area is becoming developed, and particularly to windows which are set back behind recessed balconies. Therefore, whilst the required standards are not met when compared with the existing site, it was not considered that the actual impact on sunlight is inappropriate for the buildings in question.
- 10.83 Overall it is considered that while there are some failures in daylight/ sunlight, this can be accounted for and is largely by virtue of the existing cleared site condition and design of surrounding properties. The proposed development is modest in mass and scale in comparison to some surrounding buildings and as such, the proposed daylight/ sunlight impact is considered acceptable in this instance.

Noise and vibration

- 10.84 The Environmental Health Officer requested that a noise assessment be submitted to consider the impacts of the proposed basement gym and ground floor commercial units on the proposed residential units on the upper floors and surrounding existing residential properties. A condition has been attached requiring the applicant to submit these details prior to occupation once the flexible ground floor uses and basement layout has been established.
- 10.85 However, by virtue of the position of the proposed gym in the basement of the building, buffered by the commercial uses at ground floor level, it is not anticipated that it would be difficult to control noise emissions in this area of the building. Similarly, it is not anticipated that A1, A2, B1 uses would generate much noise and the A3 space is conditioned to be a maximum of 100 sqm which would not allow for a large restaurant with many covers/ customers. In addition, the hours of operation of this use would be secured by condition.
- 10.86 One neighbour objection was concerned about the level of noise and disruption that could be caused by construction works. The neighbour asked that given the amount of recent development in the area could the development be stalled. It is not within planning remit to control this aspect, however a condition has been added to ensure that the construction work only takes place between 08.00 - 17.00 Monday to Friday and 08.00 -13:00 Saturday. No work is to be carried out on Sundays or Bank Holidays. A Construction Management Plan and Code of Practice is also required to ensure minimal disruption to neighbouring residents.
- 10.87 Another neighbour raised concern for future occupants of the proposed development by virtue of the increasing late night economy in the area and suggested sound insulation be installed. A condition has been attached requiring a noise report assessing the impact of the proposed commercial units at ground floor level. The council has policies in place to restrict over concentration of night time uses and those uses that do have permission typically have restrictions on hours of operation. Any businesses operating outside of the agreed hours of operation or causing significant disruption to the amenity of adjoining occupiers should be reported to the Environmental Health team.
- 10.88 Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded and thus the proposal accords with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the MDD (2013).

Transportation and access

- 10.89 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

- 10.90 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.91 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.92 The site benefits from high public transport accessibility with a PTAL rating of 5. The site is approximately 0.1 miles east of Shoreditch High Street Overground Station and lies just south of the A1209 Bethnal Green Road and approximately 50 metres west of Brick Lane where the number 8 bus runs to Oxford Circus and Bow and the 388 bus runs to Embankment and Hackney Wick.
- 10.93 The Transport Statement accompanying the application concludes that overall given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development in principle would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems subject to appropriate conditions.
- 10.94 Specific details around cycle parking and waste are detailed in the sections below. The highways team also considered that the increase in footfall would result in the need to improve street lighting in the area, particularly on Cygnet Street. An assessment will be carried out and funding will be secured through the section 278 process. A section 278 agreement will also be required for highways works to two existing crossovers which are to be removed and reinstated to the footway and will be carried out by LBTH or a contractor at the cost of the applicant.

Cycle Parking

- 10.95 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.96 The proposal seeks to create a total of 58 cycle spaces for residents and the number of cycle spaces and design of storage for visitors to the commercial units is to be agreed through condition once the use and detailed layout of the basement and ground floors has been established. This provision was confirmed as adequate by the LBTH Transportation & Highways Team.

Car Parking

- 10.97 Policy DM22 of the Managing Development Document also refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2 spaces per unit for 3 bedroom homes or larger.
- 10.98 In line with the above policies and given the high PTAL rate, the application proposes no 'general needs' car parking spaces. In accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).
- 10.99 With regard to blue badge parking, Sunday market precludes round the clock access to any bays. It was agreed that a 'demand led' approach should be taken whereby potential residents could apply for on street provision in full knowledge of the restrictions. The applicant will be expected to fund the cost of providing the bays in terms of signing, marking and traffic orders and a term of 5 years for opening has been incorporated in to the Section 106 agreement.

Servicing and refuse requirements

- 10.100 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.101 Refuse and recycling receptacles would be provided for each residential core. The highways officer raised concern with regard to the servicing arrangements for the residential core accessed via Sclater Street. The surrounding narrow streets cannot accommodate wide vehicles and the existing parking bays at Sclater Street restrict the width further. It was agreed that refuse could be collected from this point but a service management plan is required for any other servicing to the residential units including deliveries, removals, home food deliveries and post. Full details of refuse storage and collection, a waste management plan and a deliveries and servicing plan will be secured by condition.

Sustainability, energy efficiency and climate change

Energy efficiency

- 10.102 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.103 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.104 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

10.105 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4. Overall CO2 emissions would be reduced by 34%. The current proposal falls short of the 50% target by 16% which equates to 19.7 tonnes of regulated CO2. The shortfall is offset through a cash in lieu contribution of £27,186 which will be used for carbon offset programmes in the vicinity.

10.106 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks
- Site wide CHP network
- Communal heating and cooling.

10.107 The applicant has demonstrated that in order to achieve the necessary CO2 emissions reductions a CHP and PV array will be installed.

10.108 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy. Conditions have been attached to ensure the delivery of these levels.

Ecology and biodiversity

10.109 As noted in the biodiversity officer's comments, the application site has no existing biodiversity value or potential to support protected species; as such there will be no adverse impacts on biodiversity. The biodiversity officer noted that the terrestrial landscaping appears to be largely formal but that it does include areas of perennial planting which (if they match the illustration in the Design & Access Statement) will provide good nectar sources for bees and other insects.

10.110 Policy DM11 seeks living roofs and biodiversity gains from developments. The Sustainability Statement refers to a living roof, but there is no commitment to this in the plans. A condition requesting details of the green roof has been included; in line with the biodiversity officer's comments, this should preferably be a biodiverse roof rather than a sedum mat and shall be approved by the Council prior to the commencement of development. The detailing should include the depth and type of substrate, details of any vegetated mat or blanket to be used, details of other planting, and any additional habitat to be provided, such as piles of stones or logs. Best practice guidance on living roofs for invertebrates published by Buglife should be references,

10.111 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

Planning obligations

10.112 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.113 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.114 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).

10.115 The scheme provides 36% affordable housing and fully meets the S106 contributions required under the Council's Planning Obligations SPD. This is considered acceptable.

10.116 In addition to the above the following non-financial obligations would be secured:

- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage
- Blue badge parking space to be funded by applicant at request of potential tenants for a term of 5 years.

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

10.117 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

10.118 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

10.119 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.

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

10.121 These issues are material planning considerations when determining planning applications or planning appeals.

10.122 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 non-ring 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.

10.123 Members are reminded that that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be £156,345.

Human Rights Considerations

10.124 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:-

10.125 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".

10.126 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.

10.127 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.

10.128 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.

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

10.130 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.

10.131 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 and the associated section 106 agreement to be entered into.

Equalities Act Considerations

10.132 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, gender 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:

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

10.133 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

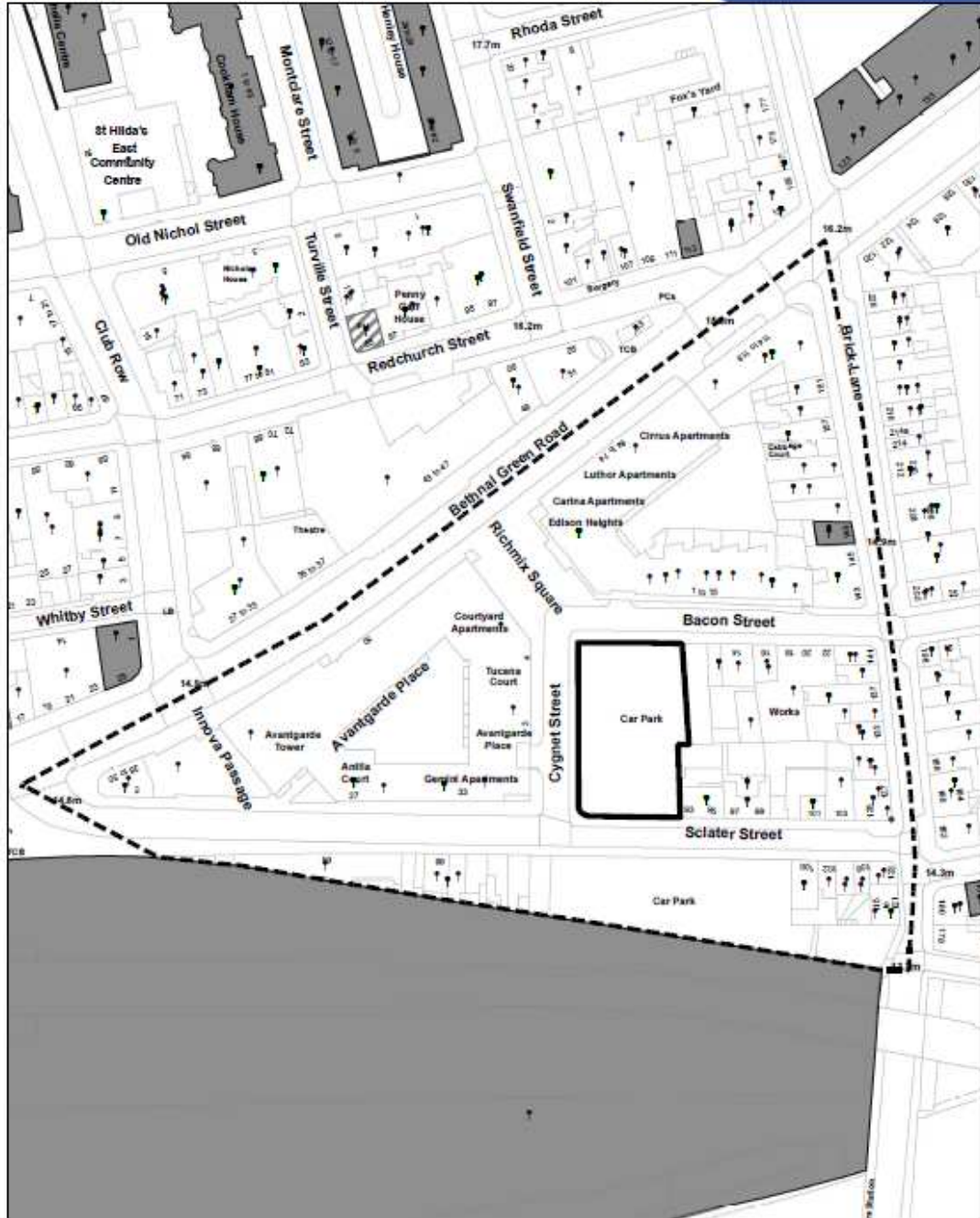
10.134 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.135 The provision of affordable housing, well designed and located wheelchair accessible housing and a good range of housing types all with access to shared communal open space and child play space within the development would support community wellbeing and social cohesion.

11. CONCLUSION

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

Planning Application Site Map
PA/13/02529



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

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 9

Committee: Development	Date: 25 th June 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		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 9.1

Committee: Development	Date: 25 th June 2014	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Listed Building Application	
Case Officer: Brett McAllister		Ref No: PA/14/00702	
		Ward: Mile End	

1.0 APPLICATION DETAILS

1.1 **Location:** Former Professional Development Centre, English Street, London, E3 4TA

1.2 **Existing Use:** The building is no longer functioning as Professional Development Centre (PDC). Block A, is currently vacant and is being refurbished as part of its conversion to use as a school. Block B is currently the Mile End branch of Bonner Primary School.

1.3 **Proposal:** Various external works to create play areas including:

- Laying of soft surface of 7.5m by 13.5m for ball play with demountable goalposts.
- Laying of tarmac to area in north-western corner of the site to provide additional playground space with close-boarded timber fencing around, to match existing.
- Two free-standing canopies. Both would be 3.2 metres high and 4.07 metres deep. The canopy to the east of Block B would be 1 x 6 metres wide and the canopy to the west of Block B would be 1 x 9m wide. These are to provide outdoor shelter.
- A 1.2 metre wire mesh fence and gates to separate the playground space of Block B from that of Block A.
- Erection of external canopy to north-eastern corner of the site with pavilion amphitheatre style seating and benches to facilitate an outdoor learning area. This would be 4.1 metres high, 7 metres long and 5 metres wide.
- Erection of climbing frame and equipment on safety surface.

1.4 **Documents:** Document entitled 'Design and Access Statement Heritage Statement Impact Statement' by Camal Architects & Designers (March 2014).
Specification of Highlander Trio Package B Playground (undated)
Specification of Pavilion Amphitheatre (undated)
Specification of Rooftop wire mesh fencing (undated)
2 x photos of similar canopies to those proposed (undated)

- 1.5 **Drawing Nos:** BON-CAM-GA-001-B (13.03.14)
BON-CAM-GA-2016 D (13.03.14)
Canopy 1 (26.03.14)
Canopy 2 (26.03.14)
- 1.6 **Applicant:** Tower Hamlets- Children, School and Families Directorate.
- 1.7 **Owner:** LBTH
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Ropery Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2011) and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed canopies, fencing and play equipment are considered appropriate forms of development and are acceptable in relation to the sites use as a school. This is because the fabric of either is not affected by the works and they could be removed at any time with no harmful impact to the building. As such, the development preserves the special character and appearance of the Grade II listed buildings.

3. RECOMMENDATION

- 3.1 That the Committee resolve to refer the application to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
- 3.2
1. Time Limit.
 2. Completion in accordance with approved drawings.

4. BACKGROUND

- 4.1 This application for Listed Building Consent is required for proposed works to the curtilage of the former Professional Development Centre (PDC) as part of the sites reversion to a school. The school is now known as the Mile End branch of the Bonner Primary School. The buildings are Grade II Listed, and owned by the Council.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.

- 4.4 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.
- 4.5 The proposed works also require planning permission, this was submitted on 13th March 2014 (planning reference PA/14/00701). This application was not required to be presented to members and as such, the Council under delegated powers approved this application on 13th May 2014.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 Listed Building Consent is sought for various works in the curtilage of the buildings at the site, two of which are Grade II listed (referred to as Blocks A and B).

Site and Surroundings

- 5.2 The application site is a former public elementary school site consisting of two large school buildings (Blocks A and B) and three smaller single storey outbuildings (Blocks C, D and E).
- 5.3 Both the main buildings are grade II listed. The works applied for in this application fall within the curtilage of these buildings.
- 5.4 The main access to the site is from English Street, which runs perpendicular to the northern boundary of the site. Other access gates exist to the southern boundary of the site at Ropery Street.
- 5.5 The site is also located within the Ropery Street Conservation Area which was designated in 1987. The Conservation Area's main characteristic is the uniform group of terraces, dating back to the mid-late 19th century.
- 5.6 Residential properties are located to the north, south and west of the site. Tower Hamlets Cemetery is located to the east of the site across Southern Grove Road.

5.7 Relevant Planning History

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

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

Following these consents a number of planning and listed building applications have been approved for various works associated with the reversion of the site back into a school. These include:

- 5.9 PA/12/02459

Planning consent granted on 23rd October 2012 for the provision of two temporary buildings for educational use for a period of five months from December 2012 until April 2013.

5.10 PA/12/03098 and PA/12/03099

Planning and listed building consents granted on 6th February 2013 for repair and refurbishment of redundant and derelict toilet block into external playground store including a new roof.

5.11 PA/13/02241 and PA/13/02242

Planning and listed building consents granted on 6th January 2014 and 6th February 2014 respectively for the repair and refurbishment works to external store (Block D) to include removal of existing non original windows and replacement with new external infill walls.

5.12 PA/13/02245

Planning consent granted on 9th January 2014 for the provision of a new play and activity area on redundant wasteland.

5.13 PA/14/00245

Listed building consent granted on 7th May 2014 for alterations to glazed screens, repositioning of screens/doors and associated works to facilitate improved access and escape from the building.

5.14 Most recently, PA/14/00701 which granted planning permission on 13th May 2014 for the works considered within this listed building application.

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

6. POLICY FRAMEWORK

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

6.2 National Planning Policy Framework 2012 (NPPF)

6.3 National Planning Practice Guidance (NPPG)

6.4 Spatial Development Strategy for Greater London (London Plan 2011) (LP)

Policies:	7.4	Local Character
	7.8	Heritage assets and archaeology

6.5 Core Strategy Development Plan Document (2010) (CS)

Policies:	SP10	Creating Distinct and Durable Places
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6.6 Managing Development Document (2013) (MDD)

Policies:	DM24	Place Sensitive Design
	DM27	Heritage and the Historic Environment

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

A Better Place for Living Well

7. CONSULTATION

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

English Heritage

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

Officer comment: This has been noted.

8. LOCAL REPRESENTATION

- 8.1 A total of 13 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received.

9 MATERIAL PLANNING CONSIDERATIONS

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

Impact on Special Architectural and Historic Character of the Listed Building.

- 9.3 The amenity space at the school is limited on site and falls short of current educational guidelines. In order to convert the site to a properly functioning school, full and efficient use of the curtilage of the buildings is required to make the most of the external amenity space. In order to achieve this the applicant is seeking a range of works to the areas outside of the main school buildings these include:
- Laying of soft surface of 7.5m by 13.5m for ball play with demountable goalposts.
 - Laying of tarmac to area in north-western corner of the site to provide additional playground space with close-boarded timber fencing around, to match existing.
 - Two free-standing canopies. Both would be 3.2 metres high and 4.07 metres deep. The canopy to the east of Block B would be 1 x 6 metres wide and the canopy to the west of Block B would be 1 x 9m wide. These are to provide outdoor shelter.
 - A 1.2 metre wire mesh fence and gates to separate the playground space of Block B from that of Block A.
 - Erection of external canopy to north-eastern corner of the site with pavilion

amphitheatre style seating and benches to facilitate an outdoor learning area. This would be 4.1 metres high, 7 metres long and 5 metres wide.

- Erection of climbing frame and equipment on safety surface.
- 9.4 For the determining of planning applications relating to heritage assets the National Planning Policy Framework (2012) advises local planning authorities to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.5 In addition to the above, London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.6 The Council's adopted policy SP10 of the Core Strategy (2010) seeks to protect and enhance the boroughs Heritage Assets. This is supported by Policy DM27 states development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 9.7 None of the proposed additions would alter either of the listed buildings' structure or fabric with all being separate and unattached to the buildings. In this way the listed buildings themselves would be completely preserved by the proposals.
- 9.8 The setting of the school is appreciated from the streetscene with local views existing from Ropery Street, English Street and Southern Grove. A brick wall that surrounds the site (approximately 2 - 2.5 metres in height) would largely obscure the proposed alterations from view from outside of the grounds. The two resurfaced areas within the curtilage will not be readily visible and will have a low impact from outside of the site. It is considered that the only additions that would be visible would be the upper parts of the pavilion canopy and climbing frame in the eastern side of the site from Southern Grove.
- 9.9 Within the grounds, the impact on the setting of Block A is considered minimal as the pavilion and climbing frame to the east of the building are positioned a significant distance away. A slightly greater impact exists on the setting of Block B as the fence, canopies and some existing canopies surround the building. These additions are proposed by virtue of this Block B's usage as the building for younger pupils that requires additional external canopies for outdoor shelter.
- 9.10 Whilst the canopies are considered to result in some impact on the setting of Block B viewed from within the playground, it should be noted that these are from localised views and would serve the viable school use. The proposed alterations are also not as permanent and could all be relatively easily removed in the future should the buildings change their use.
- 9.11 Overall, the proposed alterations would have a minor impact on the setting of Block B although in accordance with the NPPF (2012) this is considered to result in less

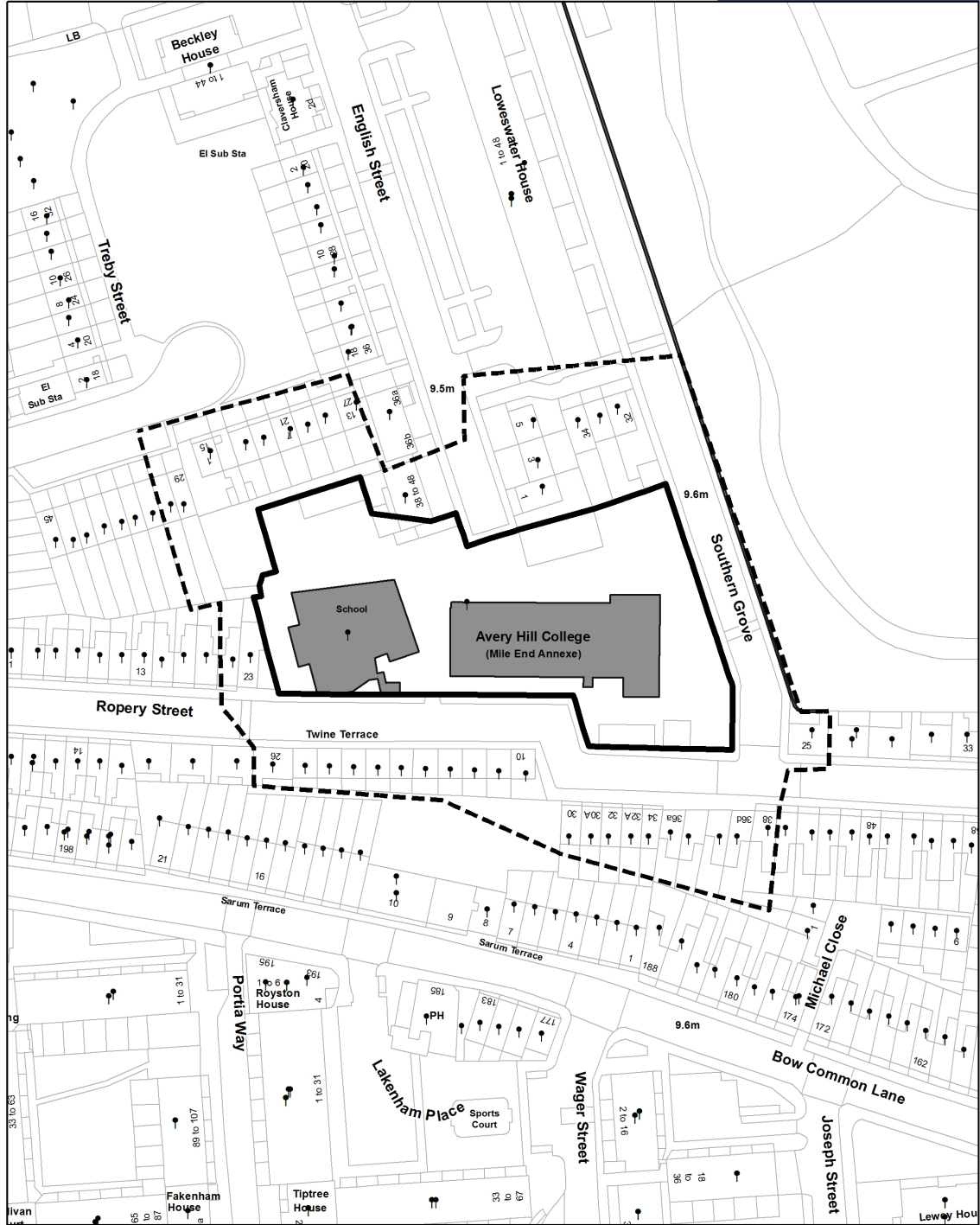
than substantial harm to the significance of the heritage asset when weighed against the public benefits of the proposal securing its optimal viable use as a school. Considering this, the alterations are considered acceptable within the setting of the listed buildings.

- 9.12 The Council's Conservation Officer has reviewed the proposal and considers that the proposal would not significantly harm the character of the buildings. The small impact to the setting would not be permanent so the Conservation Officer is satisfied with the proposed works.

10 CONCLUSION.

- 10.1 It is considered that the various proposals are acceptable in the curtilage of the Grade II listed buildings in that they serve the purpose of the viable school use, would not be fully visible from outside of the site and are somewhat impermanent in nature. The works are considered to preserve the special historical and architectural character and appearance of the Grade II Listed Building. As such the proposal is considered to comply with aims of policy SP10 of the CS (2010), policies DM24 and DM27 of the MDD (2013), policies 7.4 and 7.8 of the LP (2011) and sections 7 and 12 of the NPPF (2012).
- 10.2 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/14/00245



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	0	20 m
	Consultation Area		Statutory Listed Buildings		OSLine		

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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