

DEVELOPMENT COMMITTEE

Monday, 15 September 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 Marc Francis
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Shah Alam and Councillor Chris Chapman

Deputies:

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

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Thursday, 11 September 2014**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Friday, 12 September
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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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.

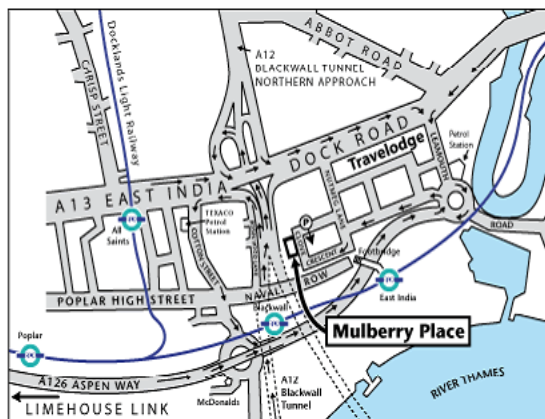
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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. 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.

2. 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 20 August 2014.

3. 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.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)

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

		PAGE NUMBER	WARD(S) AFFECTED
5.	DEFERRED ITEMS	13 - 14	
5 .1	113-115 Roman Road, London, E2 0QN (PA/14/00662)	15 - 38	Bethnal Green
	Proposal:		
	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.		
	Recommendation:		
	To grant planning permission subject to conditions and informatives		
6.	PLANNING APPLICATIONS FOR DECISION	39 - 40	
6 .1	Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578)	41 - 70	Spitalfields & Banglatown
	Proposal:		
	<u>Full planning permission</u>		
	Various works to the Toynbee Hall Estate including the following, • Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side • Provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street • Reconfiguration and re-landscaping of Mallon Gardens • Two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space. • Partial demolition and rebuilding of the southern end of Attlee House		
	<u>Listed building consent</u>		
	Various works to the Toynbee Hall Estate including the following, • Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side		
	Recommendation:		
	To grant planning permission and listed building consent subject to a legal agreement, conditions and informatives.		

6 .2	The Odyssey, Crews Street, London, E14 3ED (PA/14/01582)	71 - 94	Island Gardens
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Proposal:

Installation of freestanding electronically controlled vehicular and pedestrian entrance gates.

Recommendation:

To refuse planning permission for the reasons set out in the Committee report.

6 .3	11 Havannah Street, London E14 8NA (PA/14/01807)	95 - 104	Canary Wharf
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Proposal:

Conservatory extension at ground floor level and first floor extension.

Recommendation:

To refuse planning permission on the grounds of the reason set out in the Committee report.

7.	OTHER PLANNING MATTERS	105 - 106
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7 .1	Planning Enforcement Review 2013/14	107 - 120
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To note the report.

Next Meeting of the Development Committee

Wednesday, 15 October 2014 at 7.00 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 1

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, 20 AUGUST 2014

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

Councillor Shiria Khatun

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Tim Ross	(Deputy Team Leader - Pre-application Team, Development and Renewal)
Shay Bugler	(Strategic Applications Planner, Development and Renewal)
Steen Smedegaard	(Legal Officer, Directorate, Law Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 24th July 2014 be agreed as a correct record and signed by the Chair.

In response to a Member, Officers confirmed that the deferred application 113-115 Roman Road, London, E2 0QN (PA/14/00662) would be brought back to the 15th September 2014 meeting of the Committee for further consideration.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure and guidance.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 65 Tredegar Square, London, E3 (PA/14/104)

Update Report tabled.

Paul Buckenham (Development Control Manager) introduced the application at 65 Tredegar Square for a development that was very similar to an extant scheme granted by the Development Committee in November 2013.

Katherine Emmett spoke in objection as a resident of Mile End Road. She stated that she was speaking on behalf of many residents of Mile End Road and Tredegar Square on the side nearest the proposal. She was not opposed to the redevelopment of this site. However, she objected to overlooking from the roof terraces to neighbours properties given the separation distances. The terraces would harm privacy. She considered that these problems were due to the overdevelopment of the site. The wall at Mile End Gardens should be retained to protect residents safety and security in view of the history of such issues here.

She also objected to the inconsistencies in the information about the increase in the roof height. This would worsen the impact on neighbouring amenity from the proposal. Councillor Peck, who spoke in support of the previous application at the last Committee meeting in October 2013, had concerns with this revised application and had withdrawn his support. In response to a Member, she explained that Councillor Peck's main concern was the perceived increase in the height of the roof and the lack of clarity about this. Other neighbours had raised objections about the roof terraces from other sides of the development.

Jonathan Freegard spoke in support as the architect for the scheme. He considered that the design of the scheme (i.e. the roof terraces, the size of the gardens, the orientation of the windows) were not atypical for this area. Such features were often standard for an urban setting. Therefore, the impact on existing levels of privacy would be negligible. The amenity space exceeded policy. All of the conditions for the extant scheme would be added to this scheme.

In response to a Member about the measures to protect privacy, he explained that the windows at the northern side of the development would be fitted with opaque glazing due to the proximity to the boundary. On the south side, the roof terraces would be set back to restrict overlooking. The boundary wall would be retained.

Tim Ross (Planning Officer) gave a presentation on the application. He drew attention to the extant scheme for the site. Whilst very similar, this application introduced a number of new features. Specifically: the inclusion of a strip of land leading to a revised design, the introduction of four inset roof terraces and the conversion of the previously approved attic storage rooms into study/bedrooms.

The land use had already been established by the extant scheme given the shortcomings of the site for other uses and the provision of new family housing in a mainly residential area.

It was considered that the impact on amenity was acceptable due to the separation distances, the minor height increase, the opaque glazing and the set back roof terraces amongst other features. The scheme would be in keeping with the Conservation Area, replacing the existing building which was considered to make a neutral contribution to the Conservation Area. The housing mix was broadly acceptable given the site constraints which meant that the site lent itself to family sized units.

Mr Ross also advised of layout of the scheme and the outcome of the local consultation. Officers were satisfied that these issues could be addressed by condition and had been addressed in the Committee report.

In conclusion, in view of the merits of the scheme (the provision of new housing, a more comprehensive development and that the resulting impact on the amenity of neighbouring residents due to the additional roof terraces was considerable acceptable) Officers were recommending that the scheme

should be granted planning permission.

In response to Members, it was confirmed that the scheme involved minor increases in height at certain parts of the roof ridge compared to the height of the warehouse. It was acknowledged that there were some inconsistencies in the information provided on this matter on the previous application. Officers had received a Members Enquiry from Councillor Peck asking about the height of the scheme in this application and the previous permission. However in this, he did not say whether or not he was supportive of the scheme and he hadn't made a formal representation on this application.

Regarding the extant scheme, it was recommended in the Committee report that the application should be refused. This was due to concerns over the housing mix, the quality of the design and the issues within the development itself as a result of such matters – i.e. the relationship of the proposed houses to one another rather than their surroundings. The height of the scheme was not an issue. The Committee's decision to grant the scheme in November 2013 was a material consideration for the Committee now to consider (rather than the Officers recommendation on that application). This needed to be given due consideration. The extant consent would be taken into account at any appeal.

In response to questions about the privacy impact from the roof terraces, it was confirmed that the separation distances to neighbouring properties complied with policy. There was one house with a bay window slightly closer to the neighbours. However, given its orientation at 90 degrees the impact on amenity should be minimal. The inset balconies would be small and not designed for use by many people.

Regarding the outhouse at 449 Mile End Road, it was evident from a planning application for the building that they were habitable rooms used as auxiliary living accommodation to the main dwelling house. The impact of the proposal had been assessed on this basis and due to the orientation of the roof lights in relation to the proposal, there should be no direct overlooking to the outhouse.

Should the permission be granted it was proposed that additional conditions be imposed for a car free agreement and to deal with the boundary wall treatment, (formally dealt with under the Conservation Area Consent) as detailed in the update report.

A Member expressed some concern about the impact of the additional roof terraces, however, taking into account the extant permission, was minded to approve the scheme.

On a vote of 3 in favour 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That planning permission at 65 Tredegar Square London, E3 (PA/14/104) be **GRANTED** for the demolition of existing warehouse and erection of 8 no self-contained houses with 2 no on site car parking

spaces with the clarifications regarding the housing mix detailed in the update report.

2. That the Corporate Director Development & Renewal is delegated authority to recommend the imposition of conditions, variation and informatives in relation to the matters set out in the Committee report and the additional conditions for a car free agreement and to deal with the boundary wall issues as detailed in the update report.

Councillor Suluk Ahmed could not vote on this application having not been present from the start of the item.

8. OTHER PLANNING MATTERS

None.

The meeting ended at 8.00 p.m.

Chair, Councillor Sirajul Islam
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 5

Committee: Development	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item No: 5
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
24 th July 2014	PA/14/00662	113-115 Roman Road, London, E2 0QN	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.	Adverse impact on overlooking. Loss of daylight and sunlight from the proposal The proposal would not preserve or enhance the character or appearance of the Globe Road Conservation Area. Bulk and mass of the proposal excessive in terms of the overall proposal and in particular the southern and middle part of the proposal. Detrimental impact on the environment.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The above deferred application is for consideration by the Committee. The original reports along with any update reports are attached.

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Development Committee	Date: 15 th September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision
Case Officer: Gerard McCormack	Ref No: PA/14/00662
	Ward: Bethnal Green

1. APPLICATION DETAILS

Location:	113-115 Roman Road, London, E2 0QN
Existing Use:	Three storey thirteen bedroom hotel.
Proposal:	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.
Drawing and documents:	Document entitled 'Design and Access Statement Heritage Daylight and Assessment Photographs of how the building will look from the front after it has been completed Sheet 1 P055.13 Rev A Sheet 2 P055.13 Rev D Sheet 3 P055.13 Rev C Sheet 4 P055.13 Rev C Sheet 5 P055.13 Rev C Sheet 6 P055.13 Rev B
Applicant:	Mr Erich Wessels
Ownership:	Mr M Butt
Historic Building:	N/A
Conservation Area:	The Globe Road Conservation Area

2.0 BACKGROUND

- 2.1 This application proposal was reported to the Development Committee on the 24th July 2014 with officers' recommendation for **APPROVAL**. The Committee resolved **NOT TO ACCEPT** officers' recommendation.
- 2.2 Officers recorded that Members were minded to **REFUSE** permission for the scheme due to concerns in the following areas:
- (i) Adverse impact on overlooking.
 - (ii) Loss of daylight and sunlight from the proposal
 - (iii) The proposal would not preserve or enhance the character or appearance of the Globe Road Conservation Area.
 - (iv) Bulk and mass of the proposal excessive in terms of the overall proposal and in particularly the southern and middle part of the proposal.
 - (v) Detrimental impact on the environment.

- 2.1 The application was **DEFERRED** to enable officers to prepare a supplementary report setting out and providing commentary on the detailed reasons for refusal.

3. COMMITTEE'S PROPOSED REASONS FOR REFUSAL

Reasons(i) and (ii) - impact on overlooking and loss of daylight and sunlight from the proposal.

- 3.1 The proposed development has been designed so that there would be no hotel bedroom windows directly facing adjoining residential properties. Stair cores on the eastern elevation of the development would be fitted with obscure glazing and only used in an emergency.
- 3.2 The proposed development does include a flat roof area which would be accessible to occupiers of the hotel, situated on the rear most element at second floor level. However given the relationship of this element of the site to surrounding residential properties on Roman Road and flats to the north in Hartley Street, combined with the fact that it would be on the lowest part of the proposed building, officers conclude that any overlooking that might occur would be negligible in terms of causing harm to residential enmity. In conclusion officers consider that a reason for refusal based on overlooking could not be substantiated.
- 3.3 Officers note Members' and Residents' concerns with regard to the possibility of there being a loss of sunlight and daylight to neighbouring properties. Following the committee meeting further analysis has been undertaken with regard to the applicant's daylight and sunlight report. The report follows the methodology set out in the Building Research Establishment (BRE) "Site layout planning for daylight and sunlight" guidelines. The report tests the effect on daylight and sunlight to the nearest habitable rooms affected by the proposed development – three habitable room windows at 111 Roman Road.
- 3.4 The principal measure of the effect on day-lighting is the Vertical Sky Component (VSC) test. The BRE guidelines state that a VSC Of 27% or above provides good day-lighting to habitable rooms and that any reduction of 20% or below is unlikely to be noticeable.
- 3.5 The report shows that two of the three nearest habitable room windows at 111 Roman Road would retain a VSC above 27% with the proposed development in place

and that the third window has a VSC which is already below 27% but would at experience a reduction in VSC of only 17%. Therefore on the primary VSC test all windows would pass the BRE guidelines.

- 3.6 In terms of sunlight the BRE guidelines indicates that windows should be tested where they would be within 90 degrees of due south. All rear windows at 111 Roman Road face within 90 degrees of due northand hence do not receive direct sunlight. Therefore the report correctly concludes that there would be no direct effect on sunlight to habitable rooms at 111 Roman Road.
- 3.7 The report has been re-assessed by the principal scientific officer within the Environment Health Service who has confirmed they are happy with the methodology used in the report and its conclusions.
- 3.8 It is their professional opinion that there would be no demonstrable impact on any of the surrounding buildings or environment in terms of daylight and sunlight, and as such they would not be prepared to support a reason for refusal. For this reason it is unlikely that a reason relating to impact on daylight and sunlight could be defended on appeal. Other impacts on residential amenity are discussed in paragraphs 3.22-3.26 of this report.

Reason (iii) - the proposal would not preserve or enhance the character or appearance of the Globe Road Conservation Area

- 3.9 The previous report to committee explained that the existing building at 115 Roman Road did not in itself make a positive contribution to the character and appearance of Globe Road conservation area and that the replacement building was of a high quality design that would preserve and enhance the character and appearance of the Conservation Area.
- 3.10 The Committee did not agree with this assessment and were of the view that the proposed development would not preserve or enhance the character and appearance of the conservation area and therefore could not justify the loss of the existing building.
- 3.11 Section 72 of the Planning(Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This approach is reflected in policies within the National Planning Policy Framework and the Local Plan.
- 3.12 Officers maintain their view that the existing building makes a limited contribution itself to the overall character and appearance of the conservation area and that redevelopment would be acceptable in principle providing that the replacement building was of a sufficient quality to preserve or enhance the character and appearance of the Conservation Area.
- 3.13 However given the view of the Committee in considering the effect of the new development on the character and appearance of the Conservation Area, officers have reviewed the previous recommendation and the overall design quality of the proposed building, taking further advice form the Borough Conservation Officer. His advice is summarised in the following paragraphs, 3.14-3.18.

- 3.14 The existing property forms part of a long continuous row of terraces along the north side of Roman Road. Both this row and the row immediately to the west are characterised by narrow plot widths. The row was evidently developed piecemeal given that they are in individual plots or very small groups and there are many subtle difference in terms of parapet heights and floor levels which add visual interest. The consistent use of brick and sash windows is a strong unifying feature. Overall the terrace forms an attractive part of the Conservation Area street scene where individual buildings sit comfortably within a subtly varied whole.
- 3.15 In terms of overall architectural character the buildings are low key. The position on a commercial street (rather than a residential side street) is denoted by the larger scale but there is a noticeable lack of superfluous architectural decoration. Simple architectural details are a characteristic feature of the conservation area. A small number of properties (including the properties immediately to the east of the site) feature slightly more elaborate architectural decoration but this is not an overall characteristic. Many of the shop-fronts are relatively modern with pilasters marking the original plot divisions, maintaining a certain rhythm and building “grain” at ground floor level. This is an important rhythmic element in the streetscene.
- 3.16 The proposed ground floor treatment is particularly inappropriate with a heavy, out of character central entrance on the line of the historic plot boundary which disrupts the historic ground floor rhythm.
- 3.17 The proposed steep ‘mansard’ roof with four dormer windows unites the two historic plots into a visual whole giving the front elevation a visually heavy appearance. Where other dormers/‘mansard’ roofs have been added they have been on single plot width properties. Mansards are not a historic characteristic of the buildings on Roman Road within the Globe Road Conservation Area.
- 3.18 There have been many very large rear extensions along this part of Roman Road but the current proposal seems to go a step further than previous permissions in terms of overall mass and bulk, length and overall plot coverage.
- 3.19 The overall design of the front elevation has some merit. For example the height of the front part of proposed development would provide a transition from the lower height buildings to the west and the taller three and four storey buildings immediately east and the proposed brickwork would match the general pattern of materials on this frontage. However the proposed design and appearance would include a number of features identified above that would detract from overall character, including the mansard roof, front dormer windows, ground floor projecting bay windows and entrance arrangements.
- 3.20 Furthermore, the proposed ground floor arrangement would not relate well to the street scene, with lack of active shop fronts, the dominant central entrance door, porch and canopy plus a horizontal emphasis that jars with the rhythm along this part of Roman Road including the current building which despite having a single address reads as two units at ground floor.
- 3.21 The Committee also raised concerns about the way that the overall bulk and scale of the building would affect the character and appearance of the conservation Area. Many Roman Road properties have been extended or significantly altered with variety of differently sized and designed large rear wings or outhouses. Whilst the frontage exhibits a strong rhythm, there is no such consistent character in built form at the rear of these properties. The proposed building would certainly be one of the

larger examples of plot development in terms of extent, bulk, height and overall coverage, it would not be visible from public spaces within the Conservation Area and would be visible only in limited views from public areas outside of the Conservation Area. The proposals incorporate a stepped profile, reducing from four, to three and then two storeys towards the rear which reduces the overall mass.

- 3.22 In conclusion officers consider that the demolition of the existing building and its replacement with a larger building, would fail to preserve or enhance the character and appearance of Globe Road Conservation Area, by reasons of inappropriate and poor quality design, the appearance of the front elevation and the effect on the rhythm of plot frontages along Roman Road. However, on balance it would not be possible to sustain a reason for refusal based on the effect of the overall scale and bulk of the building on the character and appearance of the Conservation Area.

Reason (iv) - Bulk and mass of the proposal excessive in terms of the overall proposal and in particularly the southern and middle part of the proposal.

- 3.23 Notwithstanding the conclusions in this report with regard to the effect of the development on daylight and sunlight and the character and appearance of the Conservation Area, the proposed building height and mass would result in a four storey flank wall enclosing the L- shaped gap between the main rear elevation of 111 Roman Road and the three storey outbuilding, which is 3 metres deep on the western elevation and 8 metres deep on the eastern elevation.
- 3.24 This space provides daylight to a first floor kitchen window and a second floor bedroom window at 111 Roman Road. The outlook from these windows is already compromised by the presence of the three storey outbuilding to the north. Oblique views to the west across a ground floor infill extension and single storey rear wing at 109 Roman Road, would not be affected, however the proposed development would create a much greater sense of enclosure around this small space and the only source of daylight and outlook for users of the habitable rooms in the main part of 111 Roman Road.
- 3.25 Policy DM 25 of the Managing Development DPD requires new development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants. Amongst other things the policy makes reference to development not resulting in an “unacceptable increase in the sense of enclosure”.
- 3.26 Whilst analysis shows that there would be no technical effect on daylight or sunlight the bulk, height and massing of the extension at the rear of the property would harm the amenity of occupiers of the living accommodation at 111 Roman Road with occupiers experiencing an increased sense of enclosure due to the height of the proposed development and its position on the boundary line.

Reason (v) – effect on the environment

- 3.27 The previous report did not identify any specific effects on the environment and the Committee did not identify any additional effects over and above those set out above. There were objections on the basis of the adverse effect from overshadowing on an adjacent sedum roof belonging to a business at 119 Roman Road (situated on a building to the rear of 117 Roman Road), however the applicant’s daylight and sunlight report refers to overshadowing and confirms officer’s view that there would be no adverse impact on the green roof. The Council’s Biodiversity officer has also reviewed the proposals and raised no objection in this respect.

- 3.28 As the main effects on the environment relate to the effect on amenity and the character and appearance of Globe Road Conservation Area, it would be inappropriate to recommend a separate additional reason.
- 3.29 The benefits of the proposal, as identified in the original recommendation report to the planning committee, have been considered, but members are entitled to conclude that these are not sufficient to outweigh the harm identified above. Where there is considered to be harm to a conservation area a decision maker must give considerable weight to avoiding that harm.

4.0 IMPLICATIONS OF THE DECISION

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

- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
- Lodge an appeal against the refusal of the scheme.

4.2 Planning Inspectorate guidance on appeals sets out that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

4.3 Whatever the outcome, your officers will seek to robustly defend any appeal.

5.0 RECOMMENDATION

5.1 Officers’ original recommendation as at 24th July 2014 to **GRANT** planning permission remains unchanged.

5.2 However if members are minded to **REFUSE** planning permission then the following reasons for refusal are suggested.

- 1) Some effect on residential amenity would be acceptable in an inner city area such as this, provided that an acceptable level of privacy, visual outlook, daylight and amenity standards are maintained. This proposal given its height, bulk, mass and plot coverage of the whole development would have an overbearing effect on the visual outlook, sense of enclosure of the occupiers of neighbouring properties in particular 111 Roman Road, resulting in and unacceptable reduction in the quality of their living condition, contrary to adopted policy SP10 of the Core Strategy (2010) and policies DM24 and DM25 of the Managing Development Document (2013).
- 2) The demolition of the existing building and its replacement with a larger building, would fail to preserve or enhance the character and appearance of Globe Road Conservation Area, by reasons of inappropriate and poor quality design, the appearance of the front elevation and the effect on the rhythm of plot frontages along Roman Road. In this respect the development fails to pay special regard to the desirability of preserving or enhancing the character and appearance of the

Globe Road Conservation Area and buildings within it. The proposal is therefore contrary to policies 7.8 (C and D) of the London Plan (2011), SP10 of the Core Strategy (2010), DM27 of the Managing Development Plan (2013) and the guidance given in paragraph 134 of the National Planning Policy Framework (2012).

6 APPENDICES

7.1 Appendix One - Report to Development Committee 24th July 2014.

Appendix 1

Committee: Development Committee	Date: 24 th July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision Ref No: PA/14/00662
Case Officer: Gerard McCormack	Ward: Bethnal Green

2. APPLICATION DETAILS

Location:	113-115 Roman Road, London, E2 0QN
Existing Use:	Three storey thirteen bedroom hotel.
Proposal:	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.
Drawing and documents:	Document entitled 'Design and Access Statement Heritage Daylight and Assessment Photographs of how the building will look from the front after it has been completed Sheet 1 P055.13 Rev A Sheet 2 P055.13 Rev D Sheet 3 P055.13 Rev C Sheet 4 P055.13 Rev C Sheet 5 P055.13 Rev C Sheet 6 P055.13 Rev B
Applicant:	Mr Erich Wessels
Ownership:	Mr M Butt
Historic Building:	N/A

Conservation Area: The Globe Road Conservation Area

3. EXECUTIVE SUMMARY

- 3.1. The Local Planning Authority has considered the particular circumstances of these applications against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons set out in the 'Material Planning Considerations' section of this report.
- 3.2. The proposal seeks permission for the demolition of the existing hotel and its replacement with a taller four storey block at the front, dropping to three and one storey at the rear with a basement underneath. The proposal is an appropriate form of development in a sustainable location, which would not harm the living conditions of neighbouring occupiers. The development will serve to enhance the character and appearance of the Globe Road Conservation Area and subject to conditions, would be acceptable in all other respects.

4. RECOMMENDATION

- 4.1. That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions:
- 4.2. That the Corporate Director for Development & Renewal is given delegated authority to impose the following conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the following matters:-

4.3. Conditions

Compliance Conditions	
1.	Three year time limit
2.	Compliance with approved plans and documents
3.	Hours of Building Works (8.00am to 6.00pm Monday to Friday. 8.00am to 1.00pm Saturdays. No working on Sundays or Bank Holidays)
4.	Any demolition, hammer driven piling or impact breaking required to carry out the use/development allowed by this consent must only be carried out between the 10.00 and 16.00 hours, Monday to Friday.
5.	The flat roofs of the single storey rear and three storey extension should not be used other than in the event of an emergency to evacuate the building
6.	The Juliet railing in front of the door on the rear elevation which leads onto the roof of the single storey rear extension should remain permanently in place
7.	The cycle storage shown on approved drawing No.P055.13 Rev C shall be provided prior to the occupation of the development and thereafter shall be made permanently available for the

	occupiers of the building.
8.	The bin stores shown on approved drawing No.P055.13 Rev C shall be provided prior to the occupation of the development and thereafter shall be made permanently available for the occupiers of the building.
9.	The fire escape staircases should be used only in the event of fire and for no other purpose.
10	No primary cooking to be undertaken with the premises
Submission of Details Prior to Commencement / Prior to Commencement Relevant Part of the Development	
11.	Construction Management Plan
12.	Demolition Management Plan
13.	Hotel Management Plan
14.	<p>Prior to the commencement of works on site, full particulars of the samples of the materials including glazing, balconies and roof top amenity area to be used on the external face of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The development shall not be carried out other than in accordance with the particulars thus approved.</p>
15.	No air conditioning condenser units shall be installed until full details of the units, including their position, technical specification and means of attenuation, together with an associated Noise Impact Assessment, has been submitted to and approved in writing by the Local Planning Authority.
Submission of Details Prior to Occupation	
16.	Delivery and Service Management Plan
17.	The development shall not be occupied until a scheme for the repair update and maintenance of the public highway by the Council has been submitted to and approved in writing by the Council

4.4. Informatives

1.	CIL liability
2.	The development shall not be occupied until the Owner, his agents or representatives shall through a Section 278 Agreement of the Highway Act 1980, or any other means agreed with the Highway Authority, secure the cost for any damage or changes caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the Planning permission.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1. The application seeks planning permission for the demolition the existing hotel and its replacement with a new 31 bedroom hotel. The replacement building would consist of a four storey block at the front, dropping to three storeys in the middle and a single storey element at the rear.
- 5.2. The proposed basement would accommodate the restaurant area, kitchen, store, three en-suite bedrooms and toilet facilities. Light would be provided to the two rear bedrooms numbered 29 and 30 from a light well with bedroom 31 receiving light from a roof light above. The applicant has advised that they do not intend to cook within the premises preferring to provide a cold breakfast option to guests instead, so an extraction flue is not required.
- 5.3. At ground floor level eight bedrooms with en-suites, two of which would be wheelchair accessible and reception area are proposed. A further eight en-suite rooms are proposed at first and second floor levels and four en-suite bedrooms would be provided within the roof dormers in the block at the front.
- 5.4. Between each of the blocks, means of escape in the event of a fire would be provided by an enclosed staircase.

Site and Surroundings

- 5.5. The application site is located on the northern side of Roman Road where there is a mixture of building heights ranging from two to five storeys. The hotel is set within a vibrant mixed use area with residential and office units in the main provided above ground floor commercial units. The neighbouring property to the west No 111 is a three storey building which benefits from recently completed three storey rear addition which the proposed three storey block would be positioned slightly beyond. Currently this building is in use as A5 takeaway on the ground floor with residential above. Number 115a the neighbouring property to the east is a hotel which is a part three, part four storey Victorian building.
- 5.6. To the north and north-west between Hartley Street is a 1950's housing estate. There is also a narrow private roadway which runs from Hartley Street to rear flats of Pepys house. The road way runs along the west side of the application site and was until recently separated from it by a high brick wall.
- 5.7. The site is located within the Globe Road Conservation Area and also forms part of a District Centre as defined in the Core Strategy.
- 5.8. The site is located in a sustainable inner City location with a very high Public Transport Accessibility Level (PTAL) of 6a, and Bethnal Green underground station is within 500 metres which is roughly a five minute walk.

- 6.13 – Parking
- 7.2 – An Inclusive Environment
- 7.4 – Local Character
- 7.8 – Heritage Assets and Archaeology

6.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 – Refocusing on our Town Centres
- SP03 – Creating Healthy and Liveable Neighbourhoods
- SP05 – Dealing With Waste
- SP06 – Delivering Successful Employment Hubs
- SP09 – Creating Attractive and Safe Streets and Spaces
- SP10 – Creating Distinct and Durable Places
- SP11 – Working Towards a Zero-carbon Borough
- SP12 – Delivering Placemaking

6.5. Managing Development Document (adopted April 2013) (MDD)

- DM1 – Development within the Town Centre Hierarchy
- DM7 – Short Stay Accommodation
- DM14 – Managing Waste
- DM15 – Local Job Creation and Investment
- DM20 – Supporting a Sustainable Transport Network
- DM22 – Parking
- DM23 – Streets and the Public Realm
- DM24 – Place-sensitive Design
- DM25 – Amenity
- DM27 – Heritage and the Historic Environment
- DM29 – Achieving a Zero-carbon Borough and Addressing Climate Change

6.6. Other Relevant Documents

The Globe Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Accessible Hotels in London, Mayor of London (2010)

7. CONSULTATION RESPONSE

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

7.2. The following were consulted regarding the application:

7.3. Internal Consultees

Transportation and highways

- 7.4. After initial comments from Highways and Transportation the proposal has been amended to incorporate six covered cycle stands within the rear yard separated from the bin stores by a planted area.
- 7.5. Following the above amendment and subject to a Construction Management Plan being required by condition the Highways and Transportation Group have no objection to the proposal.

Waste Management

- 7.6. After initial comments from the waste team the proposal has been amended to increase the number of bin stores provided on site. Following this amendment and subject to a condition that the bin stores will be retained as shown on the approved plan there are no objections to the proposal.

Environmental Health – Noise and Vibration

- 7.7. As no extraction system is proposed for the kitchen the development is acceptable.

Building Control

- 7.8. The proposal has been amended to address concerns raised by building control, with the fire escape stair cases now fully enclosed, the bedroom windows within the stair cases fixed shut and fire resisting/insulated.

Corporate Access Officer

- 7.9. The proposal has been amended to address the concerns of the access officer with three wheelchair accessible bedrooms now provided and the communal swinging doors enlarged to provide better wheelchair access.

Conservation Officer Comments

- 7.10. Satisfied that the existing building offers little to the overall character and appearance of The Globe Road Conservation Area. The design and style of the proposed building would enhance the conservation.

Neighbours Representations

- 7.11. 61 planning notification letters were sent to nearby properties and they were re-consulted following the submission of further details from the applicant. Press and site notices were also displayed. In total, 15 objections were received including a representation from Councillor Amy Whitelock Gibbs and a signed petition.

A summary of the objections received

- 7.12. The proposal would extend past the rear building line of neighbouring properties to the detriment of the character and appearance of the conservation area.

Officer's response – This is assessed in the material planning considerations section of the report

- 7.13. The combination of the height and depth of the proposed building would lead to a loss of light and cause overshadowing of neighbouring properties which would adversely impact on the living standards of occupants.

Officer's response – This is assessed in the material planning considerations section of the report

- 7.14. The current owners have acted without planning permission in the past knocking down a perimeter wall and erecting a lean to extension within the rear yard.

Officer's response – This is not a matter that can be considered in the determination of this application.

- 7.15. If the application is approved building works would be carried outside of normal working hours.

Officer's response – A condition is attached restricting hours of working. In addition the Council's Environmental Health team can take action using powers under Section 60 Control of Pollution Act 1974 and Section 61 Control of Pollution Act 1974.

- 7.16. There would be an increase in anti-social behaviour and noise disturbance from the extra guests using the hotel and congregating outside.

Officer's response – A condition is attached requiring a hotel management plan to be submitted and approved prior to the hotel being opened which will outline how these concerns will be addressed.

- 7.17. Impacts of loss of light to the green roof of the neighbouring property have not been considered as part of the daylight and sunlight report submitted with this application.

Officer's response – Due to the orientation of the sun over half the roof terrace would receive more than two hours of sunlight on the 21st March, which is considered acceptable and in accordance with the BRE guidelines for overshadowing of gardens and public amenity areas.

- 7.18. The fire escape staircases would be used by hotel guest to access rooms allowing opportunities to overlook neighbouring properties.

Officer's response – A condition will be attached preventing the staircase from being used by guests other than in the event of an emergency.

- 7.19. The three storey block would have a significant impact on the neighbouring amenity in terms of loss of outlook.

Officer's response – This is assessed in the material planning considerations section of the report

- 7.20. There is a risk the building works would lead to subsidence to neighbouring properties.

Officer's response – This is not a planning related matter and is something that can be controlled under other legislation.

- 7.21. Neighbouring resident's right to light would be impinged by this development.

Officer's response – 'Right to light' is a civil matter between the interested parties and not a planning consideration. However, an assessment in respect of the impact on light as assessed against planning policy and guidance is included in the material considerations section below.

- 7.22. With the increased numbers of guests there would be an increased build-up of waste, litter and commercial odours.

Officer's response – The waste disposal and storage arrangements have been assessed and are acceptable.

- 7.23. Risk of fire and rodents due to close proximity of roof terrace, three storey staircase and litter being thrown from roof and concerns about the number of people using the terrace.

Officer's response – Customers of the hotel would be prevented from accessing the roof terraces by a Juliet balcony rail and a condition will be attached preventing customers from using this space other than in the event of an emergency.

- 7.24. The proposal would due to its height mass and bulk would not be in keeping with the prevailing pattern of development in the area notably the rooflines of neighbouring properties.

Officer's response – This is assessed in the material planning considerations section of the report

8. MATERIAL PLANNING CONSIDERATIONS

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

Land Use

Proposal

- 8.2. The proposal seeks permission for the demolition of the existing hotel and its replacement with a taller four storey block at the front, dropping to three and one storey at the rear with a basement underneath.

Proposed increase in the C1 Hotel use

Policy Context

Globe Town Vision

- 8.3. The Core Strategy vision for the Place of Globe Town (SP12 Annex) states: Enhance the town centre through improving the market and streetscape. Roman Road West town centre will be an inviting place for people to spend time and enjoy the shops, cafes and restaurants. New development will open up access to Regents Canal and Mile End Park. Priorities include improving the quality of the public square along Roman Road to make a place that encourages people to spend time there,

reinstate a joined-up street pattern which allows ease of movement, increasing the capacity of the market as well as supporting small-business creation.

Providing a larger hotel on the site

- 8.4. The site is in existing use as a hotel and is within a district centre thus according with Policy SP06 (4) which direct development to appropriate locations for short-stay accommodation. The proposal does not compromise the supply of land for new homes (Policy DM7.1c), and road access is adequate (Policy DM7.1e). An additional 18 bedrooms would be provided, with 31 rooms in total, so the size of the proposed development would be proportionate to its location (Policy DM7.1a).
- 8.5. Taking into account the above, it is considered that the proposed hotel use is acceptable in land use terms, in accordance with Policy SP06 of the adopted Core Strategy (2010), Policy DM7 of the adopted Managing Development Document (2013) and Policy 4.5 of the London Plan (2013). These policies support the provision of new hotels in suitable and sustainable locations within the Borough.
- 8.6. The applicant has confirmed the restaurant area would only be used in the mornings to serve cold continental breakfasts. As it is situated in the basement with no extraction system officers are satisfied that it is an ancillary facility only intended for use by hotel guests. On this basis, this element of the proposal is also considered acceptable and in accordance with the wider policy objectives relating to the provision of hotel accommodation.

Heritage

- 8.7. The Council has a duty when determining planning applications that seek to demolition buildings within Conservation Areas to consider section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

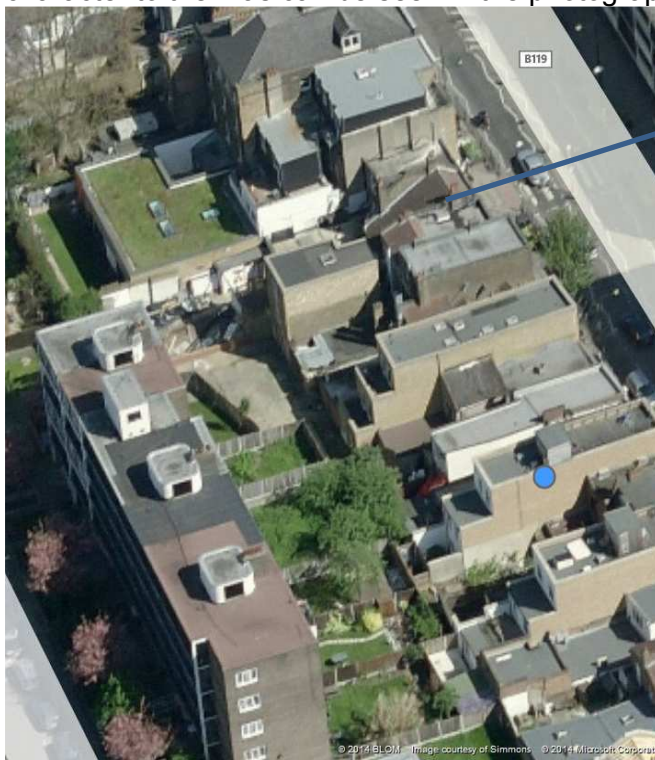
“In the exercise, with respect to any building or other land in a conservation area, of any functions under or by virtue of any provisions mentioned in subsection (2), special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.”
- 8.8. The existing building is bland in appearance and most of its original features have been removed such as the traditional wooden sash windows at the front. Therefore allowing it to be replaced with a well-designed building with many character features would enhance the Globe Road Conservation Area. The conservation officer has been consulted and they are satisfied that there is no public benefit in seeking to retain the existing as its replacement would enhance the Conservation Area.

Design

- 8.9. Policies SP09, SP10 and SP12 of the Core Strategy 2010 and policies DM23,DM24 and DM27 of the Managing Development Document, seek to ensure development is designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area, preserving the Borough’s conservation areas.
- 8.10. The existing building offers little to the Globe Road Conservation Area in terms of its overall character and appearance, due to its poor condition, loss of original wooden

windows and non-original addition to the ground floor. The new building would be an improvement as it would contain additional decorative features such as a new front entrance, rendered bands between ground and first floor windows and around the first floor windows themselves, retaining a soldier course above the second floor windows and the front windows being traditional wooden sliding sash. The proposal also incorporates a mansard roof with four lead sheet dormer windows positioned to match the fenestration below and uses natural slate to give it a high quality finish. The majority of the building would be finished in London stock brick which would be appropriate and in keeping with other properties in this area.

- 8.11. Overall it is felt the replacement of the existing building is acceptable and in accordance with policy DM27 which seeks to enhance conservation areas and allows for buildings to be demolished where they have little architectural or historical significance as is the case here.
- 8.12. Nearly all the properties along this section of Roman Road have been extended at the rear into the former external courtyard areas. The extensions predominately range from single storey to three storeys in height and there is no uniform design or character to them as can be seen in the photograph below.



Application premises

- 8.13. The four storey element of the proposal seeks to align with the four storey element No.115a to the east. It then drops to three storeys, marginally projecting past the extension at No.111 before dropping to single storey level. Through the course of the application the applicant reduced the height of the most rearward block from two storeys to single storey, addressing officers concerns about the increased bulk and mass which would have been created by the two storey block at the rear.
- 8.14. In conclusion the amended plans would provide a development which would respond well to the character of the area in terms of overall height, mass and external appearance, subject to appropriate conditions.

Accessibility and Inclusive Design

- 8.15. Policy 4.5 of the London Plan (2013) requires 10 per cent of hotel bedrooms to be wheelchair accessible. The proposed hotel would provide a total of 31 bedrooms, of which three are wheelchair accessible. Two of the wheelchair accessible bedrooms are located in the front building at ground floor level with the third located in the basement within 10m of the lift core shaft. Level access is also provided from the street via a single main entrance to the hotel reception, waiting area, ancillary restaurant and all upper floors. It is considered that the proposed hotel includes adequate means of accessible and inclusive access, in accordance with Policy DM24 of the Council's adopted Managing Development Document (2013) and Policies 4.5 and 7.2 of the London Plan (2013).

Noise and Vibration

- 8.16. The proposal does not include an extraction flue as the applicant does not propose to cook food as guests will only be offered a cold continental breakfast when they stay.
- 8.17. No air conditioning condenser units are shown on the plans and as they are likely to be required, it is recommended that a condition be included to state that no air conditioning condenser units shall be installed until full details of the units, including their position, technical specification and means of attenuation, together with an associated Noise Impact Assessment, has been submitted to and approved in writing by the Local Planning Authority. Subject to this condition, it is considered that the proposed development would not result in undue noise disturbance to neighbouring residents.

Overlooking and Privacy

- 8.18. The site is bounded to the east by another hotel which is a part three, part four storey Victorian building and to the west by a three storey residential block with an A5 unit at ground floor level. There are no windows within the proposed development that directly overlook either of these neighbouring properties and sufficient separation distances are provided to properties at the rear along Hartley Street to ensure overlooking will not be an issue.
- 8.19. Several of the hotel bedrooms have windows facing onto one another where they look onto the fire escape. Whilst some of these rooms have limited outlook and there is a potential for overlooking, given the nature of the proposed use, this is considered to be acceptable.
- 8.20. Since submission, and in response to concerns raised by residents, the proposal has been amended with railings added in front of the doors used to access the roof terraces at first and third floor levels in order to prevent guests from using these terraced areas other than in the event of an emergency. In addition to the physical barrier, it is recommended a condition be attached preventing the use of these terraces by guests other than in the event of an emergency.

Daylight and sunlight

- 8.21. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.22. Policy DM25 of the Managing Development Document (2013) seeks to protect amenity by ensuring development does not in an unacceptable material deterioration

of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight

- 8.23. For calculating daylight to neighbouring properties potentially affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment, together with no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 8.24. The applicant submitted a Daylight and Sunlight assessment which has been reviewed by officers. The submitted daylight and sunlight report assesses the impact of the proposed development upon the following neighbouring properties:
- 111 Roman Road
 - 115a/117 Roman Road
- 8.25. At both neighbouring properties none of the windows tested at the rear fall below the required VSC levels indicated that the impact would be acceptable. Further, the Average Daylight Factor (ADF) test confirms that there will be a very small loss of light and any impact will be negligible. Officers have reviewed the daylight and sunlight report and are satisfied that the proposal does not present any concerns, and that adequate daylight and sunlight levels will be retained to surrounding properties.
- 8.26. Neighbours at No 111 Roman Road have raised concerns that the daylight to the kitchen and dining room at 2nd floor level would be restricted as a result of the proposal. However the light into these rooms has already been compromised due to the construction of a three storey extension at the rear of No 111 Roman Road. The proposed construction at 113-115 Roman Road has a marginal impact of 0.83 to its current daylight factor which is broadly accepted by the industry and is in line with BRE guidelines.

Sunlighting

- 8.27. Sunlight is assessed through the calculation of the annual probably sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winters for windows 90 degrees of due south.
- 8.28. The windows at the rear of 111 and 115a/117 Roman Road are within 90 degrees due north. Pursuant of the BRE guidelines, north facing windows are not considered to have reasonable expectation of sunlight and do not require assessment. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Highways

- 8.29. The application site is located approximately 500 metres from Bethnal Green Station and benefits from excellent access to public transport, which is reflected in the sites Public Transport Accessibility Level (PTAL) of 6a. The proposal does not include any provision for on-site car parking and in this sustainable location, this is considered appropriate and in accordance with policy.

- 8.30. The highways team have asked that the submission of a Travel Plan be secured via condition to cover staff and visitors to the development as well as how disabled parking arrangements will operate on a day to day basis.
- 8.31. As the proposed hotel comprises less than 50 guest rooms, there is no requirement to provide coach parking.

Cycle Parking

- 8.32. The Council's cycle parking standards are set out in Appendix 2(1) of the adopted Managing Development Document (2013), which for new hotel uses requires the provision of 1 cycle parking space per 10 staff for employees and 1 cycle parking space per 15 guests for visitors.
- 8.33. The proposal includes the formation of cycle storage in the rear yard of the property which can be accessed through the hotel or from Hartley Street. The cycle store was originally situated next to the bin stores which have been moved to the other side of the rear yard and they are now separated by a planted area. There are 12 covered cycle parking spaces, which exceeds the Council's minimum cycle parking standards for a hotel of this size. The proposed cycle parking arrangements would offer secure, safe and convenient storage and would therefore be acceptable.
- 8.34. It is recommended that a condition be included requiring the submission of full details of the cycle parking stands, which must be retained for the life of the development.
- 8.35. Subject to such a condition, it is considered that the proposals include adequate provision of secure, usable cycle parking facilities, in accordance with the requirement of Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2013).

Refuse and Recyclables Storage

- 8.36. The refuse storage area would be located within the rear yard of the property and the capacity of the bins has been increased following advice from LBTH Waste Policy & Development. The amended scheme has been reviewed and the arrangements would be acceptable.
- 8.37. It is recommended that a condition be included to require the refuse storage facilities to be implemented prior to first occupation of the hotel and to be retained as approved for the life of the development.
- 8.38. Subject to such a condition, it is considered that the proposals include adequate provision of refuse and recyclables storage facilities, in accordance with the requirements of Policy DM14 of the Council's adopted Managing Development Document (2013) and Policy SP05 of the Council's adopted Core Strategy (2010).

9. Equalities

- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

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

10. Conclusion

10.1. All other relevant policies and considerations have been taken into account. Planning permissions **should be granted** for the reasons set out in RECOMMENDATION section of this report

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

24 July 2014

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal / Title
6.1	PA/14/00662	113-115 Roman Road, London E2'	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey building (including roof extension) and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.

Agenda Item number:	6.1
Reference	PA/14/00662
Location	113-115 Roman Road, London E2
Proposal	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey building (including roof extension) and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.

1. FURTHER REPRESENTATIONS

1.1 Following publication of the agenda, further representations have been received from the occupiers of 105c Roman Road:

- Bedroom used by children at the rear of the property overlooks the application site and will be exposed to noise and disturbance from users of the proposed hotel
- Occupiers of 105c Roman Road will be forced to keep windows and doors closed to mitigate noise and disturbance, creating uncomfortable living conditions inside their home;
- The proposed development will cause loss of light including through roof lights;
- Proposal is too large and will harm the character and appearance of the conservation area;
- People congregate outside the front of the hotel, smoking and dropping litter – a larger hotel will exacerbate this problem;
- The development will look out of place and will be ugly;

1.2 A detailed further objection including a petition has been received from the occupiers of 111 Roman Road and Four Corners Film, 121 Roman Road. The updated report confirms previous objections and current issues raised on the published agenda item 6.1:

- Proposal would disrupt the conservation area and environment;
- Proposed four storeys would harm the amenity and light to neighbouring properties, resulting in overdevelopment of site;
- The proposal would lead to an over concentration of hotels along Roman Road and within the local area

1.3 The above issues in the letters and petition regarding amenity, anti-social behaviour, overdevelopment of the site, use of the land as a hotel and the impact on the Conservation Area, following the publication of the committee report have been addressed within the report under the material planning consideration section.

2.0 RECOMMENDATION

2.1 Officer recommendation remains as set out in the committee report.

Agenda Item 6

Committee: Development	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF LEGAL SERVICES

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

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

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

- 3.4 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 in the previous agenda item.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/14/1577 and PA/14/1578
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Toynbee Hall, 28 Commercial Street, London, E1 6LS

Summary descriptions:

Proposal:

Full planning permission

Various works to the Toynbee Hall Estate including the following, • Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side • Provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street • Reconfiguration and re-landscaping of Mallon Gardens • Two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space. • Partial demolition and rebuilding of the southern end of Attlee House

AND

Listed building consent

Various works to the Toynbee Hall Estate including the following, • Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side

Drawing Nos/Documents: Documents:

- Design and access statement
- Energy Assessment - Toynbee Hall ref R004
- Energy Assessment - 36 Commercial Street ref R006
- Energy Assessment - Profumo House ref R005
- Report on renewable and alternative energy options - report ref R001
- Planning Statement
- Arboricultural Report dated 20th January 2014
- Heritage Statement dated June 2014
- Structural engineering notes dated 7/2/14
- Transport Statement by Mayer Brown
- Framework Travel Plan by Mayer Brown

Drawings:

D03 rev B, D04 rev B, D20 rev C, D21 rev C, D22 rev

B, D23 rev B, D24 rev B, D25 rev B, D26 rev B, D27 rev D, D28 rev B, D29 rev C, D30 rev B, D31 rev B, D32 rev B, D33 rev B, D40 rev A, A01, A02, A04, A05, A06, SU10 rev A, SU11 rev A, SU12 rev A, SU13 rev A, SU14 rev A, SU15 rev A, SU20 rev A, SU22 rev A, SU23 rev A, SU24 rev A, SU25 rev A, SU27 rev A, SU28 rev A, SU29 rev A, D31 rev A, SU32 rev A, SU33 rev A, SU40 rev A, SU21 rev A, SU01 rev A, SU03 SU04, SU05, D02 rev A, D05 rev A, D06 rev A, D07 rev A, D08 rev A, D10 rev B, D12 rev B, D13 rev B, D14 rev B, D15 rev B and D16.

Applicant: Toynbee Hall
Ownership: Toynbee Hall and LBTH
Historic Building: Grade II listed building
Conservation Area: N/A

1 Executive Summary

- 1.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and all other material considerations and has found that.
- 1.2 The proposal is acceptable in land use terms as it would provide additional employment uses which could be flexible for small and medium enterprises, it also seeks to upgrade and enhance the existing charitable use that Toynbee Hall provides from the site. The loss of the poor quality HMO (house in multiple occupation) spaces is also considered acceptable.
- 1.3 There would be no net loss of open space as part of the proposals. Raising the ground level of Mallon Gardens to the same level as the pavement will reduce the opportunity for anti-social and criminal behaviour which currently occurs at the site.
- 1.4 The internal works to Toynbee Hall, along with the extension to Profumo House and new building at 36 Commercial Street would pay special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Overall the development would provide an enhancement of the setting of Toynbee Hall which is a Grade II listed designated heritage asset.
- 1.5 The proposal would not give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents.
- 1.6 Transport matters, including parking, access and servicing, are acceptable and have been developed to ensure parking is minimised and sustainable transport options promoted.
- 1.7 Contributions have been secured towards employment and training initiatives, public realm improvements, community / leisure facilities and public open space
- 1.8 The development, thorough a series of methods including photovoltaic panels and

a contribution towards the carbon off-set fund would be sufficient to mitigate against and climate change in accordance with the energy hierarchy within the London Plan and LBTH policies.

RECOMMENDATION to GRANT planning permission and listed building consent subject to:

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

Financial contributions

- a) £19,770 towards employment skills and training (construction and end user)
- b) £3,175 towards Libraries and Idea Stores
- c) £12,651 towards Leisure Facilities.
- d) £20,061 towards public open space improvements.
- e) £49,608 towards public realm improvements on Commercial Street
- f) £77,869 towards an off-set carbon fund.
- g) £3,703 monitoring fee.

Total £155,755

Non-financial contributions

- h) Access to employment initiatives for construction and end-user.

Conditions for Planning Permission

- 1. Time Limit – three years
- 2. Development to be carried out in accordance with the approved plans
- 3. Prior to occupation of new office space Mallon Gardens shall be laid out in accordance with the approved plans.
- 4. Details of external materials for 36 Commercial Street and Profumo House
- 5. Details of shopfronts to 36 Commercial Street and Profumo House
- 6. Materials for Atlee House to match existing
- 7. Development to achieve BREEAM excellent.
- 8. Details of photovoltaic panels to be submitted
- 9. Details of hard and soft landscaping including number and type of species to be planted.
- 10. Details of cycle parking stands and weather-proof cover.
- 11. Servicing Management Plan including details of how the disabled parking will be managed
- 12. Construction management plan to include consideration of school times.
- 13. Green travel plan
- 14. Details of lighting, CCTV , design of seating and security gates.
- 15. Flats within Toynbee Hall to be occupied for no more than 6 months at a time.
- 16. No use of first floor flat roof of Toynbee Hall as a terrace.

Informatives

- 1. The planning application should be read in conjunction with the s106 agreement.
- 2. The development will be liable for Community Infrastructure Levy payments.

Conditions for Listed building consent

- 1) Time limit
- 2) Compliant with plans
- 3) Details of materials for Toynbee Hall extensions and 1:20 drawings of details such as decorative brickwork, window surrounds and sound insulation.

2. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 2.1 The application site is located on the eastern side of Commercial Street. Mallon Gardens is an LBTH park and is located at the front of the site, currently this park is enclosed by railings and is positioned below ground level. There are steps down into the park from within the Toynbee Hall site. Mallon Gardens was formed in the late 1940's following the demolition of no's 30-36 Commercial Street which were heavily damaged during WWII. The lowered level of the gardens is likely to have aligned with the basement level of these properties.
- 2.2 Toynbee Hall is located within the site, approximately 31m back from Commercial Street, it is currently partially obscured from the street by Atlee House which is a four storey building in residential use.
- 2.3 Toynbee Hall as stood on this site since 1884, it was given grade II listed status in 1973. The principle significance of the building lies in it being a pioneering example of a university settlement which became a model for other universities throughout the country and worldwide.
- 2.4 Toynbee Hall currently operates as a charitable organisation offering advice on welfare, benefits, debts etc, provides services for older people, cares for prisoners before and after release and provides education and literacy programmes.
- 2.5 Profumo House is also part of the Toynbee Hall site, it is a three storey building with a colonnade at ground floor level which provides the main access route into the site. The use of this building is for advice services on the ground floor with some short term residential accommodation above. These are not individual residential units and are more akin to a House of Multiple Occupation (HMO) with eight bedrooms per floor, a total of 15 HMO units are within this building.
- 2.6 The site is not located within a conservation area, though the Wentworth Street conservation area is to the north of the site and the Brick Lane/ Fournier Street conservation area is immediately to the east and south of the site. As Toynbee Hall is also grade II listed the site is considered sensitive in heritage terms.
- 2.7 In terms of other policy designations the site is in the Central Activities Zone (CAZ) and Mallon Gardens is designated as public open space.

Proposal

- 2.8 The application seeks planning permission and listed building consent for works to Toynbee Hall, the erection of a six storey office block at 36 Commercial Street, the addition of two floors to Profumo House, demolition and re-building of the southern façade of Atlee House and reconfiguration and re-landscaping of Mallon Gardens. Each part of these proposals is explained in more detail below:

Toynbee Hall

- 2.9 The extensions to the northern and eastern side of the building would be removed and replaced. The northern extension would reflect the original third gable on the property, albeit in a simpler design form. The rear extension would be replaced by a two storey addition with a brick base and bronze cladding to the first floor, the first floor comprising four dual pitched roofs creating a butterfly roof appearance. This

extension would be connected to the main building by an enclosed corridor that would allow views through to the original rear wall of the hall.

- 2.10 The internal changes involve moving a number of internal walls to create an improved entrance lobby to the building, currently the access is from the Toynbee Studios and is concealed within the corner of the site. On the first floor the main room in the centre of the building would be retained and some of the partitions showing the previous layout of compartmentalised office spaces, the objective is however to create a more open plan office at this level. A platform lift is proposed to allow wheelchair access from the circulation corridor into the office space. The staircase in the north east corner of the building is also being relocated to allow access into the office space and the two bed flat at first floor, positioned within the third gable.
- 2.11 On the third floor the dormer window is being extended rearwards in order to allow a corridor space at roof level linking the two currently separate spaces within the roof. This would allow for a three bed flat to be accommodated at this level. Both this and the two bed flat on the first floor would be let to visiting professionals on a short term basis and are not standalone residential units.

36 Commercial Street.

- 2.12 This is proposed as a five storey building with a set back fourth floor and basement. At ground floor it would provide an active edge to Commercial Street with a shopfront fronting both Commercial Street and the reconfigured Mallon Gardens. Floors 1 – 4 would be constructed from a dark plum brick and the fourth floor would be clad in dark bronze standing seam metal cladding. On the roof photovoltaic panels are proposed.
- 2.13 At ground floor this building would provide an information hub, which when combined with the ground floor of Profumo House would be a one-stop shop for Toynbee Hall's advice services. On the upper four floors a B1 office space is proposed, measuring 480sqm. This would have an independent access from Commercial Street.

Profumo House

- 2.14 A two storey extension is proposed to Profumo House to create a five storey building. The third floor would be designed to look like an additional floor in the same design and the same materials, the fourth floor would be set back from the front elevation and be constructed the same dark bronze standing seam cladding as 36 Commercial Street. This cladding would encompass the top floor and extend down the front elevation of the building where it meets no. 32 Commercial Street as there is an element of building which is set back from the front building line.
- 2.15 The colonnade at ground floor level would be filled in and the main entrance into the ground floor would be located at the eastern end of the building, fronting onto Mallon Gardens. At ground floor level the building would be used for interview rooms / meeting spaces / well being spaces etc. The upper floors would be B1 office space which can be accessed either via the ground floor or from a separate entrance onto Commercial Street so the office space can be used by Toynbee Hall or by an independent office occupier.

Atlee House

- 2.16 Atlee House is in use as an office on the ground floor with HMO space on the upper floors and this proposal seeks to demolish the southern part of this building,

approximately 115sqm of office space would be lost and eight HMO bedrooms. This is proposed in order to open up views of Toynbee Hall from Commercial Street as currently Atlee House obscures the building in part. A new rear elevation would be rebuilt in a simple style with an inset middle section as a design feature. The materials would match the existing Atlee House which is an orangey/red brick.

Mallon Gardens.

- 2.17 Mallon Gardens would be brought up to the level of the pavement on Commercial Street, meaning level access across the site. The landscaping would be predominantly hard with stone flags and copper edging to delineate public routes through the site. Planting is proposed along the edges of Toynbee Hall and 36 Commercial Street along with a sweeping curved planter through the centre of the site which provides greenery and a seating area. Hornbeam topiary columns are proposed at the boundary with the pavement and along the space between the park and Profumo House to assist in delineating the main pedestrian routes.
- 2.18 An existing mature Beech Tree would be retained and a new semi-mature tree would be planted towards the rear of the gardens, all other trees would be removed from the site, partly as a result of needing to raise the ground level and the impact this would have on root systems and partly as a need to respond to the anti-social behaviour which occurs currently. By making the gardens more open it is anticipated that there would be fewer areas for concealing anti-social / criminal behaviour.

Planning History –

- 2.19 PA/78/576 - Erection of single storey extension to teaching area on north side of main building. Granted 16/11/78
- 2.20 PA/98/00499 - External and internal repairs/refurbishment to Hall; alterations to interior involving ground floor knock through of three offices into one, first floor new layout to create eleven en-suite student bedrooms from existing bedrooms, offices and communal facilities, second floor new one-bedroom flat (self-contained but without separate access). Granted 13/5/99
- 2.21 PA/02/00723 - Infilling of colonnade to courtyard south of building to create additional community offices and replacing ground floor facades on north and west elevations. Installation of three floodlights on north elevation. Granted 21/05/2003
- 2.22 PA/06/2288- Internal works in connection with the refurbishment of first and second floor hostel accommodation and installation of two new staircases to serve second floor. Granted 13/3/07
- 2.23 PA/10/2085 - To relocate the existing side entrance reception to the ground floor office space and create a new shopfront style reception on Profumo House at 28 Commercial Street, London E1 with a new shopfront doorway opening from Commercial Street into a new reception area that will include a small waiting area for service users. Granted 9/12/10

3. POLICY FRAMEWORK

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

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP06	Delivering successful employment hubs
	SP09	Creating attractive and safe streets
	SP10	Creating distinct and durable places
	SP11	Working towards a zero carbon borough
	SP12	Delivering placemaking

Managing Development Document (adopted 2013)

DM0	– Delivering sustainable development
DM1	– Development within the town centre hierarchy
DM5	– Specialist housing
DM8	– Community Infrastructure
DM10	– Delivering open space
DM11	– Living buildings and biodiversity
DM14	– Managing waste
DM15	– Local job creation and investment
DM16	– Office locations
DM20	– Supporting a sustainable transport network
DM22	– Parking
DM23	– Streets and public realm
DM24	– Place sensitive design
DM25	– Amenity
DM27	– Heritage and the historic environment
DM29	– Zero-carbon and climate change

Spatial Development Strategy for Greater London (London Plan 2013)

2.10	Central Activities Zone – strategic priorities
2.11	Central Activities Zone – strategic functions
2.12	Central Activities Zone – predominantly local activities
4.1	Developing London's Economy
4.2	Offices
4.3	Mixed use development and offices
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.11	Green roofs and development site environs
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Buildings London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.6	Architecture
7.9	Heritage Assets and archaeology
7.18	Protecting local open space and addressing local deficiency

Supplementary Planning Document: Planning obligations adopted Jan 2012

Government Planning Policy:
National Planning Policy Framework
National Planning Practice Guidance

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

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

4. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

Access Officer

4.1 No objections

Employment and Enterprise

4.2 *Proposed employment/enterprise contributions at construction phase:*

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

The Council will seek to secure a financial contribution of **£4,257** 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. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

4.3 *Proposed employment/enterprise contributions at end-use phase:*

The council seeks a monetary contribution of **£15,513** towards the training and development of unemployed residents in Tower Hamlets to access jobs within the B1 uses of the development:

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(Officer response: This would be secured through the s106 legal agreement.)

Energy team

- 4.4 The proposals for the Toynbee Hall estate principally comprises refurbishment of Toynbee Hall and Profumo House and a new office building. The proposals focus on reducing energy demand through improvements to the existing building envelopes, improved lighting efficiencies and high efficient boiler systems. The proposals also include the integration of >130m² PV panels across the site located on the new build office block and Profumo House.
- 4.5 The site wide energy and CO₂ emissions have been calculated and the baseline identified as 124.37 tonnes CO₂ per year. Following the integration of the energy efficiency and renewable energy technologies the design CO₂ emissions are anticipate to be 63.6 tonnes CO₂ per year.
- 4.6 The proposals are considered appropriate for the scheme as it is principally a refurbishment scheme and they should be secured via an appropriately worded Condition. It is recommended that a Condition requiring the full specification of the PV arrays to be submitted prior to commencement of relevant works.
- 4.7 The proposals identify a cash in lieu payment of £77,869.34 to meet the shortfall of CO₂ emission reductions. It is recommended that this is secured via the standard S106 route.
- 4.8 In relation to Sustainability the proposals are required to achieve the highest standards of sustainable design and construction and be subject to an environmental assessment as identified in MDD Policy DM29. The appropriate environmental assessment is considered to be BREEAM and the scheme should achieve a BREEAM Excellent rating where feasible. At present no BREEAM assessment has been received and the applicant. For the scheme it is recommended that achievement of BREEAM excellent rating is secured via an appropriately worded condition for the submission of the pre-assessment prior to commencement and the final certificates upon occupation.

(Officer response: Noted and conditions attached)

Biodiversity

- 4.9 The application site includes a few trees and a small amount of low-growing ornamental plants. No ecological assessment appears to have been undertaken, but the site is very unlikely to be of high biodiversity value. The existing buildings, though old, are a long way from suitable bat foraging habitat, so it is unlikely that they are used by roosting bats.
- 4.10 Most of these trees, including a silver birch and a whitebeam, are to be removed. These are native species which are good for wildlife. Their loss would, therefore, be a minor adverse impact on biodiversity. Policy DM11 seeks overall biodiversity enhancement in new developments. To meet the requirements of this policy, the landscaping of the new development would need to provide new features of benefit to biodiversity sufficient to more than offset the loss of the trees. The current landscape proposal includes planting one semi-mature tree and a few small, multi-stemmed trees. It also includes an area of mixed border planting which offers opportunities to enhance biodiversity. The rest of the soft landscaping, including robust evergreen ground cover and tightly-clipped hornbeam and box, is unlikely to be of any significant biodiversity value.

- 4.11 The overall impact of the development therefore depends on the species of trees to be planted, and the nature of the mixed border planting. The trees should be locally native species to replace the lost natives, and like-for-like replacement of the silver birch would be a good start. The border planting can best enhance biodiversity by providing diverse sources of nectar throughout as much of the spring, summer and autumn as possible. A condition should require full details of the planting to be agreed by the Council, and should make it clear that the landscaping needs to provide sufficient biodiversity value to more than offset the loss of trees.

(Officer response: Noted and condition included)

Highways

- 4.12 A transport statement and framework travel plan has now been submitted. The Highways and Transportation Group has no objection in principle to the proposed development. However, there are some areas where further information / changes are required before this group can approve the proposal as submitted.
- 4.13 These are: Dwg D03 in the transport statement shows the tracking for service vehicles in Gunthorpe Street. These show that service vehicles exiting the site can only do so by driving over the opposite footway, which is unacceptable. I understand this is the current layout and usage and further details are required as to how this actually operates as there are bollards and cycle stands on that footpath. A more detailed tracking diagram of these movements is required.

(Officer response: Further information has been provided showing that a service vehicle can reverse into the site without adversely affecting Gunthorpe Street. Whilst reversing out onto a street is not normally recommended the Highways officer has confirmed this is acceptable in this instance due to this being an existing arrangement and Gunthorpe Street being lightly trafficked.)

- 4.14 The proposal includes two disabled parking bays which is welcomed. However, further information is required to show how this affects the servicing to Sunley House. Satellite images show that service vehicles current access the rear of Sunley House and the location of the disabled parking bays will prevent this.

(Officer response: The servicing is likely to conflict with the disabled parking bays and as such it is recommended that details of how this will be managed is included within the servicing management plan condition)

- 4.15 The private forecourt to the front of Sunley House on Gunthorpe Street (outside the redline of this application) is currently used for private parking. Confirmation is required as to who is entitled to use this parking - are any of the buildings being redeveloped allowed to park here?

(Officer response: This parking is not included within the application site and is let by Toynebe Hall on a commercial basis.)

- 4.16 It is proposed that cycle parking for all uses will be under a canopy. It is recommended that all long term parking for staff etc is enclosed all around, protecting the cycles from the elements, otherwise it is unlikely to prove to be attractive to users. LBTH recommend the use of 'Sheffield' type cycle stands.

(Officer response: Further details of the covers for the cycle parking and the type of cycle stands would be secured by condition)

- 4.17 Commercial Street forms part of the TLRN (Transport for London Road Network) and TfL, as highway authority for that road should be consulted. The above information is required before this group can approve the proposal. However, should the case officer be minded to grant planning permission the following condition / informatives should be added: A Construction Management Plan to be supplied by the applicant and agreed by the LPA and local highway authority prior to commencement of works. A Service Management Plan to be supplied by the applicant and agreed by the LPA and local highway authority prior to occupation. A Full travel plan to be supplied by the applicant and agreed by the LPA and local highway authority prior to occupation.

(Officer response: Noted and conditions attached)

- 4.18 The applicant will be expected to enter into a S278 agreement with the local highway authority with regards to any works required on the public highway, included any improvement works required as a result of the proposal

(Officer response: Noted)

Secured by design

- 4.19 Looking at the site, the location, the sites use and the incidents (ASB, crime etc) that occur within Mallon gardens and the adjacent alleyways I can see why crime occurs. There are hidden areas which are formed by buildings, trees, shrubs and even the topography of the site which allows for hidden spaces at a lower level.

- 4.20 There are, in simple terms two options to try and address these historic issues.

1. Enclose the site completely, using 3M high railings to the perimeter at Commercial St and ensure that this level of height is maintained throughout the site. There would also be a need to ensure that all gates existing and new are of a robust design with appropriate locks.

2. Open up the perimeter of the site to Commercial St by removing the railings/low wall, Gate/rail the alley towards Wentworth St at the building line with the new building (36 Commercial St).

- 4.21 Of the two options above I would recommend that option 2 is considered in the first instance. If, after a period of time there is not a reduction in crime or ASB then perhaps consider option one.

- 4.22 The following more detailed comments are also provided on gating off the areas to the rear and side of the gardens:

- The alley to the rear of 36 Commercial Street would be closed off robustly with 3M high gate/railings which don't have any horizontal cross members that can be used to assist climbing. There would need to be an access/control system in place at this gate to ensure access is limited to legitimate use only.
- Install a second 3m high set of metal railings halfway between the Gate at Wentworth St and the new gate as mentioned above.
- Ensure that all current gates in place are robust and with appropriate locks (please don't hesitate to send me details of these if you need any comments).
- Please ensure that the basement escape door in this alley is suitable for its purpose. It will need to be robust. A one-hour fire door should be suitable for this.
- The colonnade to Profumo House is being filled in, I would support any change here as this covered area offers shelter for all, including those that want to use this space for illegitimate purposes.

- Please ensure that there is sufficient lighting (clear, white) to ensure an even pool of light across the entire site. CCTV is something that I would highly recommend in this area, especially if it is 'monitored' and advertised as such with suitable signage.
- Any benches within the site should be thought through in context of both legitimate and illegitimate use. Ensure that street drinkers can't 'live' here by making the seats only comfortable for seating and for short periods of time. Seat dividers, sloping surfaces and different materials are often successful in achieving this goal.
- Please ensure that all tree canopies are Maintained to no lower than 2M from ground level. Please also ensure that shrubs are either maintained or are a species that does not grow higher than 1M. This will create a clear line of sight throughout the area.

4.23 I would welcome the opportunity to make comment on any hardware, such as gates, railings etc being considered for this project.

(Officer response: The detailed referred to above would be secured by condition and the option recommended by the SBD officer- option 2- is being followed in this case i.e opening up the perimeter of the site)

Transport for London

4.24 The site is on Commercial Road which is part of the TLRN. TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

4.25 TfL does not object to the development in principle. However, due to the proximity of the TLRN, TfL requests that further information is provided on the proposed construction methodology prior to the determination of the application. A Construction Logistics Plan (CLP) should also be secured by condition in order to reduce the impact of construction on the road network.

(Officer response: Noted and condition attached)

Parks and Open spaces

4.26 *Key points*

From a parks service perspective the key issues with Mallon Gardens are:

- Resolving problems with anti social behaviour and crime within the park
- No loss of open space
- Encouraging the public to use the park more than they currently do
- Ensuring that any changes make it more accessible and that it is clear to users it is a council managed space.
- Keep ongoing maintenance costs at the same level as now or lower.

4.27 *Observations*

Overall I believe that the proposed plans will be an improvement to this park. My reasons for supporting the proposal are:

- No loss of space, in fact small increase.
- A far more accessible space that joins up with other Toynbee spaces and facilities that are open to the public, including advice services and arts complex. (note current space not wheelchair accessible)
- An easier space to maintain as all on one level.

- Easier to manage ASB as can be easily viewed from the street and an open park which police can access without keys. Will also be overlooked by staffed premises on three sides.

4.28 Recommendations

That consideration is given to the following:

- Lighting scheme that addresses both safety and aesthetic issues
- CCTV to cover the whole area and the alleyway that currently suffers from ASB
- Clear signage at the front of the park making it clear that it's a LBTH managed space open to the public
- A high piece of sculptural signage towards the back of the park that again sends the message that this is a LBTH space but also adds to the look.

(Officer response: Support from Parks and Open Spaces is welcomed and conditions regarding lighting / CCTV are recommended. Signage would be dealt with under a separate application for advertisement consent)

5. LOCAL REPRESENTATION

- 5.1 A total of 159 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 38 Objecting: 38 Supporting: 0

A petition with 5 signatures has been received in writing objecting to the scheme. There is also an on-line petition to which at the time of writing has 85 signatures.

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

- 5.3 The land swap would lead to a new open courtyard for Toynbee Hall at the expense of Mallon Gardens.

(Officer response: The open space to the front of Toynbee Hall would remain a public open space to be used by any member of the public as well as those who visit Toynbee Hall)

- 5.4 There are serious anti-social behaviour issues with the current gardens and opening the space up with no restrictions in terms of gates will exacerbate this problem and have significant impacts upon local residents and general safety in the area.

(Officer response: This issue has been carefully considered with the Metropolitan Police's secured by design officer who has advised that gates need to be erected around the entrances off Mallon Gardens into the residential areas but opening up the park and ensuring there are no secluded areas can assist in reducing the likelihood of antisocial and criminal behaviour taking place.)

- 5.5 The proposed five storey office block is at odds with the surrounding area including the recently refurbished pub at the corner of Wentworth Street and Commercial Street.

(Officer response: There is a varying scale to buildings along Commercial Street and this building is only marginally taller than its neighbour at no.38, as such it is not considered that the building is at odds with its surroundings. Further assessment of the design is provided in the main body of the report)

- 5.6 The entrance to the flats in 38 Commercial Street is at the rear of the building and opening up the site to allow additional access could compromise the security of these residential units. The addition of the office block would also make this alleyway darker and longer further exacerbating this issue.

(Officer response: Following discussions with the secured by design officer a third gate is proposed to the rear of 38 Commercial Street which prevents the occupiers of the new office development at 36 from accessing the part of the alleyway which serves the residential building. This would act as a visual and physical deterrent for those seeking to use this route for criminal activities.)

- 5.7 Construction should be considered in detail so as not to conflict with children attending Cannon Barnett school as Gunthorpe Street is the main access to the school.

(Officer response: A construction management plan would be secured by condition and can incorporate a requirement to avoid the arrival of construction vehicles at the start and end of the school day.)

- 5.8 The proposal would result in the loss of seven trees on the site which is contrary to the Council's green grid strategy. It could also have a harmful impact upon biodiversity.

(Officer response: Biodiversity enhancements will be secured by condition. Whilst the loss of trees is regrettable, there are advantages to their removal such as increased natural surveillance of the open space and enhanced views of the listed Hall from Commercial Street.)

- 5.9 The proposal represents an overdevelopment of the site.

(Officer response: There would be no net loss of open space and the scheme does not exhibit any of the symptoms associated with overdevelopment)

- 5.10 The proposals do not meet the aims of the Local Area Plan for Spitalfields which outlines the need to 'protect residential amenity in the area using night time, environmental, safety. Licensing and planning management'.

(Officer response: It is considered that the changes to Mallon Gardens will enhance the amenities of residents by reducing the likelihood of antisocial behaviour occurring.)

- 5.11 The new office block at 36 Commercial Street would overshadow and overlook the top floor flats of no. 38. It would also reduce views from the rooftop balconies of the two top floor flats.

(Officer response: The top floor of the new building would be slightly taller than the neighbouring building at no.38. There are two flats at the top floor which are understood to be duplex flats, the main outlook is either east or west. There is a small balcony and windows facing south which would be affected by this proposal but these

are secondary sources of light into each room and would not overall detrimentally diminish the levels of light and outlook for these units. The loss of a view from a residential property is not a material planning consideration. It should also be noted that there are no windows facing northwards from the proposed building so there would be no loss of privacy. Further consideration of this issue can be found within the amenity section of the report.)

- 5.12 The impact on residential amenity should be considered in light of the future proposals for Atlee House as this could combine with the additional height of 36 Commercial Street to impact upon the flats within 38 Commercial Street.

(Officer response: There is no application made for the future proposals for Atlee House so the Local Planning Authority are obliged to consider the merits of the current scheme.)

- 5.13 Toynbee Hall have failed to carry out consultation with local residents.

(Officer response: It is understood that Toynbee Hall did carry out a consultation event with local residents in 2013. Whilst early and meaningful consultation with local residents is advised, not undertaking this exercise is not a reason to refuse planning permission. Statutory consultation has been carried out by the Local Planning Authority upon receipt of this planning application)

- 5.14 The demolition of Sunley, Atlee and Gate houses would lead to people being displaced could impact upon the wellbeing of some of the elderly residents who would find relocation stressful.

(Officer response: There are no proposals to demolish Sunley or Gate houses and only a small portion of Atlee House is proposed for demolition which currently accommodates offices and HMO's. Eight rooms would be lost as part of this proposal.)

- 5.15 There should be cycle parking proposed within the gardens for visitors.

(Officer response: There is no policy requirement for visitor cycle parking as part of this scheme. Sufficient cycle parking is provided for the staff of Toynbee Hall and the offices.)

6. MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the Local Planning Authority must consider are:

1. Principle of the Land Use
2. Reconfiguration of Mallon Gardens / Impact upon open space and associated security issues
3. Design and listed building impacts
4. Impact on neighbouring amenity
5. Highways
6. Energy and sustainability.
7. Biodiversity
8. Planning obligations
9. Human rights
10. Equalities

Principle of the land use

6.2 The use of Toynbee Hall remains predominantly unchanged with lecture halls and ancillary uses on the ground floor with B1 office space for Toynbee's administration on the first floor. However through the changes proposed to Toynbee Hall, the extension to Profumo House, the erection of a new building at 36 Commercial Street and the demolition of part of Atlee House the following land use changes occur:

- Increase in B1 office space of 1,627sqm
- Increase in A2 (financial and professional services) space of 442sqm.
- Provision of ancillary residential space within Toynbee Hall of 201sqm (overall reduction of 266sqm from existing unoccupied residential space)
- Loss of HMO space of 640sqm.

6.3 Each of these issues is addressed in turn:

Increase in office space (B1 use class)

6.4 The increase in B1 space comes from the extension to Profumo House and 36 Commercial Street. The majority of this space would be let commercially by Toynbee Hall and would provide an income for the charity. These spaces can be accessed independently from Commercial Street. Policy SP06 of the Core Strategy supports a range and mix of employment uses by retaining, promoting and encouraging flexible workspace in town centre, edge-of-town centre and main street locations, particularly encouraging spaces suitable for small and medium enterprises (SME's) of 250sqm or less and 100sqm or less. This is echoed in policy DM15 of the MDD.

6.5 In this case the B1 space in Profumo House and 36 Commercial Street is divided into floors of between 132sqm and 220sqm. There is no end user for this commercial space at present but given the layout of the building it is considered that this would provide suitable flexibility for SME's to take one or several of the floors with potential to expand into other floors if the business is successful. This is also in line with the draft City Fringe / Tech City Opportunity Area Planning Framework which supports proposals for new employment space particularly suited to SME spaces. As such the increase in employment floorspace in this location is considered to be a benefit of the scheme and is in principle supported.

Increase in A2 space.

6.6 The A2 space in this development is to be found within the basement and ground floors of 36 Commercial Street and Profumo House. This is where the 'front of house' services associated with the Toynbee Hall charity are provided. This is an expansion of the existing services provided within Profumo House. The use is classed as A2 because it offers professional services but also provides a benefit to the community and so policy DM1 and DM8 of the MDD are considered relevant to this part of the proposal.

6.7 The site is within the CAZ, policy DM1 identifies that a mix of uses are supported, this would include A2 use. Policy DM8 protects social and community facilities where they meet an identified local need and the buildings are suitable for that use. In this case Toynbee Hall has a long-standing tradition of providing services which assist the local community. It is considered that the continued provision (and expansion) of advice services on the lower floors of Profumo House and 36 Commercial Street are acceptable.

Provision of ancillary residential space.

- 6.8 On the upper floors of Toynbee Hall there is approximately 470sqm of ancillary residential accommodation which is currently unoccupied. The redevelopment of Toynbee Hall provides for a two bed flat on the first floor and a three bed flat on the second floor. These spaces are not separate C3 residential units and a condition would be placed on the approval to ensure that these are not occupied for more than 6 months at a time. The residential accommodation is provided by Toynbee Hall for visiting volunteers. This space is deemed to be sui generis as it does not fall within a specific use class. Given that this space has already been traditionally used for this purpose, and subject to the above mentioned condition, the ancillary residential part of this application is considered acceptable in land use terms.

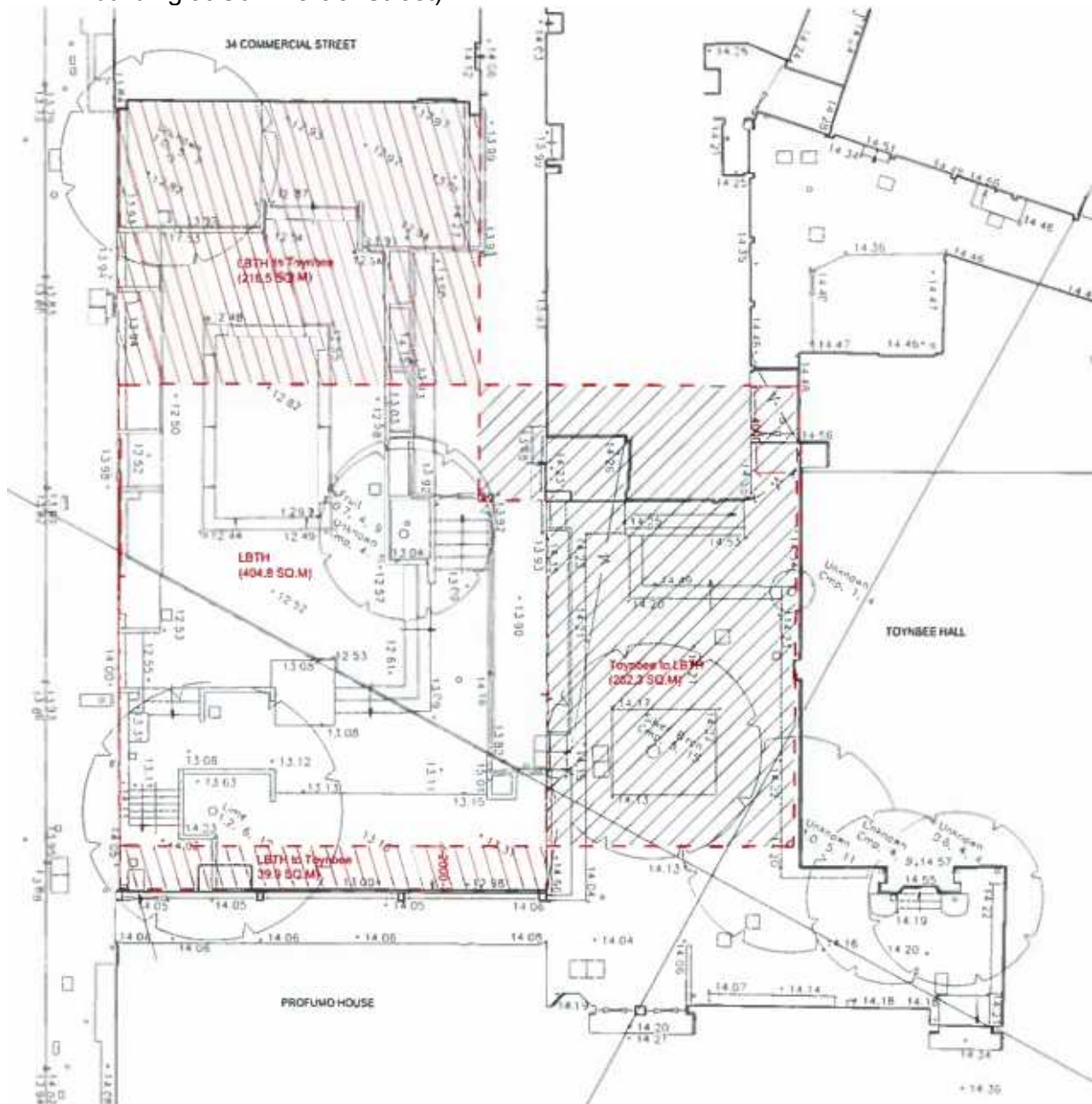
Loss of HMO space

- 6.9 Across Profumo House and Atlee House a total of 23 bedrooms would be lost as part of this development. The use of this accommodation is classed as sui generis and this therefore does not represent a loss of C3 residential accommodation. Policy DM5 seeks to protect specialist housing where it is suitable for its use and meets relevant standards, however there is no evidence that this is specialist housing either, Toynbee Hall lets these rooms at commercial rates and does not provide a level of care for the residents. It is currently substandard accommodation, for example, within Profumo House eight bedrooms are served by one small kitchen and a living room.
- 6.10 On balance, given the benefits associated with additional office space and the enhance to the setting of Toynbee Hall as a result of the demolition of part of Atlee House it is considered that the loss of this substandard sui generis accommodation is acceptable

Reconfiguration of Mallon Gardens / Impact upon open space and associated security issues

- 6.11 Mallon Gardens is a public open space owned and managed by LBTH, this proposal involves the reconfiguring of Mallon Gardens which is subject to a 'land swap' with LBTH. Essentially Toynbee Hall would give ownership of the space in front of the building, along with an area of space created by the demolition of Atlee House to LBTH, in an area along Commercial Street, currently occupied by Mallon Gardens would be given to Toynbee Hall to allow the construction of 36 Commercial Street.
- 6.12 Policy DM10 of the MDD is relevant to this proposal as it sets out that 'development on open spaces will only be allowed in exceptional circumstances where: a) it provides essential facilities to ensure the function, use and enjoyment of the open space or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved'.
- 6.13 Mallon Gardens is currently 677sqm and under the new arrangement the park would be 681sqm, 4sqm larger. This does not include the access path along the side of Profumo House which would remain in the ownership of Toynbee Hall but would also effectively add to the area of open space, thereby creating a space of 917sqm. The plan overleaf shows the spaces which would be swapped between Toynbee Hall and LBTH. Essentially the area gained by LBTH is 7sqm (Toynbee Hall give 262sqm to LBTH for the new Mallon Gardens and in return Toynbee Hall receive 255sqm through the infilling of the colonnade at Profumo House and the erection of the office

building at Commercial Street).



Land swap plan – hatched areas are currently in Toynbee’s ownership and to become LBTH land.

- 6.14 An entrance to 36 Commercial Street is required from the public open space and could be seen as reducing the area of open space, however the entrance is just inside the site and only requires a small ingress into the park to allow access. Providing an access directly from Commercial Street was considered so as not to detract from the open space calculations, however it was felt that this would not assist with the campus feel that Toynbee Hall are seeking to achieve, which is linked to the historic importance of the site and its original use. The entrance onto the park along assists with increased natural surveillance.
- 6.15 Presently the park is underused and has a number of problems with criminal and antisocial behaviour. A number of residents have objected to this planning application citing the number of incidents which frequently occur within this park and they have concerns that the proposed amendments to the layout will exacerbate this problem. The park is enclosed by gates along Commercial Road, however these are easily climbable and access can be gained once the site is locked at night, the

sunken nature of the park, coupled with the existing landscaping creates a perception of seclusion, the site is also a desirable place for criminal activity due to the number of escape routes which the site offers.

- 6.16 The current proposals seek to address this issue by bringing the level of the park up to street level, reducing the amount of trees and shrubs and opening the site up to make it more inviting for the general public. The escape routes to the rear and side of the site would be gated and increased lighting and CCTV provided. The seating would also be designed to discourage long term sitting or sleeping on and the increased activity of the new office building facing the park would improve natural surveillance. Details of the design of the gates and seating / type of lighting and location for CCTV would be secured by condition and advice would be sought from the secured by design officer prior to installation.
- 6.17 These changes are supported by the Council's parks department and have been endorsed by the secured by design officer. The options to install gates across the front of the site would remain, however officer's feel that the above mentioned measures are likely to be successful in alleviating the anti-social behaviour problems. Gates would also detract from the setting of the listed building and so is generally considered to be an undesirable and unnecessary solution.
- 6.18 Overall, there would be no net loss in open space, the proposals would lead to an increased usability of the park, improve the amenity of surrounding residents and enhance the setting of the grade II listed Toynbee Hall.
- 6.19 Details of the landscaping of the park would be required by condition and approved in discussion with the parks department who will need to be mindful of the ongoing maintenance costs.

Design

- 6.20 Policy DM24 of the MDD requires place sensitive design and seeks to achieve this through requiring developments to be designed to the highest quality standards, incorporating principles of good design, including:
 - a. ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:
 - i. scale, height, mass, bulk and form of development;
 - ii. building plot sizes, plot coverage and street patterns;
 - iii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;
 - iv. design details and elements; and
 - v. natural environment.
- 6.21 This proposal also needs to be considered in heritage terms due to Toynbee Hall's status as a grade II listed building and the proximity of the surrounding conservation areas. Policies Policy SP10 of the Adopted Core Strategy and DM27 of the MDD seeks to safeguard the Borough's heritage assets through ensuring that proposals to alter listed buildings preserve their special architectural and historic interest.
- 6.22 Members must satisfy themselves that the proposal accords with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Toynbee Hall

- 6.23 The application for Toynbee Hall seeks both full planning permission and listed building consent.
- 6.24 Toynbee Hall is a grade II listed building on Commercial Street. A highly significant pioneering example of a purpose-built university settlement, embodying the principles of Samuel Barnett and the settlement movement, it has the feeling of a manorial hall. Designed in a simply decorated Tudor revival style by architect Elijah O Hoole, the most important elements of the interior are the main staircase, lecture hall and Ashbee Hall.
- 6.25 The use of the site has evolved over the years and the Hall itself now forms part of a broader complex of building including Sunley House, Atlee House, Profumo House, Mallon Gardens and 36 Commercial Street.
- 6.26 The works to Toynbee Hall include internal alterations together with the replacement of the existing adhoc extensions to the hall with two-storey structures, incorporating a new lift and connecting back into remodelled upper floors, enabling enhanced facilities and circulation.
- 6.27 Internally the alterations proposed are designed to facilitate the buildings continued use for its original purpose (settlement). Whilst removing a number of the basic partition walls, the proposals retain the central double height space and enable the reuse of this space.
- 6.28 On the ground floor the amalgamation of small secondary spaces enables the creation of an entrance hall.
- 6.29 The extensions restore the original picturesque massing with a new gable utilizing a modern interpretation of the detailing which is simplified and differentiated from the original.
- 6.30 The works to Toynbee Hall include internal alterations together with the replacement of the existing adhoc extensions to the hall with two-storey structures, incorporating a new lift and connecting back into remodelled upper floors, enabling enhanced facilities and circulation.
- 6.31 The conservation officer has reviewed the proposals in detail and is supportive of the works, however a number of details and samples of materials will need to be submitted in order to ensure quality and attention to detail is maintained. These would be secured by condition and attached to the listed building consent application (PA/14/1578).

Profumo House

- 6.32 Two additional stories are proposed on Profumo House. This involves carrying up the brick storey one additional floor and then adding and wrapping around a new clad element. Much of the success of this will depend upon matching the brick, the detail of windows and reveals, and the cladding chosen. All these are details would be secured by condition.
- 6.33 The ground floor colonnade would also be in filled, this allows for more usable space on the ground floor. The ground floor would have an active frontage onto Mallon

Gardens and Commercial Street which is welcomed.

- 6.34 Overall, there are no objections to the works to Profumo House and subject to the use of appropriate materials for the extension its design and appearance is acceptable and would preserve the setting of Toynbee Hall and would sit comfortably within the general pattern of buildings along Commercial Street.

Atlee House.

- 6.35 Following the demolition of part of this building, the end elevation will essentially be reconstructed in the same style and materials as currently. If a separate application comes forward for redevelopment of Atlee House it is likely that this would be redesigned. The removal of the section of building which currently obscured the view of Toynbee Hall from Commercial Street is a benefit of the proposal which would enhance the setting of the heritage asset. The replacement of the existing elevation would preserve the setting of the heritage asset so overall it is considered that there would be an enhancement of the setting of Toynbee Hall as a result of the works to Atlee House.

36 Commercial Street

- 6.36 This is a new five storey buildings, in a pared down style, occupying part of the current Mallon Gardens area. The ground floor reflects the height of that of the Princess Alice and above this there is an architectural hierarchy working down to the attic storey which is set back from the front and side elevations
- 6.37 The conservation officer has reviewed the proposals and whilst there is no objection to the architectural design of the building it is felt that it should be one storey lower in order to improve the setting of Toynbee Hall and ensure it is not imposing when viewed from Mallon Gardens.
- 6.38 Since these comments the building has been reduced in height by 368mm in order to improve the relationship with Mallon Gardens and the neighbouring property to the north, however the developer has advised the reducing the building by a full storey would adversely affect the viability of the scheme. The commercial let of the offices within no. 36 are aimed at supplementing the charitable uses that Toynbee Hall offers.
- 6.39 At this height the building causes less than substantial harm to the setting of the heritage asset as defined within paragraph 134 of the NPPF. The NPPF states that where less than substantial harm is identified, this harm should be weighed against the public benefits of the scheme. Section 66 of the 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires significant weight to be given to the desirability of preserving the setting of the listed building when weighing up the public benefits of the scheme. In this case the public benefits of this proposal include an enhanced setting to Toynbee Hall and allowing the historic use to continue in its current location, this are considered to be significant public benefits which outweigh this harm.
- 6.40 It is also worth noting that the height of buildings along this stretch of Commercial Street was much higher before it was bombed in WWII. The photographs overleaf show the public house in the corner which was originally five storeys, with the other buildings along Commercial Street being generally one floor higher than the existing height of the public house (approximately the same height the current proposal for no. 36)



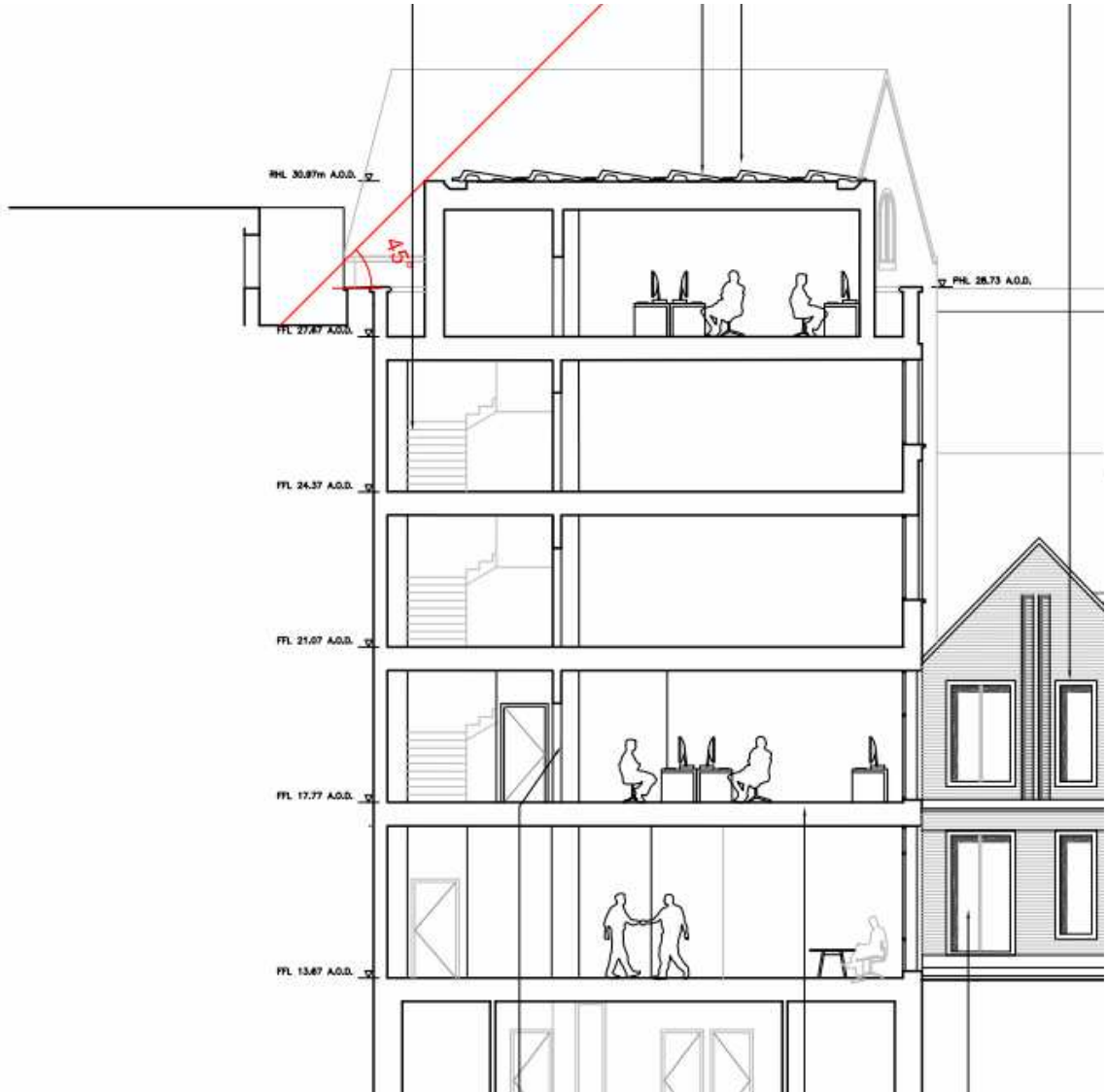
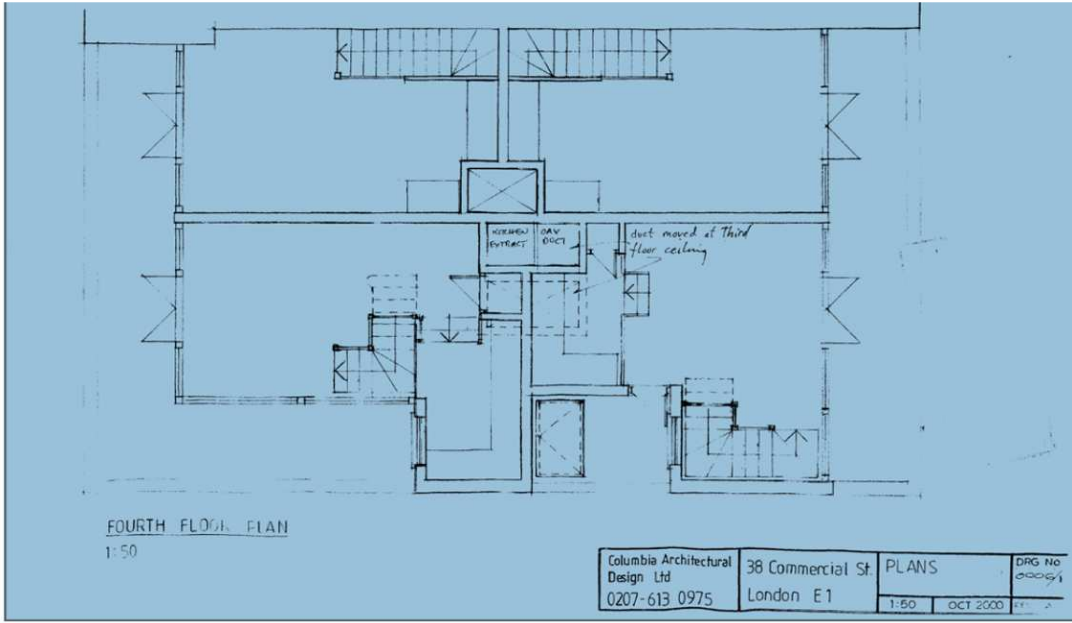
Present-day photograph of the public house on the corner of Commercial and Wentworth Street without top two stories



Photograph of public house before Second World War showing top two stories and roof gable

Impact upon residential amenity

- 6.41 Policy DM25 of the MDD states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:
- a. not resulting in an unacceptable loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;
 - b. not resulting in the unacceptable loss of outlook;
 - c. ensuring adequate levels of daylight and sunlight for new residential developments;
 - d. not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings, schools, community uses and offices and not result in an unacceptable level of overshadowing to surrounding open space; and
 - e. not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 6.42 The nearest affected residential properties are located within 38 Commercial Street. The building was converted into residential use in 2000, the majority of the units have outlook east and west and not out over Mallon Gardens to the south as the building has a blank flank wall. However at the top floor flats 7 and 8 have two windows which face south and balconies along the southern side of the building which would be affected by this proposal.
- 6.43 The diagram overleaf is taken from the planning records for the building and illustrates the locations of the windows and balconies, the drawing beneath shows the proposed building and its proximity from no. 38:



6.44 The top floor of 36 Commercial Road would be set in from the flank wall of no. 38 by 1.8m and would be 0.8m higher than the roof of no. 38. This would reduce light and

outlook to the south facing windows and terrace.

- 6.45 The BRE guidelines assist when considering the loss of daylight and sunlight to a room. The guidelines state that where the angle from a window to a neighbouring obstruction is less than 25 degrees then there is unlikely to be substantial harm resulting from the proposal. In this case, the angle, when taken from the mid point of the window is 25 degrees to the roof of the extension. According to the BRE guidelines there is therefore unlikely to be a significant loss of daylight to the occupants of no. 38.
- 6.46 In this case the windows tested are secondary windows, the main source of light to the top floor rooms comes from the east and west facing windows. The light would not be reduced into the main windows and as such the impact of the proposal is considered acceptable.
- 6.47 The terrace area for flat 7 wraps around the corner of the building facing both Commercial Street and Mallon Gardens. This terrace would become more enclosed as a result of this development, however the outlook to the front of the building would be maintained. The front wall of the top floor of 36 Commercial Street would be set back from the furthest extent of the terrace at no. 38 so views southwards would still be possible but this would be greatly reduced from the current situation. It should be noted that whilst the creation of a sense of enclosure / a feeling of being overbearing can be a reason for objection in planning terms, the loss of a view cannot be considered material. Given that outlook would remain to the terrace over Commercial Street the impact of no. 36 Commercial Street is not considered so significant as to warrant a refusal of this application.
- 6.48 Flat 8 has two separate terrace areas, a small one on the southern side of the building looking over Mallon Gardens and a larger one facing east, at the rear of the building. The smaller of the two terrace areas would become enclosed by the proposed fifth floor of no. 36, as this is not the only amenity space for this flat, the impact upon this terrace is not considered to be significant enough to warrant a refusal of the application.
- 6.49 Sunley House is located to the rear of the site and is also used for residential purposes. A roof terrace associated with the educational use within Toynbee Hall was proposed on the first floor of the rear extension to Toynbee Hall, this has since been removed due to concerns regarding overlooking into the windows of Sunley House. The window onto the flat roof is now just proposed to allow maintenance access and this is secured by condition.
- 6.50 On balance, when weighed against the benefits of the scheme, the impact upon residential amenity is considered to be acceptable.

Highways

- 6.51 Vehicular access to the site is currently provided from Gunthorpe Street via a kerbed, gated access, leading to a small parking and servicing area, able to accommodate up to 8 vehicles.
- 6.52 Commercial Street is a Red Route, forming part of the Transport for London Road Network (TLRN). In the vicinity of the site, stopping is prohibited 0700-1900. Wentworth Street and Gunthorpe Street are subject to no-waiting-at-any-time restrictions (double yellow lines), with loading also being prohibited at all times.

- 6.53 The transport statement identifies that 95% of trips to the site will occur by foot as a result of using public transport as a result the conclusion is that there should be no material impact upon the operation of the local transport network in respect of capacity, safety or environmental effects.

Site Access

- 6.54 Access into the site will mainly be limited to pedestrians and cyclists only. Service vehicles will however remain able to access the rear of the site from Gunthorpe Street, whilst two on-site disabled parking bays will also be provided.

Cycle parking

- 6.55 Cycle parking for Toynbee Hall and Profumo House will be provided adjacent to the Hall, located in a secure gated area and taking the form of sheltered stands (under a canopy)n able to accommodate 20 cycles. Similarly secure cycle parking for 36 Commercial Street will be provided to the rear of the building, adjacent to Attlee House, where a minimum of 12 cycles will able to be accommodated. This exceeds the Council's minimum standards as set out in policy DM22 and is supported. Details of the type of cycle stand and the enclosure for it would be secured by condition.

Servicing

- 6.56 The service area to be retained to the rear of the Hall will continue to allow servicing to occur off-street, with vehicles able to reverse into the site from Gunthorpe Street. Additional on-street servicing is able to take place within the specified bays located along Wentworth Street and Commercial Street. The details of the servicing would be controlled through the submission of a servicing management plan. This would be secured by condition.

Emergency Access

- 6.57 Emergency vehicles including a fire tender will be able to access the east and west sides of the site, from Gunthorpe Street and Commercial Street respectively, with no part of the site being more than 45m from the public highway in accordance with Building Regulations, as set out in *Manual for Streets*.

Energy and sustainability

- 6.58 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 6.59 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 6.60 The London Plan 2011 also includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 6.61 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11

requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 6.62 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 45% reduction in CO2 emissions above the Building Regulations 2013 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all development to achieve BREEAM level excellent.
- 6.63 The applicant has followed the energy hierarchy and reducing energy use and CO2 emissions through: energy efficiency; and the inclusion of photovoltaic panels on the roof of 36 Commercial Street and Profumo House
- 6.64 However, in order to achieve the DM29 policy requirements an extra 42.6tonnes of CO2 would need to be offset. Based on the Councils re:fit Carbon figure of £1830t/CO2, a contribution of £77,869 should be sought to contribute to deliver energy efficiency and carbon reduction measures offsite. This has been negotiated as part of the s106 planning obligations and would be used towards other energy efficiency projects off-site.

Biodiversity

- 6.65 A number of trees are being lost by the application. Policy DM11 of the MDD seeks to ensure there is a net increase in biodiversity through the use of living walls / soft landscaping. The biodiversity officer has reviewed the proposals and concludes that the loss of the trees results in a harmful impact on biodiversity, to mitigate against this the type of planting proposed within Mallon Gardens will need to be carefully considered. The number of planters proposed are considered sufficient to provide the requisite quantum of plants but it will be important to ensure these are native plants. The details of the species will be secured by condition.

Planning obligations

- 6.66 Regulation 122 of the Community Infrastructure Levy Regulations 2010, states that planning obligations can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 6.67 Securing appropriate planning contributions is supported policy SP13 in the CS which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 6.68 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities

- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

6.69 The heads of terms and financial contributions are as follows:

Employment skills and training.

6.70 A contribution of **£19,770** has been secured towards providing support for the training and skills needs of the local residents in relation to the construction and end user phase of the development. The contribution would be used by the Council to provide the necessary support for local people who have been out of employment and/or do not have the skills set required for the jobs created. 20% of the jobs created by the construction phase and end user phase will be advertised through the Council's job brokerage scheme in order to ensure best endeavours are made to allow local people access to these jobs.

Community Facilities

6.71 A contribution of **£252** towards Idea Stores, Libraries and Achieves has been secured in order to mitigate against the additional pressure on these services created by the increase in population resulting from this development.

Leisure and community facilities

6.72 A contribution of **£1,011** will be secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.

Open Space

6.73 A contribution of **£1,605** has been secured towards the creation of new and improved open spaces in the Borough.

Public Realm

6.74 A contribution of **£49,608** towards public realm improvements on Commercial Street.

Off-set carbon fund

6.75 A contribution of **£77,869** towards a fund for off-setting carbon dioxide emissions in the Borough.

Monitoring

6.76 **£3,054** towards monitoring of the s106 agreement.

Community Infrastructure Levy

6.77 The development would also be subject to a Mayor of London CIL charge at a rate of £35/sqm

Localism Finance Considerations

6.78 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

6.79 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.

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.

6.80 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

6.81 The scheme is also liable for Mayoral CIL

Human Rights Considerations

6.82 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:-

6.83 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".

6.84 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.

- 6.85 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.
- 6.86 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.
- 6.87 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 6.88 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.
- 6.89 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

- 6.90 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
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.91 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.
- 6.92 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 6.93 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, the improvements to facilities provided by Toyntee Hall to help vulnerable members of the community, help mitigate the impact

of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

- 6.94 The proposal would also increase accessibility for disabled persons by installing a lift within Toynbee Hall, making Mallong Gardens level access and improving disabled parking facilities within the site.

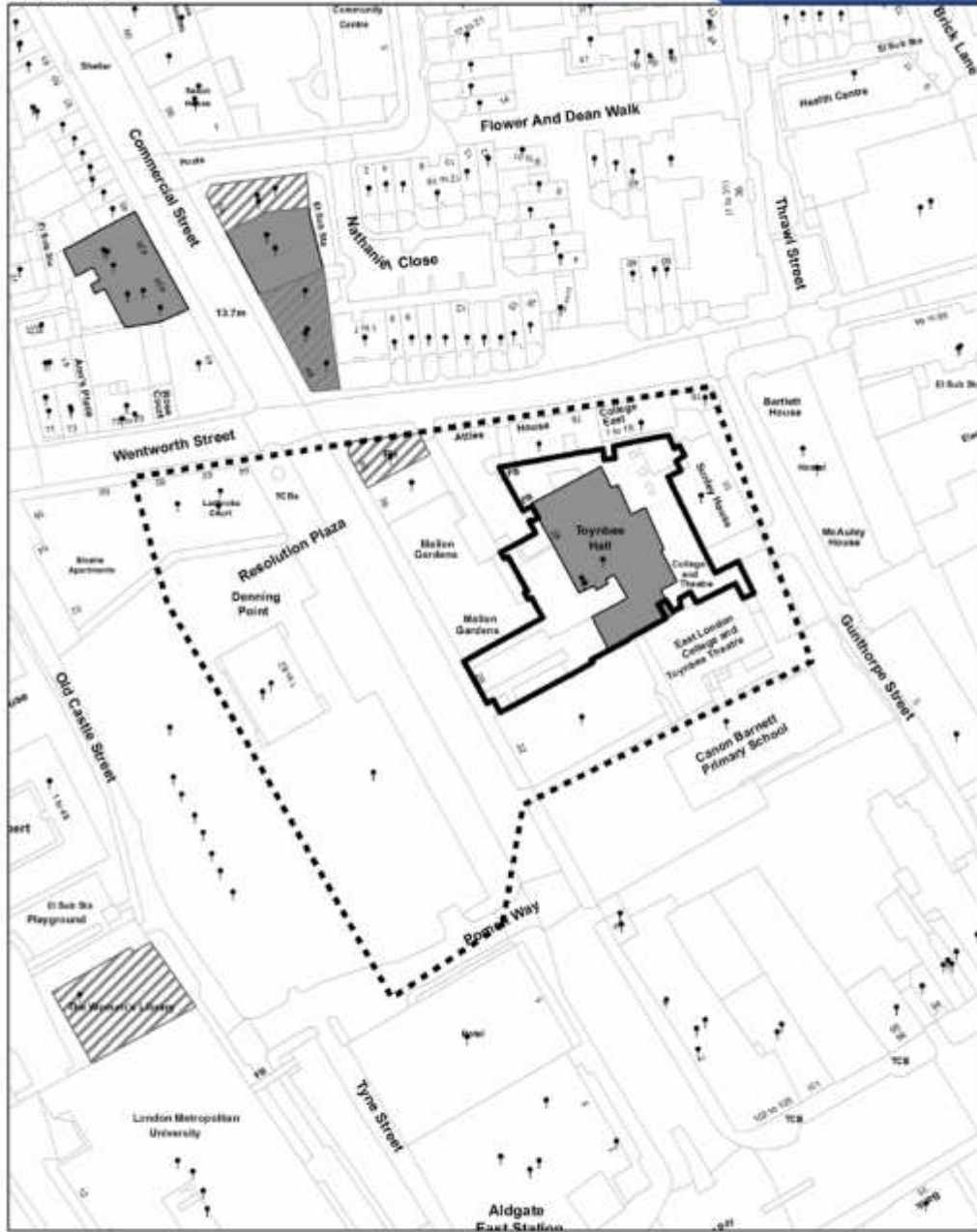
Other Planning Issues

- 6.95 There are considered to be no additional planning considerations associated with this proposal.

Conclusions

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

Planning Application Site Map
PA/14/01577



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- 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 6.2

Committee: Development	Date: 15 September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Christopher Stacey-Kinchin	Ref No: PA/14/01582
	Ward: Island Gardens

1.0 APPLICATION DETAILS

Location:	The Odyssey, Crews Street, London, E14 3ED
Existing Use:	Private highway
Proposal:	Installation of freestanding electronically controlled vehicular and pedestrian entrance gates.
Drawings and documents:	Location Plan Block Plan 2 Swing Gates Option 2, DWG No. 100171-02 Supporting Planning Statement
Applicant:	Mr Thomas Griffin, Consort Property Management
Ownership:	Estates & Management Ltd
Historic Building:	None
Conservation Area:	None

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and all other material considerations and has found that:
- 2.2 The applicant seeks permission to erect a freestanding electronic vehicular and pedestrian entrance gate at the entrance to the Odyssey estate on Crews Street.
- 2.3 The main issue for Members to consider is the resulting impact arising from the proposed security gate.
- 2.4 The main material planning considerations for members to consider are; whether the proposed security gate would restrict the movement of people on and off site,

creating a gated community; whether the proposal would restrict access to the riverfront which forms a part of the blue ribbon network; whether the proposal would cause unacceptable residential amenity conditions for those closer to the proposed location of the gates as a result of vehicles waiting by the gates to access the site; whether the proposal would have an unacceptable impact on the capacity and safety of the adjacent public highway; and whether the proposal would be an unsightly addition to the public realm and detract from the character and setting of the development.

- 2.5 In addition to the above, Members' attention is also drawn to the Section 106 Agreement which forms part of the original planning permission for the site (PA/98/01442) which states that access to the riverfront should be maintained for public use 24 hours a day.
- 2.6 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels on site, however it is considered that it would be more appropriate for problems to be addressed by the managing agent and local police service, as opposed to erecting a security gate which is contrary to the Council's objectives of building inclusive and welcoming communities.
- 2.7 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below, primarily because it would create a gated community; and restrict public access to the riverfront which is contrary to national, regional and local planning policies.

3.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route to the riverfront which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.
- b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.
- c) The proposed security gate due to its location adjacent to the adopted highway would have an unacceptable impact on the capacity and safety of the adjacent

public highway. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013). These policies require that development does not have any adverse impact on the capacity and safety of the transport network.

- d) The proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks permission to erect a freestanding electronic vehicular and pedestrian entrance gate at the entrance to the Odyssey estate on Crews Street.
- 4.2 The proposed entrance gate measures 14m in width and 1.75m in height and is to be made from galvanized steel and finished in black.
- 4.3 Vehicular access to the site will be through a double gate opening inwards to the Estate site, and pedestrian access to the site will be through a single gate opening on the northern pavement directly adjacent to the site security office.
- 4.4 Entry will be controlled via a keypad system and will be limited to residents (and their guests) only.

Site and Surroundings

- 4.5 The application relates to the main entrance of The Odyssey, which is a residential development consisting of 419 units across a number of blocks ranging from three to fourteen storeys in height, comprising of 16 large family houses and 403 flats, made up of 1, 2, 3 and 4 bedroom units.
- 4.6 The application site for the location of the proposed gates would be on Crews Street which is a private road that runs between Westferry Road and the River Thames on the Isle of Dogs.
- 4.7 The main entrance to the Estate is on Crews Street where there is an existing unrestricted vehicular and pedestrian access point to the Estate. In addition to this, there are a number of secondary access points to the Estate, one on Claude Street, and one at either end of the riverfront walkway. All of these secondary access points now feature gates which appear to be constantly closed, and from officer's investigations, it does not appear as though any of these gates benefit from planning permission.
- 4.8 There are no statutory listed buildings or conservation areas in the immediate vicinity of the application site.

Planning History

- 4.9 PA/98/01442 – Erection of residential scheme comprising 419 units (reduced from 428) ranging from three to fourteen storeys (reduced from fifteen) in height, comprising 16 large family houses with gardens and the remainder being 1,2,3, & 4 bedroom flats. The scheme incorporates three retail units (179 sqm), gymnasium (158 sqm) and cafe (250 sqm) at ground floor level together with ancillary car parking (282 spaces), access arrangements and riverside walkway. (Revised application). (Permission granted 23/02/2000)
- 4.10 PA/01/01125 – Submission of details to Block D pursuant to Condition 2(b) and 2(c) of planning permission ref PA/98/1442 relating to hard and soft landscaping, including riverside walkway, and boundary railings. (Permission granted 11/10/2001)
- 4.11 PA/02/00557 – Approval of details for phase 3 pursuant to condition 2b and 2c of planning approval for residential development. (Application withdrawn 10/12/2002)

Adjacent sites

- 4.12 PA/03/01211 – (Cyclops Wharf) Erection of 2.1m high railings across entrance to Cyclops Mews and across Homer Drive (Claude Street end) with vehicular and pedestrian access provided. (Permission granted 31/10/2003)
- 4.13 PA/03/01212 – (Cyclops Wharf) Erection of 2.1m high railings with pedestrian access to Cyclops Wharf along western boundary/riverside walkway frontage. (Permission granted 31/10/2003)

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
National Planning Practice Guidance

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

- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 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
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

5.4 Core Strategy 2010

SP04 - Creating a green and blue grid
SP09 - Creating attractive and safe streets and spaces
SP10 - Creating Distinct and Durable Places

SP12 - Delivering placemaking

5.5 **Managing Development Document 2013**

DM12 - Water spaces

DM20 – Supporting a sustainable transport network

DM23 - Streets and the public realm

DM24 - Place-sensitive design

DM25 - Amenity

5.6 **Supplementary Planning Documents**

N/A

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 & Highways

6.3 The Council's Highways and Transportation team do not support the proposal as submitted, due to the fact that it will result in a loss of existing pedestrian access and will reduce permeability in the area. It was also raised that vehicles waiting to enter the private road will be forced to wait on the public highway which is not deemed acceptable, and in order to overcome this issue Highways and Transportation requested that the gates should be set back 6m from the boundary with the public highway so that vehicles can wait within the boundary of the private road.

Officer comment: This is discussed further under material planning considerations.

Crime Prevention Officer

6.4 The crime prevention officer felt that the proposed security gate would improve the quality of life for residents in the development as from his assessment he concluded that the application site has suffered from large amounts of anti-social behaviour and other criminal activity. He also recommended that entry be through fob access and not a keypad system which has greater potential to be compromised, and suggested that a maintenance plan be a condition if members were minded to grant permission for the proposal. In addition to the above, the crime prevention officer also recommended that the proposed gate in its current form at 1.75m in height is too small, and should be at least 2m in height if it is to suitably serve its purpose.

Officer comment: This is discussed further under material planning considerations.

LBTH Access Officer

6.5 The Council's Access officer objected to the proposal on the basis that the gate would be a potential barrier to people with impairments. Any proposal should ensure that security controls and card/fob readers are suitable for use by people with sensory impairments and dexterity impairments. A question was also raised which queried whether accessible parking and/or drop-off facilities would be provided at the gates.

Officer comment: The details requested above have not been included as part of the original planning submission.

LBTH Design Officer

- 6.6 The Council's Design officer objected to the proposed gate stating that it will create a sense of impermeable public realm from the streets and surrounding areas. It was noted that gates do exist in nearby estates, however further works such as those proposed will compromise the Borough's objective to create inclusive and mixed communities.

Officer comment: This is discussed further under material planning considerations.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 426 letters were sent to neighbours and interested parties.

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

No of individual responses: Objecting: 17 Supporting: 95

- 7.3 The following issues were raised in objection to the proposal:

- There is a high volume of vehicular and pedestrian movement on and off site, including taxi drop off and pick up along with delivery lorries for the restaurant on site. The installation of a gate would exacerbate noise at the entrance to The Odyssey as vehicles would remain stationary with their engines running until the gate was opened. The opening and closing of the gate itself may also cause noise disturbances for adjacent residents.

Officer comment: This is discussed further under material planning considerations.

- The installation of gates will create an exclusion zone and form a barrier which will prevent surrounding residents and members of the public from accessing the river front, Thames path and on site amenity space. It will also lead to residents on the estate being somewhat cut off from the outside world.

Officer comment: This is discussed further under material planning considerations.

- Existing gates elsewhere on the development have not been maintained properly and have thus become 'squeaky' when they open and close which could be a nuisance to residents.

Officer comment: The condition of existing gates is a matter for the managing agent and is thus not a material planning consideration. However, if the proposal was recommended for approval, a planning condition could be imposed for gate maintenance to ensure that the amenity of the residential occupier is maintained.

- The application falls foul of a number of Tower Hamlets' planning policies.

Officer comment: This is discussed further under material planning considerations.

- Resident's leases state that they have the right to pass freely over the accessways in order to reach their apartments, and the erection of the security gates will impede this access.

Officer comment: This is a matter between the freeholder of the site and individual leaseholders and is thus not a material planning consideration.

- It is feared that some people will mistakenly ring resident's doorbells in order to gain access to the estate.

Officer comment: This is a matter for the managing agent and is thus not a material planning consideration.

- The proposed gates will merely move the anti-social behaviour problems elsewhere.

Officer comment: This is a matter for the police but is also discussed in detail within the main body of the report.

- Wheelchair users approaching the gate on the western side would be forced to cross in front of the gates which could potentially be dangerous.

Officer comment: This is discussed further under material planning considerations.

- The Yokoso Japanese & Korean restaurant on the ground floor of Orion Point will have access to it severely restricted by the installation of the gates, which is likely to have an adverse effect on the business.

Officer comment: The implications of the proposed gate on the restaurant have been noted due to the fact that the proposed location of the gate is the last open access point into the Odyssey estate, and the exclusion of non-residents from the area could significantly harm the restaurant's trade; and the viability of the permitted use.

- If a fire broke out on site which cut the power supply to the automatic gates, residents would struggle to exit the site in a timely manner.

Officer comment: This is a maintenance and management matter, and it would be the responsibility of the managing agent to ensure that suitable fire access and refuge points for residents are available through fire evacuation procedures developed in conjunction with the local fire brigade.

- The installation of gates would not be necessary if The Odyssey employed the appropriate number of staff to monitor the estate.

Officer comment: This is a matter for the managing agent and could be considered as part of discussions and engagement with a local crime prevention/neighbourhood safety officer from the local police station.

- If this application were to be approved it could potentially lead to a large number of similar estates also looking to install security gates.

Officer comment: This is one of officers' concerns which is addressed in the main body of the report.

- A vehicle entry barrier on its own would be more appropriate.

Officer comment: This is a matter for the managing agent for consideration and not for consideration for the subject proposal.

- Anti-social behaviour is part of living in London or any big city.

Officer comment: The comment is noted.

- The proposed gate will limit parking space on the street.

Officer comment: As this is a private road, LBTH Transportation and Highways have not raised concerns in relation to this point, however highways issues are discussed further under material planning considerations.

7.4 The following issues were raised in representations supporting the proposal:

- The installation of a gate will prevent anti-social behaviour (which can make residents feel unsafe, and in some instances can prevent residents from sleeping), enhance the security of the flats and prevent trespassing. Examples of ASB include; people making excessive noise late at night, drug dealing, groups of gangs causing physical damage on site, dog fouling and fighting.

Officer comment: This is discussed further in the main body of the report. Also see appendix.1.

- The proposed gates would reduce the traffic speed of vehicles along Crews Street, which at present represents a hazard to young children on the estate.

Officer comment: Whilst this may be a possibility, there are other measures which can reduce the speed of vehicles within the estate.

- The installation of a gate will deter non-residents from gaining access to both the gym and the rubbish store.

Officer comment: Whilst this may be a possibility, there are other security measures and site management strategies which could be employed which should be discussed with the Crime prevention / Neighbourhood safety Officer and the Estate management.

- At present, some non-residents park in the areas reserved for emergency vehicles, which are apparently the only place on site where the emergency services have access to water to distinguish fire.

Officer comment: It is for the managing agent to manage and enforce the parking situation on site.

- The installation of gates will reduce the cost of the service management.

Officer comment: It is for the managing agent to set the rates of the service management fee, and it is thus not a material planning consideration.

- Groups of kids walk along the river wall which has a significant drop and climb down onto the river bank when the tide is out which is a health and safety issue.

Officer comment: There is already a wall that is over the 1.2m high wall along the River which would accord with the requirements of the British Standards.

- The installation of a security gate should not have a negative effect on anyone else and is in line with other complexes on Westferry Road.

Officer comment: Officers consider that the installation of a security gate will have an adverse effect on others and this is discussed further under material planning considerations.

- The proposed gates would be 50ft from the main road (Westferry Road), so would not cause any significant back up of traffic. Other nearby developments have gates which open right onto the road (e.g. Oceans Wharf and Millenium Harbour) and these do not cause any traffic problems.

Officer comment: LBTH Transportation and Highways considers that the proposal would have an adverse impact on the capacity and safety of the adjacent public highway and this is discussed further under material planning considerations.

- The anti-social behaviour log submitted under represents the level of crime that currently takes place on site.

Officer comment: This is discussed further in the main body of the report. Also see appendix.1.

- The Odyssey site is a no through route, is not a public right of way and is already cut off from the Thames path, however many non-residents mistakenly believe they can access the Thames path through the site which leads to a lot of people and vehicles both entering the site, then having to turn around and exit the site again which contributes to an increase in pollution on the estate which is particularly unpleasant for residents who reside in the lower levels of the blocks.

Officer comment: The right to public access was secured through a Section 106 Agreement and therefore the public have a right to access through the estate as set out in that agreement.

- Due to issues surrounding car parking of non-residents on site, a car parking company is employed by the residents to clamp cars that take advantage of the parking within The Odyssey.

Officer comment: Due to the site being surrounded by a private road, the necessary means of monitoring and enforcing the use of the private roads should be managed by the estate management.

- The existing gate is wrongly placed and only gives security to some of the buildings.

Officer comment: The officers are currently investigating the existing gate on Claude Street to check whether it is in breach of the legal agreement / and or planning regulations.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation
6. Conclusion

8.2 The application proposes no change of use at the site and therefore raises no land use implications.

Crime

8.3 The planning application proposes a security gate at the main entrance to the Estate on Crews Street to restrict access onto the site by non-residents. At present access to The Odyssey site is partially restricted as security gates already exist at either end of the riverfront walkway and at the entrance to the site on Claude Street even though the main entrance on Crews Street is currently an unrestricted access point onto the Estate. The application has been submitted to seek to address concerns raised by residents that the unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.

8.4 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

8.5 Policy 7.3 of the Adopted London Plan (2011) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

8.6 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.

8.7 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.

8.8 The principle of erecting a security gate to create a gated community is not supported by the National Planning Policy Framework (2012), the London Plan (2011) or Tower

- Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.9 Whilst the comments received from the Metropolitan Police's Crime Prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations which in many instances discord with both national and local planning policies.
- 8.10 Whilst a crime log was submitted as part of the evidence in support of the application by the applicant (see appendix.1) and comments were received from the Crime Prevention Officer (discussed above), in order to assess whether the application site can be considered as an exception, a comparative study was undertaken by officers. This analysed all of the crime experienced both on the application site and in the previously administered wider Millwall ward (which includes the application site's part of the recently formed Island Gardens ward) which involved taking data available from the Metropolitan Police (website). See Figure 1 for the boundary area. It should be noted that the below statistics are a summary of all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.11 The boundary area has a total of 10,821 households (according to www.neighbourhood.statistics.gov.uk), whilst The Odyssey has a total of 419 households (according to the original planning application). It can thus be derived from these figures that The Odyssey represents 3.8% of the total households within Millwall ward.
- 8.12 The comparative study has been undertaken by using crime statistics from the Metropolitan Police (website) for both the boundary area (see Fig.1 and Fig.3) and The Odyssey (see Fig.2 and Fig.3) over the past year (July 2013 – June 2014) which represent the most recent crime statistics currently available (true of August 2014).
- 8.13 Fig.3 illustrates (on a month by month basis) the total crime rate for the boundary area along with the average crime rate per property within the boundary area and the total crime rate for The Odyssey estate along with the average crime rate per property within The Odyssey estate. In addition to this Fig.3 also gives the breakdown (by type) of crimes reported on the Estate and then illustrates whether the average crime rate per property within The Odyssey estate was either above or below the average crime rate per property within the boundary area.

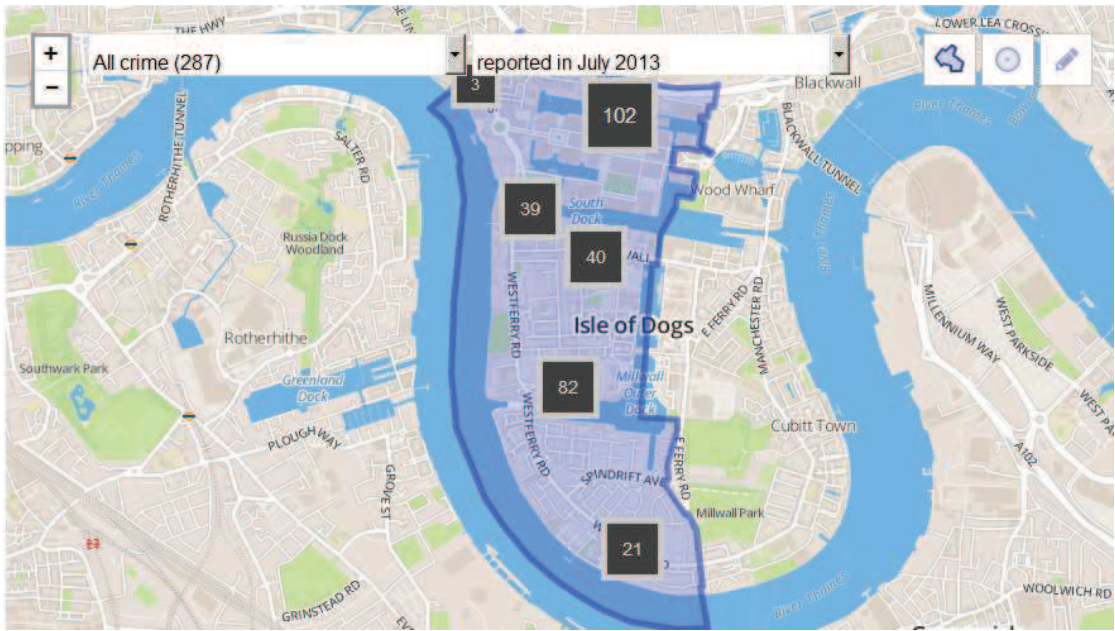


Fig.1 – Crime map of the boundary area (Millwall Ward 2013/14) (taken from www.police.uk)



Fig.2 – Crime map of The Odyssey estate (taken from www.police.uk)

Time period	Boundary Area (No of properties - 10,821)		The Odyssey (No of properties - 419)		Breakdown of crimes at The Odyssey	Above/ Below (area average)
	Total crime	Crime per property	Total crime	Crime per property		
Jul-13	287	0.027	5	0.012	2 x Anti-social behaviour, 1 x Other theft, 1 x Shoplifting, 1 x Violence & sexual offences	Below
Aug-13	249	0.023	7	0.017	7 x Anti-social behaviour	Below
Sep-13	227	0.021	5	0.012	2 x Anti-social behaviour, 1 x Bicycle theft, 1 x Criminal damage & arson, 1 x Violence & sexual offences	Below
Oct-13	248	0.023	6	0.014	4 x Anti-social behaviour, 2 x Violence & sexual offences	Below
Nov-13	231	0.021	2	0.005	2 x Anti-social behaviour	Below
Dec-13	184	0.017	1	0.002	1 x Anti-social behaviour	Below
Jan-14	221	0.020	11	0.026	5 x Anti-social behaviour, 1 x Burglary, 1 x Criminal damage & arson, 1 x Public order, 3 x Violence & sexual offences	Above
Feb-14	179	0.017	6	0.014	2 x Anti-social behaviour, 1 x Criminal damage & arson, 2 x Public order, 1 x Violence & sexual offences	Below
Mar-14	208	0.019	3	0.007	1 x Anti-social behaviour, 1 x Other theft, 1 x Violence & sexual offences	Below
Apr-14	214	0.020	7	0.017	3 x Anti-social behaviour, 2 x Drugs, 2 x Violence & sexual offences	Below
May-14	231	0.021	6	0.014	3 x Anti-social behaviour, 1 x Drugs, 2 x Violence & sexual offences	Below
Jun-14	218	0.020	6	0.014	1 x Anti-social behaviour, 1 x Other theft, 1 x Shoplifting, 3 x Violence & sexual offences	Below

Fig. 3 – Crime statistics (taken from www.police.uk)

- 8.14 Fig.3 clearly illustrates that by and large the crime rate experienced on The Odyssey estate is below what would be expected for such a development given its size (in terms of numbers of households) and location within the context of the boundary area, as for 11 out of the 12 months surveyed the crime rate was below the average rate experienced across the boundary area.
- 8.15 Whilst officers do observe that there is an issue with crime on the Estate (most notably with anti-social behaviour issues), in light of the above evidence it cannot be considered that the crime rate experienced on The Odyssey estate is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.16 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument in planning terms. In addition it should also be considered that the applicant has not

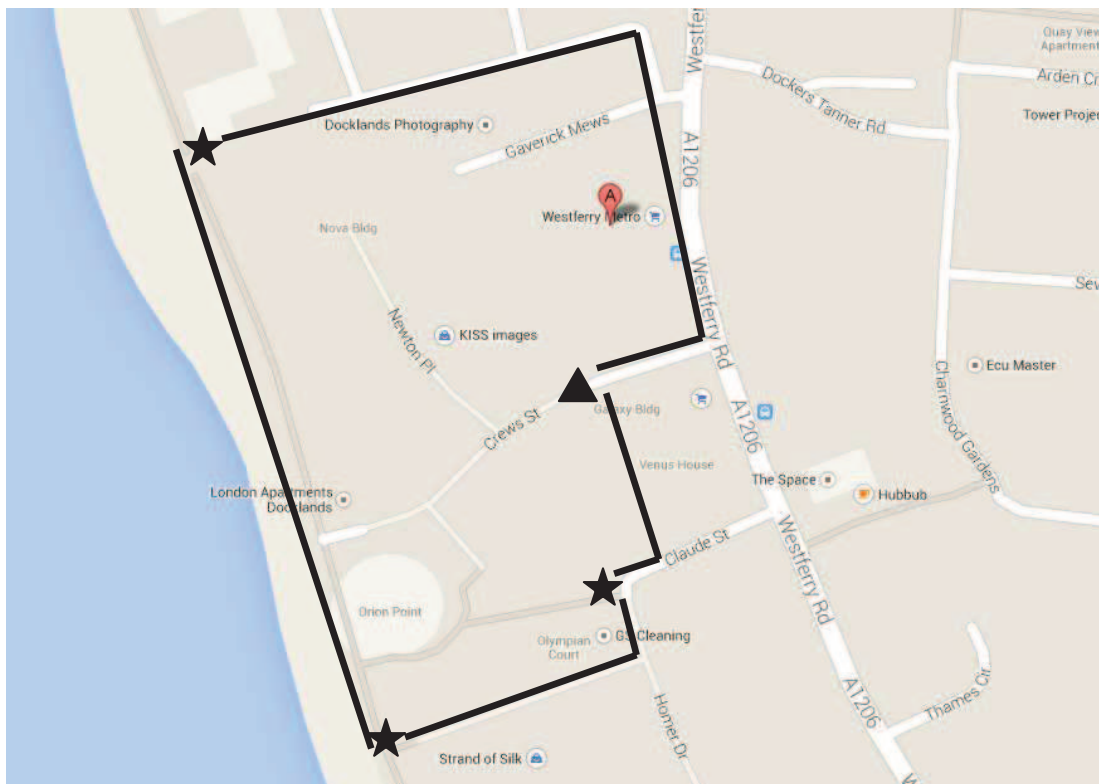
demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities, far outweigh the perceived benefits of providing a gated entrance on Crews Street.

Accessibility/Permeability

- 8.17 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.18 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.19 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.20 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement. Policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development. Policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or

create unacceptable levels of noise, odour or fumes during the life of the development.

- 8.21 The erection of a security gate which will restrict movement onto and off of the estate would be contrary to planning policies at a number of levels (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and Managing Development Document DM23). This proposal would result in a structure which would be intended to be a barrier to movement, and will subsequently restrict the movement of non-residents and to a lesser extent, residents of the Odyssey. The erection of a gate will not contribute towards the Council's objectives of creating a more well-connected Borough, as the proposed location for the gate is the last remaining open access point leading into the Odyssey estate and the riverfront beyond.
- 8.22 Both national and local planning policies put an emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to segregate communities will be strongly resisted.
- 8.23 The Odyssey development fronts onto the river Thames and the erection of this gate would restrict non-residents access to the waterfront which is contrary to both national and local policy (see NPPF paragraph 73, London Plan 7.27, Core Strategy SP04 and Managing Development Document DM12). These policies seek to ensure that existing access to the blue ribbon network is maintained and enhanced, and that any proposals to further restrict access to waterfront spaces and open space in general should be strongly restricted. Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining a permanent 24 hour public access route from Crews Street to the riverfront walkway. Officers are currently investigating the status of the existing gates which are located at either end of the riverfront walkway and at the alternative entrance to the site on Claude Street as these would be in breach of the original s.106 agreement which forms a part of the original planning permission for the site (PA/98/01442).
- 8.24 Considering the above, officers conclude that the erection of a security gate such as that being proposed would be contrary to national, regional and local policy, as the proposal would restrict full public access to the Blue Ribbon Network through the loss of a legally secured publically accessible route to the riverfront. The proposal would also create a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.



— – Original Planning Permission Site boundary (fenced/non-permeable) PA/98/01442

★ – Existing gates (non-permeable)

▲ – (Application site) Unrestricted access point (permeable)

Fig 4. – Existing access arrangements on site

Design

- 8.25 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.26 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.28 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.

- 8.29 The proposed security gate is free standing and measures 14m in width and 1.75m in height and is to be made from galvanized steel and finished in black. Due to its overall scale and finish, along with its design which features posts that are 0.3m in width, it is considered that such an addition into the streetscape would be highly imposing and would thus dominate Crews Street.
- 8.30 The Council's planning policies seek to ensure that development is sensitive to and enhances the local character of an area (see Core Strategy SP10 and Managing Development Document DM24). Security gates such as that proposed are an unsightly addition to the public realm and would not enhance the character and setting of the proposal. LBTH Design officer objected to the proposal as it will create a sense of impermeable public realm from the streets and surrounding areas, and as such discords with the relevant planning policies.

Amenity

- 8.31 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.32 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.34 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.35 Concerns have been raised from both those in favour and against regarding the potential amenity impacts of installing a security gate at the front entrance to the Odyssey. The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. It is considered by residents that the installation of a gate has the potential to cause some harm to those residents who live closest to the proposed location of the gate, primarily due to the increase in noise, odour and fumes caused by waiting vehicles (including delivery vehicles and refuse trucks) and the constant opening and closing of the gate at all hours. Whilst there are habitable rooms within proximity of the proposed gate, this is heavily dependent on the frequency and times of vehicle movements and the Councils Transport and Highways Team, and Environmental Health Team have not raised this as an issue. Given the uncertainty of the frequency and dependency of vehicles using the site, there will need to be a management strategy to ensure that residents' amenity is not significantly affected, therefore this is not recommended as one of the reasons for refusal as it could be managed by the Estate Management.

Transportation

- 8.36 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.37 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.38 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.39 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.40 The proposed gate is sited on the boundary where the public highway intersects with the private highway which forms a part of the Odyssey estate. LBTH Highways and Transportation department have objected to the proposal on the grounds that they are concerned that the proposal will have an unacceptable impact on the adjacent public highway network. In order for the scheme to be acceptable in Highways terms, the applicant would need to revise the proposal and set the gate back 6m from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. The Council's policies (see Core Strategy SP09 and Managing Development Document DM20) cite that development should not have an unacceptable impact on the capacity and safety of the transport network, and due to the fact that the installation of a gate in its current location would cause vehicles to wait on the public highway, it is considered that the proposal in its current state discords with policy on both safety and capacity grounds in this instance.
- 8.41 Both national and local planning policies seek to ensure development incorporates the principals of inclusive design and improves access wherever possible (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP10 and Managing Development Document DM23). LBTH Access officer objected to the proposal on the grounds that the erection of any gate presents a barrier to those with impairments, and requested that in any circumstance, security controls and card/fob readers are suitable for those with impairments. LBTH Access officer also raised concerns as to whether accessible parking and/or drop-off facilities would be provided on the eastern (public) side of the gates for vehicles such as taxis dropping/picking up people who reside in the Estate. In addition to the above, there are also concerns surrounding pedestrian access for both impaired and non-impaired people, as those attempting to access and exit the site using the pavement to the south side of Crews Street, would be forced to cross the Street directly in front of the gate in order to use the pedestrian security gate which is considered unacceptable on safety grounds. In light of the above it is considered that the proposal in its current state discords with policy on access grounds.

Conclusion

- 8.42 Whilst Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Odyssey and have led to the applicant submitting this application, it cannot be overlooked that such a proposal discords with planning policy at all levels and for so many different reasons. In principle, Officers cannot consider the proposal to be acceptable as the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.
- 8.43 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, restricts access to the riverfront, causes harm to the amenity of surrounding residents, has an unacceptable impact on the public highway, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.3 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.
- 9.4 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.

- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 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.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 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, 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.

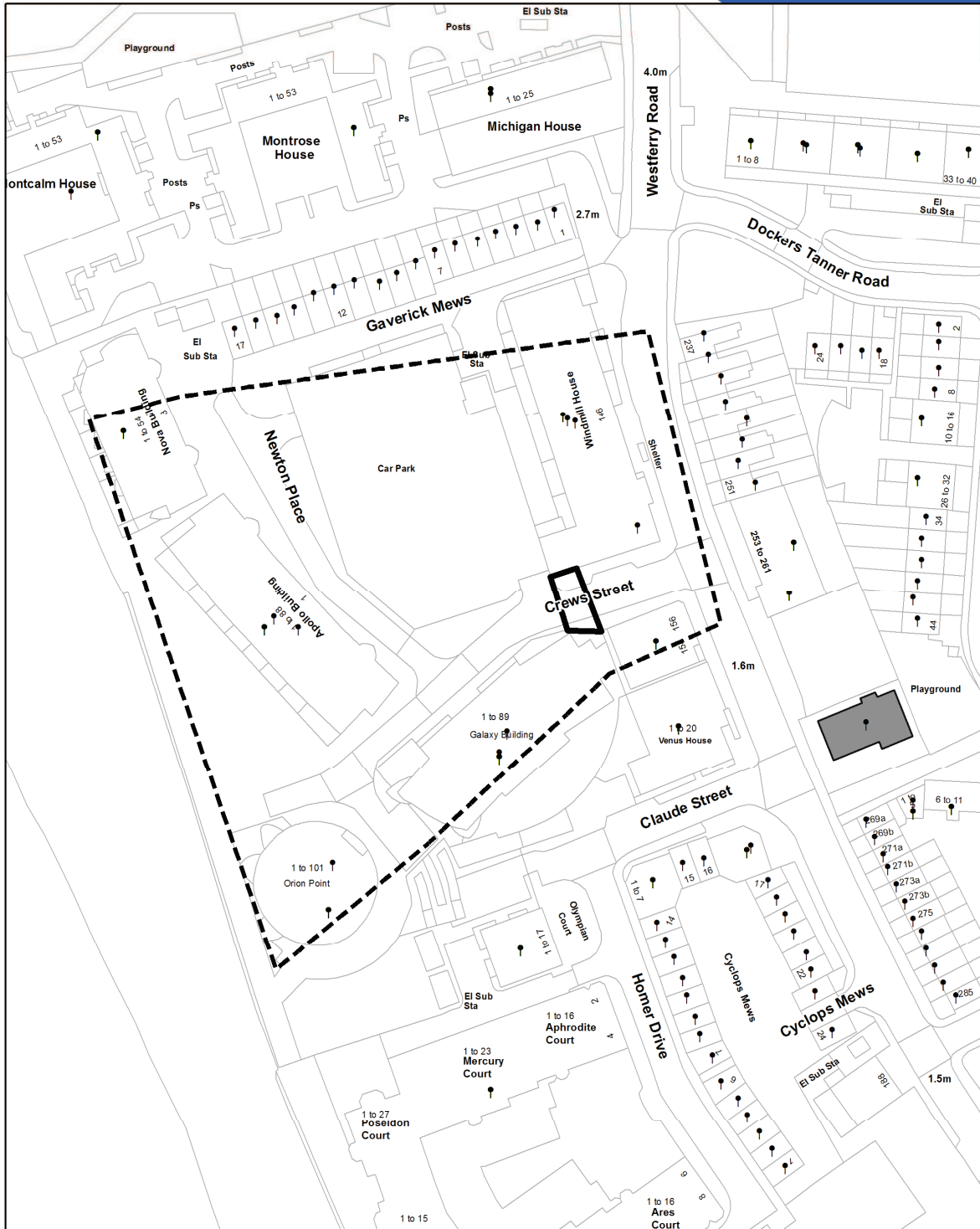
10.2 The report outlines that the Council's Access officer objected to the proposal on the basis that the gate would be a potential barrier to people with impairments and thus could be seen as a proposal that could discriminate against a section of the community, which does not fall in line with The Equality Act 2010. Were Members minded to not to follow officers' recommendation, Members need to satisfy themselves that the proposal is satisfactory and could be managed to prevent discrimination.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

12.0 SITE MAP

Planning Application Site Map
PA/14/01582



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

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

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13.0 APPENDIX. 1

Crime log (submitted by applicant) 22.08.2014

- 13.1 31/7/2014 at 23:16 outside the Estate Office a resident was mugged and robbed of his phone and briefcase. The incident was reported to the Police and the CCTV footage was downloaded to disk.

29/7/2014 A resident reported a group of youths next to Orion at 4:am playing music and smoking drugs, the police were called.

29/7/2014 A constant nuisance who is a drunk man with a dog not on a leash (a Staffordshire bull terrier) was rummaging through a bin store, he was asked to move on my a resident and then became verbally abusive to the resident and subsequently a staff member.

28/7/2014 During the night several teenagers were on the river front drinking beer and smoking drugs and leaving there litter all over the river front. At the same time 3 younger youths were lurking around bike attached to a car park luckily a resident interrupted them.

25/7/2014 1:10 in the morning a youth was on the river front shouting.

17/7/2014 A homeless man was caught sleeping in an internal bin store directly next to residents flats, it turns out the police were after him for carrying a blade so we made them aware that he was sleeping here and they turned up and arrested him.

Crime log (submitted by applicant) 16.06.2014

- 13.2 16/11/2013 20 Galaxy resident called the office phone to complain about people making noise on Crews Street, they were asked to leave and after a little while they did.

23/11/2013 06:35, 65 Orion reported that his car cover has been stolen. 18:45, 98 Orion reported that his car cover has been stolen.

11/12/2013 Whilst locking up the bin store I discovered Krystian looking through the bins in Orion external bin store. I removed him from site and quizzed him regarding if he was the one that got locked in there 2 weeks ago and caused all the damage. He told me it was not him so he claims. I told him to not come back to the site rummaging through the bins or I will have to have him arrested. He left site as I found him looking very furtive.

23/12/2013 18 Apollo, Mr P Jones called the office to say a non-resident he believes it was an ex-employee, went into Orion bin store he called the office to tell Julian (concierge) that this was going on. By the Time Julian got up to the bin store the man had left site.

23/12/2013 18 Apollo, Mr P Jones called to report a man urinating in the flower bed by Apollo, he let Julian know but by the time Julian got there the man had already left site.

29/12/2013 The resident of 49 Nova Building complained about seeing our former cleaner Krystian within the building on the 6th floor. I went up there with her to verify he was there, unfortunately he wasn't around. I walked down the stairs from the 6th

floor and also checked in the cupboards. The resident still believed he was somewhere in the building.

16/1/2014 I was told by a resident of Orion that a person was going through the bins in Orion, I went up there and found it was Krystian going through the bins, I asked him to leave which he did straight away. I walked with him until he left the site. I decided to lock Orion bin store at 18:00 to discourage any more bin raiders.

06/3/2014 There were ten youths smoking cannabis in the basement car park, when they say they had been spotted they left immediately.

09/3/2014 The Estate office was alerted to a couple of teenagers getting drunk on the river front, they were swearing and being loud.

18/3/2014 There were ten youths smoking cannabis in the basement car park, when they say they had been spotted they left immediately, this isn't the first time it has happened it occurred on the 06/03/2014 as well.

08/4/2014 29 Orion resident called at 00:27am to report a car with people parked outside Orion, (car park opposite the Orion building) playing loud music. I went up there immediately after the call, and met a group of four teenagers all male just sitting inside their grey Lexus car reg A7 YAJ, playing music in their car loud, so I walked up to them and asked them to leave, as that was not acceptable on site. They did not argue, but drove off and left the site immediately. 29 Orion insisted that I log it in the anti-social behaviour log.

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Agenda Item 6.3

Committee: Development Committee	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Angelina Eke	Ref No: PA/14/01807
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location:	11 Havannah Street, London E14 8NA
Existing Use:	Residential
Proposal:	Conservatory extension at ground floor level and first floor extension.
Drawing and documents:	01; 02; 03 rev P1;11 rev P2; 12 rev P3; Design and Access Statement, prepared by Ankur Architects dated July 2014
Applicant:	Ms Anne Choudhury
Ownership:	Ms Anne Choudhury
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the refusal of planning permission for the reasons set out in the 'Material Planning Considerations' and 'Recommendation' section of this report.
- 2.2. The application is for a proposed ground floor conservatory extension to the northern elevation of the property and first floor extension (to side and rear of the property) as a combined development.
- 2.3. Officers have considered the proposal and are of the opinion that the conservatory extension would be acceptable in principle subject to a high quality finish being achieved. However, the proposed first floor addition would by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the overall dominance of the first floor addition will be harmful to the street scene. On balance, the scheme would appear as an incongruous addition that fails to accord with policy 7.4 of the

London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

3. RECOMMENDATION

- 3.1. That the Committee resolve to **refuse** planning permission on the grounds of the reason below:
- 3.2. The proposed first floor addition would by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the continuous frontage created by the first floor addition would be overbearing and have a detrimental impact on the street scene. The scheme would appear as an incongruous addition that fails to accord with policy 7.4 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. Planning permission is sought for a ground floor conservatory extension to the northern elevation of the two storey end of terrace house that would measure 2.5 metres in width and 7.0 metres in depth, featuring a shallow pitched roof to a height of 2.5 metres. The proposed extension incorporates the area between the main dwelling house and the outer perimeter garden wall and it will be used as enclosed amenity space.
- 4.2. The application also seeks planning permission for a first floor extension measuring 3 metres in width and 5.5 metres in depth featuring a flat roof similar to the existing. The proposal would be finished in timber cladding with UPVC windows. At first floor level, the proposal incorporates a new first floor window on the front elevation to serve the existing bedroom (bedroom 2). The proposed first floor addition would provide both a bedroom and en-suite toilet.

Site and Surroundings

- 4.3. The application premises forms part of a 1960's residential development built in multi-red and grey colour bricks, and the buildings have horizontal emphasis between ground and first floor are often differentiated by concrete spandrel band at mid height and flat roofs with deep fascias.
- 4.4. The site lies in a predominantly residential area comprising similar style two storey properties arranged in clusters and it is surrounded by various mid and high rise flatted developments.
- 4.5. The site is not listed nor does it lie within a conservation area. The site lies within Flood Risk Zone 2 and 3.

Relevant Planning History

- 4.6 **PA/14/01105:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.7 **PA/14/00384:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.8 **PA/10/01313:** Full planning permission for erection of a single storey rear extension with bedroom and shower room. Approval dated 06/05/2011. This has been implemented.

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 Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)

5.21: Contaminated Land

7.4: Local Character

7.6: Architecture

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP02: Urban Living for everyone

SP04 (5): Reducing the Risk and Impact of flooding

SP09: Creating Safe and Attractive Streets

SP10: Creating Distinct and Durable Places

5.5 Managing Development Document (adopted April 2013) (MDD)

DM12: Water Spaces

DM24: Place Sensitive Design

DM25: Amenity

DM30: Contaminated Land & Development and storage of hazardous substances

5.6 Other Relevant Documents

N/A

CONSULTATION RESPONSE

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

5.8 The following were consulted regarding the application:

Head of Building Control

5.9 No comments received

Environment Agency

5.10 No objections

Environmental Health

5.11 The observation received acknowledges that the site is contaminated and a condition is advised to ensure that the applicant contacts the Council's Environmental Health Team if any suspected contamination or odorous ground conditions are encountered.

[Officer Comment: Should the Council be minded to approve the scheme, this requirement can be addressed by way of a condition]

Urban Design and Conservation

5.12 Concerns expressed that the proposed first floor extension would appear incongruous as it would not be sufficiently subordinate to the host building and would be detrimental to the character and appearance of the area.

Neighbours Representations

5.13 3 planning notification letters were sent to nearby properties. Two letters of representation were received objecting to the proposal, including two objection letters from local ward councillors. One petition letter was received to support the proposal and it included 52 signatures from local residents.

A summary of the objections received

5.14 That the proposal would be out of character with the existing and materials and finishes would detract from the building elevation.

[Officer's response: The proposal was considered by the Council's Urban Design and Conservation Team, who expressed concerns that the proposed first floor extension would not be subservient and it would result in an unsympathetic addition to the host building. This matter is assessed in more detail in the material planning considerations section of the report]

A summary of the supporting comments received

5.15 That the applicant has a genuine need to extend her premises and that what is proposed would be in keeping with the other properties that have four bedrooms within the Alpha Grove area and it will not harm the street scene.

[**Officer's response:** Whilst officers recognise the needs of extended families, this does not outweigh concerns raised by officers with regards to the architectural and design merits of the scheme. Officers are unaware of any properties in the locality that benefit from similarly designed extensions.]

6.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design – impact of the extensions on the character and appearance of the host building and street scene.
- Amenity—the impact on neighbouring properties
- Highways

Land Use

6.2 This application would have no land use implications as the property is to remain as a single family dwelling house (Class C3).

Design

6.3 The National Planning Policy Framework (NPPF) sets out the Government planning policies for England and how these are expected to be applied. The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6.4 The NPPF sets out twelve core planning principles which "should underpin both plan-making and decision-taking." These stipulate that, amongst other matters, planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Specific advice on design is also provided in Section 7 '*Requiring Good Design*' in which it states that '*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' Furthermore, development should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'

6.5 Policy 7.4, 'Local Character' in the London Plan requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation and which makes a positive contribution to the character of a place.

6.6 Further emphasis on preserving the local character and distinctiveness of an area is set out in Policy 7.6 in the London Plan in its requiring local authorities in their LDF policies, to seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and take account of the topography of an area.

6.7 Policies SP09, SP10 and SP12 in the Core Strategy 2010 and policies DM23 and DM24 in the Managing Development Document (2013) seek to ensure developments are designed to the highest quality standards, using appropriate materials and

incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area.

- 6.8 The application building is a two storey end of terrace house with an existing ground floor extension. There is a rear shed within the garden and a door within the front elevation which leads to the side garden.

Impact of the proposal on the host building and street scene

- 6.9 As noted above, both national and local policies including guidance place great importance on the design of the built environment, and the integration of the development within the surrounding built context. The existing house is arranged in a small cluster and it occupies a corner plot with an adjoining side walk. The front of the house is visible from the adjoining side walk and the open space at the front of the residential flats immediately opposite the site [2-20(even) Havannah Street]. The rear of the property overlooks a large hard landscaped area off Havannah Street, which leads to the Quarterdeck residential development. There is a large multi-storey residential block to the North West of the application site.
- 6.10 With regards to the ground floor conservatory extension, this is proposed within a small gap along the northern elevation of the house and the outer garden wall, which is approximately 2 metres in height. The applicant intends to extend the boundary wall and enclose the external amenity space with a glazing so as to create an enclosed amenity space. The proposed extension will be a subservient addition to the house and there are no objections to the bulk, mass, scale or the proposed design. The materials proposed will be sympathetic to the host building and therefore is acceptable in townscape terms.
- 6.11 The proposed first floor extension will result in almost double the frontage of the existing house, although at 5.5 metres in depth, the extension itself would be set in by approximately 1.4 metres from the rear edge of the ground floor extension. It will continue the existing flat roof design; however the roofline to the extension will be set below the existing ridge height of the dwelling house. As designed, the extension would be almost flush with the front wall of the host building thereby creating a continuous and dominant frontage at street level. Two new window openings are proposed on the first floor elevation and would be constructed from materials to match the existing window. A new window is also proposed on the front elevation to provide natural lighting to bedroom 2 as the existing rear window is to be blocked off by the creation of the first floor extension.
- 6.12 The proposed first floor extension is to be faced in timber cladding and officers have further concerns with the materials proposed, as it does not reflect that of the host building, and this further compounds the unbalancing effect on the front elevation of the property. Officers conclude that the materials proposed fail to harmonise successfully with the host building and street scene.
- 6.13 In line with the principles of good design, officers consider that the resulting form of the extension should be designed to appear subordinate to the original house and be in keeping with the street scene. Whilst it is recognised that the applicant has sought to achieve integration at first floor extension through changes to the facing material, officers remain of the view that the continuous frontage on Havannah Street would have a detrimental impact on the host building and detract from the overall character of the residential complex. The proposal by the same token would have a detrimental impact on the street scene and set an unwelcome precedent that would make it difficult to resist future extensions like this in the locality. Overall, the bulk, mass and

scale of the resulting built form would not result in a subservient addition and would fail to relate well to the original building.

- 6.14 Whilst there are no in principal objections to the ground floor conservatory extension, officers consider that the combined proposal would form an incongruous addition to the host building. Furthermore, the continuous and dominant frontage created by the new first floor addition would unbalance the visual integrity of the host building within the residential complex. The resulting built form would have a harmful impact on the character and appearance of the street scene contrary to policy 7.4 of the London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 of the Managing Development Document (2013), and guidance within the National Planning Policy Framework (2012), which seek to ensure a high quality design in new developments which respond well to the surrounding context.

Amenity

- 6.15 Policy SP10 of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document seek to protect residential amenity. The main amenity impacts are likely to be perceived by the residential unit at 22 Havannah Street.

Privacy/Outlook

- 6.16 Due to the separation distances between the application site and adjoining properties, the proposal would not have any harmful impacts on privacy levels nor would it lead to any adverse impacts due to sense of enclosure to the surrounding properties or the prospective occupiers of the house.

Daylight/Sunlight

- 6.17 Due to the separation distances between the application site and adjoining properties, the proposal would not have any harmful impacts in terms of loss of daylight and sunlight to the surrounding properties or the prospective occupiers of the house.

External Amenity Space

- 6.18 The application building has a moderate sized garden and the proposal would not affect this.

Highways

- 6.19 The application proposal would have no highway impacts.

7 Human Rights Considerations

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determinations of this application, members should consider the following:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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;

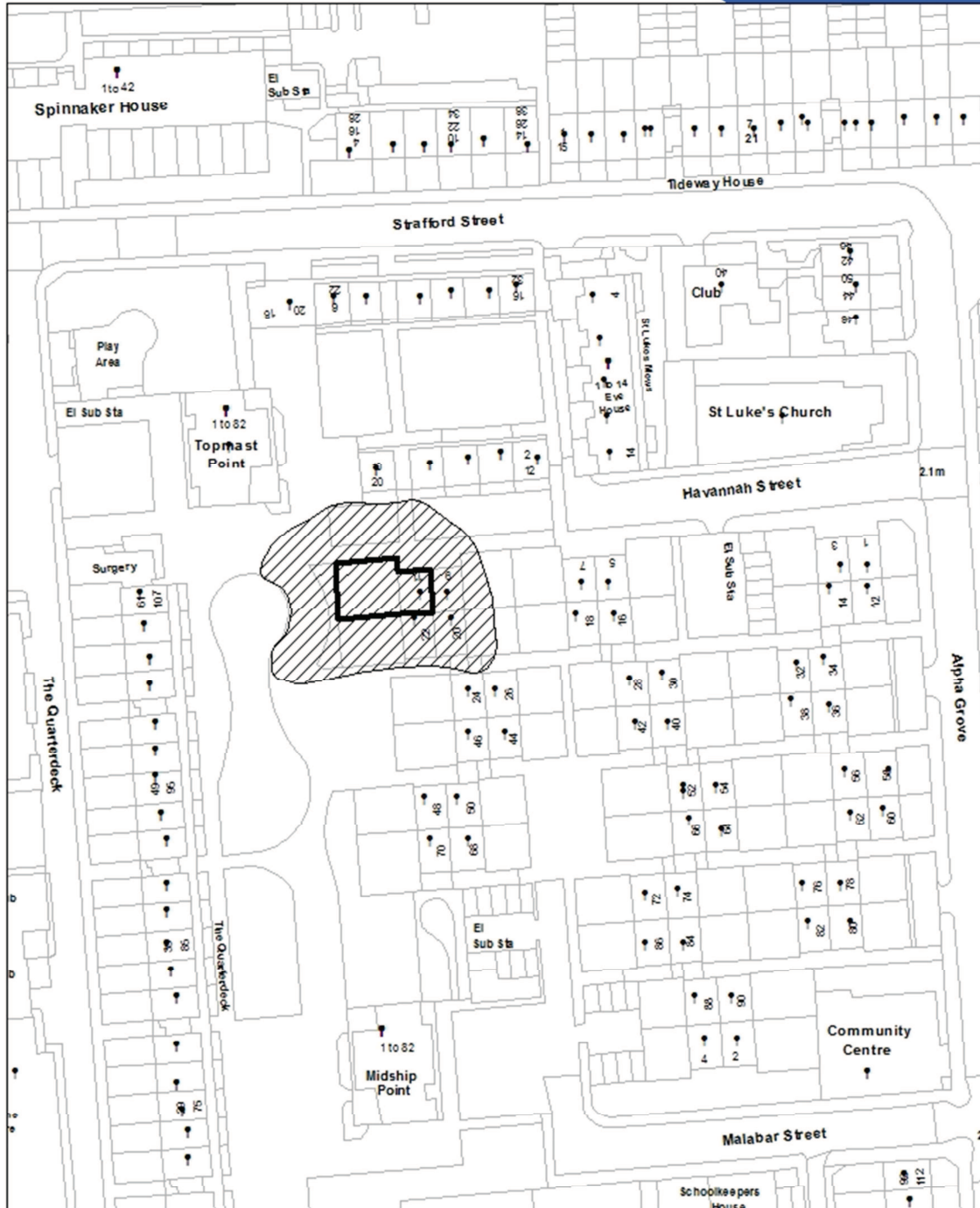
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (including property). This does not impair the right to enforce 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 competing interests of the individual and of the community as a whole"
- 7.2 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.
- 7.3 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.
- 7.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 7.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.6 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.
- 7.7 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.

8 Equalities

- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.
- 8.4 Conclusion
- 8.5 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/01807



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

0 20 m



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

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Agenda Item 7

Committee: Development	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		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 7.1

Committee: Development Committee	Date: 15 th September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal Case Officer: Gerard McCormack	Title: Planning Enforcement Review 2013/14
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1. RECOMMENDATION

- 1.1. Members note the report.

2. EXECUTIVE SUMMARY

- 2.1 Planning as a tool for managing change in the built environment and can be a complex and sometimes contentious issue across the country. Tower Hamlets is no exception to this. The delivery of an effective, consistent and efficient enforcement service is seen as an important aspect of the planning system and has a great impact on the lives and livelihoods of the people living, working in and visiting the Borough.
- 2.2 The planning enforcement team has been fully staffed for almost two years and consists of a manager, three officers and a recently appointed apprentice working one day a week. This report provides a review of the work carried out by team between April 2013 and March 2014 and shows how the planning enforcement process can be used as an effective tool to protect and improve the quality of the environment in Tower Hamlets. If agreed by members this report will be published on the planning enforcement pages of the Council's website acting as a reference point for users of the service.
- 2.3 In the coming months an Enforcement Plan will be presented to members outlining the objectives of service for the next two to three years.

3. REVIEW OF 2013/14

Caseload management within planning enforcement

- 3.1. During the 2013-14 period, the Planning Enforcement Team received 709 new complaints reporting alleged breaches of planning control. This compared with 429 complaints received within the 2012/13 period representing a 40% increase. This increase can be attributed to increased awareness of the service by members of the public, by other Council departments and outside agencies.
- 3.2. During the 2013-2014 period the number of cases more than 2 years old was reduced from 113 cases (27% of total open cases) to 60 cases (13% of total open cases). This reduction was a direct result of having a fully staffed team, allowing officers to address any backlog and also allowing officers to take on more pro-active work in the coming year.

- 3.3. During the 2013-14 period a total of 652 cases have been closed following enforcement investigations.
- 3.4. As of the 31st March 2014 there were 477 open enforcement cases shared between the four team members.
- 3.5. In 37% of cases closed, there was found to be no breach of planning control or the breach was immune from enforcement action.
- 3.6. In 10% of cases closed, it was determined that it was not expedient to pursue formal enforcement action, as the breach was minor or was not causing unacceptable harm.
- 3.7. In 63% of cases reported breaches of planning control were established and investigated accordingly.
- 3.8. Where there was found to be a significant breach of planning control, or where development was considered to be causing unacceptable harm, compliance was achieved in 67% of cases, without the need for formal enforcement action.
- 3.9. In 17% of cases closed, where a breach of planning control was established compliance was achieved following the service of a formal enforcement notice.
- 3.10. The table below provides further information as to the reasons why enforcement cases were closed.

Compliance without formal action	Compliance following notice	Retrospective application approved	Immune	Not Expedient	No Breach
30% (197)	12% (80)	9% (61)	6% (42)	10% (68)	31% (203)

Enforcement notices

- 3.11. Serving an Enforcement Notice is the most common and most effective formal method of action for remedying unauthorised development, if there is demonstrable harm and this cannot be resolved easily through negotiation. Enforcement Notices are served early in an investigation when then the breach of planning control is causing significant harm or where the transgressor has made it clear that they are unwilling to remedy the breach. A person in receipt of a notice has the right of appeal which is considered by the Planning Inspectorate.
- 3.12. Forty-five Enforcement Notices were served in the 2013/14 period. The table in appendix 1 summaries the breach of planning control and current status of the case in relation to each of the properties against which notices have been served.

Enforcement Notice Appeals

- 3.13. If an appeal is lodged against an enforcement notice, the requirements of the notice are held in abeyance until the appeal is determined by the Planning Inspectorate.
- 3.14. The grounds upon which an enforcement notice can be appealed include:
- 3.15. Ground (a) – that planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged.

- 3.16. Ground (b) – that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact.
- 3.17. Ground (c) – that there has not been a breach of planning control
- 3.18. Ground (d) – that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.
- 3.19. Ground (e) – the notice was not properly served on everyone with an interest in the land.
- 3.20. Ground (f) – that steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome objections.
- 3.21. Ground (g) – the time given to comply with the notice is insufficient or unreasonable.
- 3.22. The Planning Inspectorate will dismiss or allow the appeal and also has the ability to vary enforcement notices should they feel this is necessary. On some occasions they make split decisions – part allowing and part dismissing the appeal. The table below indicates the outcomes of enforcement appeals decisions determined between 2013/14.

Address	Breach	Appeal Decision	Update
Ferry House, 26 Ferry Street	Unauthorised windows, doors and a flue installed on the outside of a listed building	Dismissed	Awaiting compliance
568 Mile End Road	Change of use from B1 to C3	Dismissed	Complied with
68-70 Manilla Street	Commercial carpark operating	Dismissed	Complied with
130 Commercial Road	Installation of roller shutters, upvc windows, rendering and shopfront	Dismissed	Awaiting compliance
11 Chapel House Street	1 st floor rear extension and ground floor extension	Dismissed	Complied with
1 Broomfield Road	Use of the land as a shisha lounge	Notice Quashed	Another notice has been issued which has been appealed
60 Canton Street	Front extension	Dismissed	Complied with
80 Brick Lane	Unauthorised shopfront	Dismissed	Complied with

15-17 Lemon Street	Installation of a pay phone kiosk on footway	Notice Quashed	Closed
89 Cheshire Street	Two storey infill extension	Dismissed	Awaiting compliance
77-81 Redchurch Street	Basement being used as a separate residential unit	Dismissed	Complied with

3.23. Overall 82% of enforcement appeals were upheld which is significantly better than the national overall average of 74%.

Works in default

3.24. This year officers instructed contractors to carry out the necessary works to achieve compliance with enforcement notices at four properties after attempts to persuade the owners to voluntarily carry out the works failed. These properties are listed in the table below. Officers have taken the necessary steps to ensure that all monies spent are recovered from the owners.

Address	Breach
124-126 Brick Lane	Unauthorised rear extension facilitating a shisha lounge
110-116 Pennington Street	Works carried out to remove all the paraphernalia associated with a shisha lounge
Flat 66 The Cloisters	Upvc windows installed on a listed building replaced with traditional wooden sliding sash
3 Flamborough Walk	Security bars and gates in front of windows and doors on a listed property

Section 215 Notices

3.25. Where the condition of land or a building is adversely affecting the amenity of a neighbourhood, the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to improve the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

3.26. A total of nineteen Section 215 notices were issued in 2013/14 as summarised in appendix 2. The enforcement team identified areas for pro-active enforcement action to improve the condition and appearance of properties within the Borough's Conservation Areas, with a particular focus on the Whitechapel Area following the investment made to improve the appearance of properties as part of the High Street 2012 Improvement Project.

3.27. Following the success of the Whitechapel pro-active improvement project this work will be expanded to other areas of the Borough including Roman Road Market Conservation Area, Commercial Road, Burdett Road and around the Mile End Area.

This work will be carried out in addition to the reactive and investigations into standalone properties in the Borough which are causing concern and reported by residents.

Breach of Condition Notices

- 3.28. These can be used as an alternative to an Enforcement Notice. There is no right of appeal against a breach of condition notice and 12 were issued in 2013/14. The table in appendix 3 provides details on the breach of condition notice that have been served in 2013/14.

Advertisement Removal Notices

- 3.29. These are issued requiring illegal advertisements to be removed from buildings or areas of land. As well as dealing with reactive complaints pro-active action has also been taken within the Whitechapel Area to remove high level and illuminated signage, with a particular focus on listed buildings. A total of 16 advertisement removal notices were issued in 2013/14 and further details on them can be found in appendix 4.

Listed Building Enforcement Notices

- 3.30. The listed building enforcement notices are issued when works are carried out to buildings which are listed without the required listed building consent being approved. Although similar to enforcement notices there is no time limit for when enforcement action may be taken in relation to works to listed buildings..
- 3.31. In 2013/14 thirteen Listed Building Enforcement Notices were issued where works had been carried out that had a detrimental impact on the historic fabric and appearance of the building. Appendix 5 provides further details on properties served with listed building enforcement notices.

4.0 THE COMING YEAR

- 4.1 Over the next 12 months the Planning Enforcement Team has an ambitious programme of works proposed. As well as continuing with the work described above, the following measures are also proposed:
- i. Attempt to work more closely with other Council departments and external organisations to resolve breaches of planning control that are causing harm to the amenities of the Borough's residents.
 - ii. Identify new areas in the Borough where pro-active enforcement projects will improve their character and appearance, especially conservation areas.
 - iii. Publicise and promote the success of the planning enforcement service using press articles and the Council website.
 - iv. Review and improve the Planning Enforcement Pages of the Council's website, enhancing the interaction of residents with the service and simplify the process of reporting potential unauthorised breaches of planning control.
 - v. Finalise and present an Enforcement Plan to committee outlining the Council's approach to planning enforcement for the next 2-3 years.

Appendix 1

Enforcement Notices Issued

87 New Road	UPVC windows on the 1 st and 2 nd floor level on the front elevation	Appeal Dismissed
85 New Road	UPVC windows on the 1 st and 2 nd floor level on the front elevation	Appeal Dismissed
98 Mile End Road	Unauthorised A3 use and extraction flue	Complied with
Prince Alfred Public House, 86 Locksley Street	Unauthorised parapet wall and satellite dish	Complied with
28 Mastmaker	Unauthorised commercial car park	Complied with
Waterlilly Centre, Mile End Road	Seeking compliance with 8 conditions attached to the original permission	Complied with
50 Fashion Street	Seeking compliance with condition 4 (opening hours)	Complied with
1a Broomfield Street	Cease the use of the premises as a shisha smoking lounge	Appeal with Planning Inspectorate
455 Hackney Road	Cease the use of the land as a tyre fitting centre, car wash and commercial car park	Complied with
99 Fieldgate Street	Remove roller shutters and terracotta tiles from the front of property	Awaiting compliance
91 Fieldgate Street	Remove the shop front and associated high level fascia and roller shutters	Awaiting compliance
101 Fieldgate Street	Remove the roller shutters	Awaiting compliance
159 Commercial Street	Requiring compliance with condition 2 seeking the development to accord with the approved plans namely the installation of screening	Awaiting compliance
153 Bethnal Green Road	Adhere to condition 3 opening hours of planning permission PA/04/01040	Complied with
10C Morgan Street	Removal of satellite dish	Complied with

10A Morgan Street	Removal of satellite dish	Complied with
31 Portland Square	Change of use from C3 residential into short term holiday lets	Complied with
548 Roman Road	Unauthorised rear extension including shed, structure linking shed to main building and housing of the air conditioning units	Appeal dismissed
16-18 Whitechapel Road	Removal of roof extension currently used as an independent residential unit	Complied with
124-126 Brick Lane	Cease the use of unauthorised shisha lounge/venue	Complied with
173 Woodseer Street	Remove outbuilding from the rear of the property	Complied with
303 Whitechapel Road	Remove unauthorised shop front	Complied with
703 Commercial Road	Satellite dish	Complied with
1a Kay Street	High level fencing	Complied with
6 Myrdle Street	Satellite Dish	Complied with
77-81 Redchurch Street	Use of basement as a separate residential unit	Complied with
10 Heneage Street	Shop front, roller shutters, fascia and projecting advertisements	Complied with
60 Canton Street	Front extension	Complied with
86 Cheshire Street	Balcony railing	Complied with
52 Twelvetrees	Static caravan and metal storage container	Complied with
253 Whitechapel Road	Installation of shop front	Awaiting compliance
43 Thomas Road	Change of use of the ground floor from A3 to A3 and A5 takeaway	Complied with
26-30 Vallance Road	Rear extension behind shops being used as independent self-contained residential units	Complied with

Docksiders, 55 Sutton Street	Removal of dormer on front roof slope	Complied with
83 New Road	Unauthorised extraction flue	Appeal with Planning Inspectorate
27 Broomfield Street	Unauthorised rear extension	Complied with
44 Myrdle Street	Unauthorised satellite dish	Awaiting compliance
61 New Road	Unauthorised satellite dish	Complied with
10 Kingsfield Street	Unauthorised rear and side (wrap around) extension	Appeal with Planning Inspectorate
71A Fairfield Road	Development not built in accordance to the approved plans – Notice requires louvres, screens and alterations to the windows to prevent overlooking to neighbouring properties	Awaiting compliance
Unit F2, 82-90 Mile End Road, London, E1 4UN	Unauthorised change in use of the property from D1 (Educational use) to D2 (Snooker and Pool club) without planning permission.	Appeal with Planning Inspectorate
8 Hackney Road	Change of use from a B1 office to Mini Cab sui generis	Appeal with Planning Inspectorate
9 Grand Walk	Change of use of a residential premises into a brothel	Complied with
46 Brick Lane	Unauthorised shop front	Awaiting compliance

Appendix 2

Section 215 Amenity Notices

123-125 Whitechapel Road	Repair and repainting of 1 st and 2 nd floor level and removal of batons	Awaiting compliance
222-224 Commercial Road	Repair and repainting and removal of redundant advertisements	Awaiting compliance
220 Commercial Road	Repair and repainting of 1 st floor level	Complied with
218 Commercial Road	Repair and repainting and removal of redundant advertisements	Complied with
1 Hickin Road	Rubbish in the front and rear gardens	Awaiting compliance
151 Whitechapel Road	Improvements to render and repainting of surfaces	Complied with
110 Whitechapel Road	Wash down the property and paint front elevation at 1 st and 2 nd floors of the property	Complied with
151 Whitechapel Road	Wash down southern and western elevations and repaint timber windows and render	Complied with
119-121 Whitechapel Road	Condition and appearance of the property	Awaiting compliance
107-113 Whitechapel Road	Condition and appearance of the property	Awaiting compliance
115 Whitechapel Road	Condition and appearance of property	Awaiting compliance
31 New Road	Condition and appearance of property	Awaiting compliance
419 Bethnal Green Road	Condition and appearance of property	Awaiting compliance
16 Cavell Street	Condition and appearance of property	Complied with
18 Cavell Street	Condition and appearance of property	Awaiting compliance
243 Commercial Road	Condition and appearance of property	Complied with

21 New Road	Improvements to the condition and appearance of this listed property	Awaiting compliance
255-259 Commercial Road	Removal of redundant advertisement signs and batons and repainting of property	Awaiting compliance
193 Whitechapel Road	Remove former advertisement hoarding from roof and above entrance way, remove satellite dish and reinstate the fascia panels that are missing	Awaiting compliance

Appendix 3

Breach of Condition Notices Issued

New Providence Place	Failure to adhere to conditioned hours	Complied with
49-53 New Road	Failure to provide a delivery plan and follow it	Complied with
6 Manilla Street	Failure to make parking spaces available to residents of the development and fire station	Awaiting compliance
1 Knighten Street	Hours of opening and noise mitigation measures	Complied with
88 Brick Lane	Operating outside of conditioned hours 09:00 – 24:00(Midnight) Monday – Saturday and 09:00-23:00 Sundays	Continuing to monitor
212 Brick Lane	Cease using the premises as a bar (i.e. sale and service of drink and food; playing of music; and entry of customers onto the premises), other than between the hours of 1000hrs to 2300hrs Sunday to Thursday and Bank Holidays, and between the hours of 1000hrs to 0000hrs Fridays and Saturdays, with all patrons including staff to vacate the premises within one hour of closing.	Continuing to monitor
78 Brick Lane	Cease using the premises as a restaurant, other than between the hours of 0800am to Midnight Mondays to Saturdays and between the hours of 09:00am to 10.30pm Sunday and Public Holidays	Continuing to monitor
128 Brick Lane	Cease carrying out the use of the premises as a Hot food restaurant and takeaway other than	Continuing to monitor

	between the hours of 9:00 to 24:00 (midnight) Mondays to Saturdays and between 9:00 to 23:00 on Sundays and Bank Holidays.	
77 Brick Lane	Cease carrying out the use of the premises as an A3 restaurant other than between the hours of 09:00 to 24:00 (midnight) Mondays to Saturdays and between 10:00 to 23:00 on Sundays and Bank Holidays.	Continuing to monitor
149 Brick Lane	Cease carrying out the use of the premises as an A4 bar other than between the hours of 11:00am to 23:30pm Mondays to Saturdays and Bank Holidays and ensure all patrons and staff to have left the premises by midnight.	Continuing to monitor
Flat 11, (SPACE 11) Hutchings Wharf, 1 Hutchings Street, London, E14 8JY	Removal of storage container in a designated parking space	Complied with
Brownfield Site, Burcham Street, London	Condition 17 requiring windows on the northern and southern sections to be obscurely glazed	Complied with

Appendix 4

Advertisement Removal Notices

83-89 Mile End Road	Removal of fascia advertisement	Awaiting compliance
80 Brick Lane	Projecting sign and illuminated fascia sign	Awaiting compliance
28 Ensign Street	48 Poster hoarding located on 1 st and 2 nd floor levels	Complied with
84 Whitechapel High Street	Illuminated fascia and projecting sign	Complied with
233 Bethnal Green Road	Advertisement hoarding on western elevation and projecting 1 st floor sign on front elevation	Complied with
99 Mansell Street	Advertisement shroud and associated housing	Awaiting compliance
628 Roman Road	Projecting advertisement on 1 st Floor	Complied with
44-46 Brodlove Lane	Illuminated fascia sign	Complied with
126 Cannon Street Road	Two illuminated signs on front of a listed building	Awaiting compliance
13 Whites Road	Advertisement hoarding, projecting sign, board sign and advertisement stickers on window	Awaiting compliance
189 Whitechapel Road	Two advertisement hoardings that extend across the full width of the property	Complied with
8 Hackney Road	Internally illuminated fascia sign and projecting sign	Awaiting compliance
90 Mile End Road	Projecting sign on the side of a listed building	Complied with
389 Roman Road	1 st floor banner advertisement	Awaiting compliance
18 Cavell Street	Remove first floor projecting advertisement from conservation area	Awaiting compliance

Appendix 5

Listed Building Notices

98 Mile End Road	Unauthorised extraction flue	Complied with
18 Myrdle Street	Satellite Dish	Complied with
811 Commercial Road	Remove existing shop front and replace with traditional Victorian frontage	Awaiting determination of appeal
7 Flamborough Street	Installation of plastic windows on front and rear elevation, and a plastic sliding door on rear elevation	Complied with
297 Cambridge Heath Road	Installation of plastic windows	Awaiting compliance
299 Cambridge Heath Road	Installation of plastic windows	Awaiting compliance
301 Cambridge Heath Road	Installation of plastic windows and a satellite dishes	Awaiting compliance
303 Cambridge Heath Road	Installation of plastic windows	Awaiting compliance
65 New Road	Unauthorised plastic windows, basement door, advertisement fascia board, satellite dish, alarm boxes and wire mesh	Awaiting compliance
14 New Road	Unauthorised roller shutters, platform above basement void and internally illuminated fascia and projecting signs	Awaiting compliance
57A Arbour Square	Replacement of PVC entrance door with a wooden one	Awaiting compliance
21 New Road	Removal of roller shutters and alarm boxes	Awaiting compliance
103 Bow Road	Demolish three storey rear extension and replace 2 nd floor plastic window	Awaiting compliance