

DEVELOPMENT COMMITTEE

Thursday, 14 May 2015 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, Councillor Julia Dockerill and Councillor Md.
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[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 12 May 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 13 May
2015**

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.

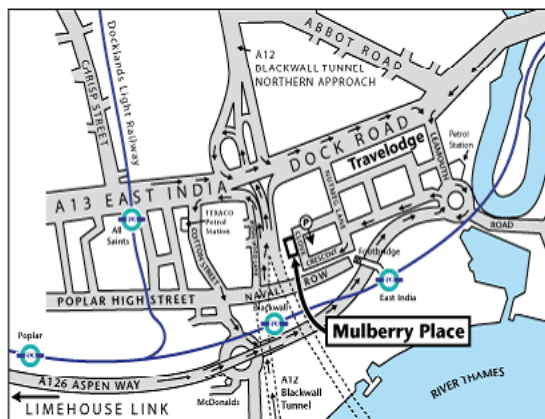
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QR code for smart phone users

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 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 9th April 2015.

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 13 - 14)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS	15 - 16	
5.1 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)	17 - 54	Island Gardens

Proposal:

Full Planning Permission and Listed Building Consent for:

- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
- Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
- The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
- 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
- Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store.

Recommendation:

That the Committee resolve to GRANT planning permission and listed building subject to the conditions and informatives in the Committee report

6.	PLANNING APPLICATIONS FOR DECISION	55 - 56	
6 .1	Bethnal Green Gardens, Cambridge Heath Road (PA/14/02366)	57 - 74	Bethnal Green
	Proposal:		
	Change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report		
6 .2	418 Roman Road, London, E3 5LU (PA/15/00095)	75 - 88	Bow West
	Proposal:		
	Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; New shopfront; Extension of the basement; Erection of a mansard roof extension		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report		
6 .3	221 Jubilee Street, London E1 3BS (PA/15/00116)	89 - 98	Stepney Green
	Proposal:		
	Conversion and refurbishment of existing building to create a three-bedroom house (use-class C3).		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report		

6 .4	144-146 Commercial Street, London, E1 6NU (PA/15/00044)	99 - 112	Spitalfields & Banglatown
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Proposal:

A new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit; Construction of four storey rear extension to facilitate new stair case; Reconfiguration of window arrangement at the rear; Refurbishment of the front façade; Installation of a green roof.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report

7.	OTHER PLANNING MATTERS	113 - 114	
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7 .1	Flat 1, Shiplake House, Arnold Circus, London, E2 7JR (PA/15/00515)	115 - 122	Weavers
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Proposal:

Change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use.

Recommendation:

That the Committee resolve to refer the application to the Government Office for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the Committee report.

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 THURSDAY, 9 APRIL 2015

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis
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)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Amy Thompson	– (Pre-Applications Team Leader, Development and Renewal)
Adam Hussain	– Planning Officer (Development and Renewal)
Esha Banwait	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 11th March 2015 be agreed as a correct record and signed by the Chair.

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 for hearing objections and meeting guidance.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 281-285 Bethnal Green Road, E2 6AH (PA/14/03424)

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. The Chair then invited registered speakers to address the Committee.

David Jode, resident of a neighbouring property, spoke in objection to the application. He objected to the impact on neighbouring amenity from the height of the development in terms of loss of light and overshadowing. He also objected to overlooking from the scheme to neighbouring properties and the impact of noise and disturbance from the proposal

In response to questions, he expressed concern about the lack of consultation by the applicant with immediate neighbours. He clarified his comments on the extent of the overlooking to neighbouring properties. Properties at Bethnal Green Road and Florida Street would be overlooked. Windows would directly overlook existing windows. A key issue was the separation distances and the height.

Tim Gaskell spoke in support of the application. He considered that the existing buildings were low rise so any development of the site would have some impact. The scheme had been carefully designed to maximise light thought the site and to surrounding properties and the scheme complied with the policy guidance for light. The applicant had taken on board the feedback from the consultation (both at pre and post application stage) which was generally positive. Nevertheless, the applicant had amended the scheme to address the concerns. There was no commercial interest in the site in its current use as shown by the marketing evidence. The shortcomings of the site and existing building in this regard were explained. The proposed development would include good quality affordable housing. The plans would also restore lost features and the design would reflect the history of the building.

In response to questions, it was explained that there had been widespread local consultation, (leaflets, public meetings). In response, steps had been taken to reduce the height, remove the bar use and to minimise the impact on neighbouring amenity including the impact on the speakers property. There would be also obscured glazing and views at oblique angles only. He also answered questions about the scope of the marketing exercise and the method used. The scheme had been marketed for a number of uses but due to the site constraints, it did not lend itself to other uses. There was no interest in the building in its current form.

Adam Hussain, (Planning Officer, Development and Renewal), presented the report explaining the site location carrying no specific site designations in policy. The subject building was not in a Conservation Area or protected through statutory or local listing. The surrounding area was mainly residential. The site had excellent public transport links. He also explained the history of the building and the outcome of the local consultation and the objections received.

He described the nature of the application including: the layout, the housing mix, the appearance and height and the measures to retain the original features. He explained the outcome of the sunlight and daylight assessment of the surrounding properties and the amenity space including the objector's property. The findings broadly met the requirements in policy save for some minor losses. Overall, the impact on amenity was acceptable (including the impact on privacy and sense of openness amongst other issues). Highway Services had no objections. Officers were recommending that the scheme was granted planning permission.

In response to Members questions, it was explained that the neighbouring terrace would actually benefit from increased levels of sunlight due to the removal of the obstruction caused by the deep building roof ridge and replacement with two buildings and an open courtyard. It was felt that the separation distances were acceptable measuring 13 metres at the closest point. They were not uncommon for an urban setting and complied with the guidance in local policy for separation distances (there were no statutory guidance for separation distances). Furthermore, there were measures to

minimise any impact on privacy as set out in condition 13 and additional measures could be added to this if necessary.

In response to further questions, it was reported that the applicant had fully met and exceeded the requirements in terms of marketing. It was found that due to the many issues with the location, that other sites were more appealing for the existing use. Whilst the marketing evidence was convincing, the Chair questioned whether more could be done to test the evidence and whether a proactive approach should be taken to this. Officers suggested that this could be taken into account as part of the Local Plan refresh.

The internal layout of the building had been substantially changed. Many of the original features had been lost as shown by English Heritage's assessment.

It was considered that the housing mix was acceptable noting the differences in the number of habitable rooms per unit type (particular amongst the three bed units). It was noted that the differences could be attributed to the different room sizes. The larger units tended to lend themselves to a variety of different layouts. In addition, for certain unit types, the kitchen had been classified as a habitable room.

The applicant had submitted additional information confirming the location of the ground floor waste storage. LBTH Environmental Services were satisfied with the plans. The previously submitted floor plan omitted this in error. The Fire Authority had no concerns about the scheme subject to the clarification of the water supplies that was a building regulation issue. The scheme could not go ahead without this.

The scheme had been designed to blend in with the local area. The measures to ensure this were noted.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED**:

1. That Planning Permission at 281-285 Bethnal Green Road, E2 6AH be **GRANTED** for the demolition of existing buildings and redevelopment of the site to provide a residential led mixed use development, comprising the retention of the existing façade to the Bethnal Green Road frontage, erection of two five-storey buildings (with basement) to provide 21 dwellings and 130 sqm of commercial space falling within use classes A1, A2, B1, D1 and/or D2, plus cycle parking, refuse/recycling facilities and access together with communal and private amenity space (PA/14/03424) Subject to:
2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.

4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

6.2 Footway Adjacent to Ansell House on Mile End Road, E1 (PA/15/00117)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposed

Amy Thompson (Planning Officer, Development and Renewal) presented the report explaining the site location and the need for the proposal to facilitate the installation of the TfL super cycle 2 upgrade project. Members were advised of the existing site for the docking station and the proposed new site in relation to Ansell House. The new docking station would be split into sections adjacent to the eastern side of Ansell House.

Consultation had been carried. Objections had been raised about the impact on residents of Ansell House and the potential for anti social behaviour (ASB) from the scheme. No statutory consultees had raised objections.

Whilst mindful of the concerns, Officers felt that there was sufficient mitigation to protect the amenity of residents from the activity given: the screening from the existing fence, the separation distance, that most of the windows affected at Ansell House were dual aspect and the difference in floor level and pavement level. Furthermore, given the level of activity on Mile End Road, it was felt that some increase in activity would be acceptable in this context.

Officers had considered the Police and TfL records and found that there was no crimes recorded relating to the existing docking station at Ansell House or the proposal location. So there was no evidence that the proposal would result in ASB.

In response to the presentation, Councillors questioned the need for the number of cycle stands and merits of the location in view of the impact on neighbouring amenity. In view of the issues, consideration could be given to screening the proposed cycle stand to protect residential amenity.

Members also questioned whether alternatives locations for the proposal had been considered in the surrounding area in view of the concerns.

They also drew attention to crime statistics and the need to take into account anecdotal evidence to give a more accurate picture of the issues with crime in the area.

It was also commented that due to the width of the pavement, the proposal in this location might encourage cyclists to unlawfully use the pavement between the proposed docking station and the public highway

In response, Officers further explained the rationale for the location for the scheme. The closest docking station to the site was over 300 metres away and according to TfL, the cycle scheme in this area was heavily used, so TfL felt that 44 spaces were needed. It would be impractical for the scheme to be moved too close to the centre of Ansell House given the proximity to the entrance.

TfL had considered other sites (including sites at Cambridge Health Road, Whitechapel Road and on Mile End Road) but these had been discounted due to issues ranging from: the impact on the local market and street furniture; conflict with underground utility services; loss of trees; lack of physical space issues with street clutter and public safety. It was not uncommon for such stations to be set back on the pavement and given that the highway was busy, this was considered a sensible approach.

Officers had spoken to TfL about the possibility of screening the proposed station. Whilst they were happy to provide screening, (for example obscure glazing to retain a sense of openness and transparency), Officers expressed caution about this since it would create a narrow, secluded space behind the docking station which might attract criminal or anti-social activity and cause safety issues.

In terms of crime relating to the existing station, officers felt that was necessary to rely on the official crime figures.

Some Members felt that TfL should change the position of the cycle hire station to address the issues of concern. Officers advised that the Committee needed to consider the merits of this application and to determine whether to grant this application or not. Any suggestions for moving this particular scheme would need to sit within the site boundary, otherwise it would constitute a new planning application.

On a vote of 1 in favour of the Officer recommendation and 5 against the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission at Footway Adjacent to Ansell House on Mile End Road, E1 be **NOT ACCEPTED** for the relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 44 docking points by 45m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works (PA/15/00117).

The Committee were minded not to accept the application due to the following reasons:

- Concerns over the impact on the residents of the eastern side of Ansell house in terms of noise nuisance and loss of privacy.

- Preference for an alternative location for the proposed docking station.

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

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.25 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: 14 th May 2015	Classification: Unrestricted	Agenda Item No:
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 item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
11 th March 2015	(PA/14/02753 and PA/14/02754)	The Forge, 397 & 411 Westferry Road, London, E14 3AE		Formal Committee site visit to explore the impact of the proposal on the The Forge including the impact of the proposed external accesses and the internal changes.

3. CONSIDERATION OF DEFERRED ITEMS

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

- The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)

- 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

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

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

Committee: Development	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal Case Officer: Brett McAllister		Title: Full Planning Permission Application Ref Nos: PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent) Ward: Island Gardens	

1. APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
 - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
 - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
 - 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
 - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

2. BACKGROUND

- 2.1 The linked applications for planning permission and listed building consent were considered by the Development Committee on 11th March 2015. A copy of the original report is appended.
- 2.2 The Committee deferred the applications in order to visit the site, to better understand the proposals and their effect on the setting and appearance of the listed building.
- 2.3 A site visit was undertaken on 2nd April 2015 at 6.30pm. Members will have the opportunity to report back on their findings at the next meeting of the Development Committee on 14th May 2015.

3. FURTHER REPRESENTATIONS

- 3.1 Following the deferral of the application by the Committee, the Council has received additional information from the applicant and three further representations from a ward councillor and members of the public.
- 3.2 A letter was received from the applicant's agent, after the previous committee responding to matters that were raised at committee. Matters raised in the letter which are not covered in the committee report are summarised as follows:
- 3.3 History of the Site
 - A condition requiring an information notice board be erected and maintained inside the building is suggested. The notice board would advise on the history of The Forge and the historical importance of the building for the local area.
 - The same time as the Forge was renovated in 2007 the use changed from Use Class B2 to Use Class B1.
 - The Forge may well have been compartmentalized when it was in active industrial use and the latest changes should be considered the most recent evolution of the building.
- 3.4 New External Opening
 - The new entrance on north western elevation was suggested by Conservation Officer.
 - There was concern that customers would be much less inclined to travel past the unit on the south east half of the building to get to the unit on the other side of the building.
 - Deliveries to a unit on the north-western side without an entrance would have to travel further creating more noise and disturbance to neighbours.
- 3.5 Deliveries and Size of Vehicles
 - Parking arrangement and service management plan agreed with Council Highways officers and TfL.
 - Service Management Plan states that the maximum vehicle that would be used for deliveries would be an 8 metre rigid lorry.
 - Prior to the application there would be no restrictions to the delivery vehicles and times used.
 - If the building cannot be serviced from the rear (as was part of the reason for refusal in the previous application) and not from the front then the Council must accept the building will remain vacant.

3.6 Robustness of Marketing

- The suggestion to split the building into a number of smaller offices has several issues including removing the sense of openness of the building, not being publicly accessible and limited natural daylight.
- Site was also discounted by other potential uses which also would have had amenity and highways matters.

3.7 A Councillor has circulated an email illustrating concerns that he raised at the March committee relating to the potential size of the delivery vehicles that would service the proposed retail unit and the resulting impact on highway safety on Westferry Road.

3.8 The email includes four photographs of a 16.5 metre long articulated delivery lorry outside of a Tesco Express at Landmark on Westferry Road. The pictures show the traffic disturbance caused while the lorry is parked, caused by vehicles having to overtake it or waiting to overtake it.

3.9 One further letter of support and letter of objection have been received since the March committee. They do not raise any new issues.

4. **ASSESSMENT**

Servicing & Loading

4.1 The proposed loading bay to be created on the public highway outside the Forge would be 15 metres in length with parking bays immediately north and south of the loading bay. As outlined in the service management plan the retail unit would be served by 8 metre long rigid lorries. The 15 metre loading bay allows an adequate entry and exit taper for an 8 metre lorry that would enable the lorry to park tight to the kerb without the need to manoeuvre into the space.

4.2 The loading bay would be marked slightly wider (2.5 metres) than the parking bays it would be converted from (2 metres) in order to fully accommodate the delivery vehicles which are 2.5 metres wide.

4.3 Parking services have confirmed that if a delivery vehicle was found to be off-loading outside of the loading bay and overlapping onto adjacent parking space the loading vehicle would be liable for traffic enforcement and a penalty ticket.

4.4 In terms of the concerns raised relating to a similar retail development at Landmark, Westferry Road, it should be noted that here is no designated loading bay and no restriction placed on the size of the delivery vehicles by parking bays at the Landmark Tesco.

5. **OTHER ISSUES RAISED AT THE SITE VISIT**

5.1 At the site visit a member asked about the number of residential units served from the north western core of the Forge Square development.

5.2 Further investigation shows that a total of 76 residential units are served from this core with a total of 190 residential units in the development as a whole.

5.3 Also at the site visit, some members asked about how the historic fabric of the building including important fixtures and fittings would be preserved and incorporated within the proposed development. Following further consultation with the Borough

Conservation Officer, a number of additional conditions have been recommended in order to fully safeguard the historic fabric of the building.

6. RECOMMENDATION

6.1 Planning application

Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION**, subject to conditions.

6.2 Listed Building Consent application

Officers do not wish to change their original recommendation to **GRANT LISTED BUILDING CONSENT**, but recommend that the following additional conditions are attached, requiring details to be submitted prior to commencement:

1. Details of layout and internal furniture and equipment and how it relates to the historic fabric to be submitted and approved prior to any new use coming into the building.
2. Details of crane position and reversible fixing of crane in position.
3. Method statement relating to amendments to steel bracing on western corner of the building in connection with formation of new entrance to ensure structural stability of travelling crane and building structure.
4. Requirement for there to be a noticeboard erected inside the Forge advising about history of building and how it relates to history of wider area.
5. Scheme for removal of external render and making good the underlying original brickwork on the northern elevation bays affected by the proposed new entrance.
6. Details of internal stairs.
7. Details of internal ramps.
8. Details of central partition wall in relation to central colonnade.
9. Details of signage for proposed uses including fixing details.
10. Details of internal finishes must include floor finishes.

6.3 The Committee may wish to add, vary or delete conditions based on their detailed consideration of the applications at the site visit.

Committee: Development	Date: 11 March 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Full Planning Permission Application	
Case Officer: Brett McAllister		Ref No: PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)	
		Ward: Island Gardens	

1.0 APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
 - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
 - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
 - 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
 - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

- 1.4 **Documents:** Planning Statement (including Statement of Community Involvement) by GL Hearn (September 2014)
Retail Statement by GL Hearn (October 2014)
Design and Access Statement by Archer Architects ref. A4731-PL-DAS-# (01.10.2014)
Marketing Report by Cherryman (undated)
Transport Statement by VCL2 (August 2014)
Heritage Statement by KMHeritage (June 2013)
Addendum to Heritage Statement by KMHeritage (June 2013)
Environmental Noise Assessment by Sharps Redmore (23.07.2014)
Flood Risk Assessment by Cannon Consulting Engineers ref. CCE/L791/FRA (May 2013)
- 1.5 **Drawing Nos:** GLH/J029438/100 (2013)
4731(P)310 (29.01.2013)
4731(P)311 Rev. C (01.12.2013)
4731(P)312 (29.01.2013)
4731(P)313 (29.01.2013)
4731(P)314 (29.01.2013)
4731(P)315 (29.01.2013)
4731(P)316 (29.01.2013)
4731(P)317 (29.01.2013)
- 1.6 **Applicant:** The Forge Investment Properties LLP
- 1.7 **Owner:** Same as applicant
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Chapel House Conservation Areas

2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposed change of use is acceptable in terms of land use including whether its impact on the designated Westferry Road Neighbourhood Centre (WRN centre) is acceptable.
- 2.2 In addition to this, there are two other main issues: whether the works required to facilitate the development are acceptable in relation to the sites designation as a Grade II listed building and whether the proposed impacts of the development are acceptable in relation to the amenity of neighbouring residents.
- 2.3 Having considered all Development Plan policies, the proposed land uses are and its associated impacts are acceptable in this instance, and the proposal is recommended for approval.
- 2.4 The proposed works to the Listed Building are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

3. RECOMMENDATION

3.1 That the Committee resolve to grant planning permission subject to the following planning conditions:

- 3.2
1. Time Limit.
 2. Completion in accordance with approved drawings.
 3. All materials/ finishes to match existing unless specified on submitted drawings.
 4. Hours of Operation
 5. Delivery/Servicing Hours
 6. Use specific Servicing Management Plan for all units
 7. Relocation parking bay/loading bay in place prior to any development on site
 8. Cycle Parking
 9. Highway Improvements
 10. Controlling condition for future extraction
 11. Site management plan (including details of employee facilities in house, cases stored in back of house area)
 13. Details of glazed screen, new structural opening, fixings of heating and ventilating equipment
 14. Relocation of bus shelter, camera and on street parking spaces

That the Committee resolve to grant Listed Building Consent subject to conditions relating to:

1. Time limit
2. Completion in accordance with approved plans
3. Details of all new structural openings
4. Details of external fenestration details (doors and windows)
5. Details of connections to historic fabric
6. Details of internal glazed screens
7. Details of fixings of heating and ventilation equipment
8. Details of roof plant enclosure screen
9. Details of internal finishes to existing structure
10. Method statement relating to construction of mezzanine floor
11. Method statement relating to construction of rooftop plant platform
12. Samples of all materials
13. Brick sample panels
14. Analysis and publication of the existing historic buildings record

Along with relevant passive conditions ensuring compliance, informatives etc.

4. PROPOSAL AND LOCATION DETAILS

4.1 Proposal

4.2 The applicant seeks full planning permission to subdivide the Grade II listed warehouse known as The Forge at ground floor and create additional floorspace at a newly created internal first floor level (mezzanine level).

4.2 At ground floor, the vast majority of the north western half of the building, fronting Westferry Road, would comprise a 394m² retail unit (Use Class A1).

The south eastern half would comprise a separate unit of 275.71m², also fronting

Westferry Road, with flexible uses for either/or financial and professional services, restaurants and cafés, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym) (Use Classes A2, A3, A4, B1a, D1 and D2);

- 4.3 At the north eastern end of the building, fronting the Forge Square, three separate office units would be created at ground floor level and additional floor space would be created on the first floor mezzanine level to accommodate a further three office units.
- 4.4 The proposal involves various internal and external changes and maintenance to The Forge to facilitate the change of use.
- 4.5 Externally these include the formation of a new customer access at the western corner on the side elevation; the formation of an access to the rear offices in the centre of the existing glass curtain walling towards the eastern corner on the side elevation; installation of platform on the roof to facilitate new plant equipment and satellite dish; the relocation of the wall, pier and gate on the north western side of the front elevation; the removal of a section of the wall, pier and gate on the south eastern side; making good to walls and the provision of cycle parking.
- 4.6 Internally the changes include internal partitions and the construction of mezzanine level to create an additional floor level internally, maintenance to internal cranes and general building maintenance. Listed building consent is also sought for the works to the Forge.
- 4.7 The proposal would be serviced from the northern side of Westferry Road directly in front of The Forge via a new loading bay.

5 Site and Surrounds

- 5.1 The application site, The Forge at 397 & 411 Westferry Road is located on the northern side of Westferry Road.
- 5.2 The Forge is a Grade II listed warehouse building, due to it being the last remaining mid-19th century iron shipbuilder's forge in London, outside the royal dockyards. The site is also located within the Chapel House Conservation Area.
- 5.3 The Forge forms a central building within a recent housing development called Forge Square which surrounds the application site on three sides with The Forge's front elevation bounding Westferry Road. The Forge Square development comprises residential blocks of 5, 6 and 7 storeys. There is access into the Forge Square from Harbinger Road with an access road and car parking running along the rear of the Forge.
- 5.4 The site is located 128 metres from the nearest designated town centre Westferry Road Neighbourhood Centre.
- 5.5 The Forge has been vacant since it was refurbished in 2007 as part of planning ref. PA/05/01626 and then the subsequent application ref. PA/07/01912 to make alterations during the course of construction.

6 Planning History

6.1 The Forge Square Development

PA/05/01626

Demolition of existing buildings and redevelopment for mixed use purposes comprising 190 residential units and 282 sq m of Class B1 (Business) use, with the change of use of the forge building from general industry to Class B1 (Business) use, car parking (96 spaces) and hard and soft landscaping.

Approved on 16/04/2007

6.2 PA/07/01912

Alterations during course of construction to the development permitted on 16th April 2007 (Ref. PA/05/1626) for demolition of existing buildings and redevelopment by 190 residential units and 282 sq m of Class B1 (Business) use with the change of use of the forge from general industry to Class B1 (Business) use together with car parking and hard and soft landscaping. (Alterations to windows, doors and gates, revised car and cycle parking arrangements, the provision of lift overruns and the erection of an electricity sub-station).

Approved on 04/01/2008

The following change of use applications relate to units developed as part of the above applications.

6.3 Unit 3, Building C, 399 Westferry Road E14

PA/11/00980

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 06/07/2011

6.4 Unit 1, 2 Harbinger Road E14 3AA

PA/11/00981

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 14/10/2011

6.5 The Forge, 397 & 411 Westferry Road

PA/13/01642

Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1), - Change of use of the remainder of The Forge (use class B1) to interchangeable uses for either or shops (not convenience shops), financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A1, A2, A3, A4, B1 (a), D1 and D2; - 297.17 sqm GFA of new floor space created at 1st floor level for business (Use Class B1(a), - and internal and external changes and maintenance to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear and; - Demolition of external walls to facilitate access.

Refused: 02.10.2014

- 6.6 PA/13/01643
Listed Building Consent sought for internal and external changes including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls, maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear. Proposal also includes demolition of external walls to facilitate access and rebuilding of one wall, repositioning of lighting column, and cycle parking.
No further action following refusal of concurrent application above.

7. POLICY FRAMEWORK

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

- 7.2 **Government Planning Policy Guidance/Statements:**
- National Planning Policy Framework (2012) (NPPF)
 - Section 2 – Ensuring the Vitality of Town Centres
 - Section 7 – Requiring Good Design
 - Section 12 – Conserving and Enhancing the Historic Environment
 - National Planning Policy Guidance (2014) (NPPG)

- 7.3 **Spatial Development Strategy for Greater London (2011) (LP):**
- 4.7 - Retail and Town Centre Development
 - 7.15 - Reducing Noise and Enhancing Soundscapes
 - 7.4 – Local Character
 - 7.8 – Heritage Assets and Archaeology

- 7.4 **Core Strategy Development Plan Document 2025 (2010)(CS):**
- SP01 - Refocusing on Town Centres
 - SP03 - Creating Healthy and Liveable Neighbourhoods
 - SP10 - Creating Distinct and Durable Places

- 7.5 **Managing Development Document (2013)(MDD):**
- DM1 - Development within Town Centre Hierarchy
 - DM2 - Local shops
 - DM15 - Local job Creation and Investment
 - DM24 - Place Sensitive Design
 - DM25 – Amenity
 - DM27 – Heritage and the Historic Environment

- 7.6 **Supplementary Planning Guidance:**
Chapel House Conservation Area Appraisal

8. CONSULTATION

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

The following were consulted regarding the application:

8.2 LBTH Transport & Highways

- The relocation of the parking bays is acceptable subject to the applicant meeting the costs of all works and traffic orders required.
- Without relocation of the parking bays and creation of a loading bay on Westferry Road outside the proposed A1 unit, the servicing of the site would not be acceptable to Highways. As such, a condition to the effect that the development cannot commence without full agreement of all stakeholders needed to allow the relocation to take place should be attached to any permission.
- A service management plan must be submitted prior to occupation of the retail unit. This must include information of the maximum size of vehicles used for deliveries and a commitment from any occupier for loading to take place outside of school peak times.
- Highways have observed at similar food stores cages obstructing the footway. The applicant is asked to describe the measures that will put in place to minimise this occurring. We note the access to the west of store to the 'back of house' area would be appropriate for storing cages.
- Highways are satisfied that the applicant has demonstrated the proposed uses at the development will not cause an unacceptable impact on the highway resulting from the additional car trips it will generate.
- The cycle parking is acceptable.

(Officer comment: *the impact of the proposal on highways matters is discussed within the material planning considerations section of this report*)

8.3 LBTH Environmental Health – Noise and Vibration

- It is accepted that the applicants Noise assessment report offers mitigation to meet requirements of BS4142 min 10dB(A) below lowest records L90 background noise measurement.
- There is the presumption that good design is complied with under BS8233, as it is important to realise that where there is mixed commercial/residential, commercial plant is not intrusive to future occupants, with low frequency noise controls so noisy venues are not audible at the nearest residential as relevant.
- Please provide the raw data for the hours of operation which needs to include a Calibration Certificate for the noise monitoring equipment used, to show that extractor/mechanical plant complies with BS4142 10dB below lowest background noise levels at the nearest noise sensitive residential premises.
- Restaurants, cafes etc. where extractor/mechanical units are used need to provide measures for odour/smell nuisance need to show mitigation measures to minimise the likelihood of complaints.
- If there will be any licensable premises, under the terms of the Licensing Framework, Hours of operation are till 11.30pm Monday to Thursday, Midnight on Fridays and Saturdays and 10.30pm on Sundays
- Commercial deliveries to be undertaken between 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, no Sundays or Bank Holidays.

(Officer comment: *the impact of the proposal on amenity/environmental health is discussed within the material planning considerations section of this report*)

8.4 **LBTH Waste Policy & Development**

Initial comments were as follows:

- Please note that the ground floor plans do not show the location of the waste storage facility - this should be shown.
- Residential waste and commercial waste are not permitted to be stored in the same bin store. Could the applicant detail where the waste will be collected from and how many recycling and refuse bins are proposed for the commercial unit/s?

(Officer comment: in response the applicant provided an amended plan and further clarification:

- *An amended ground floor plan received (Reference: 4731(P)311 Rev. C dated 01.12.2014) which indicated the location of a bin store with ample room for the units it would serve.*
- *The bin store would be for the office space at ground and 1st floor and the interchangeable commercial unit rather than the convenience store. The offices and other larger commercial unit would have access to this bin store and the store would then be emptied by an agreed contractor via the access into the site off Harbinger Road.*
- *The A1 (convenience store) unit would have its own bin store in their own back of house area and their bins are emptied / rubbish taken away on their own delivery vehicles which is a general business practice.*

Following the submission of the amended plan and above information the Waste Policy team had no objections to the proposals.)

8.5 **LBTH Access**

Following receipt of the following information the Access Officer had no objection to the proposal:

- the ground floor (retail / commercial and office space) is fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers.
- the offices at 1st floor do not have a lift access due to the design and layout of the building. Given the grade II listed status of the building the implications of the intervention to historic fabric of the building would be to its detriment. The design of a specialist lift would render 1st floor office space to be unviable and thus not to maximise the potential space in the building.

(Officer comment: It is considered that the constraints of the building, limits full accessibility requirements, and therefore in this instance and on balance the limitation of access to the first floor mezzanine level is acceptable.)

8.5

LBTH Design & Conservation

A Council Conservation Officer made the following comments:

"The Forge is an important Grade II listed industrial structure. The Heritage Statement , submitted with the report sets out the complex history of the

building. The relevant list description states that ‘This is the only surviving mid-19th century iron shipbuilders’ forge in London, and possibly England, outside the Royal dockyards’.

Extensive works to the building were undertaken several years ago but the building has remained vacant. The applicants state that the proposed subdivision of the large space is necessary in order to secure a use for the building.

Overall the changes to the fabric are considered acceptable in listed building terms however I would request that additional glazed areas are incorporated within the central division so that the full height of the double columns can be better appreciated in internal views within the building. Should the proposal be approved it is important that relevant conditions are attached with regard to details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment.”

(Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report)

8.6

Environment Agency

No objection to the proposed development.

(Officer comment: the impact of the proposal on flood risk is discussed within the material planning considerations section of this report)

8.7 **Greater London Industrial Archaeology Society (GLIAS)**

Objected for the following reasons:

- Visualisations misleading, give optimistic impression
- Subdivision will be awkward and concealing
- No extra room has been provided for the associated requirements of the possible uses of the interchangeable unit, i.e. kitchen, bar. These will further obscure the buildings valuable features
- Spatial qualities would be destroyed by the subdivision
- The subdivision would make it much harder to see how the building was laid out originally and how it operated
- Aesthetic qualities of the building will also be damaged
- Once subdivision has occurred it will be very difficult to reverse

Additional points in letter objecting to PA/13/01642 and PA/13/01643 which the above objection refers to.

- Nationally rare forge
- The building has numerous distinctive special features
- Practically the last undivided heavy engineering workshop in London
- Interior is of outstanding character; great to experience within an undivided space
- The rear offices will reduce the length of the interior and crowd the arcade
- Shelves will make it difficult to appreciate features within the supermarket

(Officer comment: this objection is discussed fully within the design and conservation section of this report)

8.8 Transport for London (TfL)

- Cycle parking should be provided in line with the Further Alterations to the London Plan (FALP).
- Due to scale and location, TfL deem the proposal to have no adverse effect on the road network.

(Officer comment: *the impact of the proposal on highways is discussed within the material planning considerations section of this report*)

9. LOCAL REPRESENTATION

9.1 A total of 326 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	89	Objecting: 67
		Supporting: 22
No of petitions received:	1 objecting containing 815 signatories	

9.2 Representations Objecting

The following issues were raised in objection to the proposal and they are addressed in the next section of this report:

9.3 Principle of the store within the listed building

(Officer comment: *the impacts of the proposal on land use and conservation matters are discussed within the material planning considerations section of this report*)

9.4 Already too many Tescos/other supermarkets within the Isle of Dogs

9.5 National supermarket chain like Tesco unwelcome

9.6 Sufficient provision already along Westferry Road with local shops and Crossharbour ASDA

(Officer comment: *the planning system simply considers the proposed use(s). It does not differentiate between different retailers or consider a wider over-concentration of a particular retailer within a geographical area.*)

9.7 Better to encourage types of shops that the area lacks

(Officer comment: *The suggestion for the site to be better used for shops that the area lacks is noted. However, the application is assessed based on the uses proposed within this application and it is not for the local planning authority to impose an alternative use on a site owner*)

9.8 Adverse impact on the local shopping parade

9.9 The closure of the post office would impact elderly and disabled residents disproportionately

(Officer comment: *the impacts of the proposal on the nearby Westferry Road Neighbourhood Centre are discussed within the material planning considerations*)

section of this report)

- 9.10 Some of the broad range of uses for the flexible unit not suitable for the area i.e. restaurant, pub, betting office

(Officer comment: the impacts of each of the proposed uses for the flexible unit are discussed within the material planning considerations section of this report)

- 9.11 property values would go down

(Officer comment: the effect on property value is not a material planning consideration.)

- 9.12 Design and Conservation

- 9.13 Inappropriate development on the listed building

- 9.14 Would like to see building preserved as it is

(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)

- 9.15 Would discourage tourists

(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)

- 9.16 Addition bin storage unsightly

(Officer comment: The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report)

- 9.17 Amenity/Environmental Health

- 9.18 Increased noise from

- Bins/Cages
- Extraction system
- Customers
- Deliveries

(Officer comment: The full noise impacts of the proposal are discussed within the material planning considerations section of this report)

- 9.19 Increased air pollution/smells

(Officer comment: The impact of the proposal on potential air pollution/smells is discussed within the material planning considerations section of this report)

- 9.20 Increased litter

(Officer comment: Whilst the planning system can control the use of the land, it cannot control the behaviour of the users of the building/land)

- 9.21 Opening hours too long

(Officer comment: the opening hours would be further restricted through planning condition and this is detailed in the material planning considerations section of this report)

- 9.22 Increase in vehicular traffic and its impact on:
safety for children attending Harbinger School
traffic congestion
cycle safety
public transport
parking stress
Construction work would also increase traffic

(Officer comment: *The impacts of the proposal on traffic levels are discussed within the material planning considerations section of this report*)

- 9.23 Increase in waste and refuse within the area
Use of residents bins

(Officer comment: *The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.24 Lack of parking and space for deliveries to serve the Tesco

(Officer comment: *parking and delivery arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.25 Security/Crime
Increased anti-social behaviour/crime
Reduced security from:
Workers associated with the proposed uses being allowed access to the gated Forge Square development
Forge Square estate land being used by workers for cigarette/lunch breaks
worse customer service at Tesco

(Officer comment: *Security impacts of the proposal from workers using the Forge Square development are discussed within the material planning considerations section of this report. In addition, there is no evidence to suggest that putting uses back into a building would increase security and crime.*)

- 9.26 Representations in Support

- 9.27 The following issues were raised in support of the proposal and they are addressed in the next section of this report:

- 9.28 Create jobs
Meet a local need for a convenience store in the area
Provide greater choice
Additional retail provision required for a growing population
Provide use for a longstanding vacant building

(Officer comment: *the impact of the proposal on land use matters is discussed within the material planning considerations section of this report*)

- 9.29 Respects special architecture and heritage of listed building
Enliven street scene

(Officer comment: *The impact of the proposal on the listed building and character of the area is discussed within the material planning considerations section of this*

report)

- 9.30 Reduced travel times and journeys for local residents

(Officer comment: *highways matters is discussed within the material planning considerations section of this report*)

- 9.31 Late opening hours and security guard onsite would improve security in the area

(Officer comment: *the impact of the proposal on security matters is discussed within the material planning considerations section of this report*)

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by the application that must be considered are:

- 10.2
1. Land Use
 2. Design and Heritage
 3. Amenity Impacts
 4. Highways Impacts

10.3 Land Use

10.4 Loss of Employment Floorspace

- 10.5 The permitted use of the existing building is as one single business unit (Use Class B1) but the building has been vacant since converting to this use class in 2007 from general industry (Use Class B2). As mentioned in the description of development the proposal seeks to change the use of a substantial amount of the ground floor to uses other than business with the creation of two units, one of which would be for retail (Use Class A1) and the other a range of flexible uses including office use (Use Classes A2, A3, A4, B1a, D1 and D2). The rear of the unit would remain as office use and the space created at first floor mezzanine level would provide additional office space. Despite this additional office space created at first floor there is a potential net loss of office space of 372.5m². The loss would be 96.79m² should the interchangeable unit be used as B1a.

- 10.6 The development plan policies relevant to the loss of employment floorspace are Policy SP06 of the CS and policy DM15 of the MDD.

- 10.7 Policy SP06 of the adopted CS, seeks to support the provision of a range and mix of employment uses and spaces in the borough, by retaining, promoting and encouraging flexible workspaces in town centre, edge-of-town centre and main street locations and also encouraging and retaining the provision of units (of approximately 250m² or less) suitable for small and medium enterprises.

- 10.8 Policy DM15 in the Managing Development Document, states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.

- 10.9 In support of the application a Marketing Report by Cherryman was submitted. This was the same report that was submitted in 2013 for application with Council's ref. PA/13/1642 but confirmed that there is no change to their findings. The report

confirms that Cherryman have been marketing the Forge building since 2007.

- 10.10 According to the report, the marketing included signage, marketing banners, marketing details circulated to the local market via various estate agents and the Estate Agents Clearing House. The marketing led to a “very limited” amount of interest and no clients for the application site. The report states that in the 12 months prior to writing of the report there were just three viewings.
- 10.11 The report states that the lack of interest is due to the following factors:
- The unit being too large or too far off pitch from Canary Wharf
 - Limited passing trade
 - Too far for staff to travel
 - Too awkward for staff/customers to get to and ;
 - Insufficient other commercial ancillary activity due to residential location.
- 10.12 As stated within the planning history, units A and C were granted a change of use in 2011 from use class B1 to flexible uses within B1/A1/A2/D1. The lack of demand for office floorspace within this location was considered acceptable in 2011 within those applications. Officers are also satisfied in this case that the property has been actively marketed since 2007 and that the B1 use is not viable in its present state on site. The fact that the building has remained empty since 2007 provides satisfactory confirmation that the B1 use in its current format is not viable at this location. Given that the proposal re-provides some B1(a) floor spaces which would be more complementary in the current market together with its marketing evidence supporting the application, the loss of the current B1 use is considered to comply with policy DM15 in the MDD.
- 10.13 Provision of A1 Unit
- 10.14 The applicant seeks to create two units at ground floor, one retail unit (Use Class A1) and one unit with a range of flexible uses (A2/A3/A4/B1a/D1/D2); the details of which have been set out in the *Proposal* section of this report.
- 10.15 In the following sections the provision of the both of these units will be assessed against the relevant policy tests, starting with the provision of the retail unit.
- 10.16 The relevant areas of policy and guidance to the provision of the retail unit are SP01 of the CS, DM2 of the MDD, Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG.
- 10.17 Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres. It wishes to maintain, focus and increase the supply of town centre activity and retail floorspace across the borough to meet identified demand and support town centres as vibrant economic hubs. In addition to this, policy SP01 seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is proposed to be achieved by:
- promoting mixed use development at the edge of town centres and along main streets to support town centres;
 - promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.

- 10.18 Policy DM2(2) seeks to support development of local shops outside town centres where there is a
- demonstrable local need that cannot be met within an existing town centre;
 - they are of an appropriate scale to their locality;
 - they do not affect the amenity or detract from the character of the area;
 - and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 10.19 The accompanying text for policy DM2 advises at paragraph 2.3 that:
- 10.20 *2.3 Part (2) seeks to manage the risk of larger retail shops coming forward outside of designated centres. This could not only threaten the vitality and viability of the borough's town centres but could also have a negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. The introduction of larger shops may also be unsuitable to the local area in terms of size and the activity they may generate, for example with regards to congestion, parking and noise. For the purposes of part (2) of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 sqm (which is the equivalent of two small shop units). In assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres.*
- 10.21 The boundaries of designated town centres across the borough are identified within the MDD. The application site is outside a town centre with the nearest being WRN centre, 128 metres north west of the site along Westferry Road (Nos. 361-375).
- 10.22 Section 2 of the NPPF seeks to promote the positive management and growth of competitive town centres. The importance of their sustained viability and vitality, and their provision of customer choice and a diverse retail offer is put forward in paragraph 23 of the NPPF. It also states that the needs for town centre uses such as retail must be met in full and should not be compromised by limited site availability. Appropriate edge of centre sites for main town centre uses should be allocated where they are well connected to the town centre and suitable and viable town centre sites are not available.
- 10.23 Edge of centre is defined in the glossary of the NPPF as: "for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area." At 128 metres away from WRN centre positioned along the same main road, the site is considered to be an edge of centre location.
- 10.24 Paragraphs 24-27 outline the requirement for Local Planning Authorities to apply a sequential test to proposals for town centre uses outside of town centres. This requires applications for main town centre uses, such as retail, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals it is advised that preference should be given to accessible sites that are well connected to the town centre. It is also advised that flexibility on issues such as format and scale should be demonstrated.
- 10.25 An impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold. It is considered that this threshold for Tower Hamlets is set in

the supporting text of Policy DM2 at 100m² and the applicant has duly provided an impact assessment contained in the submitted Retail Statement. The NPPF states that this assessment should include:

- 10.26 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- 10.27 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 10.28 The NPPF requires an application to be refused if an application fails to satisfy the sequential test or is likely to lead to significant adverse impacts.
- 10.29 The NPPG provides guidance on carrying out the sequential test and the impact test. It places the obligation on the applicant to demonstrate compliance with both of these tests.
- 10.30 From this policy context there emerges 3 key policy tests:
 - 10.31 1) The requirement to demonstrate **need** and an appropriate **scale** (DM2(2)a and b respectively)
 - 10.32 2) The requirement to apply the **sequential test** (Section 2 of the NPPF, DM2 of the MDD)
 - 10.33 3) The requirement to assess the **impact** of the development and demonstrate that it will not result in significant adverse impacts (Section 2 of the NPPF, DM2 of the MDD).
- 10.34 As mentioned above, the applicant submitted a Retail Statement (RS) in support of the application which seeks to demonstrate compliance with the above tests. The Council has commissioned Peter Brett Associates (PBA review) to independently review the Retail Statement on behalf of Tower Hamlets. The PBA review has concluded the following.
- 10.35 *Demonstrating Need and Appropriate Scale*
- 10.36 The applicant has carried out an assessment of the need, drawing on the Council's Retail and Leisure Capacity Study 2010 (which formed the evidence base document for Core Strategy and Managing Development Document) and assessed the need within the 500m catchment area. The Council's 2010 Study identifies the application site as being located in Zone 1 (which includes the Isle of Dogs and parts of Poplar) and estimates that by 2017 there will be a requirement for 2,053m² of additional convenience floorspace for this area.
- 10.37 It is considered that the applicant's needs assessment based on the 500m catchment study area is appropriate for the scale of retail floorspace proposed. The applicant identifies that at present only 37.95% of top-up food expenditure is retained in the catchment area and that additional local convenience facilities are therefore required. PBA calculated that the proposed retail store would result in the catchment area retaining 81.5% of top-up food expenditure therefore concludes that there is sufficient capacity in the study catchment area to support a second convenience store of 280m² (net) at Westferry Road. Therefore, in respect of Policy DM2 it is considered that the proposal satisfactorily justifies a need for additional local convenience facilities in the locality, and therefore the proposal could encourage more sustainable shopping patterns.

- 10.38 With regards to scale of the proposal, the applicant states that the proposal is unlikely to draw residents from other areas that would travel past an alternative equivalent or larger convenience store in order to visit the application site due to proposed size and role of the convenience store as a top-up food shopping.
- 10.39 Given the net floor area proposed, it is considered that the scale of the proposed development is suitable for its location on the edge of Westferry Road Neighbourhood Centre and the PBA review agrees that the proposal would predominantly draw trade from the local catchment area and that residents from different areas would be unlikely to travel to this store.
- 10.40 The matter of whether this need and scale of the proposal could be met within an existing centre is assessed through the sequential assessment.
- 10.41 *The Sequential Test*
- 10.42 The applicant has explained that the 280m² is the maximum net sales area which would be attractive to any local convenience operator and therefore the assessment has been limited to sites that could accommodate a store of at least approximately 400m² gross to provide for sufficient back of house space. In addition the search for sequential sites is based on the 500m catchment area of the proposed store since it is intended to meet local needs for top-up food shopping around Westferry Road. Westferry Road Neighbourhood Centre is the only defined centre located within the 500m catchment.
- 10.43 The applicant's sequential assessment of Westferry Road Neighbourhood Centre, concludes that there are no sequential sites in the centre which are either suitable or available to accommodate the proposed retail unit.
- 10.44 This centre contains five units which were all occupied at the time at the time of writing, and therefore it was considered that the application site to be the most preferable sequential site that is within the edge of town centre location (i.e. within 300m from the nearest town centre). The sequential assessment concludes that the application site is the most preferable site and would contribute to the mix of units in the centre and therefore assist in creating a vibrant centre in line with Policy SP01.
- 10.45 The PBA review also concluded that the applicant's sequential test has been met for the site and the application site represents the most preferable location. With regards to MDD Policy DM2, officers agree with the PBA's conclusion that the sequential test has proved that the identified need cannot be met within an existing town centre.
- 10.46 Impact
- 10.47 As mentioned above, an impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold of 100m². The two criteria set out in the NPPF for an impact assessment are the impact on investment and the impact on vitality and viability in relation to designated centres in the surrounding area of the proposal. If it is found that there will be a significant adverse impact on one or both of these then the application should be refused.
- 10.48 In terms of investment, the applicant's RS concludes that the proposals will not

have an adverse impact on the WRN centre or any other surrounding centres as there have not been any identified potential investment at Westferry Road or any other surrounding centre.

- 10.49 In terms of the impact on the vitality and viability of centres in the surrounding area the applicant states that the proposed food store will be sufficient to meet daily top-up food shopping needs for residents and supplement the existing convenience units in the local area.
- 10.50 In addition it is has been considered that the trade draw from larger stores within nearby larger centres (such as ASDA and Waitrose) would be minor meaning that the proposal would not have a significantly adverse impact on the Crossharbour and Canary Wharf designated centres.
- 10.51 The West Quays News store which has 88m² of floor space, located on 317-373 Westferry Road is the only convenience store located in the Westferry Road Neighbourhood Centre and hence is the only store afforded protection under the NPPF. The level of trade diversion from this store is assumed to be low because it only stocks a limited range of essential convenience items and would therefore sell a limited number of overlapping product ranges compared with the proposed store.
- 10.52 The PBA review considers that rather than trade being diverted from the larger food stores in Crossharbour and Canary Wharf, this same amount of trade would be diverted from a much wider range of convenience stores across Zone1 as the application store is for convenience and top up shopping, so it would not only be taking trade from large stores associated with main weekly food shops. Locally, the PBA review agrees that no more than 20% of trade would be diverted from existing local convenience shops. Taking into account the limited convenience offer at present it is considered that there would only be a partial amount of overlapping product ranges with the existing stores.
- 10.53 Overall it is considered that the estimated turnover of the store and that the level of trade diverted from existing stores will not have a significant adverse impact on any designated centres in the surrounding area and this view was also concluded in the PBA review.
- 10.54 In conclusion, a robust justification for the proposed retail unit against the relevant policy tests have been provided and assessed. The sequential and impact tests of the NPPF have been satisfied. In line with policy DM2 of the MDD it has been established that there is a local need that cannot be met within a town centre and that the retail unit is of an appropriate scale within the edge of town centre location. Rather than encouraging a concentration of uses that would undermine the viability the WRN centre, the retail unit as well as the flexible unit proposed, which will be looked at in the following section, is considered to support the vitality and growth of the nearby WRN centre. The amenity and character requirements of policy DM2c if the MDD are assessed in the *Amenity/Environmental Health and Design & Conservation* sections respectively.
- 10.55 **Provision of Flexible A2, A3, A4, B1(a), D1 and D2 Unit.**
- 10.56 In addition to the to the retail unit proposed at ground floor, another unit is proposed which would provide a range of flexible uses (A2/A3/A4/B1a/D1/D2).
- 10.57 The report will now turn to the acceptability of this unit assessing it against the

relevant policies.

- 10.58 The relevant areas of policy and guidance to the provision of a unit with this range of possible uses are considered to be policy SP01 of the CS, policies DM1 and DM8 of the MDD and Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG. These are presented below.
- 10.59 As set out earlier in the report Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres.
- 10.60 Part 2c of SP01 seeks to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Provided that they are:
- Not over-concentrated in areas where they will have a detrimental impact on local people;
 - Of a balanced provision to cater for varied needs; and
 - Complementary to existing uses and activities.
- 10.61 Part 3 of policy DM1 of the MDD states that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- a) protecting A1 uses as a priority
 - b) ensuring development does not result in the overconcentration of non-A1 uses; and
 - c) supporting development that strengthens the mix and diversity of town centre uses (including employment and social/community uses)
- 10.62 Part 4 of MDD policy DM1 seeks to further support the vitality and viability of town centres by directing restaurants, public houses and hot food takeaways (Use Classes A3, A4 and A5) to designated town centres provided that:
- a. they do not result in an overconcentration of such uses; and
 - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.63 Part 4 of the MDD policy DM8 seeks to locate new health, leisure and social and community facilities in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located out of centre will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 10.64 *Provision of B1*
- 10.65 As part of the flexible range of uses Office (Use Class B1a) is considered acceptable as it would be re-provision on the site. This smaller unit would provide a more manageable sized office unit that at 275m² which would be just above the 250m² advised in policy DM15 of the MDD for a Small Medium Enterprises (SMEs) units. The proposed smaller office use would be more complementary to the current market.
- 10.66 The 6 office units to the rear of the building would all be below 100m², the other size advised as appropriate to meet the needs for SMEs in policy DM15 of the MDD.
- 10.67 The Marketing report submitted suggests the mix of smaller office units will better meet the demand of the local area which would promote SME uses.

10.68 *Provision of A2/A3/A4*

10.69 In this edge of centre location it is considered that the use of the site for financial or professional services (Use Class A2) restaurant or café (Use Class A3) or drinking establishment (Use Class A4) would contribute to the vibrancy, inclusiveness and economic vitality of the nearby WRN centre. There are currently two hot food takeaways at the edge of this Centre, it is considered that the use of the unit for either A3 or A4 would provide a complimentary use that would not result in an overconcentration of these A3/A4/A5 detrimental to local people. In relation to these uses, the proposal therefore complies with policy SP01 of the CS and policy DM1 of the MDD.

10.70 *Provision of D1/D2*

10.71 Policy DM8 of the MDD states that new health, leisure and social and community facilities (D1/D2) should be located in or at the edge of town centres. The site is appropriately accessible for these uses at an edge of centre location and as such these uses would contribute to the vitality and viability of the WRN centre. It is considered that the size of the unit used for D1/D2 would mean the unit would predominantly serve the local area. These uses would assist in delivering a sustainable, healthy and liveable local neighbourhood complying with policy DM8 of the MDD.

10.72 For the above reasons it is considered that the principle of the proposed change of use is acceptable. The proposal complies with policies SP01 and SP03 of the CS, policies DM1, DM2 and DM15 of the MDD, policy 4.7 of the London Plan, the NPPF and NPPG.

11. Design and Heritage Impact

11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

11.2 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

11.3 Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their environments.

11.4 As the Forge is Grade II listed and within the Chapel House Conservation Area, additional policies relating to heritage matters are also relevant.

11.5 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

11.6 *"desirability of sustaining and enhancing the significance of heritage*

assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.”

- 11.7 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 11.8 Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 11.9 *The Forge*
- 11.10 The Forge is a Grade II listed warehouse building due it being the last remaining mid-19th century iron shipbuilder’s forge in London, outside the royal dockyards. It provides evidence of the iron manufacturing process and heavy Thameside industry that historically sustained the local community.
- 11.11 It has a relatively simple, industrial architectural style. It is predominantly of stock brick construction with a double pitched roof running perpendicular to Westferry Road.
- 11.12 As part of its restoration within the past decade there have been numerous alterations. On the Westferry Road elevation, large windows have been sensitively been installed in what were originally blind recesses. There are also new entrances at the southern corner on the side elevation and northern corner on the rear elevation. There is glass curtain walling towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new.
- 11.13 The internal structure forms a single space of 1,178m². There is a sense of the space being divided into two halves by the central valley of the two roof pitches and a tall central cast iron colonnade that supports the roof. Both sides of the building have historic gantries with cranes that run the length of the building. The gantry and support structure is timber in the south eastern half of the building. On the northern western elevation there are the remains of 8 chimney breasts. The building has an open industrial character. The special historic and architectural interest is enhanced by the original features that allude to the building’s past heavy industrial use.
- 11.14 *Intention of Proposal*
- 11.15 The building has been vacant since 2007. As outlined in the *Land Use* section it has been actively marketed over this time but has attracted little interest due to its large size. The intention of this application is to use part of the ground floor space for a convenience retail store and it is considered that the smaller flexible unit and 6 offices for the remainder of the building will provide more attractive spaces for potential tenants. In this way it is held that the Forge would find an active modern and sustainable use that ensures the conservation of the building going forward.

11.16 *Proposed Alterations*

11.17 In order to provide smaller, more useable units, the applicant has worked alongside the Council Conservation team to find a sensitive way of subdividing the space while maintaining the sense of space and allowing an appreciation of the special historic and architectural features. To convert the building so that it can function for the uses applied for in this application a number of internal and external changes are proposed.

11.18 External Elevations:

- New entrance on the south western corner on the flank of the building
- Existing wall, pier and gate at south western corner to be relocated to allow access to new entrance to retail unit.
- Existing wall, pier and gate at southern corner to be demolished to allow open access to flexible unit.
- Entrance created in curtain wall towards north eastern corner on the flank of the building to allow access to office units
- Installation of platform for plant equipment on the roof

11.19 The proposed new entrance to the side elevation was a suggestion made by the Council's Conservation officer at pre-application stage. It is considered that the gantry's structural supports would be sensitively adapted so as to have as little impact as possible. This alteration to the fabric of the original building would be less noticeable on the side of the building and would be similarly located to the existing entrance on the opposing side.

11.20 The proposed relocation (SW corner) or demolition (S corner) of the brick piers and metal fencing on the respective sides of the front elevation would not have an adverse impact on the character of the building given that they are not original features. If anything these changes would better reveal the Forge building as this security fencing would be slightly less prominent.

11.21 The proposed entrance to be created in the centre of glass curtain walling towards the north eastern corner on the flank elevation would not materially affect the building. The double doors would also be constructed of glass are considered to be a very minor alteration to a recent addition to the building.

11.22 The addition of a platform for plant equipment on the roof is considered to be sensitively and discreetly located towards the rear of the building within the valley of the recently constructed roof structure and will utilise an existing roof light opening as a means of access. The platform would have screening to obscure views of plant equipment. In the proposed location it is considered that the platform would not be readily visible.

11.23 For the above reason it is considered that the external changes proposed would preserve the simple industrial aesthetic of the building. The site is located within the Chapel House Conservation Area, the minor external alterations proposed would also be considered to preserve the wider character and appearance of the conservation area.

11.24 Internal Alterations:

- The sub-division of the premises into five separate units at ground floor
- The installation of a first floor mezzanine to the rear of the warehouse to create three separate units.

- 11.25 Approximately, the front three-quarters of the north western half of the ground floor would be for the retail use and there would be a self-contained office and bin store to the rear of this unit. Just over half of the front of south eastern half of the ground floor would be for the flexible unit and there would be two self-contained offices to the rear of this unit.
- 11.26 The first floor mezzanine would be installed in line with the beginning of the back of house area on the north western half and the two office units on the south southern eastern half, extending to the rear of the building. There would be a double height void courtyard between the two offices on the south eastern half and a lightwell between the office and bin store on the north western half.
- 11.27 The new entrance on the side by the south western corner would serve a small lobby area. The entrance to the retail unit would be immediately to your left and the lobby would lead in open plan to the flexible unit. The front elevation of the retail unit would be of lightweight curtain glass construction. A wall, approximately 2.2 metres high would separate the retail unit from the flexible unit along their shared side boundary. The curtain glazing of the front elevation of the retail unit would continue above the dividing wall to be affixed to the underside of the steel work at the ceiling level of the building. The central colonnade would be retained as a void space. The roof would be openly visible bar acoustic reflectors suspended from the roof to deal with sound transfer issues.
- 11.28 The intention of the above described design is to subdivide the building while seeking to preserve a sense of the volume of the building and allow appreciation of the special historic and architectural features. The central iron colonnade, exposed beams, gantries and listed cranes, which would remain in situ, would all still be readily visible.
- 11.29 The Greater London Industrial Archaeology Society (GLIAS), along with a number of representations objected to the scheme in relation to the impact on the character of the Grade II listed building. It is argued that the subdivision would be awkward and concealing, and would divide one of the last undivided heavy engineering workshops in London. It is held that the transparent materials, by virtue of their reflections, shadings and solid support will fundamentally alter how the building is viewed and that the rear offices, built up to 1st floor level will reduce the length of the interior and crowd the arcade.
- 11.30 It is suggested the walls of the offices will restrict views of the crane infrastructure, that the shelves to be used by the retail occupier will further make it difficult to see building's special features from within the retail unit. It is also held that the proposal does not take into account the inevitable additional facilities that that will be needed in the flexible unit which is dependent on as yet unidentified future occupiers. These features would further obscure the buildings valuable features.
- 11.31 The subdivision and associated furniture and facilities of the occupiers would, it is argued, destroy the spatial quality of the presently voluminous space and would make it harder for one to see how the building was laid out originally and how it operated.
- 11.32 Undoubtedly the ability to appreciate the space as a whole, to see the historic features and how they functioned will be reduced by the proposed subdivision and mezzanine level. It should be noted that the existing emptiness of the building is not how it would have been in the past. It would have once been filled with

industrial machinery and workers actively using the building. Despite the building being much fuller in the past it would always have been open and experienced as a whole. The proposed subdivision would somewhat obscure historic features of the building as a whole. However, the measures taken in the subdivision including the open lobby area, maintaining two large units at the front that are open at ceiling level and the lightweight glazed curtain walling between these units will, it is considered that, allowing a satisfactory appreciation of the original volume and spatial qualities of the building is acceptable. In addition to this the historical features and fabric will be maintained in situ and be able to be clearly viewed from certain parts of the building. As such, the conservation and design Officer considered that the proposals represent less than substantial harm to the listed building. This is further supported by the virtue of bringing back uses within a historic building which otherwise be left vacant, as it has been since 2007. Subject to relevant conditions with regard to further details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment, the proposed alterations to the Listed Building is acceptable in this instance.

- 11.33 In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.34 As above mentioned the building has been vacant for over 7 years. The proposal would bring back section of the ground floor into active retail use immediately and provide smaller, more attractive units for future tenants of the rest of the building. It is considered that the proposed subdivision is the most likely way the building will secure long term viable use which will also ensure the future conservation of the building. The building is currently closed off from the community. In addition to the above benefit of the scheme, the interior of the building would be able to be seen by customers of the two front ground floor units and any interested member of the public. It is considered that the character of the listed building would be broadly maintained and the less than substantial harm that the subdivision would cause would be outweighed by these public benefits.
- 11.35 As such, subject to conditions the proposed works are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

12. Amenity/Environmental Health Impacts

- 12.1 Policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity.
- 12.2 The Forge is located centrally within a residential development know as Forge Square. The proposed development has a number of ways it could potentially impact on the amenity of these residents. This is discussed further within this section of the report.
- 12.3 Noise and Vibration
- 12.4 A number of representations raised concern regarding the potential noise impact of the development with increased noise possibly arising from the movement of

bins/cages, the plant extraction system and deliveries.

- 12.5 The applicant submitted an Environmental Noise Assessment by Sharps Redmore (ENA) in support of their application. This assessed the noise impact of deliveries to the proposed retail unit and proposed external fixed plant associated with the proposed retail unit.
- 12.6 The ENA concluded that the development could receive deliveries, without associated noise giving rise to significant adverse impacts during the following hours:
- 12.7 Main Deliveries: 08.00 to 18.00 hours Monday to Friday
09.00 to 13.00 hours Weekends and Bank Holidays
- 12.8 Newspaper Deliveries: From 05.00 daily.
- 12.9 The ENA also concluded that noise from the external fixed plant would be at most 10dB below the existing background noise climate.
- 12.10 The Council's Environmental Health (EH) team reviewed the ENA and requested additional information on the raw data and the Calibration Certificate for the noise monitoring in the ENA. After reviewing the ENA and additional information the Environmental Health team accepted that their ENA offers mitigation to meet the requirements of the latest LBTH noise standards in relation to background noise levels. The delivery hours stated in the *Servicing* section below would be more restrictive than these hours resulting in even less noise disturbance for residents. For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of noise.
- 12.11 Smell/Pollution
- 12.12 In order to safeguard amenity impacts from uses of the flexible unit that may produce odours/smells as a by-product, should permission be granted, a condition would be imposed to ensure that any future extractor/mechanical units, associated with the use of the flexible unit as a restaurant/café/drinking establishment, provide odour/smell nuisance mitigation measures to minimise any harm to neighbouring amenity.
- 12.13 Some representations raised concerns about the development causing increased air pollution. As explained in the Highways Impacts section, the size of the units in addition to the lack of car parking provision would mean the units would have a local catchment that would predominantly be accessed on foot and public transport. The deliveries to the units would also not be considered to increase air pollution by a significant amount.
- 12.14 For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of odours and air pollution.
- 12.15 Hours of Operation
- 12.16 The Planning Statement submitted in support of the application specifies the hours of operation for the proposed building as whole to be 06.00 to 23.00 hours daily. Due to the proximity of the Forge to the residential Forge Square

development that surrounds it is considered prudent to further restrict the hours of operation in order to satisfactorily preserve the amenity of neighbouring residents. The hours of operation would be restricted by condition to between 07.00 and 22.00 hours daily in order to safeguard residential amenity in line with policy DM25 of the MDD and policy SP10 of the CS.

12.17 Security

12.18 It is not considered that the proposed uses for the Forge would have any particular impact on crime or anti-social behaviour. Several representations mentioned an increase in nuisance or loss of security caused by workers of the Forge using the grounds of the gated Forge Square development. Whilst planning system can control the use of the land, cannot control the behaviour of the users of the building/land. Nevertheless, to minimise any impact to the existing residents, a condition requiring a Site Management Plan which outlines how the store would cater for their employees and how it intends to operate in a neighbourly manner; and would be required to be submitted and approved. In this respect the proposal would be considered to comply with policy DM25 of the MDD and policy SP10 of the CS.

13. Highways Impacts

13.1 The applicant provided a Transport Statement (TS) and Servicing Management Plan (SMP) in support of their application.

13.2 In terms of the transport impact of the development the TS concludes that the expected trip generation potential is not considered to be significant. The level of activity expected would not have any material impact on the footway, bus services or the DLR and the new servicing arrangements will not have an unacceptable impact on the operation of Westferry Road or existing on-street parking provision. The Council's Highways team support these conclusions.

13.3 Servicing

13.4 The servicing arrangements of the previous similar proposal (PA/13/01642) were part of the reason for its refusal stating that the development would:

13.5 *“adversely impact on the amenity of local residents by virtue of the excessive servicing needs within a narrow route within the Forge Development”*

13.6 The applicant has submitted a Servicing Management Plan (SMP) in support of their application. This details a new servicing strategy from Westferry Road rather than at the rear from within the Forge Square development.

13.7 Working with the Council's parking team it has been agreed to provide a loading bay of just over 14 metres on the northern side of Westferry Road broadly in line with the proposed retail unit.

13.8 The SMP has calculated that the retail unit would require approximately 3 deliveries by rigid goods vehicles per day between Monday and Friday. The loading bay is proposed to operate for reduced hours on Saturdays and for there to be no deliveries on Sundays. Deliveries would be co-ordinated so that none arrived at the same time and HGV engines and refrigerators would be switched off during delivery times. The rigid goods vehicles used would be approximately 8

metres in length, designed for servicing smaller shops in residential areas.

- 13.9 The movement of goods to the retail unit would be by cage. As it is considered that the retail unit would receive the most deliveries over the flexible unit and offices the loading bay location has been chosen to reduce the distance the cages would have to travel to offload at the retail unit mitigating the noise and footway disruption associated with deliveries.
- 13.10 The Council Highways team sought clarification as to where cages would be stored for the retail unit so that they do not obstruct the footway. The applicant stated that cages would be kept in the back of house area and then pulled through the store to the lorry when it has been emptied of goods being delivered. A condition to secure a Site Management Plan shall require details of the cages to be stored in the back of house area of the retail unit and not along the front of the Store, or where it is highly visible from and/or on the public highway.
- 13.11 The SMP states that the flexible unit and office units would be serviced in line with the retail unit although it is expected that the uses applied for at this unit would require less servicing and the requirement for only transit type delivery vehicles. In any case before the occupation of the flexible unit, a use-specific SMP will be required to be submitted and approved by the LPA. Deliveries for these units would need to co-ordinate with the retail unit so that deliveries were not undertaken at the same time.
- 13.12 A number of representations raised concerns with regards potential risks to safety posed by deliveries being undertaken near to the Harbinger Primary School, to the north of sites. To reduce this risk it is proposed to further restrict the delivery hours so that they do not conflict with school pick-up and drop-off times. This would also mitigate against noise and traffic disruption from servicing. It is therefore considered that, should permission be granted, main deliveries times, other than newspaper deliveries, should be restricted by condition to between
- 13.13 Main Deliveries: 09.30 and 15.00 Monday to Friday,
09.00 and 13.00 on Saturdays
No deliveries on Sundays.
- 13.14 Newspaper deliveries: from 05.00 daily as the noise impact was found to be acceptable and these early deliveries would not conflict with school pick-up drop-off times.
- 13.15 The proposed on-street servicing arrangement and restrictions which would be imposed by condition are considered satisfactory in that they would ensure that there was no undue adverse impact on the amenity or safety of neighbouring residents. This is considered a significant improvement to the previously proposed servicing arrangement (PA/13/01642) from the rear of the Forge which formed part of the reason for refusal of that application. As such, the proposed development complies with policy SP10 of the CS and policies DM2 and DM25 of the MDD, which seek to suitably locate retail uses and preserve residential amenity.
- 13.16 Car Parking/Loading Bay
- 13.17 No additional car parking is proposed within the development and this is supported. It is expected that the proposed retail unit and flexible use unit would draw the majority of their customers from a catchment of roughly 500m around the

site. As such the dominant means of getting to and from the site would be via non-car means.

- 13.18 In order to accommodate the loading bay on the northern side of Westferry Road without obstructing traffic it is proposed to relocate the parking bay on the opposite side of the Forge and to incorporate the loading bay within it. In this way two parking spaces would be lost to accommodate the bay but these would be reprovided on the southern end of Harbinger Road so there would be no net loss of on street car parking, which is acceptable to the Council Highways team.
- 13.19 Best practice guidance seeks to provide drivers with an unobstructed view to the rear of any speed camera. Because of this, it will be necessary to relocate the existing camera at the southern end of the Forge site further along Westferry Road in order to relocate the parking bay. TfL has responsibility for all speed cameras in London and has worked with applicant. TfL had no objections to the scheme and the applicant states that they are happy with the relocation in part on the basis that the camera's proposed location is preferred to its' existing.
- 13.20 In order to relocate the speed camera, the existing southbound bus shelter located to the south of The Forge site would need to be shifted a little further to the north. Again the applicant has worked with TfL and London Buses and state that they are satisfied with the shifting of the bus shelter. Subject to appropriate costs borne by the applicant to relocate the on-street parking spaces, bus shelter, and speed camera the relocation can be agreed in principle. Appropriately worded condition will ensure that the occupation of the uses cannot take place until the on-street parking spaces, the bus shelter and the camera are successfully relocated.
- 13.21 For the above reasons the proposal is considered to comply with DM22 of the MDD.
- 13.22 Cycle Parking
- 13.23 The applicant has provided cycle provision in excess of the minimum policy requirements for the development which is welcomed. Details of this would be secured by condition. For this reason the proposal is considered to comply with DM22 of the MDD.
- 13.24 Refuse
- 13.25 The applicant states in their Planning Statement that refuse and recycling will be removed, where possible, by the respective use's servicing vehicles. Initially the applicant stated that any refuse and recycling that is not removed in this way would be stored in the The Forge Square development's shared bin store accessed from Harbinger Road. Following consultation with a Council Waste Officer the applicant was informed that commercial and residential waste cannot be stored in the same bin store and subsequently provided an amended site plan that indicated an appropriate commercial only bin store at the northern corner of the building which could accommodate an ample 15 x 240 litre bins. This would be removed by an agreed contractor via the Harbinger Road entrance.
- 13.26 This bin store would serve the rear office units and the flexible unit but not the retail unit. The retail unit would have its own bin store in its back of house area which would be emptied by their own delivery vehicles.

13.27 Following receiving clarification on the proposed waste arrangements the Council Waste Officer had no objections to the proposal. It is therefore considered that the proposal complies with policy DM14 of the MDD.

14. Access

14.1 In terms of accessibility the applicant stated that the ground floor (retail/commercial and office space) would be fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers. The office space at ground floor is also accessible to all.

14.2 The offices at 1st floor would not have a lift access due to the design and layout of the building as well as the constraints of the building due to it being a Grade II listed building.

14.3 This was assessed by a Council Access officer and was deemed to be acceptable. It is therefore considered that the proposal complies with policy SP02 of the CS.

15.1 Flood Risk

15.2 The site is located within Flood Zone 3, at risk of flooding from the tidal River Thames. The Environment Agency (EA) have been consulted with regards to the application. The SFRA confirms that the site is defended to a 1 in 1000 year standard by the River Thames tidal defences and as such the EA have no objection to the application in this instance.

15.3 As this is a change of use and no alterations are proposed, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

16. Human Rights Considerations

16.1 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:

16.2 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:-

16.3 ○ 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;

16.4 ○ 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".

- 16.5 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.
- 16.6 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 16.7 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.
- 16.8 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.

17. Equalities Act Considerations

- 17.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

18. CONCLUSION.

- 18.1 The proposed change of use would be appropriate in land use terms and the associated alterations would amount to less than substantial harm to the listed building that would be outweighed by the public benefit. It would not have an adverse impact on the highways network and the new servicing arrangements would be acceptable in terms of their amenity impacts.
- 18.2 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 MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report



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

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

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Agenda Item number:	6.4
Reference number:	PA/14/02753 and PA/14/02754
Location:	The Forge, 397 & 411 Westferry Road, London, E14 3AE
Proposal:	Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.

1. CLARIFICATION

- 1.1 Paragraph 13.14 should have specify an end time for newspaper deliveries to 08.00 daily so that it does not conflict with school drop-off times.

2. REPRESENTATIONS

- 2.1 Eight more letters of objection were received since the publication of report raising issues already covered in the main report.
- 2.2 One of these letters from GLIAS raises points not previously mentioned in the report. They maintain their objection but would like to see a number of changes to minimise harm should the application be granted, including:

- Reduced office space

(Officer comment: officers consider the proposal which has been submitted and in consultation with the Council's Conservation and Heritage Officer was found to be acceptable on balance.

- Extra room needed for toilets, kitchens and other facilities to make the flexible unit viable without further cutting views of outstanding features and the feeling of space generally.

(Officer comment: once tenants are identified for the proposed units a separate listed building consent(s) will be required for any further alterations that are part of this proposal).

- Page 10 of the Design and Access Statement portrays the flexible space as twice as long as it would be so is misleading

(Officer comment: page 10 provides visual indication of the proposed space and officers have not relied on this information, rather, have considered the detailed plans which would form a part of the approval.)

- Move longitudinal dividing wall slightly further from the arcade

(Officer comment: the applicant is happy with this suggested minor alteration and the details can be secured through a condition)

3. POLICY UPDATE

- 3.1 On 10 March 2015 the Mayor published the Further Alterations to the London Plan (FALP). From this date the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.
- 3.2 Accordingly, the London Plan, 2011 is now referred to as the London Plan consolidated with alterations since 2011 (March 2015).
- 3.3 The relevant policies as set out in section 7 of the original report remain relevant, and due consideration has been given to the further alterations. The conclusions of the report remain as originally set out, and the proposed development is considered to be in general accordance with the London Plan, as consolidated.

4. ADDITIONAL CONDITIONS

- 4.1 In paragraph 3.2, include additional conditions to the Full Planning and Listed Building Consent to secure further details of the move longitudinal dividing wall slightly, as suggested by GLIAS.
- 1.2 Include additional condition to restrict any potential future permitted change of use from flexible unit (A2, A3, A4 and/or A5) to A1.

4. RECOMMENDATION

- 4.1 The Officer' recommendation remains as set out in paragraph 12.1 of the Committee Report.

Agenda Item 6

Committee: Strategic Development	Date: 14 th May 2015	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 Agenda Item 4.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development	Date: 14 May 2014	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/14/02366
	Ward: Bethnal Green

1.0 APPLICATION DETAILS

Location:	Bethnal Green Gardens, Cambridge Heath Road
Existing Use:	Public shelter with kiosk
Proposal:	Change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities.
Drawings and documents:	PA-02 rev 4, PA-05 rev 3, PA-06 rev 3, PA-07 rev 3, PA-09 rev 3, PA-10 rev 3, PA-11 rev 3, and Noise Impact Assessment, ref 5043.NIA.01.
Applicant and owner:	London Borough of Tower Hamlets
Historic Building:	Non-designated heritage asset
Conservation Area:	Bethnal Green Gardens Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for conversion of the public shelter in Bethnal Green Gardens to a café, including internal and external alterations.
- 2.2 The main issues addressed in this report are the proposal's impact on the function and attractiveness of Bethnal Green Gardens as a public park, heritage implications of alteration works and amenity impacts which could result from operation of the café.
- 2.3 The public shelter is an attractive art deco or art moderne building, considered to be a non-designated heritage asset. The building contributes to the character and appearance of the Bethnal Green Gardens Conservation Area. However, since its post-war heyday, the shelter has fallen into disrepair and suffers from vandalism and antisocial behaviour, attracting rough sleepers, drug users and rowdy groups drinking alcohol.
- 2.4 Through sensitive alteration works the proposal would introduce a viable café use, ensuring the building's refurbishment and long-term conservation. Expert advice of

the Council's conservation officers has been sought and the detailed design revised to minimise the proposal's visual and heritage impact.

- 2.5 Conservation officers support the proposal and consider that the alterations to the building would safeguard the architectural and historic value of the building and preserve the character and appearance of the Bethnal Green Gardens Conservation area.
- 2.6 The removal of benches within the shelter and introduction of a café use would have no material effect on the availability of public seating within Bethnal Green Gardens while providing an amenity for users of the park and deterring antisocial behaviour. The proposal would result in no adverse effect on the living conditions of nearby residents while removing an antisocial behaviour hotspot.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions to secure the following matters:
- 3.3 Conditions:
- a. Time Limit 3 years;
 - b. Compliance with plans and documents;
 - c. Extract system to be implemented and maintained in accordance with standards;
 - d. Detailed drawings at a scale of no less than 1:5 of all external alterations, including: access ramps, glazing system, toilet door, security shutter and security shutter fascia panel;
 - e. Lighting scheme to deter vandalism and highlight the architecture of the building;
 - f. Schedule of all construction and repair works including method statements;
 - g. Deliveries and servicing plan;
 - h. Cycle parking for staff and visitors;
 - i. Waste management plan;
 - j. Hours of opening of 7am to 8pm seven days a week;
 - k. No music to be played within or outside the premises so as to be audible from the nearest residential properties;
 - l. Detailed furniture layouts to ensure that glazing is not obscured and that the open nature of the shelter is maintained;
 - m. Glazing not to be obscured, no advertisements to be affixed to the building without prior written consent; and
 - n. Removal of permitted development rights for extension and alteration works, no painting of brickwork and masonry.
- 3.4 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application relates to a single storey pavilion building located in the north-eastern section of Bethnal Green Gardens, at the corner of Cambridge Heath Road and Roman Road.

- 4.2 The pavilion consists of three sections: a concealed vent shaft serving the Bethnal Green Underground Station at the northern end, a sheltered area with two benches in the centre and a kiosk with benches, formerly a sun lounge, at the southern end. The kiosk or sun lounge was originally enclosed with crittall windows and is reported to have once been used as an ice-cream parlour during summer months and a tea shop during winter. In recent years it has served as a location for a pop-up café.
- 4.3 There are a number of listed buildings in the vicinity of the site, most notably the Grade I listed Church of St John on Bethnal Green, to the north of the site, and the Grade II listed Bethnal Green Library.
- 4.4 Bethnal Green Gardens is a Council owned park designated as Publicly Accessible Open Space. Due to severance caused by busy roads the park is largely functionally separate from the nearby listed parks of Paradise Gardens and Museum Gardens.
- 4.5 Bethnal Green Gardens form a functional part of the Bethnal Green District Town Centre. The gardens, together with the library, church and museum also form part of a civic cluster as set out in the Core Strategy vision for Bethnal Green.
- 4.6 The site is located within close distance of the Bethnal Green Station and benefits from excellent public transport accessibility (PTAL rating of 6a). There are numerous bus routes stopping nearby and a number of cycle hire stations are located within a short walking distance. Both Cambridge Heath Road and Roman Road are LBTH adopted highways.
- 4.7 The nearest residential properties are located within Swinburne House, some 22m to the east of the pavilion.

Background and Planning History

- 4.8 Since its post-war heyday, the public shelter has fallen into disrepair and suffers from vandalism and antisocial behaviour, attracting rough sleepers, drug users and rowdy groups drinking alcohol; creating a maintenance liability for the Council. The crittall windows to the sun lounge or kiosk in the southern section of the building have been removed with metal plates welded onto the crittall frame. More recently the west-facing bench has been vandalised and subsequently removed by the Parks Service.
- 4.9 The Parks Service is looking to bring the shelter back into use and ensure its refurbishment and future maintenance at no cost to the Council. The proposal to tender the lease for the operation of a private café was approved by the Cabinet on 23rd July 2014.
- 4.10 As the building is in a poor condition it is estimated that approximately £180,000 of capital investment would be required for the conversion and refurbishment works. It would be the basis of the lease arrangement that 100% of that investment is delivered by the lessee and not the Council. A lease of 15 years has been determined as the term necessary to make the investment sufficiently attractive to bidders. The lease would also provide an annual rental income for the Council.
- 4.11 The Council's Asset Management Service would manage the tendering process and advise the Parks Service on the terms of the lease. The criteria for awarding the lease are yet to be finalised but would likely include the following:
- Financial background due to investment required;
 - Rental offer;

- Quality of the bill of fare (including fair trade products, organic produce and healthy menus);
 - Pricing of the bill of fare;
 - Social Enterprise aspect of the business;
 - Proposed theme in terms of design for the café;
 - Experience in the catering and service provider area; and
 - Support to the local economy through local employment and supply of goods.
- 4.12 Planning permission for conversion of the pavilion into a café was originally sought in 2011. Following amendments to the scheme, approval was granted under delegated authority in May 2011 (ref PA/11/00371). However, this permission has not been implemented within the statutory time limit and subsequently lapsed in May 2014.
- 4.13 An application for a similar proposal was submitted on 30th April 2014 (ref PA/14/01170) and withdrawn three months later to facilitate revisions and clarifications requested by planning and conservation officers.

Proposal

- 4.14 The current application proposal is very similar to that previously approved. The application seeks permission for conversion of the single storey public shelter into a café (Use Class A3) with associated alterations including the installation of new glazing, security shutters, kitchen with an extract system and toilet facilities.
- 4.15 The proposal would not result in an increase to the size of the building although the central open section on the shelter would be enclosed by glazing. The café seating area would measure approximately 25sqm, most likely seating between 15 and 20 patrons depending on the layout of internal furniture. During summer months the park facing glazing would be retracted to one side allowing for tables to spill out onto the generous hardscaped area outside the pavilion.
- 4.16 The premises would be wheelchair accessible with a Building Regulations Part M compliant toilet located at rear. The toilet would not be accessed directly from the café's seating area due to space constraints.
- 4.17 The southern part of the shelter would serve as a kitchen area with a store. The kitchen would be of a size and specification typical of a small café rather than a restaurant and house a 4 plate electric hob and oven with a domestic kitchen extract system.
- 4.18 The proposal would complement the Parks Section's plans for the conversion of the public toilets in Museum Gardens, next to the north-eastern entrance of the Bethnal Green Station, as per planning permission ref PA/13/01551 of 11/10/2013, and the associated Cabinet's approval of 23/07/2014. This planning permission provides for a larger café with a roof terrace as well as public conveniences within the existing toilet block.

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 Policy Guidance 2014 with subsequent alterations

5.3 London Plan consolidated with alterations since 2011

- 2.9 - Inner London
- 2.18 - Green infrastructure: the network of open and green spaces
- 4.7 - Retail and town centre development
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency

5.4 Core Strategy 2010

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking (Bethnal Green)

5.5 Managing Development Document 2013

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM10 - Delivering open space
- 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

5.6 Supplementary Planning Documents

Bethnal Green Gardens Conservation Area Character Appraisal (LBTH 2009)
Planning for the Historic Environment Practice Guide (English Heritage 2012)
Conservation Principles, Policies and Guidance (English Heritage 2008)

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 Environmental Health – Noise

6.3 The submitted Noise Impact Assessment has been reviewed. The contents are satisfactory to ensure that no nuisance would be caused to nearby residents.

[Officer comment: Implementation and maintenance of the extract system in accordance with the Noise Assessment would be secured by condition.]

LBTH Transportation and Highways

6.4 No objection to the principle of the proposal, however cycle parking for staff and visitors should be provided and details of servicing and deliveries submitted.

[Officer comment: Provision of cycle stands and submission of a Delivery and Servicing Plan would be secured by condition.]

LBTH Inclusive Access Officer

6.5 Ramped access at gradient no higher than 1:12 should be incorporated.

[Officer comment: The proposal has been amended to incorporate access ramps at the requested gradient.]

20th Century Society

6.6 The Society has reviewed the revisions and is pleased to see the retention of more historic fabric including the original doors and crittall window frames. However, the Society still wishes to object to the application as it would result in the loss of the current openness of the structure and cause harm to the building's unusual architectural interest.

6.7 Part of the special architectural interest of this building is its open character with covered benches for visitors to the park, 'book-ended' by brick drums either end. The structure makes a positive contribution to the character of the conservation area and the Society is concerned that the plans to convert it to a café would harm its unique character.

6.8 The Society remains of the view that a more sensible approach would be to re-open the small kiosk, requiring minimum intervention and leaving the current openness intact.

[Officer comment: Heritage matters and the Society's concerns are addressed in the material considerations section of this report as well as by the conservation officer, below. The current openness of the structure, where it is possible to see through the shelter, is not original. Historic photographs dating to the early 1950s, just after completion of the structure, show that the shelter has originally been subdivided in half with a solid brick wall faced with ceramic tiles. It is understood that this wall has been removed to provide more intervisibility and natural surveillance, in an attempt to deter antisocial behaviour. While a division into a more open central area and two solid brick drums either side has clearly been the architect's intention, and together with the slim roof canopy, is integral to the design of the building, this openness would not be significantly harmed by insertion of recessed glazing and security shutters. The less than substantial harm resulting from the proposed alteration works

would be offset by the public benefits of the proposal, such as provision of a useful amenity for users of the park, removal of an antisocial behaviour hotspot and the refurbishment and long term conservation of this non-designated heritage asset.]

LBTH Conservation Officer (verbatim)

- 6.9 Proposals for the conversion of the Holden and Heaps shelter built in Bethnal Green Gardens to provide a café have been carefully considered to enable the existing historic character and fabric of this art moderne building to be retained. The proposals enable the reuse of this building in a manner sympathetic to its architectural character, with the central section of the shelter, which originally housed benches, being enclosed by frameless glazing behind the existing canopy supports. A toilet is carefully introduced, being accessed to the rear of the building, whilst the step line to the projecting floor slab of the building is to be retained, necessary access being provided by the provision of ramps beyond the slab of a distinctly different character.
- 6.10 These proposals are to be welcomed; minimal alterations will secure the future of this small but important building, providing a publically accessible use and a source of income for its continued maintenance and repair.

[Officer comment: Heritage matters are addressed in more depth in the Material Planning Considerations section of this report.]

London Underground Limited

- 6.11 No objection subject to submission of detailed schedules of alteration works and method statements to ensure that the operation of the Bethnal Green Station is not impacted.

[Officer comment: Submission of the requested details would be secured by condition.]

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 61 letters which were sent to neighbours and interested parties, a press advert published in East End Life and site notices displayed outside the application site.

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

No of individual responses:	Objecting: 59 (of which 48 are pro-forma)	Supporting: 14
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No of petitions received:	0	1 with 130 signatures
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- 7.3 The following issues were raised in objection to the proposal:

- a) Loss of public access to the sheltered seating as well as privatisation and commercialisation of the park.
- b) Significant harm to the architectural and historic significance of the heritage asset, in particular resulting from loss of the structure's open character,

installation of security shutters, loss of teak benches, removal of sections of brick wall and loss of internal ceramic tiles.

- c) Lack of local need for a café and competition with the café which is to open in the Museum Gardens' toilet block contributing to poor viability of the enterprise and resulting in further harmful alterations and extensions to the building.
- d) Change of use to a café would not be necessary to restore the public shelter as other funding sources could be available.
- e) Lack of detailed drawings, inaccuracies or conflicting information in submitted documents.

7.4 The following issues were raised in support of the proposal:

- a) The proposal would represent good re-use of existing structure and would safeguard the asset's future.
- b) The building would be put to best use, of service to the community, and would be a useful and valued addition to the park, to the benefit of the amenity of park users.
- c) Safety would be improved and the existing antisocial behaviour hotspot removed.
- d) The alteration works would be minimal and sensitive.
- e) The pop-up café has revitalised the park and a café should become a permanent feature.

7.5 The Reverend Prebendary Alan Green, the Rector of St John on Bethnal Green has submitted a representation supporting the conversion of the pavilion. The conversion is described as sympathetic and the Reverend supports the views of Ms Pascale Pinxt who is the current operator of the pop-up café, these views are set out below. However, the Reverend also raises concerns about the inclusion of security shutters and the sealing off of the southern kiosk or sun lounge section.

7.6 Mses Pascale Pinxt & Poly Pinxt, the founders of the pop-up café have submitted a letter of support. The letter describes the neglected state and antisocial behaviour from which the building currently suffers stating that each weekend they have had to clear rubbish, including syringes, and wash away human waste before opening to the public. In their view, a permanent café would turn the underused shelter into a thriving feature of the park and improve safety. Nevertheless, Mses Pinxt consider that the installation of security shutters would not be appropriate and would detract from the building. They are also of a view that the southern kiosk or sun lounge section should not remain inaccessible to the public, the crittall windows should be fully restored and the original teak benches and ceramic tiles are capable of being preserved. Mses Pinxt have commissioned an alternative design for the conversion which they intend to submit for approval if their bid for the lease is successful.

7.7 Mses Pinxt initiated the petition in support, with signatures gathered from the customers of the pop-up café. It is the case officer's understanding that the signatures were gathered mostly during the London Open House weekend last year. At that time, Mses Pinxt were displaying their own plans for the conversion of the shelter rather than the plans submitted by the Council's Parks Section. Members are therefore advised to treat the petition as supportive of the principle of the café

proposal but give lesser weight to the petition as an endorsement of the specific alteration works as discussed in this report.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land use - including the principle of café use and impact on the function and attractiveness of Bethnal Green Gardens as a public park.
2. Heritage and design implications of the proposed alterations works.
3. Amenity impacts which could result from operation of the café.

Land Use

8.2 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.

8.3 The Core Strategy vision for Bethnal Green, set out in the annex to policy SP12, is for Bethnal Green to draw upon and respect its natural and historic assets to reinforce its distinct identity. Bethnal Green Town Centre is to build on its role as the retail, commercial and civic hub of the area, making it a place to work, shop and socialise.

8.4 Three of the SP12 priorities and principles for the place of Bethnal Green are relevant to the proposal, these are:

- To improve Bethnal Green town centre as a place for commerce, retail and small and medium enterprises.
- To reinforce the civic hub in and around Bethnal Green tube station and town centre, encompassing the Museum of Childhood, St John's Church, York Hall and the historic green spaces.
- Development and regeneration should protect and promote the conversion and conservation of historic and older buildings so that they may be brought into beneficial reuse.

Employment

8.5 Paragraph 18 of the NPPF states that the planning system should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. This is embraced by the London Plan and the Council's Strategic objective SO16 and policy SP06 of the Council's Core Strategy. These policies seek to support the growth of existing and future businesses in accessible and appropriate locations and to promote the creation of a sustainable, diversified and balanced economy with job opportunities provided in each place, in, and at the edge of town centres.

- 8.6 The proposal would likely result in employment of 2 or 3 staff and the lease agreement would ensure that local employment and local supply of goods are given a priority by the future operator. The proposal would thus make a positive contribution to the local economy in line with the above policies.

Open Space

- 8.7 Paragraphs 70 and 73 of the NPPF ask local planning authorities to guard against unnecessary loss of valued facilities and services and stress that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. This is addressed by policy 2.8 of the London Plan, Core Strategy policies SP03 and SP04, and the Managing Development Document policy DM10. These policies aim to create a network of high quality natural environment of green publicly accessible open spaces and safeguard against any loss of open space which could occur as a result of development.
- 8.8 The proposal would result in loss of covered public benches within the central section of the shelter and their replacement with café seating for paying customers. This has given rise to objections from local residents who are concerned about privatisation and commercialisation of the designated Publicly Accessible Open Space.
- 8.9 Cafes are a common feature in London's parks adding to the parks' amenity, function and value. Due to the size of Bethnal Green Gardens and quantity of freely available benches the café would not lead to undue privatisation or commercialisation of the park whilst also acting as a deterrent to antisocial behaviour.
- 8.10 The proposed café does not involve any extension or alteration works which would involve expansion of the building or encroachment onto green space of the park. Although, the hardscaped area in front of the public shelter would be used for additional tables and seating for the café during the summer months - this would not result in displacement of any park activities.
- 8.11 As there is a significant number of other freely accessible benches located throughout Bethnal Green Gardens, the harm resulting from loss of public seating within the shelter would be negligible. In officers' view this negligible harm would be clearly outweighed not only by the significant net increase in seating overall but also by the positive contribution the new café would make to the amenity offer of Bethnal Green Gardens as a public park.
- 8.12 The proposal would support the role of Bethnal Green Gardens as Publicly Accessible Open Space in accordance with the overarching objectives of the aforementioned policies.

Town centre impact

- 8.13 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require for town centre uses such as shops and restaurants to be focused in town centres on sites on the edges of centres that are well integrated with existing centre.
- 8.14 The Core Strategy policy SP01 seeks to ensure that town centres are active, well-used and safe during day and night. The policies encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality. Policy DM1 of the Managing Development Document expands on strategic policy

SP01 and, to support the vitality and viability of town centres, specifically directs A3 uses such as a café to within the boundaries of designated town centres.

- 8.15 Whilst the site is formally within an edge of centre location of both the Bethnal Green and the Roman Road West District Town Centres, respectively 90m west and 130m east of the application site, Bethnal Green Gardens form a functional part of the Bethnal Green centre. The gardens, together with the library, church and museum also form part of the Bethnal Green civic cluster as set out in the Core Strategy vision for the place of Bethnal Green.
- 8.16 Having regard to the scale and type of the proposed use, it would not materially draw trade away, nor deter investment in, surrounding town centres. The proposed use is considered to be acceptable in relation to the Council's town centre hierarchy and would support the vitality and viability of the Bethnal Green civic cluster and town centre, in accordance with the above policies.

Heritage & Design

- 8.17 The National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. Similarly, the Core Strategy policy SP10 aims to protect and enhance borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.
- 8.18 With regard to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 8.19 Further to the above policies, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas.
- 8.20 Paragraph 131 of the NPPF states that in determination of applications, local planning authorities should take account of:
- Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.
 - The desirability of new development making a positive contribution to local character and distinctiveness.

- 8.21 Paragraph 135 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account - a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the asset.
- 8.22 The public shelter was designed by the renowned London Underground architect Charles Holden and his assistant and successor Stanley Heaps. The building was likely designed in 1939 in an art-deco or art moderne style typical of the period and constructed as part of the Bethnal Green Underground Station which opened in 1946. It is likely that the shelter has opened in the late 1940s or early 1950s.
- 8.23 The public shelter features in Pevsner's 'Buildings of England, London 5 – East' where it is described as "elegantly modernist, wholeheartedly in the manner of Holden's stations with rounded ends and a thin projecting concrete roof". While not a listed building, it is considered to be a non-designated heritage asset worthy of protection. The building makes a positive contribution to the character and appearance of the Bethnal Green Gardens Conservation Area within which it is located. The building has also featured in London Open House last year.
- 8.24 In consultation with conservation officers the proposed alterations to the shelter have been reduced in scope in comparison to the now expired planning permission and now include:
- Removal of teak benches;
 - Removal of a section of internal brick wall to create a serving counter with access hatch;
 - Removal of a section of external brick wall in the eastern elevation to create a door to the wheelchair accessible toilet;
 - Installation of recessed frameless fixed glazing to the eastern elevation;
 - Installation of recessed frameless retractable glazing to the western, park facing, elevation;
 - Installation of metal grille roller shutters;
 - Internal subdivision of the southern part of the shelter to form toilet, store and kitchen areas, removal of internal tiling;
 - Addition of wheelchair access ramps.
- 8.25 Objectors raise concerns that the above works would result in harm to the architectural and historic significance of the public shelter, in particular through removal of benches and sections of wall and installation of a security shutter.
- 8.26 Objectors and the 20th Century Society are also concerned by the loss of the current openness of the structure causing harm to the building's unusual architectural interest derived from the buildings open character of covered benches for visitors to the park, 'book-ended' by brick drums at either end.
- 8.27 Paragraph 17 of the National Planning Policy Guidance states that whether a proposal causes substantial harm is a judgement for the decision maker, having regard to the circumstances of the case and the National Planning Policy Framework. The NPPG goes on to state that in general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm rather than the scale of the development that is to be assessed. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
- 8.28 Paragraph 83 of the English Heritage Planning for the Historic Environment Practice Guide states that some non-designated heritage assets are of heritage significance

but not at a level that would pass the threshold for statutory designation. Such assets can, singularly or collectively, make an important contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets. The criteria for assessment of impact should thus be proportionate to the nature and the lower level of the non-designated asset's significance.

- 8.29 Furthermore, the Practice Guide explains that a proposal may harm or enhance significance or it may be neutral. It may have a combination of these effects. Differing and often conflicting heritage impacts accruing from the proposals are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.
- 8.30 Potential heritage benefits of proposals are set out in paragraph 79 of the practice guide as:
- sustaining or enhancing the asset's significance;
 - reducing or removing risks to a heritage asset;
 - securing the optimum viable use in support of long term conservation;
 - positive contribution to economic vitality and sustainable communities;
 - appropriate design for its context and a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment; and
 - revealing the significance of the asset and enabling enjoyment of it by members of the public.
- 8.31 The proposed alteration works would be minimal and of a sympathetic design. No unnecessary alterations would take place. The frameless glazing and grille type security shutters would be recessed behind the existing iron support columns, preserving the distinct original architectural composition of the building.
- 8.32 Officers are confident that the works would not detract from the openness of the structure as originally envisaged by the architect, not only due to the transparent quality of recessed frameless glazing but also because originally the public shelter's central section was subdivided by a solid tiled partition wall which divided the shelter into east and west facing halves. It is understood that this wall was later removed in an attempt to address antisocial behaviour issues. As the frameless glazing to the park facing elevation would be retractable, the café would be open to the park during warmer months when the park is likely to be the busiest and when the non-designated heritage asset would be appreciated by most members of the public.
- 8.33 The addition of security shutters is considered to be largely unavoidable due to the likelihood of antisocial behaviour and damage to the glazing. Structures located in parks in the borough are frequently subject to vandalism. The metal shutter would be of a grille design so that it would remain see-through, preserving the general openness of the building and maintaining an attractive frontage. The fascia panel obscuring the shutter box would be painted matt white and would be recessed – it would not unacceptably detract from the slim roof profile of the shelter as it would appear similar to the existing soffit downstand which currently runs across the centre of the shelter where the partition wall once stood. It is important to note that the shutters would be fully retracted during the opening times which are likely to largely coincide with the opening times of the park. This would ensure that the shutter is not visible at times when the park is used by the majority of people. Oblique night time views from Roman Road would not be significantly affected.
- 8.34 The sections of brick work to be removed are located internally and at rear. Their removal would not affect the primary, park facing elevation of the public shelter.

- 8.35 Through sensitive alteration works the proposal would introduce a café use, ensuring the building's refurbishment and long-term conservation. The National Planning Policy guidance states that it is important that any new use of the heritage asset is viable, not just for the owner, but also for the future conservation of the asset so as to avoid successive harmful changes carried out in the interest of repeated speculative and failed uses. Officers are satisfied that the viability of the café use has been established through the success of the pop-up café scheme. Permitted development rights for alterations to the building would be removed to secure its special interest from unsympathetic further alterations. A lighting scheme would also be secured by condition to highlight architectural features and to deter vandalism.
- 8.36 Expert advice of the Council's conservation officers has been sought and the detailed design revised to minimise the proposal's visual and heritage impact. Conservation officers support the proposal and consider that the alterations to the building would safeguard the architectural and historic value of the building and preserve the character and appearance of the Bethnal Green Gardens Conservation area.
- 8.37 The harm arising from the conversion works, including the removal of benches, addition of a shutter and demolition of sections of brick wall, while regrettable, would clearly be minimal and less than substantial in its impact on the historic and architectural value of the non-designated heritage asset. Such a less-than-substantial harm would be outweighed by the public benefits of the scheme such as provision of a useful facility within the park, removal of an antisocial behaviour hotspot and refurbishment and long-term conservation of the building. Viewed holistically, the historic and architectural value of the public shelter would be appropriately safeguarded for the future generations.
- 8.38 Due to the minimal nature of the proposed alterations and the generous separation distance from the nearby listed buildings, the proposal would have no material effect on their setting.
- 8.39 The Character Appraisal for the Bethnal Green Gardens Conservation Area stresses that the area is of a predominantly civic and green character, rather than of a residential character. Café use of the shelter would be conducive to the civic and green character of the area. In accordance with the above policies, proposal would preserve the character and appearance of the conservation area.
- 8.40 The operators of the pop-up café are promoting an alternative conversion scheme retaining some of the teak benches and tiling as well as re-introducing crittall windows to the southern kiosk or sun lounge. This scheme could well manage to preserve more original features although it would likely adversely impact on the original architectural composition and the sense of openness of the central section of the building. Without significant amendments the alternative scheme is would not be an optimum viable use in comparison to the application proposal. As such, the Committee should note that the scheme before them should be considered on its own merits with limited weight given to what is a speculative scheme which has not yet been submitted for planning approval or been subjected to formal public consultation.
- 8.41 Questions were raised by objectors about the possibility of other sources of funding to be found to secure the renovation and maintenance of the building. While it might be possible that other sources of founding could be secured, no specific funding streams have been identified; there are also many significant conflicting pressures on the Council's budget, including S106 and Community Infrastructure Levy funding streams. S106, CIL and external funding would also not normally provide for

maintenance and on-going repairs. Taking into account the above and the limited heritage impact of the proposal, the proposed conversion is considered to be an optimal solution to secure repairs and long term maintenance of the non-designated heritage asset.

- 8.42 In conclusion, it is considered that the proposals heritage impact would be acceptable. Through minimal and sensitive alteration works, the proposal would introduce a viable café use, ensuring the non-designated asset's refurbishment and long-term conservation in accordance with the aforementioned policies and guidance.

Amenity

- 8.43 According to paragraphs 109 and 123 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution. Planning decisions should aim to
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
 - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 8.44 These objectives are reflected in policy 7.15 of the London Plan, policy SP03 of the Core Strategy and policy DM25 of the Managing Development Document. In particular, policy DM25 seeks to safeguard the amenity of existing and future nearby residents and users of the public realm.
- 8.45 There are three potential sources of noise disturbance which could affect amenity. The first is the noise from coming and goings and the use of the café by members of the public, the second is the noise arising from the operation of the kitchen extract system, while the third is noise caused by deliveries and servicing.
- 8.46 The nearest residential properties are located within Swinburne House, some 22m to the east of the public shelter. None of the objectors have raised amenity as a reason for objection while one letter of support was received from a resident who supports the proposal as it would remove an antisocial behaviour hotspot which has previously caused disturbance to residential amenity.
- 8.47 The opening hours would most likely directly tie in with the opening hours of the park and would be stipulated in the lease agreement between the Council and the operator. Indicative opening hours set out in the application are between 10:00 and 18:00 seven day a week, including Bank Holidays, however, to provide flexibility to the future operator of the business and to adequately safeguard amenity of neighbours the maximum extent of opening hours would be secured by a planning condition to between 7:00 and 20:00. The hours of servicing and deliveries would be controlled through the submission of a Delivery and Servicing Plan, also secured by condition.

- 8.48 The submitted Noise Impact Assessment has been reviewed by the Council's Environmental Health noise expert who confirmed that the specification of the proposed extract system is adequate to ensure that no disturbance would occur to neighbours. Implementation and maintenance of the extract system in accordance with the findings of the assessment would be secured by condition.
- 8.49 A condition would also restrict the playing of music or amplified sound so that it would not be audible from the nearest residential properties.
- 8.50 Overall, subject to the aforementioned conditions, the proposal would result in no adverse amenity impact to the adjoining occupiers or users of the public realm while improving the amenity of the area through removal of an antisocial behaviour hotspot and introduction of passive surveillance which would contribute to safety and perceived safety in the area, in line with the aforementioned policies.

Highways, transportation, servicing and waste

- 8.51 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development Document. Furthermore, policy 6.3 of the London Plan and policy DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors. Policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of waste and recycling storage facilities.
- 8.52 The Council's Highways Section raises no objection to the application subject to cycle parking spaces being provided for staff and visitors and submission of details of servicing and deliveries. These details would be secured by condition.
- 8.53 Subject to the condition requested by London Underground Limited requiring submission of full details and method statements of all alteration works, the proposed works would not affect the operation of the Bethnal Green Station ventilation shaft in the northern section of the shelter.
- 8.54 Details of waste storage facilities would be provided as part of a Waste Management Plan to be secured by condition.
- 8.55 Subject to above conditions, the proposal would not have any unacceptable highways, transportation, servicing or waste storage implications.

Human Rights Considerations

- 8.56 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

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

8.57 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 a local planning authority.

8.58 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities act Considerations

8.59 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. 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.

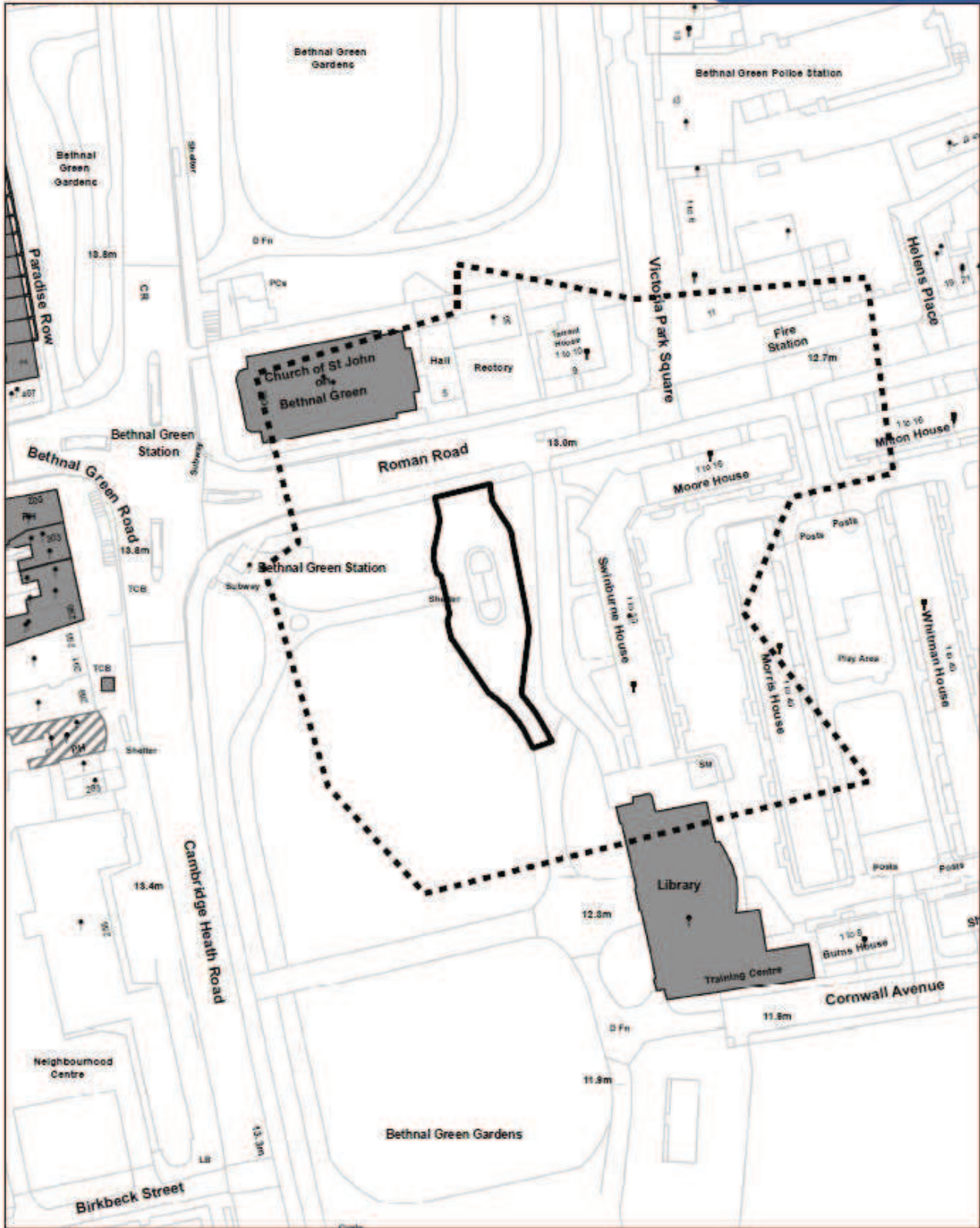
11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. It is recommended that Planning permission should be GRANTED.

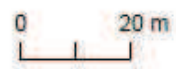
12.0 SITE MAP

Please refer to the next page of this report.

Planning Application Site Map
PA/14/02366



- 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 Committee	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Gerard McCormack	Ref No: PA/15/00095
	Ward: Bow West

1. APPLICATION DETAILS

Location:	418 Roman Road, London, E3 5LU
Existing Use:	Retail use (Use Class A1) at ground floor level and residential above at first floor
Proposal:	a) Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension b) New shopfront c) Extension of the basement d) Erection of a mansard roof extension
Drawing and documents:	507/1, 507/2, 507/3 and 507/4, Design and access statement and impact statement
Applicant:	Mr Imran Darr
Ownership:	Mr Robert Webster
Historic Building:	N/A
Conservation Area:	Medway Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application to extend the existing single storey rear extension, to accommodate its change of use into a residential studio flat, the increase in size of the basement for storage purposes, a mansard roof extension and alterations to the existing shop front are also proposed.
- 2.2 Officers have considered the particular circumstances of this application against the provision of the Development Plans, national, regional and local guidance and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposal makes efficient use of the application premises and provides an increase in the supply of housing. In addition, the layout and size of the proposed

residential units are acceptable and contributes towards the supply of housing within this locality.

- 2.4 The proposal will result in a reduction in the size of the retail unit but will not result in the loss of the active frontage as it currently exists or the current retail offering. As such, the proposal would not be detrimental to the viability or vitality of this part of Roman Road East District Centre, which contains a variety of retail units of different sizes, restaurant/cafe, take-way outlets.
- 2.5 The amenity impacts of the proposal would be acceptable and would not have unduly detrimental impacts on the living conditions of neighbouring residents.
- 2.6 The proposal would be acceptable with regard to highway and transport matters subject to a car free legal obligation agreement and therefore any future resident of the flats would not be entitled to a permit to park on street.
- 2.7 The extension to the single storey rear extension, mansard roof extension incorporating front and rear dormers and the conversion of the upper floor flat from a 1 bedroom unit into a two bedroom unit and alteration to the shop front, already benefit from a recent planning permission reference PA/13/02956.

3.0 RECOMMENDATION

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

3.3 Conditions

- 1 Three year time limit
- 2 Development to be built in accordance with the approved plans
- 3 Details of full particulars of all new windows and the shop front to be submitted prior to development
- 4 Compliance with Lifetime Homes Standards
- 5 Provide details of the cycle store
- 6 Retention of the refuse provision in accordance with the approved drawing
- 7 Car and permit free development for the additional new residential unit
- 8 No development prior to the implementation of a programme of archaeological investigation

3.4 Informative

- CIL Liability

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a two storey building located on the southern side of Roman Road which extends at ground floor level into a large rear yard. The site comprises a ground floor retail premises with a residential flat above. The neighbouring properties benefit from mansard roof extensions and rear extensions.
- 4.3 The application site is within Roman Road East District Town Centre, which is characterised by a mixture of shops, offices (Class B1 and A2) with residential use above.
- 4.4 The application premises, although not listed, lies within Medway Conservation Area, which was designated in September 1989. Its designation highlights its historic significance and seeks to maintain its special character. The site lies within an Area of Archaeological Importance.
- 4.5 The proposal involves the following:
- Mansard roof extension to increase the size of the existing flat from one to two bedrooms
 - Extension to the ground floor rear extension and its conversion from an A1 retail unit to a self-contained studio apartment
 - Alterations to the existing shop front to allow for access to the residential flats
 - Extension of the basement to provide additional storage for the A1 retail unit

Relevant Planning History

- 4.6 **PA/07/02883** - Erection of a rear extension.
Permission granted 21st September 2007
- 4.7 **PA/13/02292** - Demolition of rear extension and rebuild single storey rear extension. Erection of a mansard roof extension including front and rear dormer windows and a second floor outrigger roof extension to convert upper floors into two residential flats (1 studio and 1x1 bed) alteration to front elevation for new access to upper floors.
Permission refused 12th November 2013
- 4.8 **PA/13/02956** – Demolition of rear extension and rebuild single rear extension, erection of a roof extension incorporating rear and front dormers, conversion of upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to shop front.
Permission granted 14th February 2014

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 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)**

2.15: Town Centres

3.3: Increasing housing supply

3.4: Optimising housing potential

3.5: Quality and Design of Housing Developments.

6.1: Strategic Approach to Transport

6.3: Assessing effects of development on transport capacity

6.13: Parking

7.1: Building London's neighbourhoods and communities

7.4: Local Character

7.8: Heritage Assets and Archaeology

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

Site Designations

Roman Road East District Town Centre

Archaeological Priority Area

SP01: Refocusing on our Town Centres

SP02: Urban living for everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with waste

SP09: Creating attractive and safe streets and spaces

SP10: Creating distinct and durable places

SP12: Delivering place making

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

DM1: Development within the Town Centre Hierarchy

DM3: Delivering homes

DM4: Housing standards and amenity space

DM22: Parking

DM23: Streets and the public realm.

DM25: Amenity

DM26: Building Heights

DM27: Heritage and the historic environment

5.6 **Other Relevant Documents**

The Medway Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

CONSULTATION RESPONSES

- 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:

Internal Consultees

Highways and Transportation

5.9 Highways have no objections in principle to the proposals subject to the applicant entering into a s106 agreement to secure a car free development. Cycle parking is in line with the LBTH MDD policy and can be secured by condition.

[Officer Comment: Conditions will be imposed to ensure that adequate cycle parking is provided for the new units being created including for a car free agreement]

Neighbours Representations

5.10 A total of 34 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 22 letters of representation were received objecting to the proposal.

A summary of the objections received

5.11 The principle of the loss of retail floor space - objectors expressed concerns about the unacceptable loss of 35% of the ground floor retail floor space including ancillary storage and servicing areas at the rear.

5.12 The reduction in retail floor space would undermine the vitality and viability of the Roman Road East District Town Centre and reduce the availability of units.

5.13 The proposal undermines the Council's Town Centre strategy

5.14 The issues raised in the objections are addressed in the material planning considerations section of this report.

6.0 MATERIAL PLANNING CONSIDERATIONS

Background

6.1 A planning application reference PA/13/02956 was granted on the 14th February 2014 for the demolition and rebuild of a single storey rear extension, erection of a roof extension incorporating rear and front dormers, conversion of the upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to the shop front.

6.2 This application is similar to the approved scheme, with the shop front design, mansard roof extension and rear extension all shown on the previously approved plans. The only differences between extensions previously approved and what is now applied for are the windows in the rear roof slope of the mansard being smaller, the depth of the rear extension has been increased by 80cm, and rather than having two roof lights on the rear extension only one is proposed.

6.3 Therefore given planning permission has been approved for the extensions to the property the focus of this application and report will be on the creation of a studio flat at ground floor level, reduction of retail floor area and proposed increase in size

of the basement storage area. These will be addressed in turn below under the following headings.

- Land Use
- Design and appearance
- Amenity
- Transport considerations.

Land Use

- 6.4 The application proposal seeks to enlarge the existing property and make more effective use of the building, whilst adding to the borough's housing stock. A reduction in the existing retail floor space proposed to facilitate changes to the access arrangements to the upper floor flat and conversion of single storey rear extension into a studio flat. In order to mitigate for this loss of retail floor space it is proposed that the basement store would be increased by 15 square metres.

Loss of retail floor space

- 6.5 In respect of the principle of loss of the retail floor space within Town Centres, Paragraph 23 of the National Planning Policy Framework is concerned with maintaining the attractiveness of town centres". It states in part that local planning authorities should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural community and residential developments required in the Town centre.
- 6.6 The above policy seeks to ensure that the overall needs of retail as well as other town centre uses are met in full and not compromised by limited site availability. It should be noted that the loss of retail in town centres is not prohibited as a principle moreover, the policy seeks to promote uses other than retail in this location and it encourages residential development on appropriate sites.
- 6.7 Policies 4.7 B (a) 'Retail and Town centre developments' and 4.8 in the London Plan advises that the scale of proposals (retail, commercial, cultural and leisure) should relate to the size, role, function of a town centre and its catchment area.
- 6.8 Policy SP01 (d) in the Council's Core Strategy seeks to promote mixed use and multi-purpose town centres with a mix of unit sizes and types (including smaller unit sizes) to assist in the creation of vibrant town centres that offer a diversity of choices, and meet the needs of communities.
- 6.9 Policy DM1 in the Managing Development Document (2013) seeks the protection of retail uses emphasizes that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- A Protecting A1 uses as a priority, unless the following can be demonstrated:
- i. The loss of A1 would not undermine the town centre's position within the town centre hierarchy;
 - ii. The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;

- iii. The shop has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the shop over that period at an appropriate rent (providing three comparable shop unit rents within the town centre) and
 - iv. The new use supports the function of the town centre.
- 6.10 The existing retail unit measures 102.72m² (including the WC and kitchen area) and it is currently used as a launderette. The proposal seeks a reduction of the existing retail floor space by 25 square metres (30% loss) which was a source of objectors' concern.
- 6.9 The applicant has confirmed the launderette will continue to operate from the premises and its ability to trade will not be affected as a result.
- 6.10 In terms of the loss of retail floor space, officers have taken account of the fact that the loss still leaves a retail unit of 77 square metres, including an increased storage area provided in the basement. Retail units of between 30-80 square metres are common along this section of Roman Road, this based on the information received from planning applications within the locality. Therefore the proposed reduction in floor space would not be detrimental to the current retail offering nor would it be detrimental to the town centre function or the vitality and viability of existing business in this locality.
- 6.11 The loss of retail floor space to accommodate residential accommodation was a consideration at a recent appeal at number 596 Roman Road for the redevelopment of the site for six flats including the partial loss of the ground floor retail unit to accommodate mobility flat (PA/11/02094 was refused by the council on 5th October 2011).
- 6.12 In assessing the appeal (reference APP/E5900/A/11/2164794) the Inspector conceded the loss of the retail floor space on the following grounds:
- “There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised.”*
- 6.13 Overall, the proposed reduction in retail floor space is acceptable given the launderette will continue to trade from the unit albeit reduced slightly. The proposal meets both local and national policies as well as national guidance.

Principle of residential use

- 6.15 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with policies 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025.

- 6.16 The site is considered to be an appropriate location to contribute to meeting this demand, given that residential use above retail is consistent with other properties along Roman Road. As such, there is no objection in principle to additional residential uses; however the acceptability of the use is dependent on other planning considerations as outlined in the body of this report.
- 6.17 The creation of a studio flat within the rear extension accords with Policies 3.3 and 3.4 in the London Plan (2011), Policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate, which in this case is to be welcomed.

Design

- 6.18 The mansard roof extension has already been agreed in principle under the previous application would be similar in appearance to the ones recently constructed on the neighbouring properties numbers 420 and 416. The proposed extension preserves the butterfly roof at the rear and sits comfortably within the roof due to its proportionate scale. The reduction in size of the windows on the rear elevation compared to the previous scheme will improve its overall appearance.
- 6.19 The application seeks to increase the depth of the existing rear extension by 3.1m which is 80cm deeper than the previously approved extension. The proposed extension would project past the extension at 416 by 80cm. As the extension is of a modest height just over 2.5m it is not felt that it extending beyond the rear of 416 by 80cm will only have a minimal impact in terms of loss of outlook.
- 6.20 In relation to number 420 a rear extension of a similar depth to the one which is the subject of this application was approved in 2011. This extension is under construction and will contain a one bedroom flat. Therefore this extension will be in keeping with the prevailing character of development which is characterised by large extensions at the rear within this locality.
- 6.21 The proposed shop frontage would be the same as the one previously approved. Currently the shop front is almost completely glazed modern frontage which isn't in keeping with the historic character of appearance of the conservation area. The proposed frontage with the insertion of a door and stall riser will enhance its appearance and be more in keeping with the historic fabric of both the property and conservation area.
- 6.22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when local planning authorities exercise their duties under the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Taking into account the above assessment, officers are satisfied that the proposed development would enhance the character and appearance of the Medway Conservation Area. In terms of local plan policy, the proposal adheres to the objectives of policy DM27 which seek to enhance or better reveal the significance of properties within conservation areas.

Housing

Quality of accommodation

- 6.23 Table 3.3 and Policy 3.5 of the London Plan (2011) provide minimum guidance for the size of the units. The following table outlines the number of units proposed and the size expected (based on the minimum London Plan figures). These are also reproduced within Policy DM4 of the Managing Development Document.

The total floor space proposed for the proposed studio unit within the rear extension proposed is set out below in the table below

<u>Unit number</u>	<u>Type/number of people</u>	<u>Size proposed sq.m</u>	<u>Minimum size requiredsqm</u>	<u>Conform</u>
Studio	1 person	43	37	Yes

The proposed studio flat would exceed the recommended minimum space standards and it meets the requirements of policy 3.5 of the London Plan and DM4 (1) in the Managing Development Document (2013).

- 6.24 A private amenity space of 17 square metres is provided for the studio flat which is well above the 5 square metres minimum required by policy DM4.

Transport

Car Parking & Cycle Parking

- 6.25 The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 6.26 The proposal does not include any on site car parking and the site has a relatively low PTAL (Public Transport Accessibility Rating). The proposal has been assessed by the Council's Highway and Transportation Team, who have raised no objection to nil parking provision and in view of this a car free development would be encouraged. It is considered that this objective can be secured by a condition to secure a permit free development by means of a s106 obligation.
- 6.27 In terms of cycle storage provision, the scheme proposes a small storage area within the rear amenity space for bicycles, which is sufficient for a unit of this size.
- 6.28 Subject to such a condition to ensure that this facility is provided prior to occupation and retained, it is considered that the proposals would accord with the above policy requirements.

Refuse and Recyclables Storage

- 6.29 Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.

- 6.30 The refuse facility is at the rear of the studio and will be left out by the occupants as part of their normal bin collection service.

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 determination of a planning application, the following are particularly highlighted to Members:-

- 7.2 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 Conventions rights are likely to relevant including:

- 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"

- 7.3 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.

- 7.4 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.

- 7.5 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.

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

- 7.7 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.

7.8 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.

8.0 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.

9. LOCAL FINANCE CONSIDERATIONS

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

9.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

9.2 Section 70(4) defines “local finance consideration” as:

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.3 In this context “grants” might include New Homes Bonus.

9.4 These are material planning considerations when determining planning applications or planning appeals.

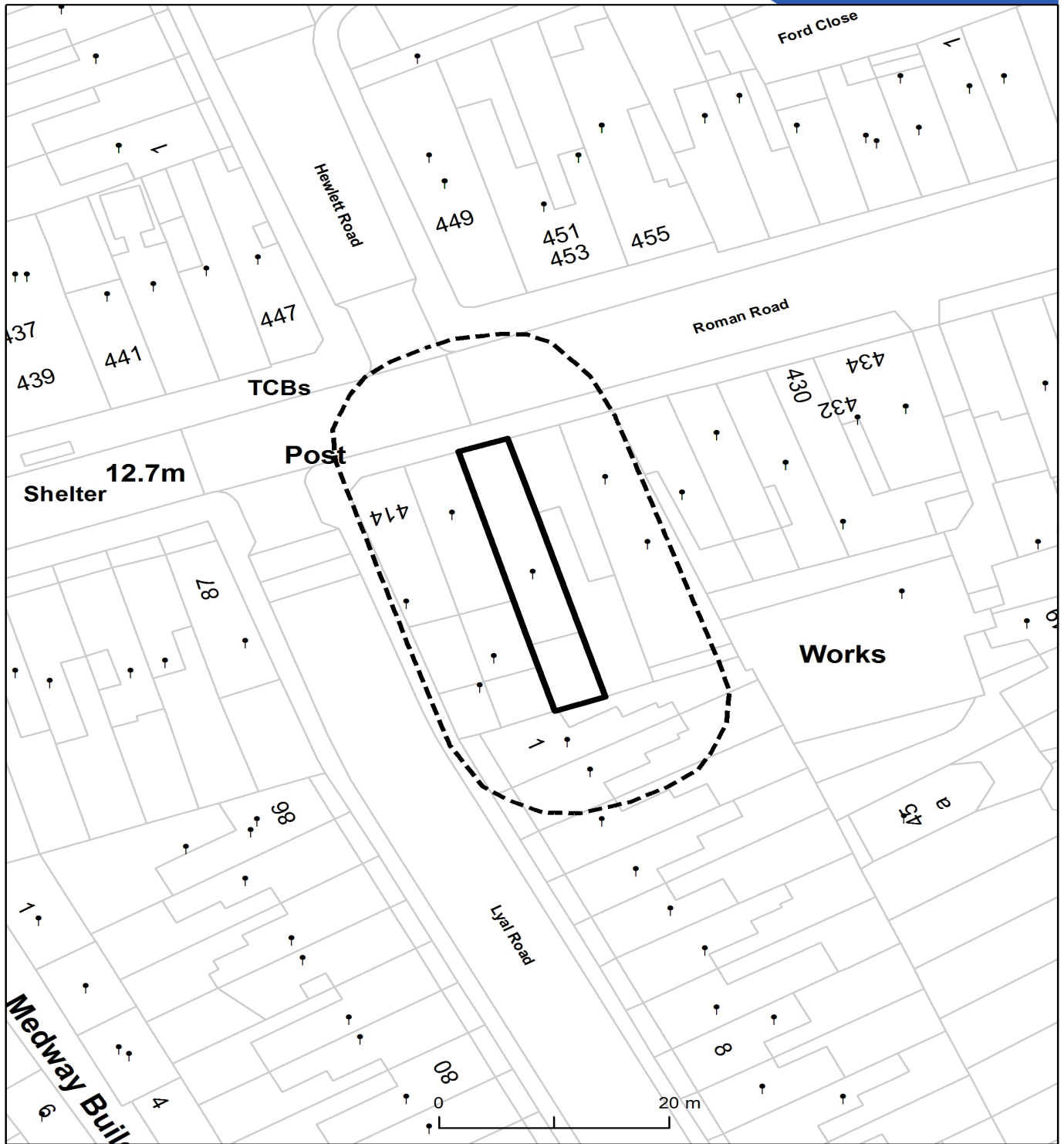
9.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would

be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £1781.70.

- 9.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £2860.00.
- 9.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.8 Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £979.00 in the first year and a total payment of £5872.00 over 6 years

10 CONCLUSION

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



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



1:500

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 6.3

Committee: Development Committee	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Laura Barton	Ref No: PA/15/00116
	Ward: Stepney Green

1. APPLICATION DETAILS

Location:	221 Jubilee Street, London E1 3BS
Existing Use:	Vacant
Proposal:	Conversion and refurbishment of existing building to create a three-bedroom house (use-class C3).
Drawing and documents:	Site location plan, drawings 101B, 202B, 103B, 201C, 202C, 301C, 401A and Design & Access statement prepared by PPS dated January 2015
Applicant:	Rupert Scott & Leonora Wood
Ownership:	Rupert Scott & Leonora Wood
Historic Building:	N/A
Conservation Area:	Stepney Green Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the proposed conversion and refurbishment of a former light industrial building to change the use to a three-bedroom house.
- 2.2 This application has attracted a total of 27 written objections. The main concerns raised by objectors relate to the loss of a fire exit at an adjacent nursery and the potential loss of a D1 use. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.3 As explained within the main report, the proposal is in accordance with the Development Plan and all other material considerations.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:
- 3.2 **Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Permit-free condition
- (d) Details of cycle-parking
- (e) Construction management plan
- (f) Details of external facing materials
- (g) Directional fins (to protect privacy of neighbours)
- (h) Limit use of terraces and flat roof (to protect privacy of neighbours)
- (i) Noise insulation measures

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is on the eastern side of Jubilee Street, approximately 72 m south of Mile end Road. To the west is O'Leary Square and to the south is Trinity Mews, both formed of residential flats. To the north and east is Captain Cook's Yard which contains a range of uses including a church and a day nursery (both of which share a boundary with the application site). The site was formerly part of the adjacent 82-88 Mile End Road (known as 'Unit 2'), but has recently been formally registered with the Council Street Naming and Numbering department as the new address stated in this application.
- 4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

The Proposal

- 4.3 The application proposes the following:
 - (a) Conversion and refurbishment of the existing building to create a three-bedroom house (use-class C3).
 - (b) This will involve the excavation of the existing cellar by 1.2 metres in order to create a basement level. The first floor will be provided by raising the roof by 0.7m inside the existing parapet.

Relevant Planning History

- 4.4 There is no relevant planning history for this unit and its authorised planning use is unclear. However, given the building's layout, history and its surrounding uses,

officers consider that its most likely use would have been either light industrial (B1) or storage (B8).

- 4.5 In 2013 the Council served a Stop Notice against an unauthorised social club operating from within Unit 2 due to the fact that it was causing an unacceptable level of noise, disturbance and anti-social behaviour.

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 Guidance/Statements

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

5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)

- 3.3: Increasing housing supply
- 3.5: Housing Standards
- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

Mayor of London Housing Supplementary Planning Guidance.

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

- SP02 Urban living for everyone
- SP05 Provide appropriate refuse and recycling facilities
- SP09: Creating Attractive and Safe Streets and Spaces
- SP10: Creating distinct and durable places
- SP12: Delivering Place making

5.5 Managing Development Document (2013) (MDD)

- DM3: Delivering Homes
- DM4: Housing Standards and Amenity Space
- DM14: Managing Waste
- DM20: Supporting a sustainable transport network
- DM22: Parking
- DM23: Streets and the public realm.
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 Other Relevant Documents

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

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:

Internal Consultees

Highways and Transportation

5.9 No objections to the proposed change of use. The applicant has stated that they are willing to enter into a 'Permit Free' agreement and this is welcomed. Two cycle stands are proposed and this meets the minimum policy requirements. However, these should be covered and secure. The applicant is recommended to consider the construction implications of the development at an early stage.

[Officer comment: Should the proposal be approved, a permit-free agreement will be required by way of a condition, as will details of cycle parking. Full details of a Construction Management Plan will also be required by way of a condition.]

Design and Conservation

5.10 No objections. Metal cladding for the roof extension considered appropriate. Details of materials to be submitted by way of a condition.

Neighbours Representations

5.11 A total of 35 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 27 letters of representation were received objecting to the proposal.

Main reasons of objection:

5.12 The applicant has closed off a fire exit belonging to the adjacent day nursery.

Officer comment: The applicant has stated in their application form that they own the application site. It is understood, from verbal discussions with representatives of the nursery, that they believe they have an easement over the applicant's land. The applicant disputes this contention. This is a civil dispute relating to ownership and easements rather than a planning matter. Granting this permission would in no way affect the nursery's ability to enforce, through the courts, any easement rights over the applicant's land which they may benefit from. Accordingly, Members are advised to give little weight to this objection.

5.13 Loss of D1 space.

Officer comment: It is unclear which D1 space the objectors are referring to as there is no evidence that the subject site has ever had permission for a D1 use. It is possible to assume that the objections refer to the possible impact on the adjacent nursery building referred to in the paragraph above. In any case, there is no loss of D1 space.

5.14 This site will place extra pressure on parking.

Officer comment: Should this application be approved, it would be subject to a permit-free agreement. Accordingly, there will be no extra demand placed on on-street parking spaces

5.15 The site is not suitable for a house.

Officer comment: This point is addressed under 'Material Planning Considerations'.

6.0 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee are advised to consider are:

- Land Use;
- Heritage and Design;
- Housing standards;
- Amenity; and,
- Other issues

Land use

Policy DM15 of the Managing Development Document (2013) states that development should not result in the loss of active and viable employment uses unless it can be shown that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. The application was accompanied by a letter from a property agent, Paramount, stating that the unit had been marketed during 2013 and attracted little interest.

6.21 Furthermore, the letter confirms that the property was unlikely to attract commercial interest due to its poor internal condition, small size, and lack of loading bay. By virtue of the lack of future appeal to new occupiers, the loss of the former light industrial use is considered acceptable.

6.22 In terms of the principle of residential use, delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual target of 3,910 homes.

6.23 The principle of residential use in the area is already well established, with residential uses in evidence in Trinity Mews and O'Leary Square. While the building is part of a former light industrial complex, its' frontage opens onto Jubilee Street, shared with other residential uses. Therefore, the principle of residential use in this location is considered acceptable.

Design

- 6.24 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.25 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.
- 6.26 It is proposed to largely retain the existing building, excavate the existing shallow cellar to provide a basement level, and build a copper-clad roof extension just under the existing parapet in order to house the first floor level. The original crittall windows are proposed to be replaced with new crittall windows sympathetic to the originals, with the existing PVC window to be removed and bricked up. All brickwork will be cleaned and refurbished.
- 6.27 It is proposed to cut a void in the side (south) wall of the property to allow light to penetrate into the dwelling; this will be covered with a glass 'lean-to' structure over the existing side alley. The windows on this elevation will be no higher than the existing boundary wall.
- 6.28 Therefore, the main issue is whether the design of the refurbished building is appropriate, and whether it preserves or enhances the character or appearance of Stepney Green Conservation Area.
- 6.29 The most visible aspect of this proposal is likely to be the proposed copper-clad roof extension. The Borough Conservation Officer has confirmed that this is considered appropriate as it references the building's previous industrial heritage. The other elements of the proposal, such as the removal of the PVC window and the provision of new Crittall windows, are considered to preserve and enhance the conservation area and are welcomed.
- 6.30 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document 2013.

Standard of accommodation

- 6.31 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 6.32 This unit exceeds the minimum space standards as set out in policy DM4 of the Managing Development Document (2013) and the National Space Standards set out in the NPPG. It also offers three separate outdoor amenity spaces. Floor to ceiling heights are at least 2.5m.
- 6.33 This site is constrained in that the north and east elevations are in fact party walls shared with existing buildings. The daylight amenity for each habitable space has been therefore been assessed using the average daylight factor (ADF) following the

methodology of the British Research Establishment (BRE) guidance. This report concludes that internal daylighting is in line with the guidance.

- 6.34 In terms of outlook, this is considered to be good in the main living areas and in two of the bedrooms, though it is accepted in some rooms outlook is somewhat limited such as the ground floor bedroom, which looks out into the side passage. This is considered acceptable when balanced against the merits of living within a historic converted building.
- 6.35 The proposed standard of accommodation is therefore considered to be acceptable and in line with London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document 2013.

Amenity

- 6.36 In terms of safeguarding the amenity of neighbouring occupiers, the roof is being raised to just under parapet level by approximately 0.7m; it is not considered that this will have a significant impact in terms of daylight & sunlight or a reduction of outlook in terms of the adjacent neighbours.
- 6.37 In terms of privacy, the proposed first floor window to the west elevation will be shielded by angled copper fins. This will prevent any overlooking to the adjacent flats at Trinity Mews. This is considered to be an acceptable solution, whilst still allowing future occupants reasonable outlook.
- 6.38 The existing windows to the south elevation will remain no higher than the existing boundary wall, thus preventing any overlooking to the flats at Trinity Mews.

Other Issues

Highways

- 6.39 Should permission be granted, the applicant has agreed to enter into a permit-free agreement by way of a condition. The applicant proposes to store two cycles in the front amenity area; further details of this cycle parking will be required by way of a condition.

Refuse

- 6.40 Refuse is proposed to be stored in the front amenity area of the property, where it can be collected at the same time as other residential properties in the area.

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 determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 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 Conventions rights are likely to relevant including:

- 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"

7.3 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.

7.4 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.

7.5 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.

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

7.7 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.

7.8 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.

8.0 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.

Conclusion

- 8.4 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/00116



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.4

Committee: Development Committee	Date: 14 ^h May 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Shahara Ali-Hempstead	Ref No: PA/15/00044
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location:	144-146 Commercial Street, London, E1 6NU
Existing Use:	Restaurant (Use Class A3) at ground floor, ancillary storage at basement and residential on upper floors
Proposal:	<p>A new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit</p> <p>Construction of four storey rear extension to facilitate new stair case</p> <p>Reconfiguration of window arrangement at the rear</p> <p>Refurbishment of the front façade</p> <p>Installation of a green roof</p> <p>Internal reconfiguration consisting of:</p> <p>Relocation of residential stair case</p> <p>Conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level.</p>
Drawing Nos/Documents:	0500, 0501, 502/B, 1000, 1001, 1002, 1003, 1100, 1101, 1200, 2000/D, 2001/D, 2002/D, 2003/D, 2004/D, 2005/D, 2100/D, 2101/D, 2200/B, 2201 and Planning Brochure Rev D prepared by KYSON
Applicant:	BL & R Bard Trust
Ownership:	BL & R Bard Trust
Historic Building:	N/A
Conservation Area:	Brick Lane and Fournier Street

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for a single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit, construction of four storey rear extension to facilitate new stair case, refurbishment of the front façade and installation of a green roof. Conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 Construction of the third floor roof extension and external alterations are acceptable

in terms of design. As such, the proposal conforms to policies SP10 of the adopted Core Strategy (2010) and policy DM25 of the adopted Managing Development (2013). These policies seek to ensure development proposals preserve the Myrdle Street Conservation Area.

- 2.4 The conversion of the existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level would be in accordance with policies DM3 and DM4 of the Managing Development Document (2013) which requires development to provide a balance of housing types and have adequate provision of internal space in order to provide an appropriate living environment.

3. RECOMMENDATION

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

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

Conditions

1. Time limit – Three Years.
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Details and materials including details of refurbishment to the front façade
4. Noise insulation measures
5. Car free agreement
6. Cycle parking details
7. Details of the green roof

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application site currently accommodates a café (Use Class A3) at ground floor level and two residential units (Use Class C3) at first and second floor level. The residential accommodation is accessed via a separate door from the front. The application site is located within a mid-terrace; consisting of three and four storey properties.

- 4.2 The proposal involves the following:

- Single storey roof extension to create 1 x 1 bed residential unit.
- Relocation of residential stair case through the construction of four storey rear extension to facilitate the new stair case
- Reconfiguration to the windows at the rear.
- Conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level
- Refurbishment of the front façade
- Installation of a green roof

- 4.3 The application site forms two properties Nos 144 and 146 Commercial Street located to the north east of Commercial Road within a terrace. 144 is a three storey attractive Victorian building, whilst in disrepair the building has retained most of its original features. No. 146 is of a different design and unlike no.144 it has a rendered frontage with little architectural detailing. The site is bounded by no's 148-150 Commercial Street to the north, no. 6 Wheler Street to the north east and no. 142 Commercial Street to the south east.
- 4.4 The application site is locally listed and is located adjacent to grade II listed building at no.142 Commercial Street known as The Commercial Tavern Public House.
- 4.5 The site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street'. It was extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It was further extended to the west and south west in October 2008. It contains some of the most architecturally and historically significant buildings in the Borough, including the exceptional group of 18th century houses around Fournier Street. They comprise the most important early Georgian quarter in England and include Christ Church Spitalfields, designed by Nicholas Hawksmoor.
- 4.6 The site is located within the City Fringe Core Growth area and City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site also forms part of the Greater London Authority (GLA) Draft City Fringe Opportunity Area Planning Framework (December 2014).

Planning History

- 4.7 PA/14/03602
Planning permission refused on 27/02/2015 for two additional storeys to create 2 x 1 bed residential units. Construction of five storey rear extension to facilitate new stair case, refurbishment of the front façade and installation of a green roof. Internal reconfiguration consisting of relocation of residential stair case, conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level

Reason for refusal states:

- 1. The proposed two storey roof extension, by virtue of its height, design, relationship and prominent location would have an unacceptable impact upon the character and appearance of the Brick Lane and Fournier Street Conservation Area. This would be contrary to National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy (2010), and policy DM24 and DM27 of the Managing Development Document (2013) and supplementary guidance of the Brick Lane and Fournier Street Conservation Area Appraisal. These policies seek to ensure appropriate design, to preserve the character and appearance and protect and enhance the Boroughs conservation areas.*
- 2. The proposed two storey roof extension, by virtue of its prominent location on Commercial Street would have an unacceptable impact upon the views within the Brick Lane and Fournier Street Conservation Area and the heritage assets of the Grade II listed building adjoining the site at 142 Commercial Street and the host locally listed buildings. This would be contrary to National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London*

Plan (2011), policies SP10 and SP12 of the Core Strategy (2010), and policy DM24 and DM27 of the Managing Development Document (2013) and supplementary guidance of the Brick Lane and Fournier Street Conservation Area Appraisal. These policies and guidance seek to ensure appropriate design which preserves the character and appearance and protects and enhances the Boroughs heritage assets.

3. *In the absence of a daylight and sunlight assessment the Local Planning Authority is not satisfied that the impact of the proposals on the amenity of the neighbouring properties is acceptable (particularly with reference to no. 6 Wheler Street and 142 Commercial Street). The authority is therefore not satisfied that the proposal accords with policy SP10 of the Core Strategy 2010 and policy DM25 of the Managing Development Document (2013) which seek to protect residential amenity.*

- 4.8 The current application submitted overcomes the reasons for refusal; this is fully discussed within section 8 of the report.

5. POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.2 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:

- 5.3 **Government Planning Policy Guidance/Statements:**
The National Planning Policy Framework 2012 (NPPF)
The National Planning Practice Guidance 2014 (NPPG)

- 5.4 **Spatial Development Strategy for Greater London (London Plan) consolidated with alterations since 2011 (March 2015):**
4.7 - Retail and Town Centre Development
7.15 - Reducing Noise and Enhancing Soundscapes

- 5.5 **Core Strategy Development Plan Document 2025 (adopted September 2010):**
SP01 - Refocusing on Town Centres
SP02 – Urban living for everyone
SP03 - Creating Healthy and Liveable Neighbourhoods
SP10 - Creating Distinct and Durable Places

- 5.6 **Managing Development Document (Adopted 2013):**
DM1 - Development within Town Centre Hierarchy
DM2 - Protecting local shops
DM3 - Delivering homes
DM4 - Housing standards and amenity space
DM11 – Living Buildings and biodiversity
DM15 - Local job creation and investment
DM24 - Place Sensitive Design
DM25 - Amenity

- 5.7 **Supplementary Planning Guidance:**

5.8 London Plan Supplementary Planning Guidance/Documents

Housing Nov 2012

Shaping neighbourhoods: Character and context 2014

Sustainable Design & Construction April 2014

Draft City Fringe Opportunity Area Planning Framework (December 2014)

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

6.3 LBTH Transportation & Highways

The proposed development is located on TfL road. Therefore, TfL should be consulted for further details.

Highways have no objection to this proposal subject to following issues are resolved before the application is granted.

CYCLE SPACES: The applicant have stated that cycle storage will be located within the stair case area. However, no details are provided about type of cycle stands used and if there is sufficient available within stair case area. Therefore, the applicant is required to provide this information.

CAR PARKING: The proposal site is located in an area of excellent public transport accessibility (PTAL 6a) and connectivity. Therefore, Highways would require a car and permit free agreement to be secured via S106.

REFUSE FACILITY: The applicant has not stated where refuse facility will be located for both residential and commercial units. It is not acceptable to store bins on the highway and Highways would object to any such proposal.

[Officer Comment: All highways matters are discussed fully within section 8.29 – 8.35 of the report]

6.4 LBTH Waste Policy and Development

No comments received to date

6.5 LBTH Biodiversity

There are not likely to be any significant adverse impacts on biodiversity. The building is a long way from any significant bat feeding habitat, such as treelines or water, so there is not a significant likelihood that bats would roost there. The application site consists entirely of buildings and hard surfaces. There will, therefore, be no adverse impacts on biodiversity.

The plans indicate a green roof on the new building. No details of the type of green roof are provided. To contribute to a target in the Local Biodiversity Action Plan (LBAP), this should be a biodiverse roof, following the best practice guidance

published by Buglife), rather than a roof comprising a sedum mat.

Another way to contribute to LBAP targets would be to provide bat boxes and nest boxes for birds, such as boxes for swifts, house sparrows and/or house martins on the buildings.

Please condition details for the green roof.

[Officer Comment: As per officers request a condition will be secured for details of the green roof to be submitted.]

7. LOCAL REPRESENTATION

7.1 A total of 123 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 1 Objecting: 1 Supporting: 0
No of petitions received: 1 objecting containing 32 signatories

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

- Intensification of residential accommodation
- Proposed roof addition is inappropriate and unsympathetic visually to the surrounding conservation area
- Loss of sunlight to neighbouring windows
- Noise complaints from future occupier regarding the existing pub

[Officer Comment: The above issues are discussed within the material planning consideration section 8 of the report.]

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The suitability of the third floor roof extension and the quality of accommodation provided.

Land use

8.2 Delivering new housing is a key priority both locally and nationally as outlined within the NPPF, and in accordance with polices 3.3 and 3.4 of the London Plan (2015), the Mayor seeks to maximise the provision of additional housing in London, where possible.

- 8.3 Housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025. Officers consider that the application site is well placed to contribute to the identified need.
- 8.4 There are two flats on site and the applicant is seeking to convert the 2 x 1 bed flats to 2 x 2 bed flats and extend the existing building to create 1 x 1 bed flat (a net increase of one unit).
- 8.5 The proposal will retain the mixed-use character of the site, which is consistent within Commercial Street. Given the above, the principle of additional housing on site is considered desirable in policy terms subject to other land use considerations.

Design and Impacts of Proposed Extension

- 8.6 The site lies to the east of Commercial Street within the Brick Lane and Fournier Street Conservation Area. The site consists of two properties which have been amalgamated internally. They are locally listed traditional three storey stock brick buildings with a commercial ground floor. Decorative lintels and arched window details including string courses and a parapet cornice can be found at no. 144. Adjacent to site lies a grade II listed building at no.142 Commercial Street known as The Commercial Tavern Public House.
- 8.7 Policy DM24 and DM27 require development to be sensitive to and enhance local character and to take into account the surrounding scale, height, mass and form of development. Developments are also required to protect and enhance the boroughs heritage assets.
- 8.8 When determining planning applications within a conservation area the proposal will have to be considered in accordance with the tests under section 72 of the Planning (Listed Building and Conservation Area) Act. These tests require that, in exercising their powers with respect to any buildings in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.9 The proposal sets out a number of alterations and extensions to the existing building. Further to pre-application discussions and refusal of a two storey extension the proposal has been amended and now consists of an addition of a single storey to the three storey buildings. The depth of the four storey staircase has also been reduced from approximately 3.5m to 0.45m.
- 8.10 The proposed third roof extension will accommodate 1 x 1 bed unit. The proposal also includes the reconfiguration of the internal arrangement to accommodate 2 x 2 bed residential units as opposed to the existing 2 x one bedroom residential unit located over first and second floor level. In addition, a four storey extension will be constructed to the rear south to accommodate a stairwell to access the residential units. The existing rear windows will be removed and replaced with full height windows with juliet balconies.
- 8.11 At ground floor level, the separate access to the southern extent of the site will be retained and this will provide access to the residential units. The existing access to the commercial unit will also be retained.
- 8.12 The single storey addition to the roof will be constructed in matt black metal cladding with full height flash glazing to the front and rear.

No. 144 is a three storey attractive Victorian building, whilst in disrepair the building has retained most of its original feature. No. 146 is of a different design and unlike no.144 it has a rendered frontage with little architectural detailing left.

- 8.13 The third floor roof extension will be located behind the existing high parapet wall, the extension to the front will measure 0.4 meters above the existing parapet. The proposed single storey roof addition is designed in a modern contemporary format and due to its setback behind the parapet wall and slight projection above the parapet; it does not appear to be intrusive or detrimental to the host building.
- 8.14 Following the reason for refusal of the previous application the applicant has taken on board the concerns raised by the Conservation Officer. The reduction in the height of the extension has substantially reduced its impact on the adjoining grade II listed Public House The Commercial Tavern House at no. 144 and on the wider Brick Lane and Fournier Street Conservation Area
- 8.15 Section 7 of the NPPF requires good design in development proposals and Section 12 requires heritage assets, including conservation areas, to be conserved and enhanced and the setting of listed buildings not to be adversely affected by development.
- 8.16 Section 72(1) of the Listed Buildings & Conservation Areas Act (1990) gives the Local Planning Authority a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.17 The extension is appropriate in terms of scale and mass given the prominence of the existing buildings. The proposed design will preserve and enhance the Brick Lane and Fournier Street Conservation area. Details of materials would be secured by condition to ensure the quality and durability of the materials.
- 8.18 Subject to condition it is considered that the proposed development is appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area as required by S72 of the Listed Building and Conservation Area Act 1990 and in accordance with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (Adopted 2013), and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas and historic buildings.

Housing:

- 8.19 The internal space standards are set out in detail in the Mayor of London Housing SPG and re-iterated in policy DM4 of the Council's Managing Development Document.
- 8.20 Whilst the mix would not comply with policy, it is considered that in this instance due to the layout of the internal floor space, the constraints of the site, which prevents a larger extension the proposed mix is acceptable.
- 8.21 The proposed 1 bed unit at third floor measures 59sq metres and the 2 bed units measure approximately 62.11sq metres in compliance with the relevant policy

standards.

- 8.22 All units would be dual aspect and benefit from adequate privacy; sunlight and daylight. Private amenity space will be provided for the new 1 bed unit which is considered acceptable.
- 8.23 On balance the proposal is therefore in accordance with policies DM3 and DM4 of the Managing Development Document (2013) which requires development to provide a balance of housing types and have adequate provision of internal space in order to provide an appropriate living environment.

Amenity of adjoining occupiers

- 8.24 The main amenity consideration to this proposal is the impact upon the neighbours on either sides of the application site and neighbour to the rear. It is noted the upper floors of no's 148-150 Commercial Street and no. 6 Wheler Street are in residential use. The top floor of the public house at 142 Commercial Street is also in residential use. All properties have rear windows where the proposed rear extension is to be located.
- 8.25 An objection has been received from 142 Commercial Street stating that the proposed rear four storey extension will result in loss of light to their windows. A site visit to the property established that there are two windows located to the rear; both windows serve a stair well.
- 8.26 The applicant has taken on board the concerns raised by the adjoining neighbour and has amended the plans by reducing the depth of the staircase and relocating the staircase within the building envelope with a slight projection of 0.45 metres.
- 8.27 It is considered that the amendments to the plans have considerably reduced the amenity impacts on the neighbouring buildings and have thus alleviated the concerns raised.
- 8.28 In the light of the amendments made it is considered that the proposal will not have a detrimental impact on the amenity of neighbouring properties in compliance with policy SP10 of the Core Strategy 2010 and policy DM25 of the Managing Development Document (2013) which seek to protect residential amenity.
- 8.29 Concerns have also been raised by the occupants of the public house in relation to the potential for more complaints to be made about the noise from the public house from additional residents, which could in turn impact negatively on this established business. In this case only one additional unit would be created and would be introduced into an environment which is already predominantly residential on the upper floors. It is not considered that this is a significant issue which would warrant a refusal of the application. On the assumption that the public house is operating responsibly there should be no reason to assume additional noise complaints would come forward as a result of this proposal.

Highways and Transport

- 8.30 The subject site is located in an area with excellent access to public transport (PTAL 6a). LBTH Highways had no objections to this application. The servicing arrangements for the existing restaurant would continue, and the increase in floor space would not lead to any significant increase in servicing trips.

- 8.31 Commercial Street has very limited on street parking bays and together with the excellent PTAL rating, it is unlikely that there will be a significant increase in vehicular trips from customers to be of concern.
- 8.32 The site is accessible by a range of transport modes including bus, cycling, walking and by car. Policy DM20 of the Managing Development Document (2013) supports development where it is integrated with the transport network.
- 8.33 The proposed development provides no vehicular parking as it is within an area of good public transport accessibility (PTAL 6a). This is supported by Highways Officers.
- 8.34 Policies 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DM22 of the Managing Development Document (2013) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision and refers to the parking standards set out in appendix 2 for the provision of parking for different types of development.
- 8.35 The scheme does not make provision for car parking which is acceptable. The Councils Highways Department have been consulted and required a condition ensure the new flats are subject to a car free agreement.
- 8.36 A space is available under the new staircase for cycle parking, however details of the number and type of cycle stands would be requested by condition. The upper floor flats currently do not have a cycle store so this is considered to be a benefit of the scheme.

Waste Refuse and Recyclables Storage

- 8.37 The two units which are currently located on the upper floor levels store their refuse in an area within the kitchen and bring refuse bags down to the street on collection day. This arrangement would continue for the extra unit and is considered acceptable.

Biodiversity

- 8.38 The proposal includes a green roof. This contributed to the borough biodiversity targets and meets with the aims of policy DM11 which states that 'developments will be required to provide elements of a 'living building'.

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

- 9.3 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"*.
- 9.4 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.5 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.6 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.8 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.9 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

10.0 Equalities Act Considerations

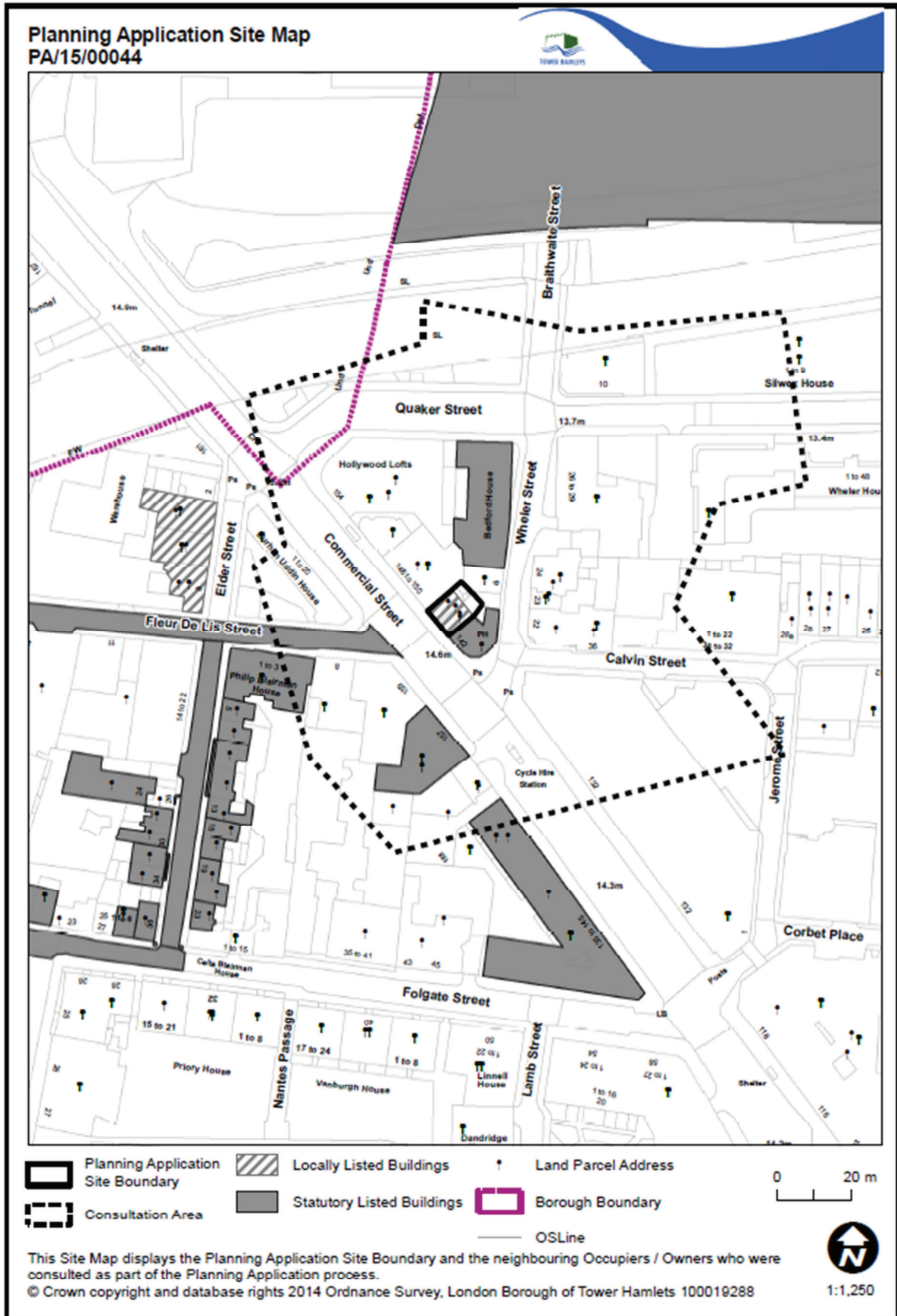
- 10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 Conclusions

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

12.0 Site Map



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Agenda Item 7

Committee: Development	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item No:
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	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item Number: 8
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/15/00515	
		Ward: Weavers	

1. APPLICATION DETAILS

- Location:** Flat 1, Shiplake House, Arnold Circus, London, E2 7JR
- Existing Use:** Office (Use Class B1)
- Proposal:** Change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use
- Drawing Nos:** BG/SLH/00 Rev A, BG/SLH/01 Rev A, BG/SLH/02 Rev A, BG/SLH/03 Rev A, BG/SLH/04 Rev A, BG/SLH/05 Rev A, BG/SLH/06 Rev A, BG/SLH/07 Rev A, Elevation photo and Design and Access Statement
- Applicant:** London Borough of Tower Hamlets
- Owner:** London Borough of Tower Hamlets
- Historic Building:** Grade II Listed.
- Conservation Area:** No

2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2015) and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed internal works to the grade II listed building are considered acceptable in terms of design, materials and appearance. The proposal is not considered to have any adverse impacts on the special architectural or historic interest of the building, which is in accordance with conservation guidelines. As such, the proposal would preserve the character, fabric and identity of the listed building and its heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), policy SP10 of the adopted Core Strategy (2010), as well as policies DM24 and DM27 of the Managing Development Document (adopted April 2013), including advice given in National Planning Policy Guidance.

3. RECOMMENDATION

That the Committee resolve to refer the application to the Government Office for Communities and Local Government with the recommendation that the Council would be

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

- 3.1 1. Three year time period.
2. The proposed works to be carried out in accordance with the approved plans.
- 3 Materials and finishes to match adjoining work unless otherwise specified on submitted drawing.

4. BACKGROUND

- 4.1 This application for Listed Building Consent is required for single storey L shape extension and bin store with associated landscaping. The building is Grade II Listed and is owned by the London Borough of Tower Hamlets. The terms of reference of the Development Committee requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 The Local Planning Authority cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.
- 4.4 The proposed works also require planning permission, this was submitted on 23rd February 2015 (planning reference PA/15/00514). This application was not required to be presented to members and as such, the Council under delegated powers approved this application on 20th April 2015.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 Listed Building Consent for the Change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use.

Site and Surroundings

- 5.2 The application site relates to the first floor unit and forms part of a four storey with mansard roof Grade II listed residential block within the Boundary Estate. The Boundary Estate was built between 1894-1900 by the London County Council (LCC) following one of the first slum clearances in the east end. The estate was the first to be developed by the LCC and comprises 20 blocks of 5 storey flats, two schools (one still in operation), workshops and commercial shops, all built around a central circus, known as Arnold Circus.
- 5.3 The surrounding area is predominantly residential in character, with some commercial uses, including retail shops, cafes, restaurants and bars, located on Shoreditch High Street to the west of the Estate and Redchurch Street and Bethnal Green Road to the south of the Estate.

- 5.4 The site is located within the Boundary Estate Conservation Area, which was designated in December 1985 and covers Arnold Circus and the surrounding social housing estate in an area formally known as “The Nichol”, and lies east of Shoreditch High Street and north of old Bishopsgate Goods Yard.

6. PLANNING HISTORY

- 6.1 PA/15/00514
Planning permission granted on 20/04/2015 for the change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use.

7. RELEVANT POLICIES

Government Planning Policy

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

National Planning Practice Guidance (NPPG)

London Plan Spatial Development Strategy for Greater London (2011)

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

Adopted Core Strategy (2010)

- 7.3 Policies: SP10 Creating distinct and durable places

Managing Development Document (2013)

- 7.4 Policy: DM24 Place Sensitive Design
 DM27 Heritage and the historic environment

8. CONSULTATION RESPONSE

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

8.2 **English Heritage:-**

This application should be determined in accordance with national and local policy guidance, and on the basis of your speciality conservation advice.

Officer comment: This has been noted

9. LOCAL REPRESENTATION

- 9.1 A total of 44 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0	Objecting: 0	Supporting: 0	Comment: -
No of petitions received:	Objection: 0	Support: 0	

10.0 MATERIAL PLANNING CONSIDERATIONS

- 10.1 When determining listed building consent applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 10.2 The main issue for Members to consider is whether the proposed internal works are appropriate in this respect.

Land Use

- 10.3 The loss of the B1 office space and the use of the site as a 3 bed dwelling has been in principle approved under planning permission PA/15/00514.

Impact of proposed alterations on the architectural quality of the Grade II

- 10.4 The National Planning Policy Framework (2012) emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 10.5 London Plan policies 7.4, 7.6 and 7.8 aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 10.6 Policy SP10 of the Core Strategy aims to protect and enhance the borough's Conservation Areas and Statutory Listed Building. In addition, this policy also aims to preserve and enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context.
- 10.7 Development is required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places' as defined by the placemaking policy SP12 of the Core Strategy (2010).
- 10.8 Following on from the above, policy DM24 of the Managing Development Document (2013) aims to ensure that development is designed to the highest quality standards whilst being sensitive to and enhance the local character and setting of the

development. Development should respect the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.

- 10.9 Detailed criteria for assessing impact on heritage assets are set out by policy DM27. Policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 10.10 *The English Heritage List Entry for the Grade II Listed Building reads as follows:*

ARNOLD CIRCUS E2 1. 4431 BOUNDARY ESTATE Shiplake House TQ 3382 8/70 II GV 2. 1899. Red brick, glazed ground floor. Upper storeys banded with orange brickwork, bands increase in width towards top of building. Slate roof. String courses above ground and 3rd floor windows. 4 storeys and 2 extra storeys in central gable. 3 bays width, outer windows form canted bays between 1st and 3rd floors with stucco dressings to base. Central window with stucco keystones. Paired ground floor sashes with segmental arches flank central round arched door with chequered tympanum and short pilasters between door and narrow flanking windows. Windows of top 2 floors in central bay have stuccoed tympana and keystones and are flanked by banded brick pilasters. Contemporary sashes with glazing bars. Facade to Calvert Avenue 12 windows, 3 gables. Ground floor has contemporary shop fronts set under a common cornice. See General note under Boundary Estate.

- 10.11 From the above listing description it can be seen that the main significance of the building lies in its external appearance and its contribution to the wider Boundary Estate. The internal layouts of the flats within this block and other blocks of the estate have been altered over time so can be considered to be less significant in heritage terms.
- 10.12 The proposal only includes internal alteration of the property to facilitate the proposed residential unit.
- 10.13 The alterations include the construction of partition walls and installation of a bathroom and a kitchen.
- 10.14 The partition walls are required to create the three bedrooms and a bathroom. It is noted that there are no historic features within the internal rooms that will be lost due to the proposed work. Furthermore, all the proposed works are reversible.
- 10.15 The proposal has been reviewed by the Councils Design Officer who has raised no objection to the proposed internal works.

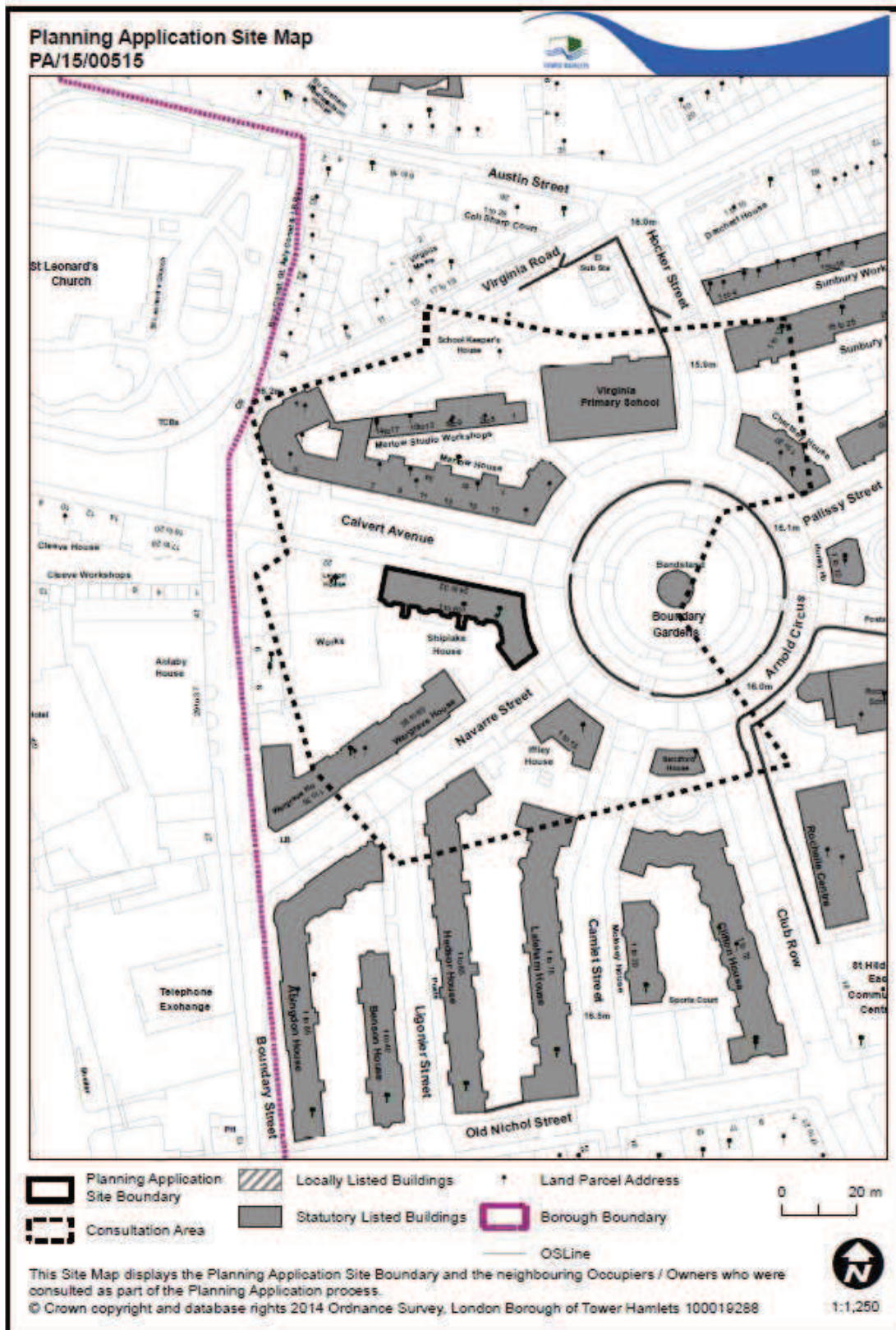
11.0 CONCLUSION.

- 11.1 The proposed internal works to the listed building are considered acceptable in terms of design, materials and appearance to the host Grade II listed building. As such, the proposal would preserve the character, fabric and identity of the listed building and its heritage assets. The proposed works would have no adverse impacts on the architectural or historic interest of the Grade II listed building and is therefore acceptable in terms of policies SP10 of the adopted Core Strategy (2010), policies DM24 and DM27 of the Managing Development Document (adopted April 2013),

policies 7.4 and 7.8 of the LP (2015) and sections 7 and 12 of the NPPF (2012). Including advice given in National Planning Policy Guidance.

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

12.0 Site Map



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