

DEVELOPMENT COMMITTEE

Wednesday, 8 July 2015 at 5.30 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 Marc Francis

Vice Chair :

Councillor Sabina Akhtar, Councillor Rajib Ahmed, Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury and Councillor Chris Chapman

Deputies:

Councillor Sirajul Islam, Councillor Andrew Cregan, Councillor Amina Ali and Councillor Shah Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 6 July 2015**

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

The deadline for submitting material for the update report is **Noon Tuesday, 7 July 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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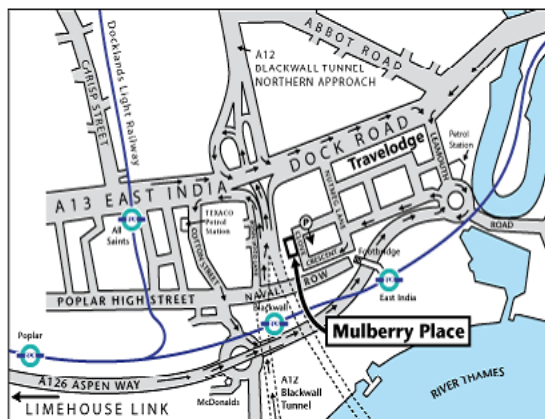
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APOLOGIES FOR ABSENCE

1. ELECTION OF VICE CHAIR OF THE COMMITTEE FOR 2015/16

To elect a Vice-Chair for the Committee for 2015/16 Municipal year.

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

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 16th June 2015.

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 16)

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

	PAGE NUMBER	WARD(S) AFFECTED
<p>6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, MEMBERSHIP AND MEETING DATES</p> <p>The Committee is recommended to:</p> <p>To note the Development Committee's Terms of Reference, Quorum, Membership and dates of future meetings.</p>	17 - 26	
<p>7. DEFERRED ITEMS</p> <p>There are no items.</p>		
<p>8. PLANNING APPLICATIONS FOR DECISION</p>	27 - 28	
<p>8.1 144-146 Commercial Street, London, E1 6NU (PA/15/00044)</p> <p>Proposal:</p> <p>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.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report</p>	29 - 42	Spitalfields & Banglatown

8 .2 12-14 Toynbee Street, London E1 7NE (PA/14/03376)

43 - 62

**Spitalfields
&
Banglatown**

Proposal:

Demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use). Replacement outdoor area to be reconfigured to the rear of the site. External alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor.

Recommendation:

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

8 .3 Rear of 459 Roman Road (PA/14/03667)

63 - 74

Bow West

Proposal:

Construction of a mews house to the rear of existing shop/residential building

Recommendation:

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

9. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Thursday, 6 August 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 16 JUNE 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 Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman
Councillor Andrew Cregan (item 5.2 only)

Other Councillors Present:

None

Apologies:

None.

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)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

Councillor Marc Francis declared that he would not sit on the Committee for the consideration of item 5.2, 418 Roman Road, London, E3 5LU (PA/15/00095).

Councillor Sirajul Islam declared that he would leave the meeting room for the consideration of item 6.2, Passageway to the south of 18 Cleveland Way, London E1 (PA/15/00096) as the site was within his ward and he had an opinion on the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 14th May 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

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

Update Report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal for change of use including internal subdivision of the Forge building. It was noted that the application was initially considered by the Committee in March 2015 where it was deferred for a site visit. The application was then brought back to the Committee in May 2015 where Members were minded not to accept the Officers recommendation to grant consent due to concerns over the following issues:

- The impact of the scheme on the historic fabric of the Forge building.
- The impact on the viability of the neighbouring Town Centre.

Amy Thompson (Pre-applications Team Leader, Development and Renewal) presented the report reminding Members of the site location, the appearance

of the forge building and the two proposed reasons for refusal drafted by Officers following the last meeting (in paragraph 4.2 of the 16th June report).

Whilst Officers were satisfied that the impact on the historic character of the building would be less than substantial and could be controlled by condition, it was considered that a reason for refusal on this ground could be defended at appeal.

However, in terms of the second reason, regarding the impact on the viability of the town centre, Officers felt that given the outcome of the applicant's retail assessment (independently reviewed by consultants on behalf of the Council) and that the scheme met the relevant policy tests, that this reason would be very difficult to sustain at appeal. The Committee also heard from the legal advisor about the possible risks of including this second reason for refusal at appeal. It was also explained that at appeal the two reasons would be examined separately with separate evidence submitted for each. In view of these issues, the Committee agreed that the second proposed reason for refusal be removed.

In response to questions, Officers explained the need for the new entrance due to the layout of the scheme. They also clarified the views of the LBTH Conservation Officer given the comments in the applicant's letter regarding the installation of the new entrance. (Pg 18 of the agenda). It was clarified that the Officer had merely expressed a view on the location of the external entrance to minimise the impact, in response to plans to locate it in a more prominent position. Officers hadn't actively promoted the creation of the entrance.

Planning Permission (PA/14/02573)

On a vote of 0 in favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation to grant planning permission.

On a vote of 2 in favour, 0 against and 1 abstention it was **RESOLVED**:

That Full Planning Permission be **REFUSED** 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. (PA/14/02753)

For the following reason (as set out in paragraph 4.2 of the 16th June 2015 Committee report).

The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

Listed Building Consent (PA/14/02574)

On a vote of 0 in favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation to grant listed building consent.

On a vote of 2 in favour, 0 against and 1 abstention it was **RESOLVED**:

That listed building consent be **REFUSED** for the following reason as set out in paragraph 4.2 of the 16th June 2015 Committee report.

The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

5.2 418 Roman Road, London, E3 5LU (PA/15/00095)

Paul Buckenham (Development Control Manager, Development and Renewal) presented the report. It was noted that at the last meeting of the Committee in April 2015, Members were minded to refuse the scheme due to concerns over the impact on the viability of the retail unit arising from the reduction in size. Concern was expressed at the quantity and quality of the proposed retail unit given the length and width of the new unit, the amount of proposed basement space that would have no step free access.

In terms of the policy, Members were reminded that there was no numerical definition setting a minimum size for viable retail space. There was also no

evidence that a smaller retail unit would be less marketable. In addition, they were also reminded of the recent appeal decision for a similar application, (retaining 50 sqm of retail space, compared to 77sqm in this case) that reached a similar conclusion.

Given the above, Officers remained of the view that the application was acceptable and should be granted planning permission. However, if Members were minded to refuse the scheme, they were advised to propose the suggested reasons set out in the report that referred to the quality of the retained retail floor space

On a vote of 0 favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation.

On a vote of 2 in favour, 0 against and 1 abstention, it was **RESOLVED**:

That planning permission at 418 Roman Road, London, E3 5LU be **REFUSED** for the 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 (PA/15/00095) for the reasons set out in the Committee report as follows:

The proposed development would result in poor quality retail floor space in terms of overall layout, the reduction in the width for the majority of the ground floor space and the distribution of retail floor space across ground floor and basement level with no step free access. The proposals would reduce the long term attractiveness of the premises to future occupiers and the viability of the retail premises in the town centre. The proposed development would therefore conflict with policy DM1(7) of the Tower Hamlets Local Plan, Managing Development Document (2013), which requires that adequate width and depth of floor space is provided for town centre uses.

6. PLANNING APPLICATIONS FOR DECISION

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

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. It was that explained that the Committee previously considered a similar application at the April 2015 meeting of the Committee and were minded to refuse the scheme due to concerns over the impact on residential amenity. Since that time, the applicant had revised the scheme, and due to the nature of these changes, it had been necessary to bring the application back to the Committee as a new item.

Amy Thompson (Pre-Applications, Team Leader, Development and Renewal) presented the report explaining the need for the relocation of the station to facilitate the installation of the TfL super cycle 2 upgrade project.

Members were advised of the site location and the outcome of the re - consultation. In response, no further representations had been received. They were also advised of the key changes to the scheme, to address the concerns,

regarding the proximity of the proposed docking station to Ansell House.

Officers were satisfied with the impact on residential amenity given the position and angle of the nearest windows to the revised docking station. As a result, any views would be at an oblique angle. Furthermore, there was no evidence to suggest that the station would create crime and anti-social behaviour (ASB), based on the crime statistics. The statistics showed that there had been no reported incidents in the vicinity of the existing or proposed docking station. (according to the TfL, Police and the LBTH case investigation officer's records). The letter of objection made no mention of previous incidents, but feared that it would be created.

Given the above, Officers considered that the application should be granted permission.

In response to questions, it was reported that Officers placed emphasis on the nature and content of objections not just the number of objections received. The petition submitted in response to the April scheme had 39 signatures and had not been withdrawn. Care had been taken to preserve access to Ansell House. Details of these measures were explained.

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

That planning permission at Footway Adjacent to Ansell House on Mile End Road, E1 be **GRANTED** for the relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 41 docking points by 75m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works (PA/15/00117) subject to the conditions set out in the Committee report.

6.2 Passageway to the south of 18 Cleveland Way, London E1 (PA/15/00096)

Update report tabled.

Councillor Sirajul Islam left the meeting for the consideration of this item

Councillor Marc Francis (Chair)

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

Richard Kirker, (Keep Coopers Close Open) spoke in opposition to the scheme. He stressed the merits of retaining the openness, permeability and cohesive nature of the close. The group had been formed to stop this application and had organised the petition as set out in the committee report, as well as other events to oppose the application. He considered that the vast majority of people accessed the development without disturbance and the crime rates were below average as set out in the committee report. However, he was also aware of the problems felt by some people about a small number of people misusing the pathway. If the permission was refused, the

organisation would do all that they could to address any issues.

In response to questions, he stated that attempts had been made to address nuisance behaviour around the close and the organisation maintained the pathway and would continue to do so. It was feared that the proposal could actually worsen the problems by displacing anti social behaviour (ASB) into other areas into the estate. As suggested by the Crime Prevention Officer, it would be necessary to install more gates, alongside the proposal to make the close completely safe.

Karen Tan (local resident) spoke in support of the proposal for the safety and security of residents. Whilst the report said that the crime figures were not exceptional, the reality was very different. Residents were too scared to go out. Gates had been installed at other parts of the estate and smaller gates could be installed without planning permission but this would not be as effective. The Crime Reduction Officer statement was supportive of the proposal to reduce crime.

In response to questions about ASB on the estate, she gave example of recent incidences from personal experience. (She spoke about people congregating outside her property and the car park intimidating residents and preventing use of the parking spaces. She expressed concern at drug dealing on the pathway due to its secluded nature). The gate would prevent such people from coming into the area and would stop these problems. The gates should be open in the day time and closed at night

Jermaine Thomas (Planning Officer, Development and Renewal), presented the report highlighting the site location and the location of the proposed gates. He also explained the outcome of the local consultation, resulting in representations in support and objection, and addressed the issues raised.

In terms of crime, it was explained that Officers had assessed the crime statistics from the Police showing that crime levels in the close were no greater than the wider area. As such it was not considered that the proposal justified a deviation in policy. In terms of permeability, it was considered that the installation of the gates would restrict movement and would significantly increase walking distances for residents in the estate to the surrounding area. There were also general concerns that providing a gate at this end of Coopers Close would inevitably lead to pressure for further gates at other access points. Given the design and height, it was also considered that the gates would be an unsightly addition to the area. However, it was noted that they would have no impact on amenity.

Due to these issues, Officers were recommending that the planning permission was refused.

In response to questions, Officers referred to the policies in the Development Plan seeking to promote community cohesion and a well connected Borough. The concern was that the scheme would contribute towards the creation of a gated community, restricting movement, contrary to the policy. Whilst there had been no direct contact with the Bethnal Green Crime Team, Officers did

consult the Crime Prevention Officer who whilst generally supportive of the scheme, also felt that other gates would need to be installed to address the issues with crime in the estate.

Overall, Members were minded to refuse the application due to the concerns. They were also mindful of the strength of local opposition to the scheme. However, it was felt that more action needed to be taken to make the residents feel more safe. For example, it was suggested that the Council should take action to discourage people from congregating in the close and promote the use of Leisure facilities nearby. Police should work to make the pathway more safe

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

That planning permission at Passageway to the south of 18 Cleveland Way, London E1 be **REFUSED** to erect a 2.4m high gate across the passage way (PA/15/00096) for the reason set out in the Committee report as set out below:

- a) The proposal would restrict full public access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 of the London Plan (2015), SP09 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013). These policies require development be well connected with the surrounding area and should be easily accessible for all people.
- b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would discourage community cohesion and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2015), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.25 p.m.

Chair, Councillor Sirajul Islam
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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


How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

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

Agenda Item 6

Non-Executive Report of the: Development Committee 8 th July 2015	 TOWER HAMLETS
Report of: Service Head, Democratic Services	Classification: [Unrestricted]
Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings	

Originating Officer(s)	Service Head, Democratic Services
Wards affected	[All wards]

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2015/16 for the information of members of the Committee.

Recommendations:

The Committee is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.

3.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 24 June 2015.

3.4 In accordance with the programme, meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 24 June 2015.

5. LEGALCOMMENTS

The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 24 June 2015

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value implications arising from this noting report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 - Development Committee Terms of Reference and Quorum
Appendix 2 - Development Committee Membership 2015/2016
Appendix 3 - Development Committee Meeting Dates 2015/2016

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

- [N/A]

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EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.4 Development Committee

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

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

DEVELOPMENT COMMITTEE
(Seven members of the Council)

<i>Labour Group (4)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>
<p>Councillor Marc Francis (Chair) Councillor Sabina Akhtar Councillor Rajib Ahmed Councillor Shiria Khatun</p> <p>Deputies:- Councillor Sirajul Islam Councillor Andrew Cregan Councillor Amina Ali</p>	<p>Councillor Suluk Ahmed Councillor Gulam Kibria</p> <p>Deputies:- Councillor Shah Alam</p>	<p>Councillor Chris Chapman</p> <p>Deputies:- t.b.c.</p>

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APPENDIX 3
SCHEDULE OF DATES 2015/16
DEVELOPMENT COMMITTEE

Tuesday 16th June 2015
Wednesday, 8th July, 2015(5.30pm)
Thursday, 6th August, 2015
Thursday 3rd September, 2015
Wednesday, 30th September, 2015
Wednesday, 28th October, 2015
Wednesday, 25th November, 2015
Wednesday, 16th December, 2015
Wednesday, 13th January, 2016
Wednesday, 10th February, 2016
Wednesday, 9th March, 2016
Wednesday ,6th April, 2016
Wednesday, 27th April, 2016

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 8th July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

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

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Agenda Item 8

Committee: Development	Date: 8 th July 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 at the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 8.1

Committee: Development Committee	Date: 8 ^h July 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:	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 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.
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:**
Brick Lane and Fournier Street Conservation Area Appraisal
- 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 features. 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 Localism Act (amendment to S70(2) of the TCPA 1990)

11.1 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.

11.2 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.

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

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

11.5 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 £3710.00.

11.6 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 £21,200.00.

11.7 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.

11.8 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,279 in the first year and a total payment of £7676.00 over 6 years.

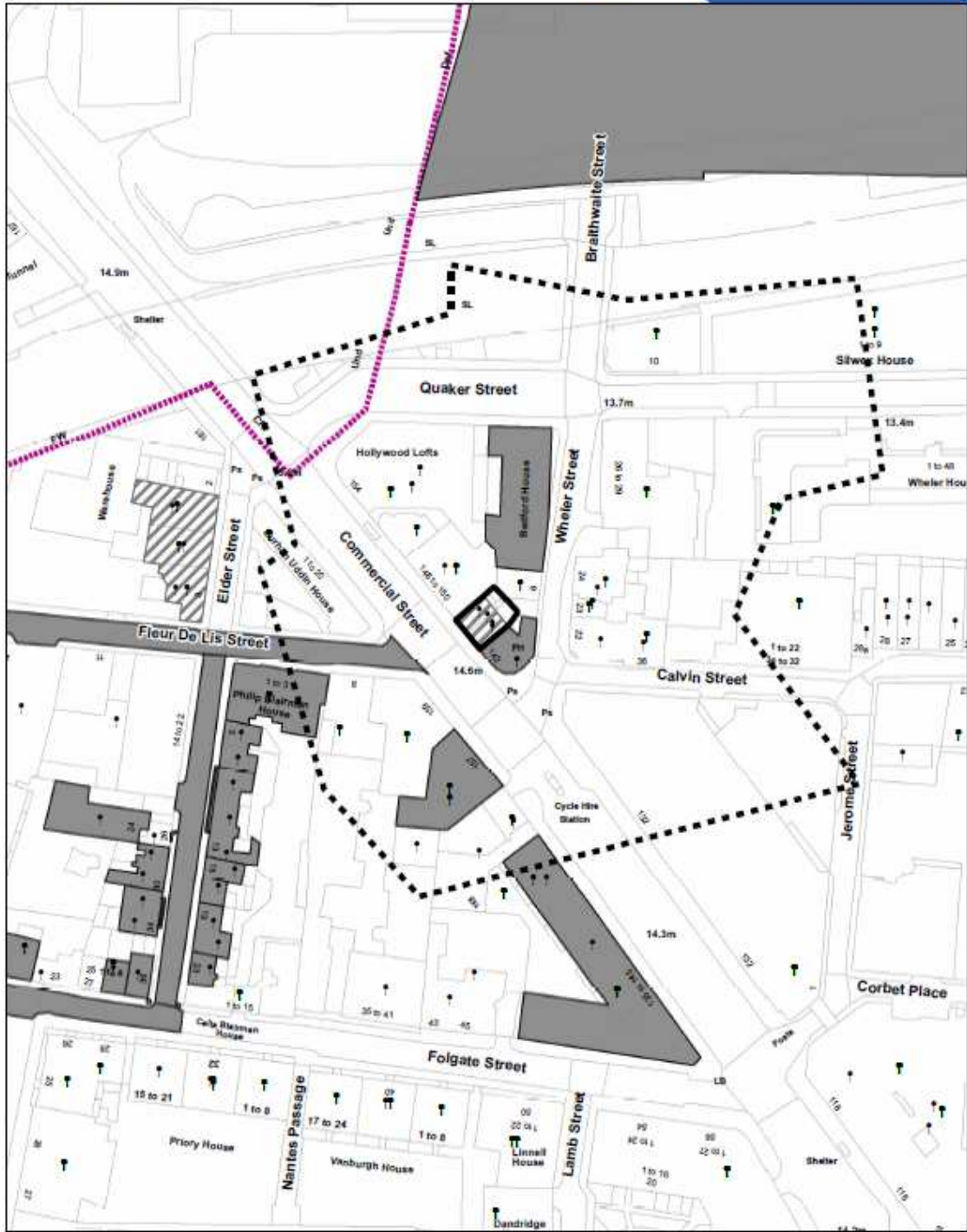
12.0 Conclusions

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.

13.0 Site Map

Planning Application Site Map
PA/15/00044



- | | | | | | |
|--|------------------------------------|--|----------------------------|--|---------------------|
| | Planning Application Site Boundary | | Locally Listed Buildings | | Land Parcel Address |
| | Consultation Area | | Statutory Listed Buildings | | Borough Boundary |
| | | | | | 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 8.2

Committee: Development Committee	Date: 8 th July 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Killian Harrington	Ref No: PA/14/03376
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: 12-14 Toynbee Street, London E1 7NE

Existing Use: Public house (A4) and residential dwelling (C3)

Proposal: Demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use). Replacement outdoor area to be reconfigured to the rear of the site. External alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor.

Drawing and documents: Drawings:
Site location plan,
187_GA_01 REV B
187_GA_02 REV B
187_GA_03 REV C
187_GE_00 REV A
187_GE_00 REV B
187_GE_01 REV B
187_GE_03 REV B
187_GS_01 REV B
187_GA_-01 REV A
187_GA_04 REV A
187_GS_00 REV A
187_GS_02 REV B

Documents:
Design & Access Statement prepared by 21st Century
Architecture Ltd dated April 2015
Daylight & Sunlight report prepared by BVP dated
December 2014
Environmental Noise Survey and Noise Impact
Assessment Report prepared by Hann Tucker
Associates dated November 2014
Energy Strategy prepared by AJ Energy Consultants

Ltd dated November 2014.

Applicant:	Mendoza Ltd
Ownership:	Mendoza Ltd
Historic Building:	N/A
Conservation Area:	Wentworth Street Conservation Area

2. EXECUTIVE SUMMARY

2.1 This report considers an application for external alterations to the existing Duke of Wellington public house and a three-storey extension to provide a total of 5 flats.

2.2 This application has attracted a total of 382 written objections. The main concerns raised by objectors relate to the potential loss of A4 use (either immediately or gradually over time), the removal/reduction of the pub garden, inappropriate mix of residential units, impact on the Wentworth street Conservation Area and residential amenity. Careful consideration has been given to these concerns, as well as the following material planning considerations; land use, heritage and design, standard of accommodation and neighbour amenity.

2.3 The Council consider the proposal to be acceptable for the following reasons:

- The proposal, by juxtaposing a well-proportioned, modern building with the restoration of a Victorian pub is considered to create a lively and dynamic street frontage, providing a strong building line and sense of security for local residents and a more definitive sense of place.
- The alterations to the pub are considered acceptable as the roof extension is subservient to the host building and does not compromise the character of the Victorian era pub.
- A pub garden is a functional auxiliary space that only acts to supplement the public house facility. Customers can still avail of a reasonably sized outdoor amenity space for smoking and socialising and are therefore the operation of the use is not profoundly disadvantaged as a result of the proposal.
- The proposed accommodation meets the minimum standards as set out in the London Plan Housing Design Guide and other policies outlined in this report.
- The amenity of neighbouring occupiers would not be unduly detrimentally impacted as a result of the proposal.
- The proposed design is in keeping with the character of the area and both enhances and preserves the Wentworth Street Conservation Area.

2.4 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) Removal of Permitted Development rights to protect A4 use
- (e) Construction management plan
- (f) Directional louvres (to protect privacy of neighbours)
- (g) Submission of proposed materials and detailed drawings
- (h) Pub garden shall close at 10pm every day and no outdoor amplified music will be permitted at any time
- (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 site of the proposed development (12-14 Toynbee Street) is a corner site situated at the junction between Toynbee Street and Brune Street. It consists of the public house (Duke of Wellington), believed to have been built in the 19th century, and the adjacent yard/empty space currently in use as a storage and amenity area. Neighbouring buildings include a community centre immediately to the south. The surrounding area contains a mixture of residential flats and high rise office buildings with an increasing intensification of land use and diversification of commercial activity. The pub is not a listed building but the site is located in the Wentworth Street Conservation Area.

The Proposal

4.2 The application proposes the following:

- (a) Demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use) that would also make use of the upper floors of the existing public house building. Replacement outdoor area to be reconfigured to the rear of the site.
- (b) External alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining

existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor.

Relevant Planning History

4.4 There is no comprehensive planning history for this property and its authorised planning use is somewhat unclear. However, given the building's historic public house use and Council tax payment evidence, the property is divided between A4 use on the ground floor with one residential unit (C3 use) on upper floors.

- In 1993, planning permission was granted (ref BG/93/00026) for the demolition of an existing paint store and the construction of a tenants meeting room.
- In 2012, a planning enforcement case (ref. ENF/12/00412) queried the unauthorised extension in the pub garden, on foot of a noise complaint. As it had been there since 2008, it was subsequently deemed to be exempt from enforcement action.

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 (2012).

5.4 Tower Hamlets Core Strategy (adopted September 2010)

- 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
- DM8: Community Infrastructure
- 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 Wentworth Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

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:

External Consultees

Thames Water

5.9 Informative comment received

Historic England

5.10 No objection. Responded that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Greater London Archaeology Advisory Service (GLAAS)

5.11 No archaeological requirements

Internal Consultees

LBTH Highways and Transportation

5.12 Highways have no objection to the proposed development. Highways require a section 106 'car parking permit' free agreement for this development as it is located in excellent PTAL area (PTAL 6b). Refuse storage is within the maximum distance recommended between storage and collection point; therefore it complies with Council policy. The cycle spaces are not convenient or safe. Location beside refuse storage is inappropriate.

5.13 [Planning Officer comment]: *In response to the above advice, the applicant revised the ground floor layout to ensure bins were enclosed behind doors and separated from cycle spaces. The cycle spaces have also been relocated nearer the front entrance to make them more accessible and safe. This revised layout was considered acceptable by the Highways officer.*

LBTH Environmental Health: Noise and Vibration

- 5.14 The Environmental Health (Noise & Vibration) Officer raised concerns about the stacking of the third floor living/kitchen area above a 2nd floor bedroom in the existing public house building. Robust mitigation measures that go above and beyond current British standards must be applied.

[Planning Officer comment]: *The applicant subsequently revised the layout to prevent incompatible stacking. No further objection.*

LBTH Design and Conservation

- 5.15 *The extensions to the existing building have been designed to reflect the overall architectural character of this attractive late nineteenth century/earlier twentieth century public house. Detailed design will be important and the necessary quality should be secured by condition. The southern flank wall of the public house was evidently not originally visible and it appears that other buildings originally abutted the public house. The proposed new build element will partly conceal this southern flank. I have no objections to the overall scale, form and design of the proposed building but it is essential that robust conditions are attached to ensure the necessary architectural quality.*
- 5.16 [Planning Officer comment]: *This will be secured via a submission of details condition attached to this decision.*

LBTH Energy Efficiency

- 5.17 No objection

Neighbours Representations

- 5.18 A site notice was erected and press notice published. A total of 100 planning notification letters were sent to nearby properties as detailed on the attached site plan. Local community and historical groups were also consulted. Due to changes to the planning application, there were a total of 3 rounds of public consultation. These are detailed as follows:
- 22/12/2014 First consultation.
 - 30/01/2015 Reconsultation due to inconsistencies in the planning application, drawings and Design and Access Statement.
 - 17/04/2015 Reconsultation due to an amended design showing reconfigured layout, revised unit mix to 1-bed apartments, recessed balconies to the front and an enlarged pub smoking area
- 5.19 A total of 382 written objections were received over the course of the 3 consultation periods, which included representations from the current tenant and customers of the Duke of Wellington, local residents and businesses, CAMRA and objections from Rushanara Ali, MP (Bethnal Green and Bow) and GLA Assembly Member John Biggs (and subsequently elected Mayor of Tower Hamlets). Two petitions of 50 signatures were also received.
- 5.20 One letter of support was received from a resident at Carter House, whose bedroom windows directly face the proposed development. The resident stated that the proposal, despite potentially blocking daylight/sunlight, would improve overall their amenity by reducing the noise impact of the existing smoking area.

Main reasons of objection:

5.21 Loss of pub and patio area

[Planning Officer comment]: *The applicant has revised Section 18 of the planning application form, proposed drawings and the Design and Access Statement to demonstrate that there would be no loss of pub. The 'commercial unit' as indicated on drawings is intended to remain as A4 use (drinking establishments). This will also be secured via a condition attached to this decision to prevent any future change of use under permitted development rights. The loss of patio area is discussed within the Material Planning Considerations section of this report.*

5.22 The new building design is out of character with the surrounding area.

[Planning Officer comment]: *LBTH Conservation Officer is satisfied that the applicant has designed the refurbishment of the 19th century building and adjacent construction of the three-storey building to sit comfortably within the Wentworth Street Conservation Area. This is discussed within the Material Planning Considerations section of this report.*

5.23 The revised proposal is for 1 bed flats only and does not accord with Council policy.

[Planning Officer comment]: *This issue is discussed under Material Planning Considerations section of this report.*

5.24 The proposed flats will not be affordable for the community and will remove existing rented accommodation.

5.25 [Planning Officer comment]: *The proposed scheme is below the threshold for providing affordable housing (10 units).*

5.26 The new patio is too small

[Planning Officer comment]: *This issue is discussed under Material Planning Considerations section of this report.*

5.27 The residential quality and amenity of the proposed flats will be poor.

[Planning Officer comment]: *The size, layout and amenity space provision of the proposed flats are policy compliant.*

5.28 The amenity of Carter House residents will be adversely affected

[Planning Officer comment]: *This issue is discussed under the Material Planning Considerations section of this report.*

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;

- Standard of Accommodation;
- Neighbour Amenity; and
- Other issues

Land use

- 6.2 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. This is reflected in LBTH Core Strategy policy SP02.
- 6.3 The principle of residential use in the area is already well established with blocks of flats such as Carter House surrounding the site. With a PTAL rating of 6a (designated as 'excellent'), this is an appropriate location for residential development in accordance with the London Plan 2015. The approved planning application ref. PA/11/02305 for 11-31 Toynbee Street opposite the Duke of Wellington delivers ground floor commercial use and residential units on upper floors, such as that submitted.

Loss of public house

- 6.4 MDD Policy DM8 details the Council's approach to Community Infrastructure. Paragraph 8.4 in the supporting text lists public houses as a community facility. The policy states that health, leisure, social and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. Furthermore it states that the loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable or the facility is being adequately re-provided elsewhere in the borough.
- 6.5 The proposal seeks to retain the existing A4 use and keep the public house operational so there will be no loss of pub. However in planning terms, the smoking area or garden could be considered an integral part of the pub, as well as the floorspace lost to the new residential entrance proposed. Concerns raised by some objectors relate to the loss of the pub and its long term viability. Officers have therefore assessed this planning application against Policy DM8, due to the reduction in floorspace of the pub and the reduction in size of its garden/smoking area, which may in turn impact of the viability of the pub performing its community infrastructure function.
- 6.6 As the applicant is providing a replacement smoking area, officers are of the view that there would not be a material loss of community infrastructure in this case. The existing smoking area is a temporary structure and is not an historic feature nor is it considered to be the main attraction or function of the pub. Whilst the proposed smoking area is smaller, it is not wholly diminished. In response to objections, the applicant has increased the proposed size from 11sqm to 20sqm, which given the site constraints, is satisfactory.
- 6.7 An outdoor area is a functional auxiliary space that only acts to supplement the public house facility. Customers can still avail of a reasonably sized outdoor amenity space for smoking and socialising and are therefore not profoundly disadvantaged as a result of the proposal.
- 6.8 The pub is not an Asset of Community Value (ACV), nor is it on the Council's list of pending applications. A recent application for ACV status was refused. The pub

is therefore not currently protected by the relevant provisions of the Localism Act (2011) as amended.

- 6.9 Notwithstanding the above, officers consider that any building on the garden could affect the viability of the premises. It is therefore considered reasonable, in order to retain the pub use and its community infrastructure function, to remove the Permitted Development rights by way of a condition attached to this decision so as to prohibit the conversion of the pub into any other use. This condition is considered to meet the six tests for conditions outlined in Paragraph 206 of the NPPF, which states that conditions must be: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other aspects.
- 6.10 Applying such a condition is necessary to make the development acceptable in planning terms as it safeguards community infrastructure in line with MDD Policy DM8. It is relevant because 382 objections were received, many of which concerned the potential loss of pub due to it no longer being viable. The condition would be enforced by Council officers. It is precise in its direction not to permit any other use. It is also reasonable considering it is a late 19th century public house in the historic Spitalfields area. Retaining the A4 use is not thought to be an unjustifiable or disproportionate burden on the applicant, considering the spirit of the Localism Act 2011 and the measures to protect public houses.

Heritage and Design

Statutory Duty

- 6.11 The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to this application. This clarified that where a decision maker finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh that harm

National Planning Policy Framework ("NPPF"),

- 6.12 Section 12 of the NPPF headed "Conserving and enhancing the historic environment" contains guidance in consideration of development proposals and their effect on this historic environment
- 6.13 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in

proportion to its significance. Heritage assets includedesignated heritage assets such as the Wentworth Street Conservation Area

- 6.15 Paragraph 132 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given should be proportionate to the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 6.16 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 6.17 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). The Planning Practice Guidance tells us that the test of whether a proposal causes substantial harm is very high and will often not arise. The Court has ruled in *Bedford BC v Secretary of State for Communities and Local Government* [2013] that such harm is that which would have such a serious impact that its significance was either altogether or very much reduced..
- 6.18 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 6.19 Paragraph 137 requires local planning authorities to treat favourably those proposals that enhance or better reveal the significance of Conservation Areas and the setting of heritage assets.
- 6.20 Paragraph 138 acknowledges that not all aspect of a Conservation Area will necessarily contribute to its significance. This allows some flexibility for sustainable development to take place in or near Conservation Areas, without causing harm to the overall heritage significance.

Strategic and Local Planning Policy

- 6.21 Policy 7.8 of the London Plan seeks to record, maintain and protect the city's heritage assets in order to utilise their potential within the community. It requires that developments which have an effect on heritage assets and their settings conserve their significance, by being sympathetic to their form, scale, materials and architectural details.
- 6.22 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.

Assessment of Heritage Impacts

- 6.23 The following are considered to be the main heritage issues relating to this planning application:
- the significance of the Wentworth Street Conservation Area;
 - the contribution (if any) the current setting makes to the significance of the Wentworth Street Conservation Area;
 - the effects the proposed development will have on the significance of the Wentworth Street Conservation Area;
 - the scale of any harm caused by the development to the Wentworth Street Conservation Area and are there any public benefits generated to outweigh that harm
 - the acceptability of the proposed development in heritage terms
- 6.24 The Wentworth Street Conservation Area Character Appraisal and Management Guidelines (2007) describes the area's character, broadly dividing it into two character areas – west of Toynbee Street and the area to the east around Commercial Street. According to the Guidelines map, the site can be placed more to the east area, which is characterised by mid to late Victorian commercial buildings of 4-5 storeys along the road, containing shops and warehouses with a variety of well-detailed elements and polychromatic brickwork. Overall, there are offices, small shops, and a large amount of residential accommodation in the area. There is no open space apart from the Petticoat Lane market. The scale of buildings rises from 3-4 storeys in the west to 4-5 storeys in the east. The urban blocks are small with fine grain architecture.
- 6.25 The application site (12-14 Toynbee Street) makes an important contribution to the historic character of the Conservation Area, namely in the form of the late 19th century public house building. The Guideline document refers to this period as being critical in the development of the area and the pub is therefore a key architectural and cultural link to the past. The document also refers to there being some gap sites and inappropriate buildings that have a very small impact on the quality of the Conservation Area. It makes reference to 'dead frontages in the area with potential to be brought back into use by small scale business and residential uses' (p13). The Duke of Wellington pub garden occupies such a gap site. Whilst it does not significantly harm the integrity of the Conservation Area, its dead frontage does not make a positive contribution to the area's character. It breaks up the traditional building line and diverts visual attention from the street's historic roots. Its redevelopment would therefore both mend and reinforce the fine grain, 19th century street pattern that the Conservation Area seeks to safeguard.
- 6.26 The proposal involves two elements.
- (j) Three storey infill extension
- 6.27 The extension will be built on the existing smoking area, with a replacement outside amenity space (20 sqm) provided in the northwest corner of the site.
- 6.28 The new apartment building's shape is a simple uniform box design and is proportionate to the existing row of buildings on Toynbee Street and is actually lower than most surrounding buildings, which are up to 4 storeys in height. It is not considered to have an overbearing effect on neighbouring properties or alter the street character or cause harm to the setting of the Wentworth Street Conservation

Area because it is in line with the shape and height of buildings set out in the Wentworth Street Conservation Area Character Appraisal and Management Guidelines outlined in paragraph 6.25.

- 6.29 The proposed materials include a light sandstone cladding with black metal cladding for ground floor façade. Timber strip cladding will interspersed with the front windows and recessed balconies. The roof will be flat parapet. The rear façade will be the same as the front but with glazed, louvered balconies. These have been deemed acceptable for the Conservation Area as they are not in contradiction of the Wentworth Street management guidelines and are not visible from Toynbee Street. The rear 3 balconies will feature 1.8m high opaque directional louvres, which would not be out of character with the modern building design and would not be visible from Toynbee Street.
- 6.30 Similar to the approved mixed-use scheme (ref. PA/11/02305) opposite the site at 11-31 Toynbee Street, the three-storey development would improve the appearance of the street scene by hardening its edges and maintaining a building line that better corresponds to the street's history. Toynbee Street is currently dilapidated in parts and needs repair which is provided by the proposed modern development and refurbishment. The proposal, by juxtaposing a well-proportioned, modern building with the restoration of a Victorian pub would create a more dynamic, 'lived-in' street frontage, providing a greater sense of security for local residents and a more definitive sense of place.
- 6.31 The height and mass of the new building would correspond with the general street character and would actually be low in height comparative to adjacent terraced dwellings which, similar to Carter House, are as high as four storeys –

(ii) Roof extension and alterations to public house

- 6.32 Three new dormer windows are being proposed as part of a new mansard extension on the north-facing upper roof slope. Although highly visible from front street level, this roof extension is considered acceptable as it is subservient to the host building and does not compromise the character of the Victorian era pub. Windows have been designed to be proportionate to those in the existing mansard below, in consultation with the LBTH Conservation Officer. The existing ridge line and mansard feature are being retained.
- 6.33 An existing chimney in the NW corner of the roof is being reduced to second floor level. Whilst this is not ideal, the chimney in question is the least visible and makes little contribution to the overall character of the building. Its reduction in height would not harm the Conservation Area. It is recognised that these works will enable the refurbishment of the upper floors of this building, prolonging the life of the building and providing a long-lasting residential use.
- 6.34 The proposed materials include London stock brickwork as existing, mansard slate as existing, period timber frame windows and doors to match existing. These materials and the proposed roof extension are also considered acceptable for the building and the Conservation Area.

The proposed development has been carefully considered with relation to local and national policy. The proposal generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document 2013 and the Government guidance in Section 12 of the NPPF.

Standard of Accommodation

- 6.35 London Plan Policy 3.5, LBTH Core Strategy Policy SP02 and Managing Development Document (MDD) Policy DM4 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.
- 6.36 The proposal is for 4 x 1 bed units and 1 x studio apartment. Although this is not fully in accordance with MDD Policy DM4, the site is considerably constrained and in this instance, the Council support the current layout and room configuration as proposed. Family accommodation is considered to be less compatible with a pub use than smaller units. The constraints of converting the existing upper floors of the existing pub building and integrating with the new block is such that the design layout lends itself to smaller dwellings.
- 6.37 The 1 bed units are in excess of 50sqm and the studio unit exceeds 37sqm, thus meeting the minimum space standards as set out in the London Housing Design Guidance, Policy DM4 of the MDD (2013) and the National Space Standards set out in the NPPG. The proposal also offers the correct private amenity spaces for each unit, except the studio which is not required to have outdoor space provision. All units meet the minimum standards required (5sqm private balcony and 1500mm minimum width) and are therefore policy compliant. Floor to ceiling heights are at least 2.5m.
- 6.38 The daylight amenity for each habitable space has been assessed using the Average Daylight Factor (ADF) following the methodology of the British Research Establishment (BRE) guidance. Officers agree with the findings of the submitted report, which concludes that internal daylighting is in line with this guidance.
- 6.39 In terms of outlook of the proposed flats, the distance from the east facing windows to Carter House is approximately 9m. However the affected units in both the proposed development and Carter House are dual aspect, hence on balance, the outlook from these units is considered acceptable.
- 6.40 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.

Neighbour Amenity

Loss of daylight/sunlight

- 6.41 Whilst the daylight levels would remain unchanged, the ground, 1st and 2nd floor residential apartments at Carter House (2 no. windows per unit) would suffer a minor loss of morning sunlight as these bedroom windows face eastwards and the proposed new building would remove light to the apartments on these three floors. However, in the applicant's daylight/sunlight report, it is noted that these rooms are dual aspect and so the loss of daylight/sunlight to Carter House would not be an unacceptable loss.
- 6.42 Vertical Sky Component (VSC) is the calculation most readily adopted in daylight assessment of existing properties, as the principles of calculation can be established by relating the location of any particular window to the existing and proposed, built environment. DM25 of the MDD and SP10 of the CS seek to ensure

that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions. For calculating daylight to neighbouring properties, affected by a proposed development, the 2011 BRE guidance emphasises the VSC assessment as the primary method of assessment.

- 6.43 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 6.44 The VSC for each bedroom window is between 21% and 36% with minimal change from existing conditions, thereby meeting BRE standards.
- 6.45 A mosque building/community centre is situated immediately to the south of the site. As there are no windows on the building's northern elevation, there would be no impact on its daylight/sunlight intake.

Overlooking

- 6.46 The distance between the proposed units and Carter House is well below the 18m minimum that the MDD policy DM25 seeks (approximately 9m). However, the Council recognises that this is an infill development within the Central Activities Zone. The 18m minimum distance is guidance only, which needs to be balanced against the other merits of the application. The affected windows at Carter House are secondary bedroom windows, and the windows in question to the proposed development are high level (ie, designed to avoid direct overlooking). The applicant revised the rear elevation design to provide greater mitigation against the mutual overlooking of Carter House residents and future occupants of the proposed development. Two balconies were also reconfigured to the front of the development, thereby limiting the impact on privacy to Carter House. The three balconies that remain at the rear will feature translucent glass louvres, which are directional and will limit overlooking, thereby protecting the privacy of residents. These will be at a height of 1.8m.

Noise

- 6.47 The residents of this area are already subject to noise emitting from the outdoor seating area. The proposed building is likely to lessen this impact by reducing the size of the current area and limiting the amount of customers that can be there at any one time. There will be new noise impacts arising from this development as the proposed apartments will also be subject to noise from the amenity area. However, the apartments will be constructed to entertainment venue standards and will be insulated above and beyond the insulation standards for apartment buildings. This sound-proofing will be secured through a pre-commencement condition attached to this decision. It should also be noted that the proposed development is located within Spitalfields, an area of central London that is subject to an intense mix of land uses, with noise from such pub smoking areas not being uncommon.
- 6.48 The applicant provided a noise impact assessment report, which concluded that conventional noise insulation can be provided as part of construction works.
- 6.49 An appropriate condition will be attached to this decision to limit the use of the garden to ensure it closes at 10pm and no outdoor amplified music will be permitted at any time, further reducing any potential noise impact.

Other Issues

Highways

- 6.50 The proposed development is car-free (secured via a condition attached to the decision notice) and involves the creation of a new pedestrian entrance at the front. Cycle parking (4 no. spaces) have been provided in the plans and, following a revised layout to ensure separation from waste storage, are accessible, secure and convenient to use, in accordance with MDD Policy DM22. Access to the flats will be from Toynbee Street and an outdoor corridor/steps will lead to each flat entrance.

Refuse

- 6.51 Refuse is proposed to be stored in the front utility area of the main access, where it is collected from Toynbee Street. The applicant has provided adequate separation between the bin and cycle storage.

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 Equalities

- 8.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.
- 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

- 9.1 This application is subject to the Borough's Community Infrastructure Levy (CIL), which came in to force for applications determined from 1st April 2015. This is a standard charge, based on the net new floorspace of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.
- 9.2 The estimated Borough CIL contribution for this development is **£54,000.00**. This is payable on commencement of the development, and the amount will be confirmed at that stage by the LBTH Infrastructure Planning Team.
- 9.3 The LBTH Borough CIL secures infrastructure contributions from development and can be spent by the Council on those infrastructure types set out in the Council's Regulation 123 list.

- 9.4 Members are reminded that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be **£9,450.00**

10 Conclusion

- 10.1 On balance, the proposed development is acceptable and complies with policy. The proposal is not without its shortcomings in terms of layout but the applicant has addressed these as much as it is possible on a site of this size. The conditions attached to this decision seek to rectify these issues.
- 10.2 There will be no loss of pub and the provision of outdoor pub amenity space is reasonable and in accordance with MDD Policy DM8.
- 10.3 The bulk and scale are in keeping with surrounding buildings (many of the terraced properties are at least 4 storeys in height) and do not harm the integrity or the setting of the Wentworth Street Conservation Area.
- 10.4 The proposed mix of units, layout and the allocated private amenity space are deemed to be appropriate and in accordance with the London Plan 2011 and London Housing Design Guide, LBTH Core Strategy and MDD Policies DM01, DM03, DM08, DM22, DM24, DM25 and DM27.
- 10.5 Taking into consideration the following: Central Activities Zone location; the current housing shortage in the borough; recent historic evidence of dilapidation/vacant sites in the area; recently approved planning application ref PA/11/02305; and the need to safeguard the 19th century public house building from decay, any impacts on neighbouring properties and residents are not considered significant enough to warrant a refusal in this case.
- 10.6 Although there would be some minor loss of daylight/sunlight to residents of Carter House, the proposal would not appear incongruous or overbearing, relative to the surrounding buildings. There is already a degree of overshadowing and mutual overlooking of residences as building heights vary widely. By infilling a gap in the existing building line, the proposal would visually enhance the street scene and improve public safety. It would also ensure more intensified mixed use activity at this location in accordance with LBTH Core Strategy SP03 and MDD Policy DM25
- 10.7 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.

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Agenda Item 8.3

Committee: Development Committee	Date: 8 th July 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer:	Ref No: PA/14/03667
	Ward: Bow West

1. APPLICATION DETAILS

Location:	Rear of 459 Roman Road
Existing Use:	Vacant
Proposal:	Construction of a mews house to the rear of existing shop/residential building
Drawing and documents:	Drawing nos RMR 000 002 B, RMR 300 020, RMR 300 021, RMR 300 022, RMR 000 021, RMR 000 022 and P.05.01 Design and Access Statement (November 2014)
Applicant:	Mr Peter Petrou
Ownership:	Mr Peter Petrou
Conservation Area:	Driffield Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the proposed construction of a mews house to the rear of an existing shop/residential building at 459 Roman Road. The proposal seeks permission to build a house in the rear yard of this property. The proposed house would align with the terrace on Ford Close and it would be accessed from a right of way it benefits from in front of these properties.
- 2.2 A total of 9 letters of representation were received objecting to the proposal and a separate petition with 21 signatories. The main concerns of objectors relate to the ability of residents to park at the rear of no. 459 (Ford Close), existing parking congestion, removal of the property's rear wall, the design being out of character for the area and not matching adjacent terrace.
- 2.3 The applicant subsequently submitted a revised design, ensuring the proposed house matches adjacent properties and has greater regard to the Driffield Road Conservation Area. Officers consider that the amended proposal would be more in keeping with the Conservation Area and its setting, would not appear incongruous or out of place and would not cause significant harm to the character of adjacent dwellings or the surrounding area.

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) Car Permit-free condition
- (d) Cycle-parking to be retained as shown on the plans
- (e) Construction management plan to be submitted and approved
- (f) Details of external facing materials to be submitted and approved

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 site is a 58m² plot located within the boundary of 459 Roman Road. To the east of the plot is a 3-storey terrace of houses at 2-8 Ford Close. To the north, there are local authority housing blocks and a new development currently on site for six new homes, as well as associated landscaping works to Hitchin Square, public realm improvements and access works. The proposed house would align with the terrace on Ford Close and it would be accessed from a right of way it benefits from to the south of these properties. The application site does not contain a listed building however it is located within the Driffield Road Conservation Area.

The Proposal

4.3 The application proposes the following:

Construction of a mews house to the rear of existing shop/residential building. The proposal is for a 3-bedroom 4-person house, with a dedicated entrance from Ford Close courtyard to the east to be built in the rear yard of 459 Roman Road, which was previously used as a printers shop and has been derelict for a number of years after the unit closed. The upper floors of 459 Roman Road have been converted into two flats, and the ground floor and basement were recently the subject of a separate planning application, to create another residential unit and reduce retail space which was refused planning permission on the 9th of June 2015.

Both applications are subject to appeals submitted by the applicant.

Relevant Planning History

- 4.4 A previous application reference PA/14/03102 for a house in a similar location was withdrawn on the 8th of December 2014. This was after it was revealed that the owners of the right of way had not been notified of the application.
- 4.5 Application reference PA/14/03669 to provide a one bedroom maisonette at ground and basement level in 459 Roman Road, refused permission 9th June 2015 although an appeal has been lodged by the applicant.
- 4.6 An application reference PA/15/01429 for the construction of mews house at rear of site is currently under consideration.
- 4.7 An application reference PA/15/01430 for a development to provide for one bedroom maisonette at ground and basement level is currently under consideration.

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 Driffield Road 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 Subject to a section 106 agreement preventing any occupier of the new development from obtaining an on-street residential car parking permit, highways raise no objection.

[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 Following alteration of the original submission, previous concerns have been addressed and as such they no longer raise an objection to the scheme. Details of materials to be submitted by way of a condition.

External Consultees

Neighbours Representations

5.11 A total of 44 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 8 letters of representation were received objecting to the proposal and separate petitions with 20 signatories'.

Main reasons for objection:

- 5.12 The pressure, vehicular and pedestrian, on the small courtyard of Ford Close. An additional house would simply add to these pressures causing undue stress and discomfort to residents.

Officer comment: The proposed development will be car-free. Accordingly, there will be no extra demand placed on on-street parking spaces. It is unlikely that an additional single residence would create enough pedestrian flow to obstruct the courtyard

- 5.13 The erection of a Mews House will lead to the right of way access strip becoming blocked meaning neighbouring residents will not be able to park their cars.

Officer comment: A right of way becoming congested is a civil matter, however, it is considered unlikely that an additional residence would create enough additional pedestrian/vehicular flow to obstruct the courtyard

- 5.14 The site is not suitable for a house.

Officer comment: This point is discussed under 'Material Planning Considerations' section of this report.

- 5.15 The applicant proposes to remove the wall to the rear of the property

Officer comment: The wall is not a protected structure.

- 5.16 The proposed design is completely different and not in keeping with the Conservation Area

Officer comment: These concerns have been addressed by the design amendments and officers are satisfied that the proposal now complies with MDD Policies DM24 and DM27.

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

- 6.2 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. The principle of

residential use in the area is already well established, with residential properties on the adjoining Ford Close and within 459 Roman Road.

- 6.3 The principle of use class C3 (residential) in the area is already well established, with residential properties on the adjoining Ford Close, Hitchin Square and within 459 Roman Road.

Design

- 6.4 Policies DM23 and DM24 of the Managing Development Document seek to ensure that development is sensitive to the local character and environment and provides for a safe, secure and permeable environment. Additionally, DM27 seeks for development 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. 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.
- 6.5 Therefore, the main issues are whether the design of the building is appropriate, whether it is in keeping with the character of the surrounding properties and whether it preserves or enhances the character and appearance of Driffield Road Conservation Area.
- 6.6 The proposal involves inserting a new 3 storey house in the rear garden of an existing shop/flat building. This will also adjoin an existing 3 storey mews terrace at Ford Close that fronts onto Hitchin Square. Although the house will be sited to the rear of existing shop/residential building, the house would be accessed from a right of way it benefits from through the courtyard of Ford Close. As a result of this, it will visually impact on Ford Close courtyard (where the mews dwellings are accessed) and the streetscape of Hitchin Square.
- 6.7 The original proposal was for a modern addition with no design references to the vernacular features of the mews. This would have been incongruous and out of character with adjacent properties. However, the applicant amended the design to change the flat roof to a mansard and to mimic the timber sash windows, brick header and jamb details with brick and slate materials to match adjacent dwelling.
- 6.8 The proposed house would therefore neatly align with the terrace on Ford Close and match the terrace in height, massing and materials. It now appears as more of a natural fit
- 6.9 The proposal is intended to provide an architecturally cohesive solution by echoing the scale, massing, materials, and contemporary appearance of the Hitchin Square development, whilst following the line of the adjacent terraced houses of 2-8 Ford Close.
- 6.10 In terms of materials, the proposal seeks to match the adjacent terrace in its use of yellow London stock brickwork, roof slate and painted white sash timber windows.
- 6.11 By virtue of its sensitivity to the surrounding vernacular buildings, its neat and proportionate shape, improved street appearance and considered use of materials, the proposal would both preserve and enhance the Driffield Road Conservation Area. It therefore 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

- 6.12 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 and outlined below:
- Studio flat: 37 sq m
 - 1 bedroom apartment/2 persons: 50 sq m
 - 2 bedroom apartment/3 persons: 61 sq m
 - 2 bedroom apartment/4 persons: 70 sq m
 - 3 bedroom apartment/4 persons: 74 sq m
 - 3 bedroom apartment/5 persons: 86 sq m
- 6.13 The proposed unit exceeds the 74 sqm minimum space standard for a 3 bedroom/4 person dwelling as set out in policy DM4 of the Managing Development Document (2013) and the National Space Standards set out in the NPPG. Floor to ceiling heights are approximately 2.5m, and the overall internal floor area is 90 sqm.
- 6.14 In terms of private amenity space, the London Plan Housing SPG, Standard 4.10.1 (1) and (3) should be applied, which specifies that there must be a minimum of 5 sqm of private outdoor space provided for 1-2 person dwellings and an extra 1 sqm provided for each additional occupant. Balconies and other private external spaces should have a minimum width of 1500mm.
- 6.15 The applicant has provided a total of 13.4 sqm private outdoor amenity space, which exceeds the minimum space standards.
- 6.16 The proposed main living areas and bedrooms would have reasonably good outlook and receive adequate daylight/sunlight broadly in line with BRE guidance.
- 6.17 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

- 6.18 In terms of impact on neighbour privacy, the proposed development would be attached to the western end of an existing mews terrace. There is one balcony proposed for the north-facing elevation and one inside the courtyard.
- 6.19 There is an existing degree of overlooking between (i) the rear of Roman Road buildings and Ford Close and (ii) Ford Close and Hitchin Square dwellings and block of flats. In both instances the distance is broadly in line with the 18m separation guidance specified in MDD Policy DM4. A modern dwelling is located approximately 5m to the west of the site but there are no windows or doors proposed for this gable end. The proposal does not include any balconies. Officers therefore conclude that there would not be a detrimental impact on neighbour privacy.
- 6.20 In terms of daylight/sunlight impact, the building's orientation is such that there would be minimal overall impact. 2-8 Ford Close would not suffer any undue

detrimental deterioration as the proposed house is situated at its western gable. There would be little or no loss of sunlight to the occupants of 459 Roman Road as the rear of this building faces north. The block of flats at Hitchen Square has no windows facing the development site whilst the recently constructed apartments are located too far from the site to be impacted.

- 6.21 Accordingly, the proposal is considered acceptable in respect of MDD Policy DM25.

Other Issues

Highways

- 6.22 Should permission be granted, the applicant has agreed to enter into a permit-free agreement by way of a condition. The applicant proposes 2 no. secure bike stores in the front amenity area. Further details of this cycle parking will be required by way of a condition.

Refuse

Bin stores for the proposed unit will be placed in the front amenity area, with access from the courtyard. This is considered appropriate and there is adequate separation between this and the cycle storage and a safe and secure passage for collection.

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.

9.0 Local Finance Considerations

This application is subject to the Borough's Community Infrastructure Levy (CIL), which came in to force for applications determined from 1st April 2015. This is a standard charge, based on the net new floorspace of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.

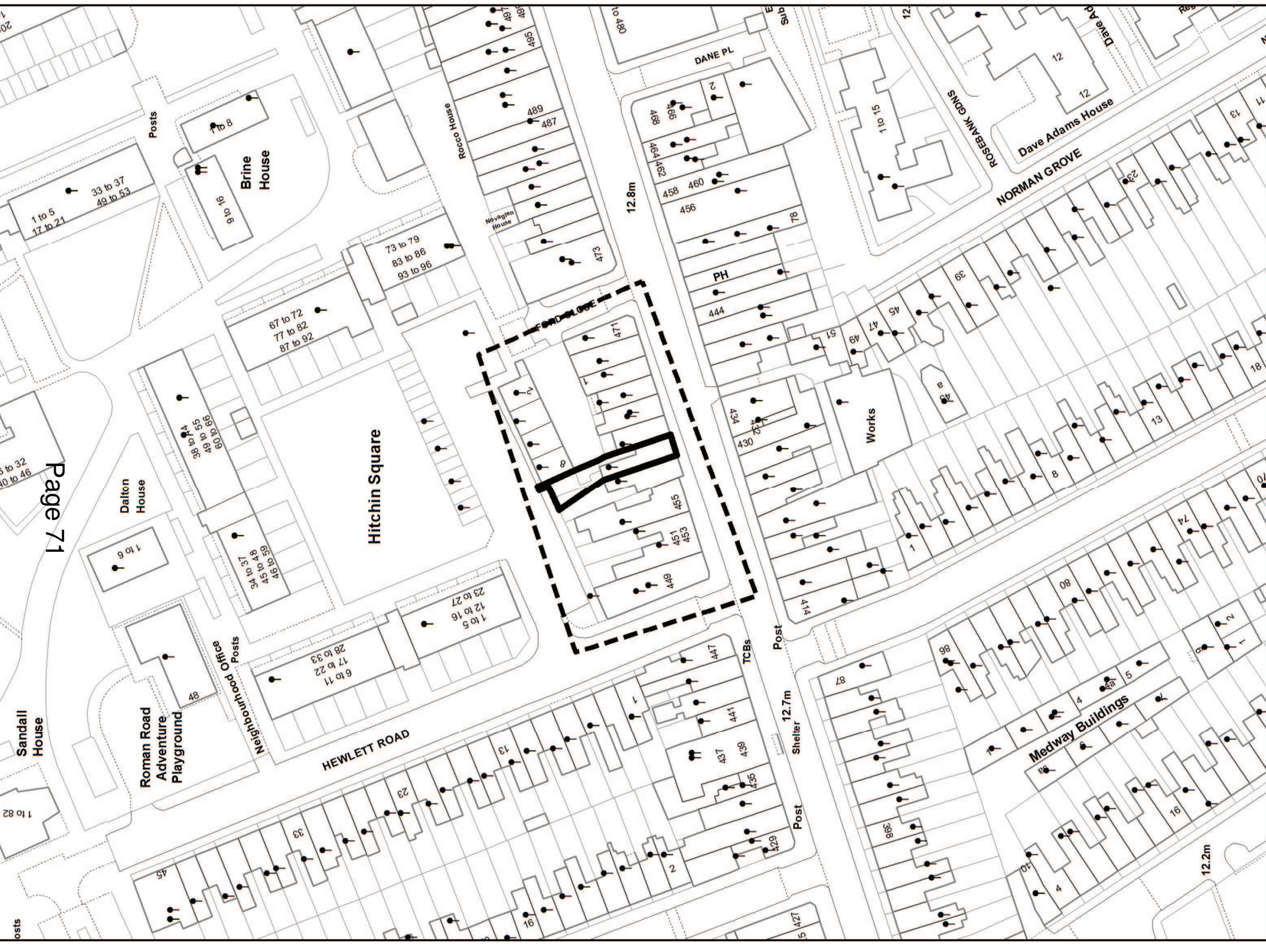
The estimated Borough CIL contribution for this development is **£6.045.00**. This is payable on commencement of the development, and the amount will be confirmed at that stage by the LBTH Infrastructure Planning Team.

The LBTH Borough CIL secures infrastructure contributions from development and can be spent by the Council on those infrastructure types set out in the Council's Regulation 123 list.

Members are reminded that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be **£3,225.00**

Conclusion

- 10.0 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

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