

DEVELOPMENT COMMITTEE

Wednesday, 28 October 2015 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor Shiria Khatun
Councillor Sabina Akhtar, Councillor Rajib Ahmed, Councillor Suluk Ahmed, Councillor
Gulam Kibria Choudhury and Councillor Chris Chapman

Deputies:

Councillor Sirajul Islam, Councillor Andrew Cregan, Councillor Amina Ali, Councillor Shah
Alam, Councillor Julia Dockerill, Councillor Peter Golds and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 26 October 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, 27 October
2015**

Contact for further enquiries:

Zoe Folley, Democratic Services,
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Web: <http://www.towerhamlets.gov.uk/committee>

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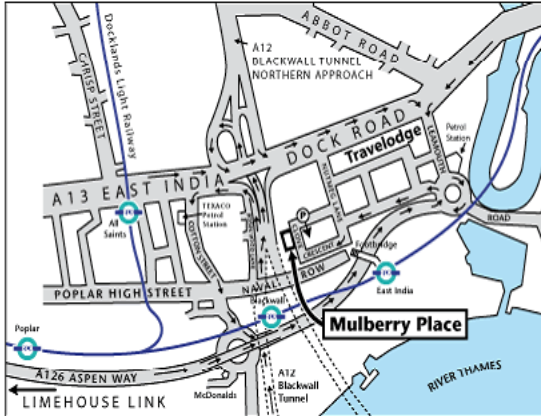
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APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 3rd September 2015.

3. RECOMMENDATIONS

To RESOLVE that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)

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

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

No items.

6.	PLANNING APPLICATIONS FOR DECISION	19 - 20	
6 .1	42-44 Aberfeldy Street, E14 0NU (PA/15/01444 and PA/15/01445)	21 - 28	Lansbury
	Proposal:		
	PA/15/01444 Retrospective planning application for the installation of an ATM (Cash Machine) inserted through existing window opening and a white laminate composite security panel.		
	PA/15/01445 Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately and blue LED halo illumination to the ATM surround.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission and advertising consent subject to conditions.		
6 .2	The Royal London Hospital, Whitechapel Road, London, E1 1BB (PA/15/000108)	29 - 36	Whitechapel
	Proposal:		
	Removal and re-siting of Royal London Hospital war memorial plaque from within the former ground floor foyer of the old Royal London Hospital Front Block Building. To be re-sited on the wall of the Stepney Way public atrium in the new hospital building.		
	Recommendation:		
	That the Committee resolve to GRANT listed building consent subject to the completion of a legal agreement, conditions and informatives.		
6 .3	Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ (PA/15/02216)	37 - 48	Lansbury
	Proposal:		
	1. Installation of external fire escape stair to south elevation of hall. 2. Replacement of windows on west elevation of hall. 3. Demolition of existing timber storage shed. 4. Minor resurfacing works around new stair.		
	Recommendation:		
	That the Committee resolve to grant Listed Building Consent subject to conditions		

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 25 November 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 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Melanie Clay Director of Law Probity and Governance and Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 3 SEPTEMBER 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Shiria Khatun (Deputy Mayor and Cabinet Member for
Community Safety)
Councillor Sabina Akhtar
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman
Councillor Andrew Cregan (Substitute for Councillor Rajib Ahmed)

Other Councillors Present:

None.

Apologies:

Councillor Rajib Ahmed

Officers Present:

Jerry Bell – (Applications Team Leader,
Development and Renewal)
Tim Ross – (Deputy Team Leader - Pre-
application Team, Development and
Renewal)
Adam Williams – (Planning Officer, Development and
Renewal)
Esha Banwait – (Planning Officer, Development and
Renewal)
Christopher Stacey – Kinchin – (Planning Officer, Development and
Renewal)
Marcus Woody – (Legal Advisor, Legal Services)
Zoe Folley – (Committee Officer, Directorate Law,
Probity and Governance)

During the meeting the Committee agreed to vary the order of business. To aid clarity, the minutes are presented in the order that the items originally appeared on the agenda.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared a personal interest in agenda items 6.1, 47 Brierly Gardens, London E2 0TF (PA/15/01337) and 6.2, 55 Brierly Gardens, Location E2 0TF (PA/15/01832) on the grounds that he was a LBTH nominated Board Member of Tower Hamlets Homes.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6th August 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 Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel.

Adam Williams (Planning Officer, Development and Renewal) presented the deferred report. It was noted that the application was initially considered by the Committee in February 2015 where Members resolved to defer the scheme for the Applicant to address its concerns about the design of the scheme and for engagement with the historic groups over the new design amongst other matters. Since that time, Officers had held several meetings with the applicant to discuss alternative designs. However no agreement could be reached. As result, the applicant had submitted a planning appeal for non determination transferring the decision making powers for the application to the Planning Inspectorate (under the authority of the Secretary of State for Communities and Local Government).

The application was therefore being presented to Members to confirm how they would determine the application should they have the ability to do so. This would inform the Councils position at appeal.

Members were reminded of the key features of the scheme (height, design) that remained largely unchanged save for minor changes to the dormer windows as detailed in the Committee report. The revised submission also included verified views of the proposals. These were showed to Members.

The Officers recommendation remained to grant the scheme but should the Committee be minded to refuse they were directed to the suggested reasons for refusal in the Committee report having regard to the previously stated concerns.

In response to Members, Officers answered questions about the suggested reasons for refusal, based on the tests in policy. Whilst it was considered that the impact on the Conservation Area would be less than substantial due to the scale of the scheme, it was considered, on application of the next stage of the tests, that the impact of the scheme outweighed the public benefits. Therefore this could form a reason for refusal. Officers also answered questions about and the lack of progress in finding a revised design, appropriate for consultation that addressed the Committee's concerns.

On a vote of 2 in favour and 3 against the Officer recommendation, the Committee were minded not to agree the Officer recommendation to grant planning permission.

Accordingly, on vote of 3 in favour 2 against the Committee were minded to **REFUSE** planning permission at Silwex House, Quaker Street, London, E1 for

the demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works

The Committee confirmed that planning permission would have been refused for the following reasons as set out in paragraphs 6.4 and 6.5 of the 3 September 2015 Committee report (PA/14/01897)

The proposed development, by way of the design, scale, height, profile, materials and finished appearance of the additional roof storeys and dormer windows therein, would appear as a visually incongruous addition to the host building which fails to respect the scale, proportions and architecture of the former Victorian stables. As a result, the development would cause less than substantial harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area and would fail to preserve the historic character of the host building as an undesignated heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.

As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012) as well as the Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines (2009).

6. PLANNING APPLICATIONS FOR DECISION

6.1 47 Brierly Gardens, London E2 0TF (PA/15/01337)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for a new 4.6m x 4.1m single storey rear extension which seeks to provide two new bedrooms, alongside a reconfigured living/dining/kitchen.

The Chair then invited registered speakers to address the Committee.

Stephen Smillie and Mary Smillie, (local residents), spoke in opposition to the scheme. They objected to the lack of consultation with residents, costs of the scheme to the leaseholders, the design and scale of the scheme that would be out of keeping with the area, overcrowding at the subject building and the threat to residents safety from the plans given the proximity of the extension to neighbouring windows. In view of these issues, the scheme would

adversely affect the residents quality of life. In response to Members, they answered questions of clarity about the lack of consultation with the Brierley Gardens residents, the worries over the flat roof acting as a platform for intruders aided by the position of the fence and the lack of safeguards to prevent this. Alternative sites that could accommodate a pitched roof should be considered instead. They pointed to the fact that a Councillor had expressed concerns about the scheme.

Mr Abdul Kadir Mohamoud (occupant of the property) and Yasmin Ali (Tower Hamlets Homes) spoke in support of the scheme. They spoke of the need for the extension to accommodate the family's needs in keeping with the aims of the wider programme to mitigate overcrowding. They also talked about the assessment process for the programme, the factors taken into account, that the quality of the accommodation complied with design guidance and the steps taken to mitigate the impact on neighbouring properties. Further measures could be introduced such as anti - climb measures. Meetings had been held with residents and they would be notified when work commenced. In response to questions, they referred to the local consultation that complied with the statutory consultation and also reiterated their willingness to provide additional security measures. They also reported on the difficulties with providing a pitched roof given the site constraints and the likelihood that such a change would affect the quality of the development.

Esha Banwait (Planning Officer, Development and Renewal) presented the detailed report and the update describing the site location, surrounding area including the proximity to historic buildings. The Committee were advised of the key features of the scheme, including the location of the proposed extension, the quality of the accommodation and internal reconfiguration, the design of the scheme, including the proposed flat roof and the expected improvements in the distribution of light across the site. She also explained the impact on the rear garden. The majority of which would be retained.

The proposal would be in keeping and would preserve the setting of the area and be subservient to the host building. Assurances were also provided on the impact on neighbouring amenity.

The outcome of the local consultation was explained. Concerns had been expressed about the potential for the flat roof to attract crime. Steps had been taken to address this and various other measures could be explored.

In response to questions, Officers clarified the distance from the new roof line to the nearest window and the merits of anti - climb measures and where responsibility would rest for the maintenance works. They also confirmed the reasons for bringing the application to the Committee due to the number of objections received and highlighted the independent status of Tower Hamlets Homes in relation to the Council. In relation to this latter point, the Legal Officer advised that there was nothing in the Council's Constitution that prevented the Committee from determining the application. Officers also answered questions regarding the use of planning conditions in relation to the application.

Councillor Marc Francis proposed and Councillor Chris Chapman seconded that an additional condition be added to the permission in the interests of crime prevention. This was unanimously agreed.

On a vote 6 in favour and 1 against, the Committee **RESOLVED**:

That planning permission be **GRANTED** at 47 Brierly Gardens, London E2 0TF for a new 4.6m x 4.1m single storey rear extension which seeks to provide two new bedrooms, alongside a reconfigured living/dining/ kitchen (reference PA/15/01337) subject to the conditions and informative set out in the committee report and the update report and the following condition requiring

- Application of anti - climb paint and installation of anti - climb spikes
- That the above measures be maintained

6.2 55 Brierly Gardens, Location E2 0TF (PA/15/01832)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the erection of rear extension and demolition of existing ramp to be replaced with a new ramped access.

The Chair then invited registered speakers to address the Committee.

Alison Russell and Geoff Browning (neighbouring residents) spoke in opposition to the application. They objected on the grounds of poor design out of keeping with the well thought out existing estate, lack of consultation with residents over the plans, increased crime due to the design and the flat roof that was also likely to attract vermin. They also objected to the overdevelopment of Brierly Gardens in view of the impact of the previous scheme (47 Brierly Gardens development), the oppressive nature of the two proposals, loss of privacy and outlook and loss of green space. Overall the proposal would adversely affect residents quality of life and enjoyment of properties. In response to questions, they commented on the merits of alternative options including a pitched roof and referred to existing problems with anti social behaviour in the area. They also expressed concern about the application of unsightly anti climb measures.

Mr Omar Ramadan (occupant) and Mariola Viegas (Applicant's agent) spoke in support of the application. They stressed the need for the additional space to accommodate the occupant's special needs and medical equipment and for the occupant to remain close to the Royal London Hospital as there was a lack of alternative accommodation for the occupant. They explained the nature of the adaptations including space for medical supplies, wheelchair manoeuvrability and a ramp. Anti - climb measures could be provided. The neighbours had been consulted and would be notified prior to the commencement of works. In response to questions, they commented on the difficulties of installing a pitch roof at the site and the merits of the flat roof, purposely chosen to minimise the massing of the proposal

Esha Banwait (Planning Officer, Development and Renewal) presented the detailed report describing the site and surrounds, the proximity to the Conservation Area and nearby listed buildings. The proposal would be in keeping with the setting of the area and out of view. She also described the height and scale of the extension that would be subservient to the main building, the design, materials, the internal configuration and adaptations, the replacement ramp and the proposals to retention most of the rear garden. Consultation had been carried and the outcome of this was noted (similar to that for the previous application at 47 Brierly Gardens) including concerns about crime from the development. To address this, anti-climb measures could be added. Due to the orientation of the windows, there would be no noticeable loss of privacy, outlook or any impact on sunlight and daylight following assessment. Officers were recommending the scheme for approval

In response to questions, Officers clarified the depth and height of the extension and the position of the fence in relation to the extension given the concerns about crime from the proposal. Reassurances were also provided regarding the impact on neighbouring amenity.

Councillor Marc Francis proposed and Councillor Chris Chapman seconded that an additional condition be added to the permission in the interests of crime prevention. This was agreed.

On a vote of 4 in favour 2 against and 1 abstention, the Committee **RESOLVED:**

That planning permission be **GRANTED** at 55 Brierly Gardens, Location E2 OTF for the erection of rear extension and demolition of existing ramp to be replaced with a new ramped access (reference PA/15/01832) subject to the conditions and informative set out in the Committee report and the following condition requiring

- Application of anti-climb paint and installation of anti-climb spikes
- That the above measures be maintained

6.3 80 Back Church Lane, London, E1 1LX (PA/15/00701)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme.

With the permission of the Chair the following speakers addressed the Committee.

Mr Alamin spoke in opposition to the scheme. He expressed concern about noise and disturbance from the entrance to the affordable housing and the proposed communal roof garden. He also expressed concern about the

construction impact and road closures from the consented scheme and enforcement issues.

Nigel Bennett (Applicant's agent) spoke in favour of the scheme. Every effort had been made to ensure that the construction work carried out under the approved scheme accorded with the conditions. The applicant had written to neighbours to set out steps taken regarding noise and disturbance and have spoken to Enforcement Officer and they were satisfied with the steps. Most of the piling works had been completed. The hours of operation for certain works had been moved from 8am to 9am. He also explained the changes already approved under the consented scheme (including the entrance to the affordable housing at the request of the Housing Officers) and that the scheme would be secure by design.

Chris Stacey-Kinchin (Planning Officer, Development and Renewal) presented the detailed report for the minor external amendment to the planning application. He drew attention to the application site, the planning history, the changes already approved under the consented scheme (the entrance for the affordable housing and the communal roof top garden) and the changes now proposed regarding the layout and design of the scheme amongst other matters. Consultation had been carried out and the outcome of the consultation was noted. He outlined some of the merits of the scheme including good quality amenity space open to all residents of the scheme, a design that was in keeping with the area, superior to the approved scheme and that there would be no material change to neighbouring amenity. Given the merits of the application, Officers were recommending that it be granted planning permission.

In response to questions, it was confirmed that condition 3 of the consented scheme controlling noise sensitive works had recently been amended (as explained by the speaker). In response to further questions, Officers explained in more detail the changes for consideration concerning the layout and design of the scheme.

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

1. That planning permission at 80 Back Church Lane, London, E1 1LX (PA/15/00701) be **GRANTED** for the demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.

Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme

Subject to:

2. A deed of variation to the previous S.106 agreement dated 13th May 2014.
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.

6.4 Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3 (PA/15/01470)

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the provision of a new 300 place Arts and Music Academy for 16-19 year olds.

The Chair then invited registered speakers to address the Committee.

Councillor Andrew Cregan spoke in opposition to the application on behalf of the Maltings Close Residents Association. He expressed concern about the loss of access to the communal passageway particularly during the construction phase. He also expressed concern about parking from the scheme in Maltings Close given the high levels of parking there especially from the nearby school. As a result, the Councillor requested that additional conditions be added to address these issues. In response to questions from Members, he clarified his concerns about unauthorised parking in Maltings Close preventing residents from accessing their car parking spaces.

Eion O'Connor (Applicant's Agent) spoke in support of the application. Whilst recognising the need to close the passage way for essential works during the construction phase, the residents would be given adequate notice and the closures would be kept to a minimal only for restricted periods. The scheme would be car free as required in the school travel plan. So the impact on parking should be minimal. In response to questions from Members about the pathway, he commented on the proposed frequency of the closures and the type of work that it would be closed for. He also answers questions about the measures to enforce and monitor the car free agreement and arrival and exits, including a requirement for all users of the facility to sign up to this, and the admission policy.

Tim Ross, (Pre - applications Team Leader, Development and Renewal) presented the report explaining the nature of the proposed specialist school. It was expected that most of the pupils would come from Tower Hamlets and Newham. The Committee were advised of the site location, including the proximity to Malting Close, the vehicle access routes to the site and the location and condition of the pedestrian access routes. The site was relatively well serviced by public transport. They also noted images of the proposed building, the design and the layout of the building that minimised overlooking, the proposed facilities, the servicing and refuse arrangements.

Consultation had been carried out and the issues raised were noted relating to the increased parking on Maltings Close amongst other matters.

In terms of the land use, the scheme complied with policy that supported the provision of an educational facility on the site. The proposed teaching hours were noted including the proposals to accommodate afterschool activities and five late night events only per year.

It was considered that the height scale and massing of the scheme was appropriate for the site. The scheme would be car free and it was expected that all of the staff and pupils would arrive by sustainable means. Due to these limitations, the impact on highway would be acceptable. Attention was also drawn the measures in the update report regarding energy and efficiency and environmental health.

Overall, given the merits of the scheme Officers were recommending it be granted planning permission.

In response to Members, Officers answered questions of clarity about the travel plan and the high number of pupils expected to arrive on foot. As a result, it was felt that the number of cycle spaces was appropriate. The travel plan would be updated on an annual basis. They also answered questions about the school admission policy favouring local children (as explained by the speaker) and the comments of Children Services who supported the proposal given the need for a specialist school in the area. They also highlighted some of the pitfalls of requesting that the applicant fund a vehicle barrier to control parking that was contrary to policy. There were measures to prevent anti social behaviour.

Whilst noting these points, Members expressed concern about increased parking from the scheme in Maltings Close given the objections around the existing levels of parking stress in that area depriving residents of car parking spaces. Accordingly, Councillor Marc Francis proposed an additional condition seconded by Councillor Shiria Khatun preventing parking on Maltings Close by patrons and staff from the development. On a unanimous vote, this was agreed.

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

1. That planning permission at Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3 be **GRANTED** for the provision of a new 300 place Arts and Music Academy for 16-19 year olds including recording studios, performance spaces, classrooms, a café and other associated facilities, a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking (reference PA/15/01470) subject to
2. That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority including the obligations in the update report.

3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission as set out in the Committee report and in the update report and the additional condition agreed by the Committee to prevent parking on Maltings Close by patrons and staff from the scheme.
4. Any other conditions and informatives considered necessary by the Corporate Director Development & Renewal.

Councillor Suluk Ahmed did not vote on this item having not been present at the start of the item.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 10.20 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<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). 	 Council’s Constitution

Agenda Item 6

Committee: Development	Date: 28 October 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 6.1

Committee: Development Committee	Date: 28 th October 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Gareth Gwynne	Ref Nos: PA/15/01444 and PA/15/01445
	Ward: Lansbury

1. APPLICATION DETAILS

Location: 42-44 Aberfeldy Street, E14 0NU

Existing Use: Retail (A1 Use)

Proposal: **PA/15/01444**
Retrospective planning application for the installation of an ATM (Cash Machine) inserted through existing window opening and a white laminate composite security panel.

PA/15/01445
Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately and blue LED halo illumination to the ATM surround.

Drawing & Documents: NM-05-2015-29-1 (Existing Elevations)
NM-05-2015-29-2 (Proposed Elevations)
Design & Access Statement including security note addendum

Applicant: Notemachine UK Ltd

Site Ownership: Poplar HARCA

Historic Building: N/A

Conservation Area: N/A

2 EXECUTIVE SUMMARY

- 2.1 This report considers two separate applications, one for retrospective planning permission for the installation of a cash machine or as it is also known, an Automated Teller Machine (ATM) within a shop front and the second application is for retrospective advertisement consent for the associated internally illuminated fascia serving the ATM and lettering sign set above the ATM keyboard.

2.2 The advertisement application has attracted a petition. The main concerns relate to the increase in noise nuisance caused by people using the machine during the evening/night and aggravating existing noise situation. Associated anti-social behaviour and light pollution amenity nuisance to residents stemming from the illuminated signage was also raised as a concern by nearby residents.

2.3 Officers consider the proposal to be acceptable for the following reasons:

- a) The location of an ATM on an established shop frontage in the context of a locally designated shopping parade is considered acceptable in principle and would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies.
- b) Any noise and other disturbance affecting the amenity of surrounding residential properties from public usage of the ATM is considered limited. Notably set within this site context and with the cash machine being located on a street within a shopping parade that has the presence of food takeaways in close proximity (all opened in the evening), it is considered that these uses are liable to result collectively in greater noise and potential congregation of people outside their premises rather than an ATM cash machine.
- c) The site is well lit and therefore, benefits from good levels of natural surveillance.
- d) The applicant has provided evidence which shows that appropriate security measures to safeguard against criminal gangs seeking to target the wholesale theft of the cash machine from the street have been put in place.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT both planning permission and advertisement consent 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

3.3. Conditions on advertisement consent

- (a) Consent expire after 5 years
- (b) Development to be built in accordance with the approved plans
- (c) Standard set of five conditions imposed on all advertisement consent Permit-free condition

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

4.0 PROPOSAL

- 4.1 The proposal is for the retention of the ATM within the shop front and the associated internally illuminated fascia screen to the ATM and signage namely an internally illuminated cash sign set above the ATM keyboard stating the words ' Free Cash withdrawals' and a blue LED halo illumination to the ATM surround.
- 4.2 The works include the replacement of some glazing within the shop front and its replacement with a laminate security panel and modifications to the existing shutters.
- 4.3 The ATM as built is 0.865m (width) x 1.256m (height). The ATM machine is set 0.9m above pavement level.

5.0 SITE AND SURROUNDS

- 5.1 The application site of the cash machine opening is a small grocery/convenience store selling fresh vegetables located in the centre of the designated Aberfeldy Street Local Shopping Parade. The shop was originally in two parts and hence has two shop fronts.
- 5.2 The Aberfeldy Street local shopping parade serves the residents of Aberfeldy Estate and surrounding residential properties located in Poplar Riverside which is bounded by the A13 to the east and A12 to the south of the site.
- 5.3 The Aberfeldy Street local shopping parade is situated on Aberfeldy Street between the junction of this road with Blair Street to the south and Dee Street to the north. The application site shares with its neighbours (on both sides of the street) small retail premises at ground floor with 2 storeys of residential set above. The ground floor retail premises at No 42-44 is set slightly forward of residential floor space located above, as is the case with all the shops on this side of the road, with a balcony located on the roof of the projecting ground floor element. The balcony serves the individual residential flat located above the shop.

6.0 RELEVANT PLANNING HISTORY

- 6.1 No relevant planning history

7.0 POLICY FRAMEWORK

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

7.2 Government Planning Policy/ Guidance/Statements

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

- 7.3 **London Plan (March 2015)**
7.5 Public Realm
- 7.4 **Tower Hamlets Core Strategy (adopted September 2010)**
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating distinct and durable places
- 7.5 **Managing Development Document (2013) (MDD)**
DM1 Development in the town centre hierarchy
DM23 Streets and the public realm
DM24 Place Sensitive Design
DM25 Amenity

8.0 CONSULTATIONS

Local Representations

- 8.1 A total of 24 planning notification letters were sent to nearby properties for each of the applications. Site notices were also displayed on the public highway outside the premises in respect of each application. A further round of public consultation and fresh site notices were displayed after it was known the application site was wrong (originally stated No 42A Aberfeldy Street as opposed to 42-44); and also following the change in the description of development from proposed development to retrospective planning and advertisement consent applications with the actual installation of the ATM and the associated signage (after the original site notices and written consultation was undertaken with neighbours).
- 8.2 No written representation has been received in respect of the planning application for the installation of the ATM within the shop front.
- 8.3 A petition has been received with 34 signatories from local residents in Aberfeldy Street in respect of the advertisement consent for the illuminated signage associated with the ATM.
- 8.4 The petition states

“We would like to raise some concerns with the proposed installation of an ATM cash machine.

Aberfeldy Street is predominantly a residential area, by installing a 24 hour cash machine with an illuminated sign will have an effect on the residential area; due to the reflection of the bright light during the evening time will cause nuisance to residents.

A 24 hour cash machine proposes there will be an increase in the amount of noise caused by people passing through to use the machine throughout the late hours of the night, which will be heard through our single glazed window. A problem which already exists is the noise caused by three food outlets in street which close quite late in the evening (Indian take away, Chinese takeaway and a Chicken and Chip Shop). Having a 24 hour cash machine will add to the noise, not to mention the anti-social behaviour that will rise due to having many people driving by to use the cash machine very

late at night, Unfortunately, this will produce much more distress for the local residents.

Also there is already an available cash machine [with] in Costcutter Supermarket which provides the service to the local community.

We are all to totally opposed to the above proposal”

Internal/External Consultation Responses

8.5 LBTH Highways and Transportation Team:

Highways have no objection to the application

8.6 Metropolitan Police Crime Prevention Design Advisor

The Crime Prevention Advisor identified considerations when considering the security/appropriateness of siting an ATM within the borough. The CPA raised reservations about the provision of an ATM within a retail store without any increased security fitted. No other concerns were raised. From an anti-social behaviour point of view, the Police would not normally have any issues with an ATM unit as they, alone do not often draw a group together around the unit as they are usually used in a 'visit and go' fashion.

(Officer's comments: It is noted that the applicant has removed some glazing within the shop front and replaced it with a laminate security panel and modifications to the existing shutters).

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The planning considerations to consider with the advertisement consent are limited to:

- Amenity
- Public/Highway Safety

9.2 With respect to the planning application these two considerations also apply alongside the consideration of:

- Principle of land use
- General security and the development not unnecessarily attracting criminal activities by its design

9.3 When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

9.4 Part 4b of policy DM23 of the adopted Managing Developing Document (2013) states that it will be necessary for advertisements and hoardings in the public realm to demonstrate that:

1. they do not harm the character, appearance and visual amenity of the site and the surrounding area;
2. they do not intrude into the outlook of nearby residents;
3. they do not have an adverse impact on public or highway safety; and
4. they enhance the visual amenity of vacant sites and building sites and the surrounding area.

Land Use

- 9.5 The principle of the installation of an ATM into a shop front is accepted in land use terms as it does not impact on the underlying use of the site; and in the absence of an alternative free cash withdrawal machine in the vicinity of the local designated shopping parade, it is considered in principle acceptable and indeed would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies. A town centre location is considered to be an appropriate location for cash machines as town centres by their very nature are defined as being accessible locations.

Amenity

- 9.6 The existing shop front on the premises is unprepossessing and is located in a shop parade of diverging shop fronts often of indifferent quality. The installation of the ATM is not considered to detract from the visual appearance of this shop front or the general appearance of the premises in the street scene more generally.
- 9.7 The ATM machine and associated signage is of a crisp design, avoids lettering of undue size and built of robust materials that should be suitably durable and should weather well.
- 9.8 Any noise and other disturbance resulting from the use of the ATM are considered to be limited. The cash machine is located on a street that has three fast food takeaways in close proximity (all opened late into the evening). As such, it is not considered that the presence of the ATM will result in any increase in noise to residents living above the shopping parade or lead to an unwelcome congregation of people outside the site premises.
- 9.9 The activity generated by the ATM is unlikely to significantly impact on the amenity of residents within the residential block above. As such, the proposal accords with Policy SP10 of the Core Strategy (2010), policy DM25 in the Managing Development Document (2013) which seek to ensure that new development does not compromise the residential amenity of neighbouring properties through unacceptable noise impacts. The ATM and signage as built is visually appropriate within the shop front context and as such this accords with Policy SP10 of the Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013).

The above policies seek to ensure that new developments respect the visual appearance of the host building including the site context.

Public Safety/Highways considerations

- 9.10 The general design and luminance levels of the signage are not likely to impair the vision or cause a distraction to drivers. Aberfeldy Street is a side road without ready access from the arterial roads of the A12 and A13. As such, there are no prospects of the usage of the ATM giving rise to marked rise in dangerous unauthorised parking from future users of the ATM arriving by motor vehicle.

Crime Prevention

- 9.11 The application is accompanied by a statement on crime prevention measures with regards to the installation of this ATM. The ATM would be located in a shopping parade, on a well walked street that is well lit and with good levels of natural surveillance from both sides of the streets, from residents living above the retail units. The pavement is set above the carriageway which makes ramming of the machine not possible. Additional engineering has been added to the shop front to further secure the machine and CCTV cameras are installed within the shop.
- 9.12 In addition, from an anti-social behaviour point of view, the Met Police has confirmed that they would not normally have any issues with an ATM unit as this alone does not normally draw a group together around the unit as they are usually used in a 'visit and go' fashion. As such, the proposal is considered to have made the necessary measures to safeguard against criminal behaviour and complies with policy SP09 of the Core Strategy (2010).

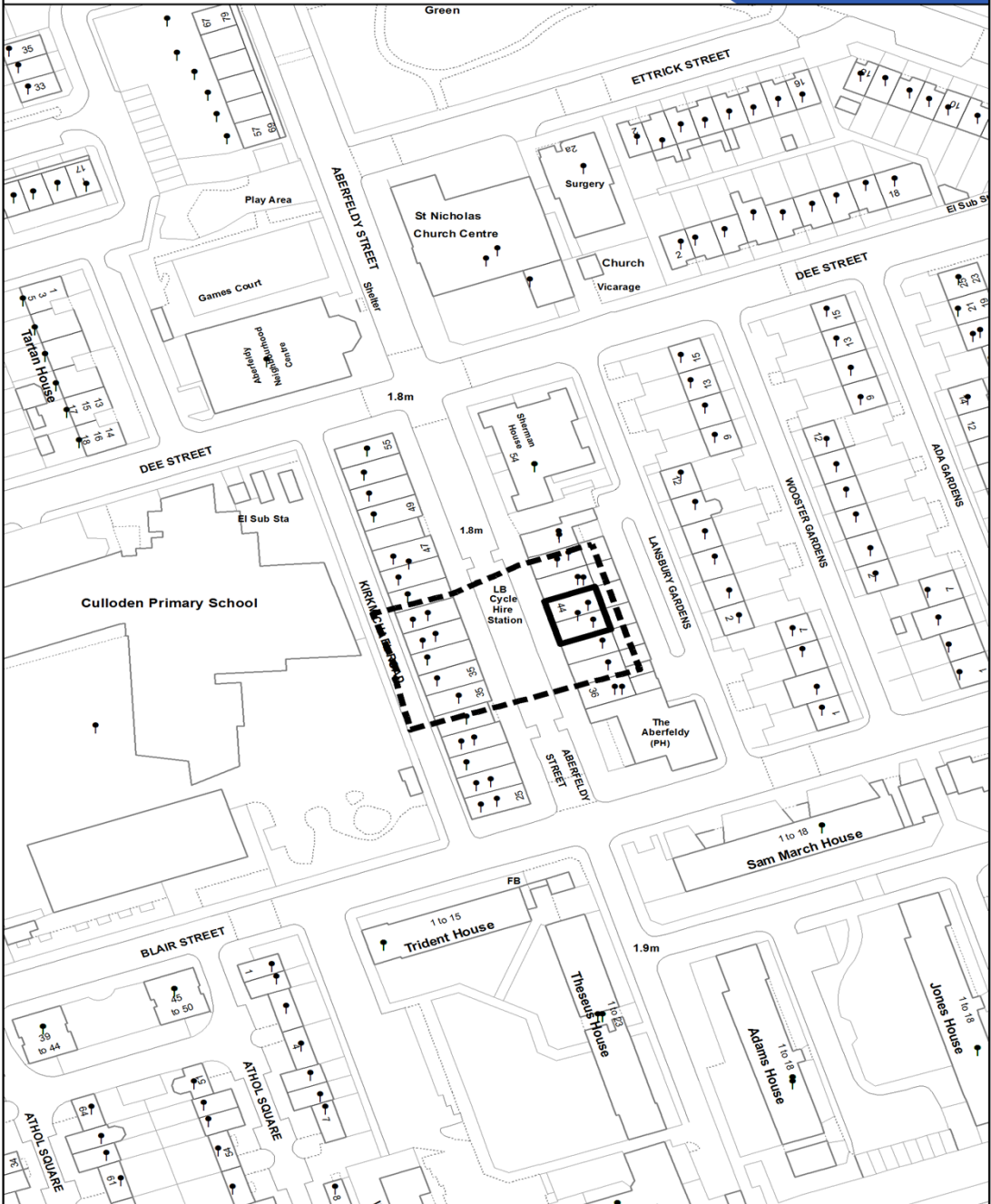
10.0 CONCLUSION

- 10.1 For the reasons set out earlier in this report and with regards to relevant planning policies, the two applications are not considered to give rise to undue amenity issues to neighbours from noise or other forms of disturbances nor impact adversely on the visual appearance of the premises and the shopping parade more generally; in the absence of other negative material planning considerations, the retrospective applications are recommended for approval.

11.0 RECOMMENDATION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the report.

Planning Application Site Map
PA/15/01445



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.2

Committee: Development	Date: 28 October 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/15/000108
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: The Royal London Hospital, Whitechapel Road, London, E1 1BB

Existing Use: Vacant

Proposal: Removal and re-siting of Royal London Hospital war memorial plaque from within the former ground floor foyer of the old Royal London Hospital Front Block Building. To be re-sited on the wall of the Stepney Way public atrium in the new hospital building.

Drawing Nos/Documents: WM Site Plan 29/1/2014
W01/GrevM
WM2
DBR Quotation dated 13/1/2015
Supporting Statement

Applicant: Barts NHS Health Trust
Ownership: London Borough of Tower Hamlets
Historic Building: Grade II listed
Conservation Area: London Hospital

2. EXECUTIVE SUMMARY

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

2.2 The war memorial, subject of this application, commemorates staff and students of the Royal London Hospital who gave their lives in World Wars I and II. The removal of the war memorial from the grade II listed building would result in less than substantial harm to this heritage asset, however this harm is outweighed by the public benefits associated with the memorial being sited in a public location within the new hospital building as opposed to being retained in a building which currently has no public access and will no longer be used by hospital staff and students.

3. RECOMMENDATION

3.1 That the Development Committee resolve to **GRANT** listed building consent subject

to:

A. The completion of a legal agreement to secure:

- i) Details of how the memorial will be stored and transported to the new site
- ii) Details of how the war memorial will be affixed in its new position.
- iii) The retention of the war memorial in a public location in the new building in perpetuity.

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the listed building to secure the following matters:

3.6 CONDITIONS on LISTED BUILDING CONSENT

1. Time limit
2. Compliance with the plans
3. Details of timing and method of removal of the war memorial
4. Details of making good the wall the plaque is removed from.

3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse listed building consent.

4 SITE AND SURROUNDINGS

4.1 The Royal London is an imposing Grade II listed building located on the northern side of Whitechapel Road, opposite Whitechapel Underground station. Following the redevelopment and expansion of the Royal London Hospital approximately 10 years ago, the frontage block has become vacant and boarded up. There is no public access into this building currently.

4.2 The listing description of the building is as follows:

“Begun 1751. Architect Boulton Mainwaring. Later alterations and additions. Brick with slate roof. Central advanced block of 7 bays with pediment over 5 bays, clock in tympanum and balustraded parapet. Arcaded ground floor with rusticated brick arches. Windows separated by pilasters through 1st and 2nd floors with 2 pairs at each end. Eastern reveal had round arched window with tracery and similar one remains on facade. Flanking recessed 6 bay wings to east and west 4 storeys and dormers leading to eastern advanced wings of 11 bays. Yellow brick, stone cornice to parapet. Band above 1st floor. Gauged flat arches to recessed windows”

4.3 There is a war memorial dedicated to the staff and students of the hospital who lost their lives during World War I and II. It is currently located near the entrance of the listed building. The war memorial would be moved from the vacant frontage block to the new

block at the rear, it would be positioned just inside the Stepney Way entrance. This is one of the main entrances to the hospital and is adjacent to the ambulance bay.

- 4.4 As the war memorial is part of the listed building, consent is required to remove it from the listed building.

5 DECISION MAKING AND REGULATIONS

- 5.1 The war memorial is currently located within the atrium of the front block of the Royal London Hospital. During the course of the application, the sale of the Royal London frontage block from Barts NHS trust to the London Borough of Tower Hamlets completed, and so the war memorial is now sited within a building under the ownership of the Local Authority, Barts NHS trust do however retain ownership of the war memorial and various other items heritage items within the building.

- 5.2 The council is prohibited from granting itself listed building consent unless certain consultation / procedures are followed. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity. However amendments were inserted in 2015 which allow Local Authorities to determine applications where the following has occurred:

- Notification to the amenity societies and Historic England
- No objections have been received by either after 21 days of the notification
- The application is to be approved.

This is the case for this application so listed building consent can be granted following the decision of the Committee.

- 5.3 The application is being reported to the Development Committee under the terms of reference set out on the constitution, part 1 (c): "To consider and determine recommendations from the Corporate Director of Development and Renewal for listed building consent applications made by or on sites / buildings owned by the Council."

6 Relevant Planning History

- 6.1 There are numerous applications and listed building consents associated with the listed Royal London hospital block and the redevelopment block to the south. Below is a list of the most relevant applications:

PA/04/00611 Redevelopment and refurbishment of the Royal London Hospital – Approved 31/3/15

PA/06/276 – Erection of a circular blue commemorative plaque to the front ground floor facade.
Approved 29/3/06

PA/12/1895 - Relocation for a limited period of the Grade II listed statue of Queen Alexandra to opposite the south entrance of the new main hospital building under the building overhang area off Stepney Way. Approved 13/8/12

7 POLICY FRAMEWORK

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

7.2 **Core Strategy Development Plan Document 2010 (CS)**

Policies: SP10 – Creating Distinct and Durable Places

7.3 **Managing Development Document (2013)**

Policies: DM27 – Heritage and the Historic Environment

7.4 **London Plan 2015 (consolidated with alterations since 2011)**

Policies: 7.8 – Heritage Assets and Archaeology

8 CONSULTATION RESPONSE

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

The following were consulted and made comments regarding the application:

8.1 **English Heritage**

“You are hereby authorised to determine the application for listed building consent as you think fit.” The letter (dated 17th February 2015) gives authorisation from the National Planning Casework Unit to determine the application without further referral to the Secretary of State.

8.2 **The Victorian Society – No comments received to date**

8.3 **The Georgian Group - No comments received to date.**

9 LOCAL REPRESENTATION

A total of 146 neighbouring addresses were consulted by letter, a site notice was erected on 18th February 2015 and a press notice published 16th February 2015. No responses have been received.

10 MATERIAL PLANNING CONSIDERATIONS

Policy Background

10.1 Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings and their setting, including any features of special architectural interest which it possesses.

10.2 The NPPF outlines that harm can be considered in relation to heritage assets (such as listed buildings), however this harm needs to be outweighed by public benefits. The level of public benefits required would depend on the level of harm identified.

10.3 Policy 7.8 of the London Plan requires development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

10.4 Policy SP10 of the Core Strategy requires protection and enhancement of listed

buildings as well as other heritage assets, which is echoed by policy DM27 of the Managing Development Document. DM27 also goes on to advise that applications affecting a heritage asset will only be approved where they are appropriate in terms of scale, form, design and detailing and better reveal the significance of the asset.

Assessment

- 10.5 The re-siting of the war memorial results from the relocation of the Barts NHS trust from the historic Royal London Hospital Building along Whitechapel Road to the modern buildings at the rear. The redevelopment of the Royal London commenced in 2005 and has resulted in significant new medical and teaching facilities for the Trust, predominantly in modern buildings set behind the frontage building. The frontage building is no longer occupied by hospital staff and students and so as the war memorial plaque relates specifically to members of the hospital who died during the two world wars it is considered appropriate that it is relocated within the new hospital building.
- 10.6 The Council's borough conservation officer is supportive of the relocation of the war memorial as it would be more appropriate to locate it within the current hospital than for it to remain within the vacant hospital where it is currently not visible to either the public or to staff and students of the hospital.
- 10.7 In terms of the NPPF and whether the relation would cause any harm to the heritage asset, as this would be removing an historic item from a grade II listed building it can be considered to result in 'less than substantial harm', however its relation to a public place within a more appropriate building would be a significant public benefit which would outweigh the harm caused to the listed building.
- 10.8 In order to ensure the memorial is secured in a public place in perpetuity a s106 legal agreement is required to be entered into by the Trust. This cannot be secured by condition because as the memorial is not listed in its own right, it would lose protection under the Listed Building Act and a condition under the Listed Building Consent would not be enforceable. As the main public benefit associated with this application is its display in a public area it is necessary to secure this through a legal agreement. Details of how the memorial will be fixed to the wall within the new building would also be secured through the legal agreement rather than a condition for the same reason.
- 10.9 Conditions will be used to secure the safe removal of the memorial and making good of the wall that it is removed from, as this relates to works within the listed building, it is considered acceptable to secure this through condition, rather than through a legal agreement.
- 10.10 Taking into account the above, it is considered that the relocation of the war memorial would better reveal its significance, even though it is moved out of the listed building. The application accords within the provisions in the NPPF and London and Local Plan policies and is therefore considered acceptable.

11 Localism Finance Considerations

- 11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 11.2 In dealing with such an application the authority shall have regard to:
 - a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.

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

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.4 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use:

11.5 These issues are to be treated as material planning considerations when determining planning applications or planning appeals. In this case there are no financial obligations associated with the scheme and the Council as owner of the subject building would not be subjected to costs associated with the removal / storage or relocation of the war memorial.

12 Human Rights Considerations

12.1 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:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

12.3 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.

12.4 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.

12.5 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.

- 12.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 12.7 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.
- 12.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that there is no demonstrable interference with Human Rights as a result of this proposal.

13 Equalities Act Consideration

13.1 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 applications. In particular the Committee must pay due regard to the need to:

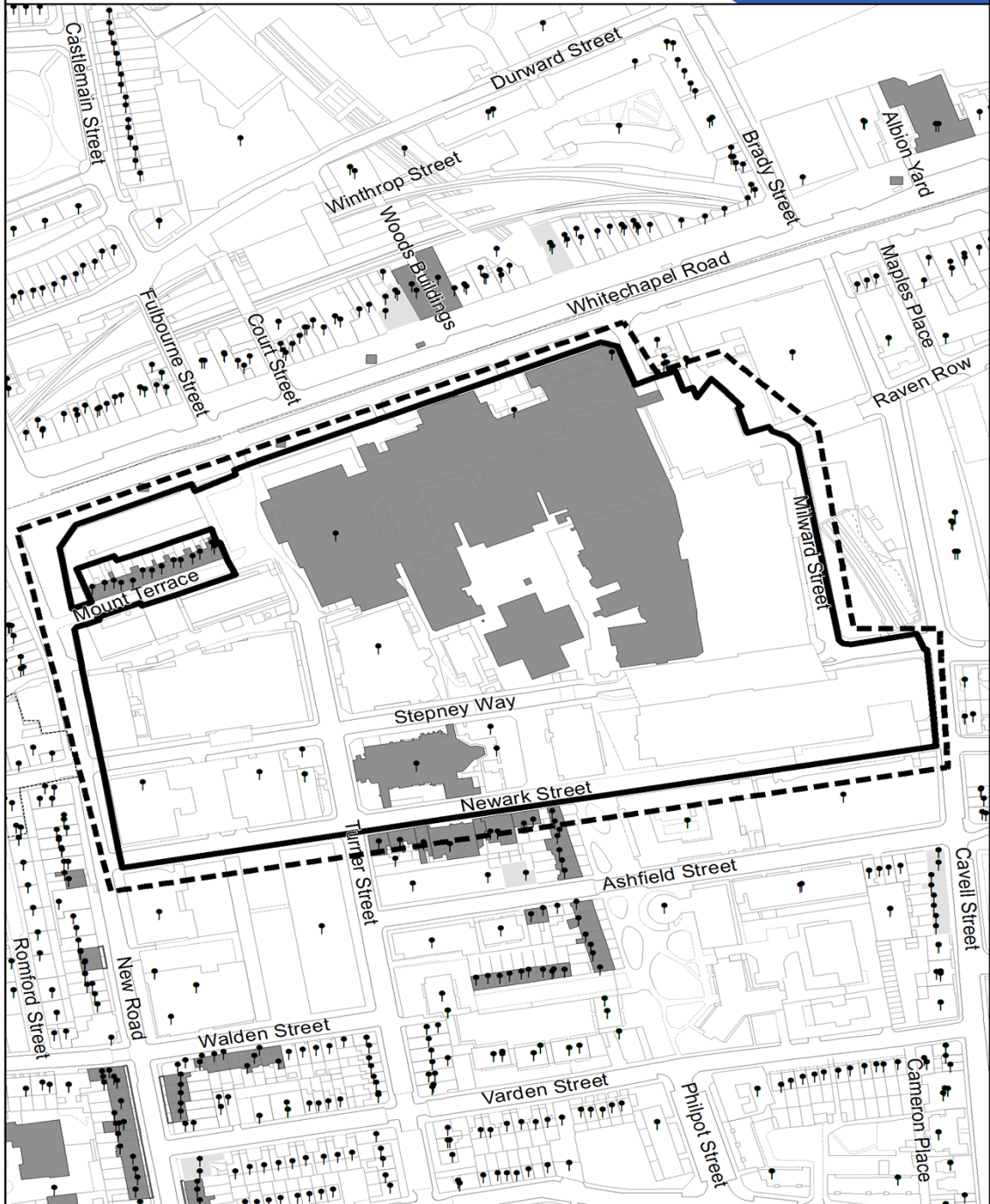
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share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







13.2 Officers are of the view that this proposal would accord with the Equalities Act.

14 Conclusion

14.1 All other relevant policies and considerations have been taken into account. Listed Building Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/15/00108



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 30 m		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.3

Committee: Development	Date: 28 th October 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Listed Building Application	
Case Officer: Brett McAllister		Ref No: PA/15/02216	
		Ward: Lansbury	

1.0 APPLICATION DETAILS

- 1.1 **Location:** Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ
- 1.2 **Existing Use:** Junior School
- 1.3 **Proposal:**
1. Installation of external fire escape stair to south elevation of hall.
 2. Replacement of windows on west elevation of hall.
 3. Demolition of existing timber storage shed.
 4. Minor resurfacing works around new stair.
- 1.4 **Documents:** Design & Access Statement by Architectural Initiative (July 2015)
Heritage Statement by Heritage Collective ref. 1907A (July 2015)
- 1.5 **Drawing Nos:** LL-001 (July 2015)
LL-002 (July 2015)
LL-003 (July 2015)
LL-004 (July 2015)
LL-005 (July 2015)
LL-100 Rev. A (July 2015)
LL-101 Rev. A (July 2015)
LL-102 Rev. A (July 2015)
LL-103 Rev. A (July 2015)
- 1.6 **Applicant:** Tower Hamlets Children's Services
- 1.7 **Owner:** London Borough of Tower Hamlets
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Lansbury Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2011) and National Planning Policy Framework (2012) and has found that:

- 2.2 The proposals are necessary to increase the capacity of the school hall from 80 to 400. The capacity is restricted by building regulations which hold the existing fire escapes to be insufficient. The proposed new stair would create a fire escape that would maximise the capacity of the hall. This would be designed to closely resemble the existing original external stair in that the main structure would be built from pre-cast concrete, would have a black steel balustrade and would have a minimalist appearance. There would also be a single brick support similar to the existing stair. The windows on the western elevation would be replaced by matching fire resistant windows. It is considered that the proposals would preserve the special architectural interest of the listed building.

3. RECOMMENDATION

- 3.1 That the Committee resolve to grant Listed Building Consent subject to the conditions as set out below.
- 3.2
1. Time Limit.
 2. Completion in accordance with approved drawings.
 3. Details of External Materials
- 3.3 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

4. BACKGROUND

- 4.1 This application is for Listed Building Consent which is required for the proposed works to the school. The building is Grade II Listed, and owned by the Council.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity. However amendments were inserted in 2015 which allow Local Authorities to determine applications where the following has occurred:
- Notification to the amenity societies and Historic England
 - No objections have been received by either after 21 days of the notification
 - The application is to be approved.
- Provided the 20th Century Society (an amenity society) have no objection this will be the case for this application so listed building consent can be granted following the decision of the Committee.
- 4.3 The application is being reported to the Development Committee under the terms of reference set out on the constitution, part 1 (c): “To consider and determine recommendations from the Corporate Director of Development and Renewal for listed building consent applications made by or on sites / buildings owned by the Council.”
- 4.4 The proposed works also require planning permission, this was submitted on 10th August 2015 (planning reference PA/15/02260). This application is not required to be presented to members and as such, the Council will determine it under delegated powers.

5. PROPOSAL AND LOCATION DETAILS

Proposal

5.1 Listed Building Consent is sought for:

1. Installation of external fire escape stair to south elevation of hall.
2. Demolition of existing timber storage shed on south elevation of hall to provide space for the new stair.
3. Minor resurfacing works around new stair.
4. Replacement of windows on west elevation of hall with matching fire resistant windows.

Site and Surroundings

5.2 Lansbury Lawrence Primary School is a two form entry school catering for 3-11 year old children. It is bounded by Cordelia Street to the north, Kerbey Street to the east, Ricardo Street to the south and Elgin House residential block to the west. It is part of the Lansbury Estate. The surrounding buildings are a mixture of 3 and 4 storey post-war residential housing. The site sits within the Lansbury Conservation Area.

5.3 The school has been built as an architecture show piece of the 'Festival of Britain' exhibition in 1951. It is Grade II listed. It has a number of features of historic and architectural interest; considered an elegant example of the architectural innovation for the rebuilding of schools after the war.

5.4 Here is an extract from the list description:

5.5 *"Primary School and adjoining nursery school. Built 1949-51 and 1951-2 respectively, to the designs of Yorke, Rosenberg and Mardall (F R S Yorke job architect, K W Grieb and J Sofaer respective assistants) for the London County Council. Light welded Hills' 8'3" steel frame, clad in concrete panels, brick and stone. Copper roof to assembly hall and nursery ranges, flat felted roof to rest. The Hills' 8'3" prefabricated system developed with Hertfordshire County Council for its enterprising post-war schools programme, then at the peak of its achievement, imposed its grid on the floor plan as well as the proportions of the elevations.*

5.6 *Planform. 2-storey central classroom spine, with infants on ground floor and juniors above, clad in concrete panels (renewed). Infants' floor with covered play area and cloakrooms (one now with swimming tank) on one side, and five classrooms on the other, of a spinal corridor with small glazed toplights. Junior school floor with 8 classrooms in pairs reached via glazed links from corridor placed over cloakrooms. Entrance hall next to ground floor kitchen and dining hall a cross passage between front and back of school, with adjoining staircase. At eastern end original entrance hall and pair of assembly halls, set one above the other, faced in brick and Hornton stone and with copper roof. Projecting block of staff rooms and offices towards Cordelia Street forms formal entrance corner to original entrance with granite setts."*

5.7 The principal visitor's entrance is located at the north eastern corner of the site opening to the north onto Cordelia Street. The two storey main school hall is located immediately south of the entrance running along the eastern edge of the site with a car park in the south eastern corner.

5.8 The school hall is a two storey building with a shallow pitched roof of copper supported on steel trusses; this is in contrast to the flat roofs elsewhere on the

school site.

- 5.9 The hall is accessed from the main entrance lobby, which is a double height space with a stair case spanning the space and giving access to the first floor hall. Secondary access and fire escape route is provided on the western side of the hall where the full glazed elevation features doors onto a balcony and free standing concrete stair leading to the ground in two flights set at an angle to the main building. The eastern elevation features windows higher in the elevation providing light and ventilation but no view out. The southern elevation is a blank brick wall. There is a storage shed and electricity substation at ground floor level of the east elevation.

6 Relevant Planning History

- 6.1 PA/01/01055 & PA/01/01057

Planning and listed building consent applications granted 06.02.2002 and 02.05.2002 respectively for the refurbishment and upgrading of the school involving reinstatement of existing entrance with the erection of a canopy; internal modifications; formation of new staff car park, replacement of existing windows and glazed screens and demolition of some unlisted buildings.

- 6.2 PA/01/01071 & PA/01/01072

Planning and listed building consent application granted 30.01.2002 and 02.05.2002 respectively for the erection of new boiler house with the renewal of the fabric including existing glazed screens and new administration/recreation wing.

- 6.3 PA/03/00757

Listed building consent application granted 06.08.2003 for internal alterations to building including the demolition/removal of partition walls, blocking up of several internal doors, plus the addition of new internal door.

- 6.4 PA/05/00845 & PA/05/00847

Planning and listed building applications granted 05.05.2006 and 26.05.2006 for external alterations to elevations and erection of a new extension at ground floor level, provision of new staff car park, alterations to hard and soft landscaping and erection of a new entrance canopy and the associated listed building consent for internal alterations and demolition, extension to form chair store and lobby, new staff car park, new external doors and screens to 3 entrances and erection of external canopy to main entrance.

- 6.5 PA/06/00754 & PA/06/00755

Planning and listed building consent applications granted 04.10.2006 and 16.11.2006 respectively for erection of a separate new single storey facility building for training, educational and childcare facility including the creation of a separate access onto Ricardo Street and the associated listed building consent for partial removal of existing Grade II Listed perimeter wall.

- 6.6 PA/12/01993 & PA/12/02468

Planning and listed building consent applications granted 10.09.2012 and

20.12.2012 respectively for new school main entrance gate on Ricardo Street formed within existing school perimeter metal fence and partial height brick wall.

- 6.7 Most recently, PA/15/02260 the planning application submitted 2nd June 2015 for the works considered within this listed building application.

7. POLICY FRAMEWORK

- 7.1 The following policies are relevant to the application:

7.2 National Planning Policy Framework 2012 (NPPF)

7.3 National Planning Practice Guidance (NPPG)

7.4 Spatial Development Strategy for Greater London consolidated with further alterations (London Plan 2015) (LP)

Policies:	7.4	Local Character
	7.8	Heritage assets and archaeology

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

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

Policies:	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and the Historic Environment

7. CONSULTATION

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

7.2 English Heritage

English Heritage have considered the information received and state that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Officer comment: This has been noted.

7.3 The 20th Century Society

Comments from the 20th Century Society have not been received as yet but will be included in the Committee update report.

8. LOCAL REPRESENTATION

A total of 115 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in East End Life. No letters of representation have been received.

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 9.2 The main issue for Members to consider is whether the proposed works are appropriate in this respect.
- 9.3 **Impact on Special Architectural and Historic Character of the Listed Building.**
- 9.4 For the determining of planning applications relating to heritage assets the National Planning Policy Framework (2012) advises local planning authorities to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.5 In addition to the above, London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.6 The Council's adopted policy SP10 of the Core Strategy (2010) seeks to protect and enhance the boroughs Heritage Assets. This is supported by Policy DM27 states development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 9.7 The application is comprised of two parts. The primary element being the installation of a staircase on the southern elevation of the hall building and the associated removal of the timber storage shed and resurfacing around the staircase. The second element being the replacement of a number of panes of glass in the western elevation with fire-resistant glass. Both elements are to increase the fire safety of the hall to increase its capacity.
- 9.8 Due to current building regulations the maximum capacity of the hall is 80. At present conducting 'full school' assemblies in the hall with infants and juniors comprising 400 pupils is non-compliant. To increase the capacity of the hall to this number the means of escape in the event of a fire needs to be improved. The proposed fire escape, which would be of a clear width of 1560mm, would increase the capacity to this desired amount.
- 9.9 The additional fire escape is proposed on the south elevation on the right hand side as you look at the building from the outside. This would create three fire escapes: the hall entrance on the northern elevation, the existing external stair on the western elevation and the proposed fire escape. Originally the proposed fire escape was proposed for the left hand side of the southern elevation but this was deemed to be

too close to the fire escape on the western elevation. The positioning of the new fire escape on the right hand side of the south elevation would give a distinct alternative escape option increasing the level of safety in the hall.

- 9.10 The proposed stair serving the fire escape would attempt to match the existing stair on the western elevation. It would be separated from the building and be parallel to the southern elevation. The main structure would be built from pre-cast concrete with a single brick support and it would have a black powder coated steel balustrade. It is considered that it achieves a minimalist appearance and the features of the design, if not exactly matching, would correspond well with the existing, original external stair.
- 9.11 The blank side wall of the southern elevation, although original fabric is not considered to have any particular architectural or historic significance. There would be limited views of the entrance from Kerbey Street but it is considered to be a minor alteration that would have a minimal impact. It is also noted that trees positioned south of the hall would provide good screening of the new stair.
- 9.12 New fire resistant glazing would be also be installed on the western elevation in order to meet building regulations for the proposed hall capacity. The applicant has confirmed that the replacement glazing and frames would have an appearance that matches the existing.
- 9.13 For the above reasons the Council's Conservation Officer considered that the proposal would have an acceptable impact on the character of the buildings. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development would preserve the special architectural interest of the listed building and would result in a significant benefit to the school in their ability to fully utilise the halls capacity.

10. Localism Finance Considerations

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

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

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

10.3 Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

10.4 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use:

10.5 These issues are to be treated as material planning considerations when determining planning applications or planning appeals. In this case there are no financial obligations associated with the scheme.

11. Human Rights Considerations

- 11.1 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:-
- 11.2 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:-
- 11.3
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.8 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.
- 11.9 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that there is no demonstrable interference with Human Rights as a result of this proposal.

12. Equalities Act Consideration

12.1 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 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.

Officers are of the view that this proposal would accord with the Equalities Act

CONCLUSION.

13.

It is considered that the proposals are acceptable to the Grade II listed building in that they are minor and serve to maximise the potential use of the hall building for the school. The works are considered to preserve the special historical and architectural character and appearance of the Grade II Listed Building and Lansbury Conservation Area. As such the proposal is considered to comply with aims of policy SP10 of the CS (2010), policies DM24 and DM27 of the MDD (2013), policies 7.4 and 7.8 of the LP (2011) and sections 7 and 12 of the NPPF (2012).

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

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Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address



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