

DEVELOPMENT COMMITTEE

Wednesday, 10 February 2016 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, Councillor Andrew Wood,
Councillor Mahbub Alam and Councillor Craig Aston

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 8 February 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 9 February
2016**

Contact for further enquiries:

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

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Public Information

Attendance at meetings.

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

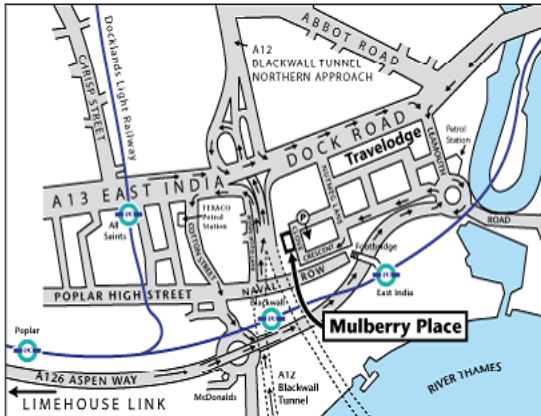
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Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 13th January 2016.

3. RECOMMENDATIONS

To RESOLVE that:

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

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

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

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

None.

6.	PLANNING APPLICATIONS FOR DECISION	13 - 14	
6 .1	66-68 Bell Lane and 1-5 Tenter Ground E1 7LA (PA/15/01474)	15 - 44	Spitalfields & Banglatown

Proposal:

The demolition of the existing building at 66-68 Bell Lane and the erection of a new single dwelling house set over five floors (including the basement) with ancillary private artist's studio space and the creation of linked ancillary residential accommodation located on the 2nd floor of No. 1-5 Tenter Ground

Recommendation:

That the Committee resolve to REFUSE planning permission for the reason set out in the Committee report.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 9 March 2016 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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 WEDNESDAY, 13 JANUARY 2016

**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 Rajib Ahmed
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None

Apologies:

None

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Nasser Farooq	– (Team Leader, Planning Services, Development and Renewal)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 16 December 2015 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)

Paul Buckenham (Development Control Manager, Development and Renewal) reported that the application had been withdrawn from the agenda by Officers to consider late objections raising planning issues and comments from Environmental Health.

6.2 27-29 and 33 Caroline Street, London, E1 0JG (PA/15/02164)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the development of two sites to provide a residential led scheme. He also drew attention to the matters in the update report regarding a change to the affordable housing and clarifying that the part of the site fell within the Conservation Area. Piotr Lanoszka (Planning Officer) presented the detailed report describing the site location and surrounds including the location of consented schemes awaiting development.

Consultation on the scheme had been carried out resulting in one objection from the nearby Troxy Hall about the impact of the development on their

premises in terms of increased parking stress, servicing issues, the construction impact and future noise complaints. Overall, it was considered that the hall would be unaffected by the development due to the nature of the scheme and the conditions.

In terms of the land use, Officers advised that the proposed residential use was acceptable given the housing demand in the Borough. The scheme would provide 30% affordable housing increased from 28% due to the provision of an additional intermediate unit in place of the top up financial payment. The details of this change were set out in the update report. Given the space constraints and the focus on affordable family units, it was felt that overall, the housing mix was appropriate.

The scheme had been carefully designed to preserve the setting of the Conservation Area (for example by setting back the top floors of the proposed buildings). The scale and massing would be broadly in line with nearby schemes that have permission. Furthermore, there were measures to minimise the impact of the scheme on amenity (including generous separation distances, the provision of a high number of dual aspect units). Whilst the properties in Caroline Street most affected by the scheme would experience a reduction in sunlight and daylight to small windows on the boundary, given they were open plan units with large south facing windows, they would still receive a sufficient level of light. On balance, it was felt that these impacts were acceptable and would be outweighed by the benefits of the scheme. The level of communal space exceeded policy.

Officers were recommending that the scheme be granted planning permission.

In response, Members asked questions about the number of affordable and intermediate units, particularly the number of two bed units. Members also questioned the proposal to provide an additional intermediate unit in place of the financial contribution for housing. Members questioned the merits of this given the opportunity costs in that it could contribute towards the provision of an affordable housing by the Council. It was commented that it appeared to switch the housing mix away from the Council's policies on affordable housing.

In addition, Members asked about the density of the scheme, noting that it exceeded the policy guidance, and asked about the special circumstances that justified this

It was also noted that whilst the level of communal amenity space exceeded policy, the dedicated child play space fell short of policy requirements.

In response, Officers clarified the revised housing mix, referring to the policy targets in the Committee report. As a result of the change, there would be a total of five two bed intermediate units to assist with the viability. Whilst noting the potential advantages of retaining the contribution, it was felt that the benefits of the proposed change outweighed these given amongst other factors that the sum was insufficient to provide an affordable rented unit in

itself and that the new proposal would maximise the level of affordable housing.

Whilst there was a slight shortfall in play space, it should be noted that the children within the development would have access to the amenity space that exceeded the policy requirement. There would be a degree of overlap between the two types of spaces. The means by which this could be achieved could be dealt with by condition as well as the general quality of the child play space. Furthermore, the child play space would be distributed fairly evenly throughout the two development sites.

In terms of the density, this was broadly in line with the nearby consented schemes. Whilst the density range exceeded the London Plan matrix, the policy stated that the appropriateness of which should be assessed on its impact. In this case, it was considered that the scheme would have minimal impacts and that any impacts would be outweighed by the benefits of the scheme (such as the provision of affordable housing, that the scheme optimised use of a relatively constrained site avoiding any harmful impacts). There would also be the Community Infrastructure Levy (CIL) contribution to mitigate any impact. In view of these issues, it was felt that the density of the scheme could be supported.

Officers also answered questions about the estimated CIL contribution, the method for assessing the percentage of affordable housing based on habitable room, the proposed rent levels, the tenure mix of the two blocks and the location of the new intermediate unit in the development.

On a vote of 2 in favour, 5 against the Officer recommendation and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Shiria Khatun seconded a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 5 in favour, 2 against and 0 abstentions it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 27-29 and 33 Caroline Street, London, E1 0JG for the demolition of existing buildings at 27-29 and 33 Caroline Street and erection of two buildings up to 9 storeys in height to provide 56 residential units and landscaped amenity space, cycle parking and associated works.(PA/15/02164)

The Committee were minded to refuse the planning permission due to concerns over the following issues:

- Density of the scheme given that it was in excess of the suggested density ranges in the Council's planning policy and the London Plan.
- The affordable housing provision both in terms of the overall quantity and the proportion of intermediate units.
- Height, bulk and massing of the scheme

- The level of amenity space and child play space in the scheme

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

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.00 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: 10 th February 2016.	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:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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- 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: 10th February 2016	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 No: PA/15/01474
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: 66-68 Bell Lane and 1-5 Tenter Ground, E1 7LA
Existing Use: Vacant residential (C3) and artist's studio workspace (B1 Use) with ancillary residential accommodation

Proposal: The demolition of the existing building at 66-68 Bell Lane and the erection of a new single dwelling house set over five floors (including the basement) with ancillary private artist's studio space and the creation of linked ancillary residential accommodation located on the 2nd floor of No. 1-5 Tenter Ground.

Drawing & Documents: 1094_01_00 Rev. 02
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- Design & Access Statement, dated May 2015
- Archaeological Desk-Based Assessment
- Planning and Heritage Statement, dated May 2015
- Daylight and Sunlight and Overshadowing Assessment, dated May 2013
- Sustainability and Energy Statement, dated May 2015
- Additional Historical Research document dated September 2015
- Close-up CGI view of the proposed scheme from North-West
- CGI Views of the proposed scheme from White's Row
- West façade detail of the proposed scheme
- North façade detail of the proposed scheme
- East façade detail of the proposed scheme
- Studio interior view

Applicant: Tracy Emin

Ownership: Tracey Emin

Historic Building: Both addresses are locally listed.

Conservation Area: Artillery Passage Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the wholesale demolition of the building at No. 66-68 Bell Lane and the erection of a new single dwelling house on the site set over five floors (including the basement) with ancillary private artist's studio space along with the creation of ancillary residential accommodation on the 2nd floor of 1-5 Tenter Ground, linked internally to the proposed dwelling at No. 66-68.
- 2.2 This application has attracted a total of 69 written representations, 58 of which are against the proposal and 11 of which are in favour.
- 2.3 The main material reasons cited in the objections received relate to the wholesale demolition of a heritage asset of considerable architectural, townscape and local historic value; the resultant harm to the character and appearance of the conservation area caused by the loss of the existing building; the new build would be of little or no architectural merit; the design would be

unsympathetic to the site context; and that the scheme is considered an unnecessary urban intervention given there is an earlier consent that provides an opportunity to enlarge the existing building without its wholesale demolition.

- 2.4 The main reasons set out by supporters of the scheme relate to: the 1st class architectural quality/merit of the proposed scheme; that the design and appearance is considered to show sensitivity to its historic site context; the scheme would in future positively enrich the character and appearance of the streetscape and the conservation area; it would replace an existing building of little merit; and would bring both cultural and economic benefits to the area including helping to identify the area as an on-going artistic hub.
- 2.5 The particular circumstances of this application have been assessed against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, and the National Planning Policy Framework (NPPF).
- 2.6 With regard to the above policies officers have concluded that on balance that the scheme would have a negative impact the Artillery Passage Conservation Area with its demolition of a locally listed building of both historic significance and aesthetic and townscape merit. The design of the proposed new building shows careful attention to detail in the treatment of the facades and the junction of the facing walls with the roof and as such officers recognise the design to be an accomplished piece of architecture. However the design is not considered to exhibit such exceptional architectural quality as the public benefits derived from the quality of the architecture are such as outweigh officers concerns over the harm from the loss of the existing building and the associated harm that would result to the conservation area or concerns officers have over the degree of sensitivity and sympathy that the new building would possess in relationship to its townscape setting.
- 2.7 As explained within the main body of this report, the proposal is not in accordance with the Development Plan.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the following reason:
1. The proposed development would result in the total demolition of a locally listed building at No 66-68 Bell Lane and would therefore result in the loss of a non-designated heritage asset. The loss of this locally listed building causes harm, albeit less than substantial harm, to the designated heritage asset, Artillery Passage Conservation Area. The proposal does not preserve or enhance the conservation area nor is design of the replacement building of sufficient architectural and townscape merit, to deliver a public benefit that would outweigh the harm to the conservation area and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 66-68 Bell Lane forms part of an urban block with No. 1-5 Tenter Ground to the south. The block is bounded by Bell Lane to the west, White's Row to the north, Tenter Ground to the east and Brune Street to the south. Previously No. 66-68 was linked to the rest of White's Row by an arch (built in the 1820-30's) over the street and serving as an entry to Tenter Ground. The arch suffered bomb damage and was lost during the Second World War. The east elevation of No. 66-68 was bomb damaged at the same time and this rupture to the east elevation is still visible today.
- 4.2 66-68 Bell Lane comprises locally listed buildings which are located within the Artillery Passage Conservation Area. 66-68 Bell Lane was constructed in 1927 by the former Stepney Borough Council as a standalone block of three flats, built to help address the area's housing shortage. The building replaced a void space, where previously there were houses fronting White's Row and Bell Lane that were demolished around 1904, as part of a scheme to widen Bell Lane that was never realised.
- 4.3 The north and west facades of the building serve as its two principal elevations and are considered architecturally to be its strongest elevations. From its original completion these two elevations contain the richest architectural detailing. The entrance to the three dwellings was always to the rear (to south) via an external staircase accessed from Bell Lane. The original interiors, including the room layouts to the three flats, are understood to have been lost and as such the interior of the building is considered of limited remaining significance to this historic building.
- 4.4 The building is reported to have been derelict by the late 1980s or early 1990s. Subsequently it was restored as a single family house with ancillary home office accommodation on the ground floor, but has stood vacant more recently.
- 4.5 1-5 Tenter Ground also lies in the Conservation Area and is locally listed and there are several statutory listed buildings situated within the vicinity including 5 White's Row and 17-19 Brune Street both to the east of the site.
- 4.6 1-5 Tenter Ground is a purpose built, late Victorian flatted factory/workshop which was converted to art production/studio space (B1 Use Class), with ancillary use and residential spaces by the current applicant in 2008. This building's long secondary elevation fronting Bell Lane has been extensively remodelled by the current occupier with a stock brick finish and with the insertion of large wooden framed multi-pane windows that serve the office and artist workshop spaces.

The Proposal

- 4.7 The application proposes the demolition of the existing building and the erection of a single new dwelling house with ancillary studio space within a proposed excavated basement and the formation of linked ancillary residential accommodation located on the 2nd floor of No. 1-5 Tenter Ground.

- 4.8 The new build proposal would be set over five storeys with the ground floor containing an entrance hall to the dwelling house, a lift and stairs and a large void space, served by a large window to flood it with natural light, set over the basement level studio space. The proposed new build dwelling would have one bedroom plus a 2nd bedroom and 2nd living space located within a section of the 2nd floor of No. 1-5 Tenter Ground.
- 4.9 The design brief of the new building is informed by an ambition to consolidate the applicant's home and work life on one site and to offer, within the proposed basement, a private artist's studio space that can differ from the existing workshops spaces located within 1-5 Tenter Ground that are used by the applicant for a more shared/collective method of artistic production involving creative assistants. The design is also informed by an ambition to create domestic spaces well suited for the artist applicant to meet collectors, curators and critics and to display a variety of art to visitors in well- lit spaces. The planning statement considers the proposal is part of a long tradition of buildings that combine artist studios with living accommodation for the individual artist.



Figure 1: CGI image of the proposed scheme from Artillery Lane showing north and west elevations

Relevant Planning History

66-68 Bell Lane

- 4.10 In the early 1990's there were two different applications (permissions for works) however it is the later consents (listed in detail below - BG/94/00169 and BG/95/00220) which were implemented.
- 4.11 2nd October 1991 ;planning permission and conservation area consent was granted on for the "*Partial demolition of existing building and redevelopment behind retained facades to Bell Lane and Whites Row to provide a three storey plus basement building for purposes within Class D1 (Non-Residential Institution), including a community centre and educational facilities, of the Town and Country Planning (Use Classes) Order 1987*" (Ref BG/91/00065)

BG/93/00184

- 4.12 17th February 1994 planning permission was granted for the "*Partial demolition/redevelopment, and conversion of building to form six self-contained flats (i.e. three studio flat and no. one bedroom flats).*"

BG/94/00169

- 4.13 2nd December 1994 planning permission was granted for the "*Retention of works involving conversion to a single family dwelling house, together with the use of the courtyard to provide one car parking space, the construction of a new crossover to Tenter Ground, the partial demolition of the boundary wall and alterations to the rear and flank elevations.*"

BG/95/00220

- 4.14 30th October 1996 conservation area consent granted for the "*Retention of works comprising partial demolition of the rear and flank elevations, the removal of the chimney stack fronting Tenter Ground, and the partial demolition of the boundary wall fronting Tenter Ground*"

PA/12/00434

- 4.15 12th July 2012 planning permission granted for the 'extension and alteration of existing 3 storey two-bed dwelling house including demolition works to create two residential units comprising one one-bedroom flat and one three-bedroom flat. Erection of new facades including extensions from ground to third floor level along the eastern and southern facades, erection of an additional fourth storey, creation of a new roof terrace with a pavilion and associated works'.

PA/12/00435

- 4.16 12th July 2012 conservation area consent granted for 'Demolition and rebuilding of east and south facades and demolition of the eastern boundary wall and part of the western boundary wall as part of works which include the extension of the building'. The application was submitted by a previous owner and enabled the formation of two flats.

1-5 Tenter Ground

PA/08/01154 and PA/08/01155

4.17 Planning permission and conservation area consent granted on 5th August 2008, for the “*Partial demolition to allow for an extension to the existing basement in conjunction with a three storey extension to the western part of the site (Bell Lane elevation). Works proposed are to facilitate the conversion of the existing building (Use Class B1 with ancillary residential) to an art production facility/studio (Use Class B1) with ancillary archive, office, and a private 2 bedroom top floor flat with roof terrace*”

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy Guidance/Statements

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

5.3 London Plan (March 2015)

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

Tower Hamlets Core Strategy (2010)

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

5.4 Managing Development Document (2013) (MDD)

DM3: Delivering Homes
DM4: Housing Standards and Amenity Space
DM14: Managing Waste
DM22: Parking
DM23: Streets and the Public Realm.
DM24: Place Sensitive Design
DM25: Amenity
DM27: Heritage and the historic environment

5.5 Other Relevant Documents

- The Artillery Passage Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

- Mayor of London Housing Supplementary Planning Guidance (2012).
- Adopted City Fringe Opportunity Area Planning Framework (December, 2015 Good Practice Guide for Local Heritage Listing. English Heritage (2012)
- LBTH Revised draft Planning Obligations Supplementary Planning Document (April 2015)
- Technical housing standards – Nationally Described Space standards (October 2015)

6.0 LOCAL REPRESENTATIONS

6.1 Site notices were displayed on site and a press notice published. A total of 180 planning notification letters were sent to nearby properties as detailed on the attached site plan. Local community and historical groups were also consulted. A total of 68 written representations were received 11 representations were received in support and 57 against.

6.2 The planning consideration reasons given in support can be summarised as follows:-

- The scheme will help merge the existing studio with the corner site.
- Proposal is a first class piece of architecture. The result of an exemplary historical and architectural analysis. The sort of careful urbanism which alas we see too little of in London. The area is undergoing significant change; the design is modest in scale unlike much of that change and therefore provides a quite different contribution.
- A good test of the merits of a new proposal is to ask whether in 50 years' time anyone would support the demolition of the Chipperfield/Emin building with all its layers and historical interest, in favour of reverting to the building now on the site - the answer is no.
- It is a duty of planning committee to approve first rate architecture provided it does not involve the destruction of something that is just as good, the latter is not the case in this instance.
- If this proposal is built it will be a strong candidate for listed representing an uncommon alliance between a major artist architect and major artist. that produces a 'quiet landmark'.
- The new building will prove an architectural addition that shall enrich Spitalfields.
- The design is an appropriate response to the historic character of the area.
- Will help keep an artistic function in Spitalfields.
- The applicant has shown loyalty to the area, cultural and employment benefits have flowed from that, in addition the applicant has provided an inspiration and role model for others.

- Both the artist's high profile and her buildings in the Borough are a testament to social mobility and the opportunities available for women and ethnic minorities: characteristics that help define the area and make it so attractive to all walks of life.
- Reinvigorate the site with a creative structure of high quality.
- The existing building on site is a gloomy building of little or no architectural value and not in character with the area.

6.3 The planning consideration reasons given to the objection can be summarised as follows:-

- There is an existing consent to alter the building and add two floors to the building that is more sensitive, modest in extent of change and sympathetic in character and this alternative approach should be utilised.
- Too much has been lost in this area the local planning authority should not let another building disappear.
- The building is too big, resembles some sort of bunker with what looks like an observation post towering over the neighbourhood. It has no charm, no redeeming features.
- Wholesale demolition of an integral part of the fabric of our history should be rejected.
- The building would be ugly, an eyesore and a triumph for money over the preservation of local history, style and local aesthetics.
- Applicant fails to describe properly the significance of the listed building they wish to demolish.
- If the current building is not suitable for the applicant's needs another building somewhere else should be found. A justification for demolition based on windows and floor levels not aligning is facetious as are stated requirements for no less than 2 lifts,
- To suggest a new building is required to address the soon to be new public space is nonsensical.
- The design of proposed new building mirrors nothings in the local area.
- The new design has negligible architectural merit, is featureless. The proposal is culturally damaging.
- Demolishing a historic building in good condition is madness.
- The proposal looks similar to plans for demolition of Marquis of Lansdowne, a very dull architecture.
- Scheme would remove a tangible example of development that conveys aspects of social history in the East End during the first half of the 20th century.

- An applicant's role, as an artist, should not justify the destruction of a fine old building. Artists for decades have been using old buildings in Spitalfields for artistic production.
- I am a modernist, I appreciate the work of the project architect but all has to be sympathetic to its surroundings. This scheme removes the hub building of this local community with a building that resembles a place of religious worship. I thought the applicant appreciated what *is found* and revelled in it rather than disregards what is there and seeks to replace with a bland canvas.
- An unimaginative and bleak response that would replace a characterful building that is clearly embedded in its location.

7 CONSULTATION RESPONSES

The following were consulted regarding the application:

7.1 External Consultees

Thames Water

7.2 Informative comment received

Historic England Comments [received at pre-application stage but Historic England have confirmed in writing this response sets out their current position in respect of the planning application]

Significance of the Historic Environment

7.3 *The site is situated within Artillery Passage Conservation Area, which is generally notable for its surviving narrow lanes and passages containing small scale mixed use buildings from the late 17th century onwards. No.s. 66-68 Bell Lane itself is a robust, austere classical corner remnant of a once larger terrace of purpose built flats erected by Stepney Borough Council in the 1920s. It possesses some aesthetic value for its architecture, and more obvious historical value as a surviving remnant of the 'old' East End, illustrating Stepney Borough Council's efforts to provide social housing during the interwar period. The building is therefore of some significance, but this has been eroded because the building is now just a fragment of the original terrace. An existing planning permission to extend the building upwards further would further reduce the clarity of contribution it makes to the conservation area. Nevertheless, we agree with LB Tower Hamlets that the building makes a positive contribution to this part of Artillery Passage Conservation Area.*

Proposals

7.4 *The design, by David Chipperfield, is for an obviously contemporary building, but one that makes use of structural brick and is of a scale and form that reflects some of the existing buildings within the conservation area.*

Policy Context

7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the obligation on local planning authorities to pay special regard to preserving or enhancing the character or appearance of conservation areas.

- 7.6 *The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on proposals. At the heart of the framework is a presumption in favour of 'sustainable development', a key component of which includes protecting and enhancing the historic environment. In general terms, the NPPF document places great weight on: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; their potential to contribute to sustainable communities; and the desirability of new development making a positive contribution to the historic environment's distinctiveness.*
- 7.7 *Specific policies relevant to the current proposals include paragraph 137, which states that local authorities should look for new development within conservation areas to enhance or better reveal the significance of the conservation area; paragraph 138, which states the loss of a building that makes a positive contribution to a conservation area should be treated as either substantial or less than substantial harm (paragraphs 133 or 134); and paragraph 134, which advises local authorities that in cases where proposals cause less than substantial harm to a designated heritage asset the harm should be weighed against the public benefits of the proposal.*
- Historic England position:
- 7.8 *No.s. 66-68 Bell Lane is an undesignated heritage asset that makes a positive contribution to this part of Artillery Passage Conservation Area. However, that contribution is reduced by the fragmentary nature of the building and the existing permission to substantially alter it by extending it upwards. The existing consent is a material planning consideration.*
- 7.9 *Nevertheless, the loss of the existing building will cause some harm to the conservation area by removing one of the very few tangible examples of development that illustrates aspects of social history in the East End during the first half of the 20th century. In our view, the loss of the building would cause some harm to the conservation area, and therefore needs to be considered under NPPF policy 134. There also remains the obligation on the local authority set out in the 1990 Act to ensure that new proposals enhance the character or appearance of the conservation area and that any loss of a building should make a positive contribution to a conservation area.*
- 7.10 *We have no doubt that the proposed new building is a piece of very high quality design that would be fit for purpose. It has the potential to deliver public benefits through the quality of its design and its role in reinstating the frontage to Bell Lane and Tenter Ground. In our view, the design has a strong sense of integrity and consistency that the consented permission which only retains the lower parts of the existing building whilst increasing its height, lacks.*
- 7.11 *It is for the local authority to carefully weigh the harm to the conservation area caused by the loss of the historic building with the public benefits that would potentially arise from the current proposals”.*
- 7.12 *Should the local authority be minded to grant consent to a submitted application, we would urge them to ensure that the quality of the design is carried through the project, and that materials and finishes are carefully considered and agreed as a condition to any consent. A condition requiring the recording of the existing building prior to demolition should also be included if a submitted application is approved The application proposes the demolition of the existing building and the erection of a single new dwelling house with*

ancillary studio space within a proposed excavated basement and the formation of linked ancillary residential accommodation located on the 2nd floor of No. 1-5 Tenter Ground.

Tower Hamlets Conservation Area Design Advisory Panel (CADAP)

7.13 The application was presented (prior to submission) to CADAP on two occasions. Below are the comments provided after its 2nd presentation to the panel:

1. “Any submitted planning application should fully acknowledge the merits of the existing building on the site and not seek to justify the replacement by merely downplaying the significance of the existing building.
2. The setting of the existing building is compromised by later changes in the area.
3. Panel noted extant permission for substantial alteration to the existing building and accepted the applicant’s assertion that the permitted changes would also seriously compromise the logic of the local listing.
4. The proposal has the potential to become a cultural landmark.
5. The proposed scheme is more contextual than the previous version. It has the potential to be an ‘amazing’ building: ‘serious, yet playful’.
6. The quality of architectural detail will be of overriding importance in determining the success of the proposal – including details of roof, fenestration, window reveals, rainwater goods and ‘notched’ corner detail. Fears were expressed that the envisaged clean edges will be difficult to achieve.
7. The choice of brick and details relating to brickwork will be very important – the Panel noted the need to differentiate the building from its surroundings, whilst responding sensitively to context.
8. The addition of the plinth is welcome. On balance the Panel did not think that the plinth should be at a uniform height around the building. The applicant should also consider whether refinement of the brickwork detailing could result in a successful alternative.
9. The form of the building must relate sensitively to its Conservation Area context.”

Greater London Archaeology Advisory Service (GLAAS)

7.14 Historic Building Assessment

“We advise that the loss of the locally listed 1920’s Stepney Borough Council housing would normally be unacceptable. In this case we are not convinced that enough information has been supplied by the applicants about the significance of this 1920’s block of council housing in the context of house building in London in the 1920’s by the then small London Boroughs.

7.15 *Since total demolition is proposed we would recommend that further research is carried out into the rarity and significance of the building to be demolished. We would advise that suitable specialist on architecture as well as plan form of London's C20 social housing be commissioned by the applicants to carry out the study before any planning decision is taken.*

Below Ground Archaeology

7.16 *We would also like to advise should permission be given to this scheme that the archaeological potential below the current building is such that it would merit appropriate recording through an archaeological condition for full recording in the form of an excavation. The potential archaeology in this block of streets is predominately one of Roman burial and post-medieval remains of a growing London suburb in the C16 onwards”.*

Twentieth Century Society

7.17 No representation received.

Save Britain’s Heritage

7.19 *SAVE Britain’s Heritage object to proposals for the demolition of 66-68 Bell Lane for replacement with a new single residential unit with ancillary use.*

7.20 *66-68 Bell Lane is a locally listed early twentieth-century building, situated in the Artillery Passage Conservation Area. It is an attractive three storey corner building, brick built with a rendered third storey, with cornices extending around the building and a prominent chimney stack and a Stepney Borough Council monogram on its angled corner. Pevsner considered it worthy enough to mention, noting it as a ‘stiffly classical three-storey Stepney Borough Council Building of the 1920s’*

7.21 *The Conservation Area Management Appraisal summarises the Conservation Area as, ‘a rare surviving fragment of an ordinary mixed-use residential district of the 17th, 18th and 19th century inner city.*

7.22 *This application for demolition will cause -substantial harm to 66-68 Bell Lane (an undesignated heritage asset), some harm to 1-5 Tenter Ground (an undesignated heritage asset), and its setting substantial harm to the Artillery Passage Conservation Area (a designated heritage asset). It therefore fails to take account of national and local planning policy with regards heritage assets and their protection, and should be refused planning permission.*

7.23 *This application would cause substantial harm to the locally listed building as a result of its complete demolition, and harm to the neighbouring locally listed building and its setting. The emphasis should be on retention and restoration of heritage assets, rather than demolition. The tests set out in NPPF 133 are not met by this application, as it is clear that the heritage asset does not prevent reasonable use, and a use could be found in the medium term.*

7.24 *The public benefits of this application are negligible, and seem to focus on the private working patterns of an artist. SAVE disagrees that the proposed replacement building would contribute to public benefits. The existing building makes a positive contribution to the Conservation Area, whereas the proposed building, in SAVE’s view, would not. It replaces the charm and variety of the existing building with a cold, angular edifice, unsympathetic to the Conservation Area and the surrounding locally listed buildings.*

7.25 *The proposals would cause substantial harm to the Conservation Area, and again the above policies are relevant. 66-68 Bell Lane and 1-5 Tenter Grounds are located where the Conservation Area is narrowest, with the boundaries at this point encompassing just these two buildings before extending down to Toynbee Street. The destruction of 66-68 Bell Lane would split the Conservation Area and divide it into two parts. This would clearly amount to substantial harm, and therefore the application should be refused.”*

7.26 *The applicant has previously demonstrated an ability to sensitively work with and enhance historic buildings, with some sensitive new additions which positively contribute to the Conservation Area. We suggest a similar approach be pursued at No 66-68 Bell Lane rather than one of demolition.*

Spitalfields Society

7.27 *“Consent relies on the scheme demonstrating that it preserves or enhances the character and appearance of that Conservation Area.*

7.28 *We note the previous consent permits the substantial demolition of the existing building with the exception of all but part of the north and west elevations. The case for “preservation” has therefore already been lost and the Society has to accept that there is scope to redevelop the site. The debate now resolves around whether the replacement building “enhances” the Conservation Area.*

7.29 *The previous scheme merely sought to copy the appearance of the original building in order to obtain consent to develop the site to its maximum potential. The current scheme takes a more challenging approach based on a genuine brief to use the building for a specific purpose rather than just to maximise its sale value, and this was welcomed.*

7.30 *The Society does not find the current proposals acceptable, particularly the most important east elevation where it adjoins the frontage of the existing [No 1-5 Tenter Ground] buildings, and does not feel that the scheme enhances the CA to the extent that justifies the demolition of the existing building.*

7.31 *We are confident that the current project team has the skills, the brief and the resources to resolve this issue and we would encourage the applicant to work further on this aspect of the scheme to produce a design worthy of the support of the local community.”*

East End Preservation Society

7.32 *“This is an important historic area on the southern periphery of the Priory of St Mary Spital and the old Artillery Ground, reflected by conservation area designation. The importance of 66-68 Bell Lane to the Conservation Area is implicit in its designation as a locally listed building. The building occupies an important and very visible site within the Conservation Area linking the historic area of Artillery Passage to the west to the two surviving historic buildings further east on Whites Row; without it the Conservation Area would be split in two by a swathe of disparate modern buildings.*

7.33 *The building addresses its corner site successfully with a canted angle and topped with a chimney stack, representative of the subtle and sophisticated design of the building, clearly carried out by proficient architects.*

- 7.34 *Stepney Borough Council set themselves very high housing targets after the First World War. Interestingly the Borough continued to build in the traditional and vernacular style until after World War II, 66-68 Bell Lane is an example of this approach. Considering the clear quality and potential historic interest of the building, it would be very wrong to demolish it without a proper understanding of its significance.*
- 7.35 *It is disappointing that after the applicant's sensitive alterations to 1-5 Tenter Ground, that this very damaging scheme has been put forward. In the context of the change in the area (represented by redevelopment of Fruit and Wool Exchange and the Nido building) it is all the more important that this area retains its surviving historic buildings.*
- 7.36 *The application justifies demolition by references to the specific needs of contemporary artists. It may well be that 66-68 Bell Lane is not suitable for adaption to fulfil these very precise needs. If what is needed is new build then this is not an appropriate site given it contains a locally listed building within a conservation area.*
- 7.37 *There are four main points cited by the applicants for demolishing the two main facades of 66-68 Bell Lane, two of these relate to the size of the windows and the floor levels not aligning with 1-5 Tenter Ground which are probably inconvenient but unlikely to be insurmountable. The next reason is that two lifts would be required if the facades to be retained, again, hardly a strong justification for demolition. The fourth reason is that aesthetically a solution that retained the façades would be unsatisfactory 'due to the atypical proportion of new being greater than old.' This is a specious argument that assumes that the new insertion has to tower over the old façades. A well-designed new building would be able to resolve this juxtaposition.*
- 7.38 *Although the façadism is by no means our preferred treatment of this building, the previous consented scheme would have gone some way in attempting to retain the historic streetscape of this part of the Conservation Area, by incorporating the two most significant façades of 66-68 Bell Lane. Where the heritage report claims that 'the Council has therefore accepted the demolition of the building as recently as July 2012' this should be disregarded as completely disingenuous.*
- 7.39 *The demolition of such a prominent locally listed building in this Conservation Area will cause substantial harm to its significance. The proposed scheme directly contravenes Policy SP10 and DM27 of the Borough's Local Plan."*

Spitalfields Community Group

- 7.40 *"The existing dwelling has significant architectural merit. The building is of the Arts and Crafts movement and is the sole surviving building of this era in the immediate vicinity. It makes an important contribution to the character of the area. To demolish the building would detract from the interest and variety of the Artillery Passage Conservation Area. The proposed new building is incongruent with the local architecture and would detract from the significance of the Conservation Area.*
- 7.41 *The existing building also has historical significance, it bearing the last remaining evidence of Shepherd's Place archway, built c. 1810. The demolition*

of the building would remove this final link with a most important part of the heritage of the area.

- 7.42 *In addition, there is no sensible justification for the destruction of the existing building. An existing set of 2012 consents (PA/12/00434 and PA/12/00435) for 66-68 Bell Lane enable an increase of floor-space of some 160%. The 2012 proposals are sympathetic to the existing building and its heritage significance and would be achieved through the demolition of two unsightly, blank facades and retention of all floors and historic elevations. This was one of the primary reasons that permission was granted, by contrast under the proposed scheme all historic features would be lost.”*

Spitalfields Trust

- 7.43 Object for the following reasons:
- The building is a locally listed building, sitting within a Conservation Area, the boundary lines of which are so placed to afford this particular building protection.
 - There is already an extant permission for this building to be sensitively extended to afford more accommodation while protecting its handsome elevations to north and west.
 - The present charming building adds greatly to and positively enhances the streetscape and the Conservation Area, something the proposed brutalist building certainly does not.
 - The new building is wholly inappropriate and would destroy the charm of the Conservation area and negatively impact upon it.

Internal Consultees

Borough Conservation Officer

- 7.44 The proposal has undergone some design changes during the pre app process. I consider that the omission of the previously proposed balcony is regrettable but nevertheless the proposed replacement building remains of exceptional design quality. Whilst responding to its setting in terms of scale and materials, the development is a bold and purposeful piece of architecture; the carefully considered work of an eminent architect. It is a bespoke design for an artist and would join the select group of artist's houses which are a notable feature of the architecture of the Capital including houses designed by Richard Norman Shaw and Edward William Goodwin. If built, it would be a landmark building, celebrating the significance of the East London art scene; a potential listed building of the future.
- 7.45 The existing building is fully deserving of its place on the Council's local list but in my view this is one of those very rare occasions when the benefits of the proposed development would outweigh the loss of such a building.

LBTH Highways and Transportation

- 7.46 No objection to the proposed development Section 106 'car parking permit' free agreement for this development as it is located in excellent PTAL area (PTAL 6b). Details of dedicated storage for at least two cycles also required by planning condition. Informative needed to be added to any consent to note

technical approval from Highways will be require for construction of the basement abutting the pavement .

LBTH Environmental Health: Land Contamination Noise and Vibration

- 7.47 No objection subject to condition to address any suspected contamination or unusual or odorous ground conditions are encountered during any ground work.

8.0 MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with this scheme are:

- Land Use
- Heritage and Design
- Housing
- Amenity
- Highways & Transportation

Land Use

- 8.1 The application site is located within the Central Activates Zone (CAZ) within an area known as the City Fringe. This is a mixed use area with a large amount of commercial uses with some residential uses and a large student housing development (Nido).
- 8.2 With regard to the residential land use, whilst there is a lapsed consent (PA/12/00434) for two residential uses at No 66-68 Bell lane the established use of the site is for one two bedroom dwelling house. As the current scheme will provide a residential dwelling on the site and would provide an additional one bedroom ancillary guest accommodation within the existing building at No 1-5 Tenter Ground (the latter would be without independent access from the street) it is not considered the scheme raises issues with respect to the principle of the development in land use terms. The studio space is as ancillary space to the residential land use and similarly raises no land use planning policy issues.

Heritage and Design

- 8.3 The key material planning issue to consider with respect to this application concerns heritage and design matters, specifically the wholesale demolition of a locally listed building within a conservation area, the design merits of the replacement building and whether it would serve to enhance or preserve the conservation area and finally the weight given to the public benefits of the scheme assessed against any perceived harm the proposal would impose on the Artillery Passage Conservation Area, a designated heritage asset. There is no dispute the existing building at No 66-68 Bell Lane makes a valuable positive contribution to the conservation area by the decision taken by the local planning authority to designate the building a non-statutory locally listed building.

Legislative Framework

- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where in making any determination under the Planning Acts, regard is to be

had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The statutory Development Plan is identified for this assessment as follows:

- The London Plan March 2015 (further alterations to the London Plan);
- Tower Hamlets Core Strategy (2010); and
- Tower Hamlets Managing Development Document (2013).

8.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that when determining applications affecting land or buildings in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.6 'Character' relates to physical characteristics but also to more general qualities such as uses or activity within an area. 'Appearance' relates to the visible physical qualities of the area. The meaning of 'preservation' in this context is the 'avoidance of harm'.

8.7 Section 72 is relevant as the proposals lie within the Artillery Passage Conservation Area.

Policy Context

8.8 National Planning Policy Framework (NPPF), paragraph 131 states that in determining planning applications, local planning authorities should 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..

8.9 Current adopted Historic England guidance with respect to listed buildings (2012) is clear "*Local heritage lists play an important role in celebrating heritage that is valued by the community at the local level*" and the guidance continues state "*Heritage assets not designated under statutory regimes, but recognised by the LPA as having heritage significance, do merit consideration in planning matters; with the LPA taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.*"

8.10 NPPF paragraph 132 states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*"

8.11 With respect to assessing the significance of a building the National Planning Practice Guidance provides useful guidance, stating an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in

paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

8.12 Given the existing building on site is locally listed it is reasonable for the local planning authority to conclude the loss of the building is of significance and paragraph 133 of NPPF is therefore material and the justification for demolition proportionate to the building's due significance within the conservation area.

8.13 NPPF paragraph 133 states:-

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply.

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use."*

8.14 NPPF paragraphs 134 and 135 are also material to this application which state *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

8.15 London Plan Policy 7.8 is consistent with the policy approach set out above in the NPPF. London Borough of Tower Hamlets, Policy DM27 (1) of the Managing Development Document of the adopted Local Plan sets out that:

"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'.

8.16 Policy DM27 (1) 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'".

8.17 With regard to public benefits of a scheme National Planning Practice Guidance provides some direction to what this might be properly included as a public benefit:-

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of

benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”

- 8.18 The applicant's Planning Statement considers that public benefits may include the provision of a building of exceptional design quality. This potential type of public benefit is not disputed as a material consideration by the local planning authority in the determination of this planning application.

Building's History in context of Early Public Housing in East End

- 8.19 Accompanying the application is a document that seeks to set out the historical significance of the building in the early history of public housing in East End.
- 8.20 The area around Bell Lane was among some of the most overcrowded areas in Victorian and Edwardian London. No 66-68 Bell Lane is the smallest known public housing scheme constructed by Stepney Borough Council during the interwar period, the next smallest being Newell House on Newell Street, consisting of seven flats in a five storey block. These schemes were designed to help address overcrowding in London post 1918 and form part of the response to the "Homes fit for Heros"
- 8.21 During the early inter war period, the emphasis of public housing building by local councils and London City Council (LCC) was on cottage estate building. These were seen as the preferred housing option and coincided with a dislike from social reformers and politicians to the construction of higher density flatted schemes to house working-class families. New low density cottages estates were generally built on greenfield sites limiting their relevance to inner London Boroughs. Poplar Borough Council had a rare opportunity, for an East End borough, in building cottage style housing estates on open land on the Isle of Dogs.
- 8.22 In Shoreditch and Spitalfields the opportunity for new flat building immediately after 1918 was limited. The London City Council, for instance, built nothing in Stepney between 1918 and 1925, and Stepney Borough Council (SBC) built only 25 dwellings in the same period. One of the earliest borough schemes was the Bethnal Green Estate, built 1922-24 by Bethnal Green Council, comprising 137 flats in four storey blocks. Through the 1920's and 1930's attitudes to higher density flatted development changed and more opportunities for wholesale slum clearance, with the LLC between 1927-36 erecting the Holland Estate on Bell Lane comprising largely four and five storey blocks.
- 8.23 In the 1930s new financial incentives were introduced by the national government and this was reflected in Stepney Council building approximately 1,250 dwellings, and the LCC built another 1,300 dwellings in the borough with more than half of these dwellings built in the last five years before 1939.
- 8.24 As set out above 68-68 Bell Lane (and based upon historic research prepared by the applicant's agent for the submission), is the smallest known interwar local authority scheme built by Stepney Borough Council. It represents a rare example of what might be described as an 'infill public housing scheme' (a product of an abandoned road widening scheme); this distinguishes it from the more common creation of a new public housing estate emerging from a wider slum clearance program. Aside from the architectural/visual townscape value of the building, the historic value of the locally listed building is considered to be

derived from it being an early 'atypical' early public housing scheme, small in scale and built within an established street grid. The historic value of the building in the context of the broader history of early public housing in Shoreditch adds to the contribution the building makes to the Artillery Passage Conservation Area.

Design and Heritage Analysis



Figure 2: Proposed east elevation (with No. 1-5 Tenter Ground shown to the left of proposed new building)

Design Approach

- 8.25 The submitted design and access statement describes the design of the scheme as being informed by an analysis of the local area, that “*led to development of a formal language that refers to formal elements from the [neighbouring 1-5 Tenter Ground eastern] historic facade. The goal is to give the new facade a richness in detail without simply copying its neighbour*”. The frame building superstructure would be finished in a Flemish brick bond on Tenter Ground elevation and a standard stretcher bond on the other three elevations.
- 8.26 The proposed doorway entrance on the east elevation is intended to reflect the verticality found on the warehouse façade and the use of a dark brick plinth would pick up the similar blue colour brick plinth found on the existing east elevation of No. 1-5 Tenter Ground.
- 8.27 A glazed soldier course of bricks would be introduced on the external elevations to give expression to the arrangement (i.e. floor levels) of the interior spaces. The designers have sought to sculpt the proposed north, east and west facades by cutting out and recessing certain areas to give added visual interest.

- 8.28 The north facade proposes a large square studio window (occupying 20sq.m, approximately 4.5m x4.5m) that is inserted into the elevation and is intended to help emphasise the artist studio character of the proposed building, as the dwelling faces towards the consented new public square whilst being set at a sufficient height (2.1m) above pavement level that it would avoid issues of overlooking from the street to the private studio space set within. The exterior corners of the building would include a staggered layering brick detail to give a greater textured quality/visual interest to the building form and provide opportunities for some playful sunlight shadowing. The proposed windows have a range of differing depths of brick reveal, ranging from a virtual flush reveal to a substantive full stretcher brick reveal, with these details in the design intended to add a degree of visual interest to the scheme and provide opportunities for differing sunlit shadowing effects to the facades.
- 8.29 The over 11m long west elevation to the proposed new building would contain no window set less than 4.5m above the external pavement level. Some degree of visual relief to this extended expanse of brick would be gained through the introduction of a small square display cabinet (set into the brick wall) to display artistic works produced by the applicant.



Figure 3: Existing building at No 66-68 Bell Lane

Significance of the building proposed to be demolished

- 8.30 The English Heritage Guidance 'Understanding Place: Conservation Area Designation, Appraisal and Management (2011) provides a useful checklist to help identify elements of a conservation area which may contribute to its special interest.

- 8.31 Assessed against this checklist a few salient points can be drawn in respect of the building at No. 66-68 Bell Lane and the scheme's proposals for demolition of this property:-
- Whilst it is acknowledged the architect of the building is not known, the design shows some considerable degree of architectural accomplishment. It does have a landmark quality, albeit this landmark feature quality is limited to views primarily from the north and west.
 - In terms of age, style, form, materials - the building does not strongly share the architectural characteristics of adjacent buildings or other historic buildings in the conservation area, other than its use of brick. However this difference in style and form from other buildings in the immediate locality is not considered to diminish in this instance its heritage value, indeed its unique qualities might be considered a reason as to why the building makes a strong positive contribution to Artillery Passage Conservation Area. An early 20th century public housing that sits well with the surviving fragments of 17th, 18th and 19th century buildings that give the Artillery Passage Conservation Area such a rare quality, in terms of a living timeline record of a historic inner city residential district.
 - The building does stand as a physical record of the history of the local borough, Stepney Borough Council through the construction of this building seeking to address the pressing need for public housing in the 1920's.
 - The 'severed' eastern elevation, a product of war damage stands as a last vestige of the Shepherds Place arch that served the northern entrance to Tenter Ground and once attached to No. 66-68 Bell Lane.
- 8.32 In summary it is concluded the main visual, aesthetic townscape value of the existing building is derived from its strong northern and western elevations that have always served as its two principal elevations. These two elevations provide the building's richest architectural detailing and appear in a reasonable state of repair. Whilst the existing building is not a particularly tall or otherwise a large building mass (especially in the context of the consented new development in the immediate area) it remains the case that these two principal elevations provide a strong, characterful feature to this prominent street corner and offer an architecture response that continues to hold its own in townscape terms despite the changing site context.
- 8.33 The building serves, with No. 1-5 Tenter Ground, a valuable function in the overall composition of the conservation areas linking the historic buildings in the main western section of the Artillery Passage Conservation Area with those in the conservation areas eastern appendage.
- 8.34 The applicant's submitted heritage statement considers the aesthetic/townscape value of the building and its contribution to the Artillery Passage Conservation Area is "muted" by: (i) the building now standing isolated from the rest of White Row with the arch lost, (ii) with the building's original eastern elevation effectively lost and (iii) its rear [south facing] original balconies all blocked up. These physical / visual losses are acknowledged by officers but are not considered to fundamentally undermine the building's key aesthetic/townscape value and its positive contribution thereof to the Artillery Passage Conservation Area; not least as these south and eastern elevations always stood as effectively 'secondary frontages' to the building (from its original inception). Furthermore the current 'ruptured' undecorated rendered eastern elevation continues to serve as a visual marker/trace that the building once attached to the distinctive Shepherds Place Arch.

- 8.35 As set out earlier in more detail earlier in the report the building's main historic significance (divorced from its immediate townscape/architectural value) is derived from it being an unusually small and thereby rare example of an early standalone council housing project, built by Stepney Borough Council and designed with the purpose of helping to address the housing crisis that this area suffered from during the inter-war period.

Architectural merits of the proposed new building

- 8.36 The application was subject to extensive pre-application discussion, including versions of the scheme presented to the Conservation and Design Advisory Panel (CADAP) and officers acknowledge the proposal:
- is a carefully considered scheme of high design quality;
 - plays very considerable attention to its detailing and choice of materials;
 - that the building scale is informed by the neighbouring building at No 1-5 Tenter Ground and seeks to respond to its setting through its use of brick as a finish material and to a degree in its choice of detailing;
 - that its height, scale and building envelope is comparable to the 2012 consent and such poses no undue issues from a massing perspective;
 - can be viewed as an architectural proposal that stands in a tradition of London artists houses that contain individual art studio spaces

Archaeological implications

- 8.37 The site lies within an Archaeological Priority Area. The application is accompanied with a desk top based archaeological. Greater London Archaeology Advisory Service (GLAAS) have reviewed the scheme and are satisfied a standard planning condition can address any potential archaeology revealed during implementation of the scheme.

- 8.38 GLAAS did request further historical research in respect of the significance of building on the context of the history of public house building in London in the 1920's, to better gauge the rarity and significance of the building that is proposed to be demolished. This additional research was undertaken and submitted as supplementary documentation to the application and it does help give a fuller and valuable historical context to the building on site.

Impact upon listed buildings

- 8.40 The nearest statutory listed buildings are located on Artillery Passage (including the Grade I listed building at No 56), at No 5 White's Row and No 17-19 Brune Street. All these neighbouring listed buildings are set over 25m away from the site.

- 8.41 Given the presence of other buildings set between the development proposal and these listed buildings and given the height and scale of the proposed building officers consider the proposal will not have any direct adverse impacts upon these statutory listed buildings. Any indirect heritage implications of the proposal upon these designated heritage assets would be derived from the broader impacts of the proposal on the character and appearance of the Artillery Passage Conservation Areas (in which all these listed buildings are located) and these conservation areas are dealt with separately below..

Heritage Assessment - Conclusions

- 8.42 The positive contribution of the existing building to the conservation area has been set out above as has the design merit of the proposed scheme. The applicant's own heritage statement indeed acknowledges the demolition of the existing building will incur harm to the Artillery Passage Conservation Area Passage, as such it does not preserve the Conservation Area. The applicant's submission documentation asserts the significance of the existing building is diminished by the lapsed and unexercised consent to add an additional storey to the building and involved partial demolition of the existing building. However, this opinion is not shared by the local planning authority.
- 8.43 The key planning consideration in both design and heritage terms hangs upon the degree of harm the loss of the existing building imposes upon the character and appearance of Artillery Passage Conservation Area weighed against the respective public benefits of the scheme. The potential public benefits are derived primarily from the perceived architectural merits of the replacement building to the site and upon the general character and appearance Artillery Passage Conservation Area, and whether the Conservation Area is enhanced by the proposed new building. Enhancing the Conservation Area implies that the loss of the locally listed building is outweighed by the design quality of the replacement building in terms of its contribution to the character of the conservation area. This is not considered to be the case given the local historic significance of the existing building within its context.
- 8.44 The harm to the Artillery Passage Conservation Area, from the wholesale demolition of the existing building at No 66-68 Bell Lane can be usefully grouped as stemming from two sets of impacts. Firstly the direct negative impact from the loss in its own right of this building that is a non-designated heritage asset of considerable townscape value and historic value and secondly, the broader adverse impact and significance of the loss of this recognised heritage asset upon the integrity, general character and appearance of the Artillery Passage Conservation Area, a designated heritage asset.
- 8.45 Within the confines of both these two sets of impacts Paragraphs 131 to 135 of the NPPF are material, as is Policy DM27 of the Borough Local Plan and the statutory obligations set out in Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990
- 8.46 Officers conclude the complete demolition of this locally listed building necessarily means the total loss of significance of this non designated heritage asset.
- 8.47 Officers also conclude the loss of the existing building would cause serious harm, although less than substantial harm, upon the appearance and character of the Artillery Passage Conservation Area. The basis of the existing building's significance and positive contribution to the Conservation Area is set out earlier in this report and is derived from the recognition the building is an important non designated heritage asset within the Artillery Passage Conservation Area. This significance in is a function of:
- (i) The sites particular location in the Conservation Area (acting as a effective 'link' between the main section of the conservation area with its 'eastern appendage');
 - (ii) The inherent architectural and townscape merits of the existing building

- (iii) Plus the building's not insignificant historical value as a rare and still standing exemplar of an early small scale standalone public housing scheme built within an established urban street grid block.
- 8.39 The harm does need to be weighed against the public benefits of the proposed scheme. These public benefits as set out in the application submission are derived first and foremost from the perceived architectural merits of the replacement building Officers acknowledge the proposed new building has architectural merit. Furthermore it is acknowledged Paragraphs 137 of the NPPF is a material consideration with its statement "that local planning authorities should look for opportunities for new development within Conservation Areas that enhance or better reveal heritage assets".
- 8.40 The Mayor of London's draft City Fringe Opportunity Area Planning Framework document is also a material consideration in respect of the potential public benefits of the scheme, given the site's location and given the aforementioned Mayor of London supplementary planning guidance does emphasis the continued positive benefits derived retaining a cluster of artist and other creative enterprises within the London Plan City Fringe designated area.
- 8.41 As reflected in the comments received from the Borough Conservation Officer the proposed new building is recognised to possess considerable architectural merit. Furthermore it is acknowledged Paragraphs 137 of the NPPF is a material consideration with its statement "*that local planning authorities should look for opportunities for new development within Conservation Areas that enhance or better reveal heritage assets*". However notwithstanding the conclusion reached by the Borough Conservation Officer on the merits of the scheme it is concluded that when due weight is given to the public benefits of the scheme set against the resultant harm from the loss of the building upon the Artillery Conservation Area, it is concluded on balance the public benefit of the scheme (primarily derived from the architectural merit of the replacement building) would not outweigh the harm incurred through the loss of the existing building and the valuable contribution this building and its heritage makes to the local townscape and to the appearance and character of the Artillery Passage Conservation Area. In conclusion the proposals would fail to meet the statutory requirement to preserve or enhance the character and appearance of the Conservation Area and would not comply with National or Local Planning Policies relating to conservation of the built environment.

Housing

- 8.42 The proposal would result in the creation of a one bedroom dwelling with ancillary residential accommodation for guests (the latter consisting of a single bedroom with a separate living room space and bathroom that lacks independent access from the street) within 2nd floor of 1-5 Tenter Ground.
- 8.43 The new dwelling unit is very generously sized, well exceeding London Plan minimum space standards, and more generally specified to a very high standard internally including the provision of a lift to all floors of the proposed residential dwelling.
- 8.44 The proposed standard of accommodation is considered to be in line with London Plan Policy 3.5, Policy SP02 of the Core Strategy and Policy DM4 of the Managing Development Document 2013 that seek to ensure new residential

accommodation provides a good standard of residential amenity to occupants and is well suited to occupants in terms of access and inclusive design.

Amenity

- 8.45 Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Overlooking/privacy/loss of outlook

- 8.46 All neighbouring residential properties including the nearest units to the proposed new building at 1 White Row on the corner of Tenter Ground have an existing relationship to the wider site across a street (including existing sets of windows found within the properties either side of the road). Given these existing street relationships it is not considered the scheme would introduce any unacceptable issues in respect of privacy or overlooking or result or similarly loss of outlook to neighbouring residential properties.

Sense of enclosure

- 8.47 The proposal would result in an increase in the height of built development on the site and the new building envelope would be built directly from the back of the pavement on its east frontage (whilst the existing building at No 66-68 Bell Lane is set back from the back of the pavement on its Tenter Ground frontage). However given the scale of the development in the context of surrounding buildings and with regard given to the 2012 consent granted for additional storeys on the site it is not considered the scheme would result in an undue sense of enclosure.

Daylight and Sunlight

- 8.48 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).

- 8.49 A daylight and sunlight report is submitted with the application. 70 windows were analysed for daylight. The results can be summarised as follows 26 windows passed the 25 degree line, 13 achieved a VSC greater than 27%, 30 windows achieved the recommended relative VSC of at least 80% of their former value and only a single window (not serving a residential unit) out of the 70 received daylight marginally less than less than the BRE guidance. Officers share the conclusions of the submitted daylight/sunlight assessment that overall the proposed development is not considered would result in any significant adverse daylight impacts to neighbouring properties.

Sunlight assessment

- 8.50 With regard to sunlight assessment a total of 18 residential windows within 90 degrees of south on surrounding properties were assessed for annual and winter sunlight. All 18 windows achieved 25% of probable annual daylight/sunlight hours and 5% of probable winter sunlight hours. The level of impact is considered acceptable.

Overshadowing assessment

- 8.51 The new public amenity site located to the north of the site coming forward as part of the development of the Fruit & Wool Exchange would continue to receive more than 2 hours of sunlight on 21 March for over 50% of its area, in accord with BRE guidance. As such the proposal is considered acceptable in this respect.

Highways & Transportation

- 8.52 The scheme will not be providing car parking space on site. Future resident/s would be restricted from applying for on-street car parking permits given the level of parking stress in the area if Members were minded to resolve to grant planning permission. There is opportunity to provide adequate cycle parking and refuse storage on site.

- 8.53 In conclusion, it is not considered that the proposed development would result in an adverse impact on the safety and capacity of the surrounding highway network, or result in additional pressure to on-street car parking and therefore accords with relevant policy.

Planning obligations and CIL

- 8.54 The application is classified for the purpose of CIL as a self-build residential development and therefore under Community Infrastructure Levy (CIL) Regulations (2010), as amended no CIL charge will be liable for the proposed development.

- 8.55 Given the nature and scale of the scheme there are no Section 106 planning obligations prescribed from the Borough's draft Planning Obligations SPD. However were Members minded to approve the scheme there is a merit in sing a s106 legal obligation to secure for the life of the development a rolling display programme for the proposed artist display cabinet.

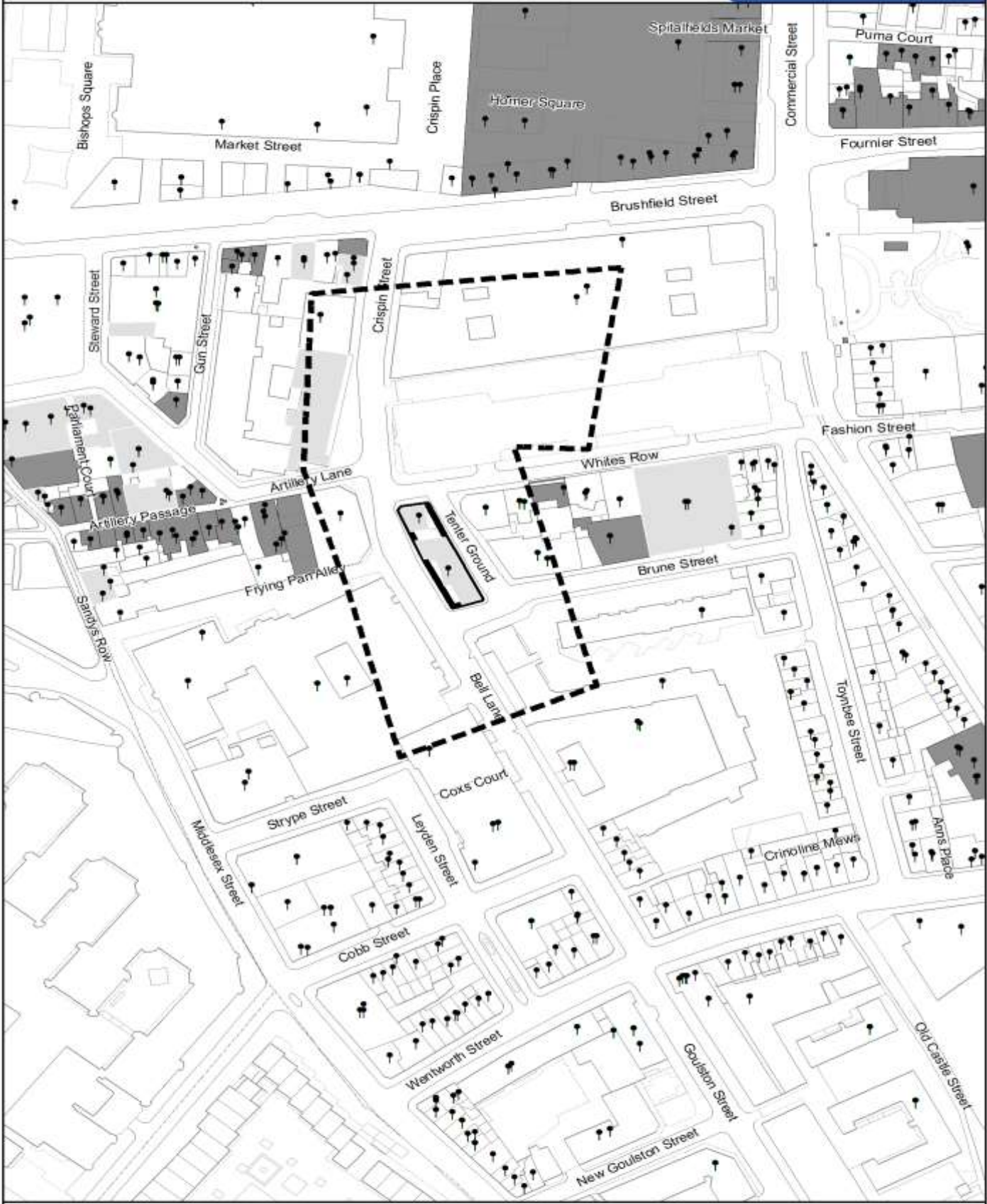
- 8.57 **Equalities**

In the exercise of its functions, the Council must, in respect of the public sector equality duty, eliminate unlawful conduct under the Equality Act 2010, have regards to equality of opportunity and the need to foster good relations between persons who share a protected characteristic, including ethnicity, and those who do not. Regard has been paid to the Council's equality duty in the preparation of this report and it is considered that there are / are no implications for the Council

9 CONCLUSIONS

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

Planning Application Site Map
PA/15/01474



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

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