

DEVELOPMENT COMMITTEE

Wednesday, 31 August 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 Andrew Cregan
Councillor Sabina Akhtar, Councillor John Pierce, Councillor Suluk Ahmed, Councillor
Gulam Kibria Choudhury and Councillor Chris Chapman

Substitutes:

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor
Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood and Councillor Julia
Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Friday, 26 August 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, 30 August
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.

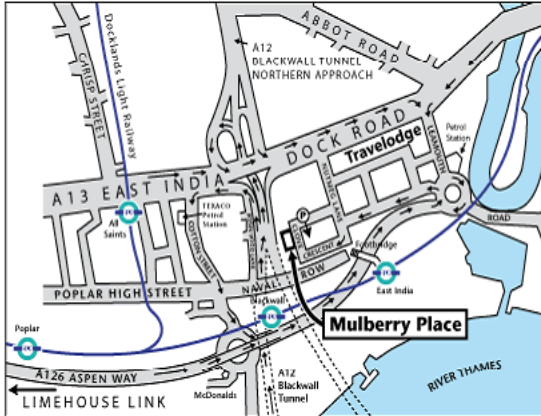
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QR code for smart phone users

APOLOGIES FOR ABSENCE

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 3rd August 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 13 - 14)

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 | 15 - 16 | |
| 6 .1 | 111-113 Mellish Street, London E14 8PJ (PA/16/00901) | 17 - 32 | Canary Wharf |
| | <p>Proposal:</p> <p>Retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1)</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to conditions set out in the Committee report.</p> | | |
| 6 .2 | Bromley Hall School, Bromley Hall Road, London, E14 0LF (PA/16/00884, PA/16/00885) | 33 - 60 | Lansbury |
| | <p>Proposal:</p> <p>Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission and listed building consent subject to conditions and informatives in relation to the matters set out in the Committee report and any direction made by the Secretary of State in the event that the 20th Century Society maintains their objection to the proposal.</p> | | |
| 6 .3 | 14 Flamborough Street, London, E14 7LS (PA/16/01261) | 61 - 66 | St Dunstan's |
| | <p>Proposal:</p> <p>Renewal of front double sash windows and box frame.</p> <p>Recommendation:</p> <p>That the Committee resolve grant Listed Building Consent subject to conditions as set out in the Committee report</p> | | |

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 28 September 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 Corporate Director of Law Probitiy 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, 3 AUGUST 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Piotr Lanoszka	(Planning Officer, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Sabina Akhtar declared a personal interest in agenda item 5.1, 216-218 Mile End Road London E1 4JL (E1 4JL) as she had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 8 June 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

5.1 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526)

Update report tabled.

The Chair reported that the Council had received requests for speaking on the application from objectors and the applicant with regards to the updated information. The Council's Development Procedure rules did not permit further public speaker on deferred items so the Chair had refused this request.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for variation of conditions to extend the hours of operation of the shop and allow the rear yard to be used as a customer car park. He reminded the Committee that at its previous meeting on 8th June 2016, Members were minded to refuse the application due to concerns over the adverse impact on the highway and amenity. The report now before the Committee considered the reasons for refusal and whether these were likely to be sustainable in the event of an appeal.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. The Committee were reminded of the site location, views of the vehicle access tunnel and details of the application itself. There had been one change to the application since it was previously considered by the Committee in June in respect of the opening hours for the rear yard. It was now proposed that the yard be in use between the hours of 10:00 - 16:00 on Sundays (opening 1 hour later). In addition since the June meeting, the applicant had submitted additional information, as set out in the updated

Committee report and update, including fuller details of a traffic management system, the business case for the development to meet local demand amongst other matters. The Committee also noted images of the store and the applicant's other premises at Hackney allowing the company to relocate the warehouse element out of the shop.

A further round of consultation had been carried out on the revised proposals. In response, the Council had received an additional petition in objection that had been signed by residents of Louisa Street and also one petition in support of the application. No one had withdrawn their objection.

Officers have examined the Committee's proposed reasons for refusal and their comments on the strengths of the reasons were out in the Committee report. The Officers recommendations remained unchanged to grant permission. But should the Committee be minded to refuse the application, they were directed to the suggested reasons for refusal in the updated Committee report.

In response to the presentation, the Committee questioned whether, in view of the concerns raised at the previous meeting about the impact on amenity, that the proposed change would adequately address these concerns. Officers responded that Officers did not in the first instance consider that the proposal would have any major adverse impacts, but the proposed revised opening hour for the yard should go some way to addressing the Committee concerns. It was down to Members to decide how much weight they should place on this additional step.

Members also requested that the proposed highways measures, including the proposed warning light system, be explained in further detail. Members also asked about the impact from forklift truck activity and the measures to minimise this.

Officers reported that the highway measures included a range of solutions to mitigate the highway impact. Details of the proposed measures were set out in the Committee report and the June update, including restrictions limiting the impact from forklift truck activity. If approved, the applicant would work with TfL and LBTH Highways to develop these measures and they would be secured by condition.

A Member questioned if the plans could result in an over intensification of the site in light of the perceived enforcement issues (with regard to the unauthorised storage of goods, vehicle activity at the site). Officers advised that the Council's Enforcement team would investigate any breaches in the planning condition. Enforcement of the planning permission was a separate matter and the Committee should only consider the material planning matters relevant to this application. It was also noted that there would be a condition restricting the storage of goods. Furthermore, it would be matter for the Health and Safety Executive to take steps to ensure that the storage arrangements complied with the HSE regulations.

Members also asked about the nature of the previous scheme and the reasons for refusal at appeal in 2003. It was questioned whether the concerns had adequately been addressed especially those around the use of the rear yard. In responding Officers explained the differences between this and the previously refused scheme in terms of the proposed opening hours. The circumstances had changed since the appeal.

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

1. That planning permission be **GRANTED** at 216 - 218 Mile End Road, London, E1 4LJ for

Application for variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floors into 2 x 2 bedroom flats, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1."

Variation of condition 5 is to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries to take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays.

Variation of conditions 8 and 10 is to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 10:00 - 16:00 on Sundays.

[Amended proposal: Rear yard to be in use between the hours of 10:00 - 16:00 on Sundays (opening 1 hour later)] (PA/15/01526)

Subject to:

2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the 8th June 2016 Committee report and the additional conditions in the update report regarding use of the rear yard and the submission of a highway safety scheme
3. Any other conditions considered necessary by the Corporate Director Development & Renewal.

(Note Councillors Andrew Cregan and John Pierce did not vote on this application having not be present for the consideration of the application at the June 2016 Committee meeting)

6. PLANNING APPLICATIONS FOR DECISION

6.1 43 Thomas Road, London, E14 7EB (PA/16/00993)

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings including new third floor, change of use at Ground Floor from A5 (takeaways) to C3 (residential).

Nasser Farooq (Planning Services Team Leader, Development and Renewal) presented a detailed presentation of the application. The Committee noted the site's location on the corner of Burgess Street and Thomas Road. The Committee also noted the planning history of the site including details of the previously refused applications and the reasons for this. They also noted the proposed layout of the scheme. The scheme would be of a good quality design. All of the proposed units would meet the residential space standards save for one unit. However this would be offset by the fact that it would be provided with a generous amount of amenity space. Representations had been received both in support and against the application which were explained. There would be conditions to preserve the amenity of the future occupants. Given the merits of the application, Officers were recommending that the planning permission was granted.

In response, the Committee stressed the need for images of the application to be included in the Committee reports. Members also asked about the sustainability measures in view of the Energy Efficiency Team's comments. The Committee wished to understand what exactly would be provided. A Member also asked about the quantity of information supplied in support of such measures given the reasons for refusing the previous scheme.

Members also questioned whether the development complied with the Life time homes standards. The Committee also asked about the loss of the A3/5 use, overlooking into properties, the separation distances, height of the mansard roof, and the servicing arrangements

Officers confirmed that application included energy efficiency measures and complied with the relevant requirements for minor developments given the site constraints. In relation to the energy statement, Officers anticipated that this would involve the completion of a feasibility study to ascertain what measures could be incorporated within the application.

The proposal included one Lifetime Homes unit on site. The applicant had expressed a commitment to provide a disabled parking bay close to the site and given the size of the scheme, it was not considered reasonable to require details of the proposed bay before determining the application. However information on the feasible of which would be secured by condition.

The premises currently operated as an A5 style take away use and at some stage prior to this, functioned as a restaurant and a public house use. There had been no objections to the loss of the public house use. The plans had been amended to address the reasons for refusing the previous application. It was also confirmed that there would be a requirement for amenity screening and there would be adequate separation distances between buildings.

Officers were mindful of the issues around the vehicle turning circle. However, it was required that a full servicing and delivery plan be submitted. Overall, Officers felt that the proposal would have a lesser impact on the highway.

Officers also confirmed the height of the mansard roof.

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

1. That planning permission be **GRANTED** at 43 Thomas Road, London, E14 7EB for the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings including new third floor. Change of use at Ground Floor from A5 (takeaways) to C3 (residential). (PA/16/00993)
2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report

6.2 Bonner Mile End Primary School, Building 1, 2C Ropery Street, London, E3 4QE (PA/16/01106)

Jerry Bell introduced the application for the demolition of a section of internal wall including the introduction of a new archway.

Nasser Farooq (Planning Services Team Leader, Development and Renewal) presented the detailed report. He advised that no objections to the application had been received. However, the Council's scheme of delegation required that where the Council was applying for works to a listed building that it owned, the application must be brought before the Committee to determine

The Committee were advised of the application site, the position of the protected buildings and their listed status. They noted the main features of the proposal and the benefits of the proposal to provide access between an existing playground and new play area.

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

That the Listed Building Consent be **GRANTED** at 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526) subject to the conditions as set out in the Committee report

6.3 OTHER PLANNING MATTERS

None

The meeting ended at 8.10 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: 31 August 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

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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Development Plan unless material planning considerations support a different decision being taken.

- 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: 31 st August 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Christina Gawne / Nasser Farooq	Ref No: PA/16/00901
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location:	111-113 Mellish Street, London E14 8PJ
Existing Use:	Non-Residential Institution falling within Use Class D1 of the Use Classes order.
Proposal:	Retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1)
Drawing and documents:	Site location plan PA/MS_X00 (location plans) PA/MS_X01 (existing plans) PA/MS_X02 (existing elevations, north and east) PA/MS_X03 (existing elevations, south and west) Design Access and Impact Statement revision 04 dated 10 th April 2016 Travel Plan July 2016
Applicant:	Mr Abdul Malik on behalf of the Dockland Community Organisation (DCO)
Ownership:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the retention of a single storey modular building for a temporary period for continued use as a community centre (non-residential institution – Class D1).
- 2.2. A total of 181 representations were received, 6 in objection including 1 petition with 17 signatures, and 173 in support, which includes 2 petitions with 78 signatures.
- 2.3. The objections can be summarised as concerns over: parking and community integration.
- 2.4. Representations have also been received from a local ward Councillor and another Councillor based in the adjoining Island Gardens ward. The representations raise a number of issues,

some of which are material to the determination of this application. The overall issues raised include:

- Noise from inside and outside of the building (in particular late night usage during Ramadan)
- Whether this is the most efficient use of the site
- The application does not define what temporary means
- The premises is a mosque as opposed to a community centre

2.5. The supporting comments generally state support for the Dockland Community Organisation and the services provided.

2.6. Given the sensitivities surrounding the site, it has been decided to refer the application to the Council's Development Committee for determination.

2.7. Officers are recommending a temporary permission which allows for the retention of an existing established Class D1 community use, and any amenity and local transport impacts would be suitably mitigated by the imposition of various conditions.

3. RECOMMENDATION

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

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

3.3. Conditions

1. Development to be in accordance with approved plans
2. Temporary permission expiring on 23rd June 2018
3. Hours of operation between the hours of 09:00 and 22:00 Mondays to Saturdays, and 9:00 to 17:00 hours on Sundays and Bank Holidays except during Ramadan when extended hours of 9:00 to 00:30hrs are permitted.
4. No public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises.
5. The provision of 10 cycle parking spaces, which must be retained for the duration of the use hereby approved.
6. The maximum capacity for the uses hereby permitted shall be 160 persons at any one time.
7. Approval of a Management Plan:
 1. Means by which the applicants will avoid congregation of users outside the site; and
 2. Methods used to encourage users to enter and leave the site quietly and efficiently.

3.4. Informatives

1. Further temporary permissions on the site are unlikely to be considered favourably.

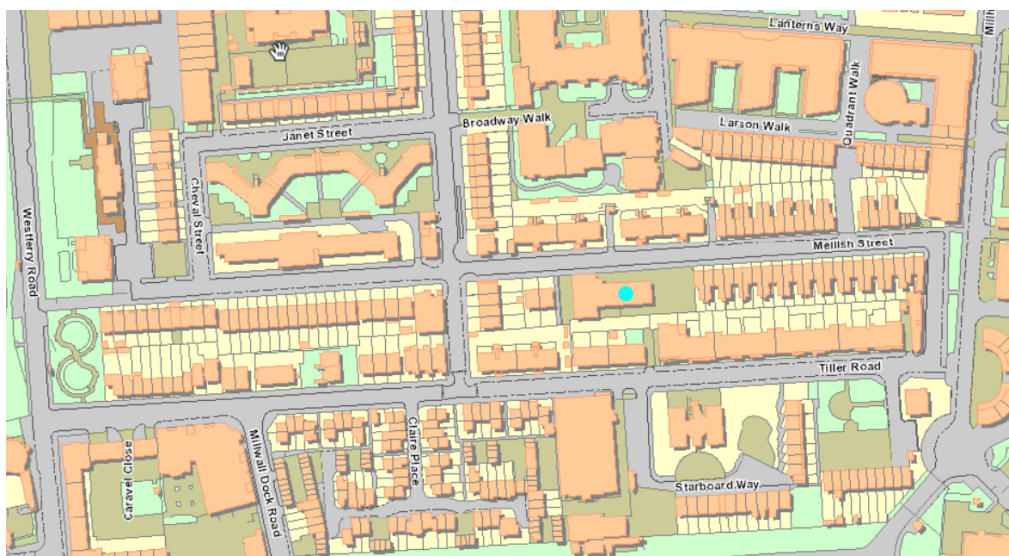
4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. Retention of the single storey modular building for a temporary period for continued non-residential use as D1 (community centre). No physical changes are proposed to the existing building.

Site and Surroundings

- 4.2. The application site is located on Mellish Street and has a PTAL rating of 1b, which is low. The application site is located within Flood Zones 2 and 3 but is not subject to any further designations.



- 4.3. The application site is located within a mostly residential area. The site is located close to Westferry Road and Crossharbour DLR station.



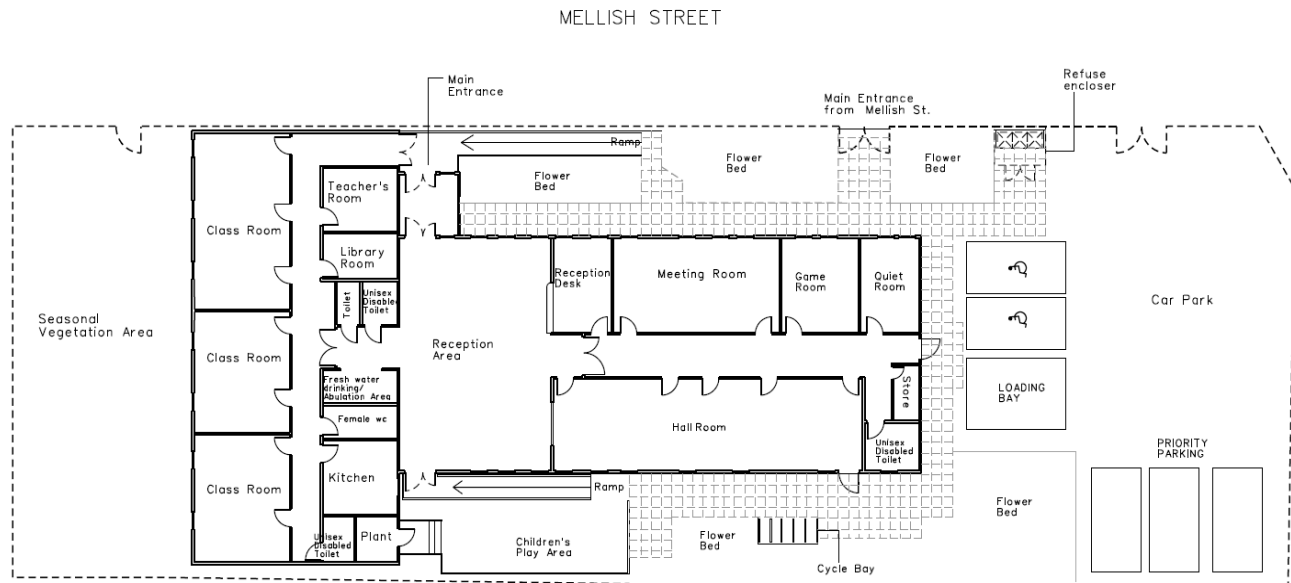
Aerial view showing application site shaded in blue.

- 4.4. The existing buildings on site are single storey prefabricated buildings with a small carpark to the west of the site. The existing floor plans show the buildings contain multiple classrooms, a reception area, kitchen, bathrooms, a meeting room and hall.

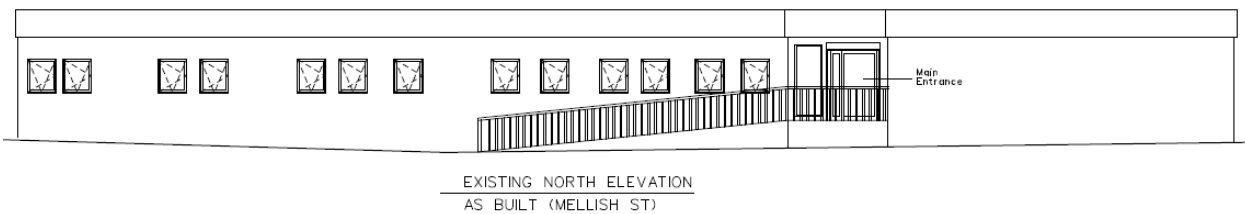


Photograph showing existing building

- 4.5. No internal/external changes are proposed within this application, therefore the current layout and elevations remain as consented previously. These are shown in the following plans.



Plan showing existing internal layout.



Plan showing existing north elevation

5. RELEVANT PLANNING HISTORY

- 5.1. In summary, the site was historically used as a nursery annexe to Seven Mills Primary School. However, following the transfer of the nursery to the main school building (which is located to the north west of the site on Malabar Street) the Council decided to dispose of the site. The intention was to dispose of the site with outline planning permission for residential development, however this did not happen. In 2005, permission was granted to allow the demolition of the school building to facilitate a single storey health centre. This had permission for a temporary period and in the subsequent years a number of applications have come forward to extend the temporary period. The first in 2007 for continued use as a health centre and the more recent (including the current application) for continued D1 non-residential use. The following list chronologically the relevant planning history with the most recent listed first.
- 5.2. PA/16/00308 – Withdrawn 10/03/2016
Application for variation of condition no. 1 (temporary consent) and 4 (hours), of planning permission dated 07/06/2013, ref: PA/13/00902. This application was submitted by Canary Wharf College and was withdrawn due to the number of objections.
- 5.3. PA/14/01051 - Permit 23/07/2014
Application for variation of condition no. 4 (hours of operation) and 7(capacity) of planning permission ref: PA/13/00902, dated 07/06/2013 which granted planning permission for the retention of a single storey modular building for a temporary period for continued non-residential use (use class D1) Amendments sought: 4 - Extended hours of 09:00 - 00:30 for a

30 day period during summer 7 - The maximum capacity for the uses extended to enable 160 persons at any one time for special occasions

- 5.4. PA/13/00902 - Permit 07/06/2013
Retention of a single storey modular building for a temporary period for continued non-residential use (use class D1). Conditions 4 (Travel Plan), 5 (Cycle Parking) and 8 (Management Plan) were not discharged. This consent expired on 17/05/2016.
- 5.5. PA/07/02754 - Permit 27/02/2008
Retention of single-storey health centre building for a temporary period of two years. This consent expired on 2nd January 2010.
- 5.6. PA/05/00110 – Permit 20/04/2005
Demolition of former primary school building and replacement with temporary single storey health centre building.
- 5.7. PA/00/01629 – Permit 30/04/2001
In outline, redevelopment by the erection of twelve 3 storey, 4 bedroom terraced houses.

Enforcement history

- 5.1. ENF/15/00273 Breach of condition 3 and 4 of planning permission, ref: PA/14/01051
Officer comment: Relates to condition 3 - There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises. Also relates to condition 4 - The use hereby permitted shall only take place between the hours of 09:00 and 22:00 Mondays to Saturdays, and 9:00 to 17:00 hours on Sundays and Bank Holidays except during Ramadan when extended hours of 9:00 to 00:30hrs are permitted.
[Officer comment: the applicant has been sent warning letters advising them to comply with the above mentioned conditions]
- 5.2. ENF/13/00559 Breach of condition 7 of PA/13/00902
Officer comment: Related to condition 7 - The maximum capacity for the uses hereby permitted shall be 50 persons at any one time.
[Officer comment: the applicant was advised to amend the conditions and following the grant of planning permission PA/14/01051 dated 23/07/2014 the above mentioned investigation was closed]

6. POLICY FRAMEWORK

- 6.1. 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:
- 6.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)
- 6.3. **The London Plan – Further Alterations 2016**

3.1 Ensuring life chances for all
6.9 Cycling
6.13 Parking
7.4 Local Character

6.4. **Site Designations**

Flood risk zones 2 and 3.

6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP02: Urban Living for Everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with Waste

SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating Distinct and Durable Places

6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM8: Community Infrastructure

DM14: Waste

DM22: Parking

DM24: Place-sensitive design

DM25: Amenity

6.7. **Other Relevant Documents**

None.

7. CONSULTATION RESPONSES

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

7.2. The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

7.3. Follow initial comments requesting further information, Transport and Highways visited the site on a Friday afternoon and advised that they believed most of the attendees came from the local community with an estimated 130 people in attendance. The car park is locked unless people with disability require access to the site and used for any loading and unloading purpose. The on-street parking facilities near the site did not seem stressed, there were a number of spaces still available even though there were parking bay suspensions at the time, and most did not seem to be affiliated with the site in question. There were no signs of conflict between drivers or between drivers and pedestrians. In light of this information, Transport and Highways have no objection to this proposal.

Environmental Health Noise and Vibration

7.4. No responses to this application.

External Consultees

7.5. None.

Public Representations

- 7.6. A total of 328 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice posted on 10 June 2016.
- 7.7. A total of 179 representations were received and two petitions. In support, the Council received 175 individual letters and 1 petition containing 78 signatures. Against the Council received 4 in objection and 1 petition with 17 signatures). Two Councillors also made representations on this application. The representations are outlined below.
- 7.8. 1 objecting petition was received with 17 signatures. The accompanying letter cited the following reasons for objecting:
- The use of the structure appears to have exacerbated parking issues in the surrounding streets
 - Parking bays on site are not used solely in relation to the community use and are used after hours with an increasing number of cars parked on the street with the sole purpose of visiting the centre which is especially prevalent on Fridays
 - Increase in refuse in the area
 - The objectors are concerned continued temporary consents would in effect establish a permanent use and which would then follow a request to building a permanent mosque. The objectors made it clear they had no problem with a person's right to practice their religion, however it would need to be balance with a person's right to peaceful enjoyment of their property. A permanent mosque could have late night and early morning usage and consequential amenity impacts due to a lack of public transport.
- 7.9. 4 individual objections were also received; several of those received were also signatories on the above mentioned petition. These are summarised as follows:
- Current users did not comply with previous planning condition, do not permit late night usage in a residential area
 - Previous use of the site was as a school which was include to all the community, the current proposals are not.
 - Errors in the application i.e site was not acquired from LBTH
 - There is no award winning garden on site
 - Proposed use on site is of limited focus, encourage use of site to enable entire community centre
- 7.10. In addition, representations have been received from a local ward Councillor and another Councillor representing Island Gardens ward. The representations consider the main issue to be noise emanating from inside and outside of the building, the use of a PA system, the appropriateness of portacabins to hold noise inside the building, complaints received during Ramadan. The issues relating to noise are covered in the material planning section of this report.
- 7.11. The representations mention, that outside of schools and parks it is the only piece of publicly owned land on the Isle of Dogs but is only used by 18% of the community and that more efficient use of the site should be explored. However, it is considered this is more of a matter for the Council as a land owner and outside the scope of this application which considers the use and it's appropriateness.
- 7.12. Lastly, Councillors note the application does not seem to define what temporary means. It appears to make the use of the facility permanent which is not acceptable to the Councillors. This is noted and a temporary consent is recommended.

- 7.13. 1 petition was received in support of the application from the 'Barkantine Women Group'.
- 7.14. The petition had 78 signatures and stated their women group had more than 80 members, included pensioners and elder women, Black and Minority Ethnic (BAME), and that this centre was the only one that was able to cater for their needs, which included evening prayers during Ramadan. Concerns were raised if the community centre was closed down they would have nowhere to go.
- 7.15. Another 148 supporting letters were received as a pro forma/petition. This is summarised below:
- Support application made by DCO. Support the work of DCO and partner organisations "...as it is addressing the need of minority and Black people as well as developing the multi-cultural community and cohesion by offering services for the local people."
 - Supporter is a regular user of the site and the wide variety of activities provided
 - The site was formerly derelict but has been regenerated with uses on site
 - Serves a wide number of multi-age and faith users
- 7.16. A further 27 supporting comments were also received. The majority of these stated the following:
- I am along with my family members supporters of the planning permission request by DCO as we would greatly benefit from using services provided by the organisation.
- 7.17. Other supporting comments are summarised below:
- Support local activity space for multiple groups and people
 - Support variety of uses on site
 - Support continued use of the site
 - Site fosters community cohesion
 - Pleased with how DCO use the site
 - Lease should be extended for a further 10 years

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1. The applicant seeks to retain the existing temporary buildings for use as D1 community centre. No specific timeframe has been sought by the applicants for the temporary use.
- 8.2. Policy 3.1 of the London Plan states that proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.
- 8.3. The Core Strategy, Policy SP03, also supports the provision of high quality social and community facilities. Policy DM8 of the MDD also seeks to ensure that community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.

- 8.4. Policy DM8 also states that new community facilities will only be supported outside of town centres where they are local in nature and scale and where a local need can be demonstrated. There are no specific policies regarding temporary uses.
- 8.5. The building has had temporary D1 consents, including the most recent granted under PA/13/00902 for a community centre, and previous consents including as a health care facility dating back to 2005. Previous to this, the site was used as a school which is also a D1 land use.
- 8.6. As such, the principle of the D1 use has been established and the proposed retention is supported by the above policies.
- 8.7. However, it should also be noted that whilst the site is not located within a Town Centre, the site has consistently maintained this D1 use and given the high number of supporting comments it is considered that a local need has been demonstrated in accordance with Policy DM8.
- 8.8. It is also noted that the current lease on the site, granted to the Docklands Community Organisation by LBTH Asset management expires 23rd June 2018. It therefore seems prudent to condition that this temporary D1 use also expires on the same day.
- 8.9. In summary, given the land use on site is not changing it is considered the proposal is acceptable, subject to other impacts as identified within this report.

Design

- 8.10. Section 4 of Core Strategy Policy SP10 seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.11. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and policy 7.4 of the London Plan (2015).
- 8.12. The existing buildings are grey, single storey prefabricated buildings which are not proposed as permanent buildings for the site. These buildings have been on site since 2005 and are not adequate permanent structures. The buildings would not normally be acceptable as they are of no architectural quality and lack sensitivity to the character of the area. As such, officers consider the permanent retention of these buildings would be contrary to the above mentioned policies.
- 8.13. However as mentioned above, the current lease for the site will expire on 23rd June 2018 and given this short timeframe (approximate timeframe of 19 months) the retention of these buildings for a temporary period and consequential harm on local townscape is limited and acceptable on balance.

Residential amenity

- 8.14. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.

- 8.15. The surrounding area is largely residential with a mixture of building heights. To the north of the site, on the opposite side of Mellish St, is a three storey residential block. On either side of the application site are 2 storey typical terrace dwellings. To the south, the residential buildings accessed by Tiller Road, are higher at 4 storeys.
- 8.16. In comparison to the surrounding area, the proposed retained buildings are much lower in height at 1 storey and are not considered to raise concerns regarding overshadowing or increased sense of enclosure. It should also be noted that either side of the buildings are open areas, the west of which is used as open space/vegetation and the west used as temporary car parking. The buildings are located approximately 20m away from the residential properties of Tiller Road.
- 8.17. It is therefore not considered that the proposal will unduly impact surrounding residential amenity through scale, siting or massing.
- 8.18. However, whilst the sites use will continue to remain within Use Class D1, the resulting impact from a community centre use (including prayers) is different from school or health centre uses which tend to operate with less flexibility in terms of hours and number of children/users. With regards to potential noise impacts, it is important to assess the impact and consider whether overall with the imposition of conditions the resulting impact can be suitably controlled in order to protect residential amenity.
- 8.19. The applicant has not definitely stated the number of users, instead suggesting a maximum of 150 people on Fridays only and between 25-30 people at any time during the rest of the week. The reference to Friday primarily relates to the premises facilitating the Friday afternoon prayers for predominantly Muslim users of the facility.
- 8.20. A condition restricting the number of end users to 50 was imposed within the 2013 consent; however this was primarily due to a lack of information regarding the actual use. When further information was provided under PA/14/01051, a maximum of 160 persons at any time was agreed and conditioned. It is considered that there has not been a material change in circumstances to consider a different restriction on the number of people and as such, a condition is recommended to restrict the number of people to 160 at any given time.
- 8.21. The proposed hours of operation are Monday to Friday: 09:00 to 22:00, Saturday: 09:00 to 22:00 and Sunday and Bank holidays: 09:00 to 17:00.
- 8.22. The above hours are the same as the consented hours under PA/13/00902. However, it is also important to recognise the amended hours of operation from application PA/14/01051 which allowed for extended hour during Ramadan of 09:00 to 00:30hrs.
- 8.23. Ramadan is a month within the Islamic Calendar where a greater commitment is shown to perform evening prayers in congregation. The Islamic Calendar is approximately 10 days shorter than the Gregorian calendar, and as such, Ramadan will vary each year. The approximate days for 2017 and 2018 are listed below.
- 2017 – between 27th May to 25th June
 - 2018 – between 16th May to 14th June
- 8.24. With the evening prayer being after sunset, Ramadan in the next few years will continue to fall within some of the longest days of the year and as such, the evening prayers will commence after 10pm.

- 8.25. Given the surrounding area is residential, due consideration needs to be given over to the impact of these hours on residential amenity. During the warmer evenings, more windows are expected to be open and more likelihood for noise from the use to be able to affect local residents.
- 8.26. In 2014, officers are aware of complaints to Environmental Health around noise leaving the premises and adversely affecting a local resident to the rear of the site. This was investigated at the time and it was concluded that the main source of noise was from the nearby Docklands Sailing Club.
- 8.27. In addition, a late night site visit also took place during Ramadan (in 2014) which revealed there was a steady flow of people from Westferry Road towards Glengall Quay, during the late night and found the area to be fairly tranquil with noise not audible from Mellish Street nor Tiller Road to the rear. However, noise was audible from the grassed area separating the site from Alexander House; however it was no louder than from the surrounding residential properties.
- 8.28. Whilst the late night site visit was in 2014, there does not appear to be a material change in circumstance to consider the conditions imposed previously no longer address the amenity concerns arising from the proposal
- 8.29. As such, the following hours of operation will be secured via condition:
- Monday to Friday: 09:00 to 22:00
 - Saturday: 09:00 to 22:00
 - Sunday and Bank holidays: 09:00 to 17:00
 - Ramadan: 09:00 to 00:30.
- 8.30. It is also considered necessary to re-apply the following noise condition 'There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises.' to further preserve residential amenity.
- 8.31. In summary, it is considered that the proposal meets policy DM25 subject to the hours of operation and noise conditions.

Transport and Highways

- 8.32. Policy SP09 of the Core Strategy seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places in their own right, to ensure a strategic, accessible and safe street network across the borough.
- 8.33. Along with noise, car parking was one of the main concerns raised during the consultation exercise.
- 8.34. The application site provides 11 off street car parking spaces and 10 cycle spaces. The provision and retention of the cycle spaces will be secured via condition.
- 8.35. The most recent temporary permission on the site, PA/13/00902 which was amended by PA/14/01051, applied three conditions relevant to this. These were:

Condition 5 – Travel Plan

Condition 6 – Cycle spaces

Condition 8 – Management Plan

- 8.36. Conditions 5 and 8 were not discharged.
- 8.37. Initial comments from the Transportation and Highways Team objected to the scheme based on a lack of information, specifically regarding the number of users on site, the modal split and the times of use.
- 8.38. However, the above objection was removed following a visit to the site by a Transportation and Highways officer. Their amended comments are reported in Section 7 above
- 8.39. As such, it is not appropriate to reapply the former Travel Plan condition as there is no objection from Highways. However, it is considered the former Management Plan condition should be included to seek further details of how the site is accessed and vacated to limit impacts on the area. This is considered necessary as it likely whilst noise from the building could be addressed by conditions restricting the noise, the management plan would also help
- 8.40. In summary, subject to conditions, the proposal is acceptable in highways terms.

Flood risk

- 8.41. Given the use on site is not changing, and the proposed retained buildings are temporary, it is not considered that the flood risk on site, or to future users and the surrounding area, will increase as a result of the proposal.

Other matters raised in consultation

- 8.42. Objectors have commented that there were errors in the application. Officers are satisfied that sufficient information has been provided within the application in order to be able to make an informed recommendation to the committee.
- 8.43. Concerns have been raised over whether the premises should be more inclusive, or whether the site should revert back to a school, which would be beneficial for a wider cross section of the local community. These are wider issues for the Council as a land owner to take into account when considering who to lease the premises to. The Council as the local planning authority (LPA) must consider the planning merits of the development that has been applied for taking into account the provisions of the development plan and any other material considerations. The LPA cannot seek to influence how the owner or occupier should use the site when determining the application.
- 8.44. The substantial support for the continued use of the premises are noted, and to some extent outline the importance of the proposed community use and help to demonstrate a local need. However as a material planning consideration they are not considered to be decisive in coming to a recommendation on this application.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention

on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant including:

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

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

EQUALITIES

- 9.9. 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-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.10. 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.
- 9.11. From the representations received there is a suggestion the proposal benefits a particular group of people and should perhaps be more inclusive as a facility- particular given the site is owned by the Council. However, the ownership and leasing arrangements are outside the scope of planning.
- 9.12. There is also an issue of community cohesion with potentially conflicting requirements with regards to rights of individuals to exercise their religious belief and rights of others to enjoy peace within their homes. These have been fully considered within this report and in recommending planning permission be granted, it is stressed that officers have sought to achieve both, with the imposition of conditions primarily designed to protect residential amenity.

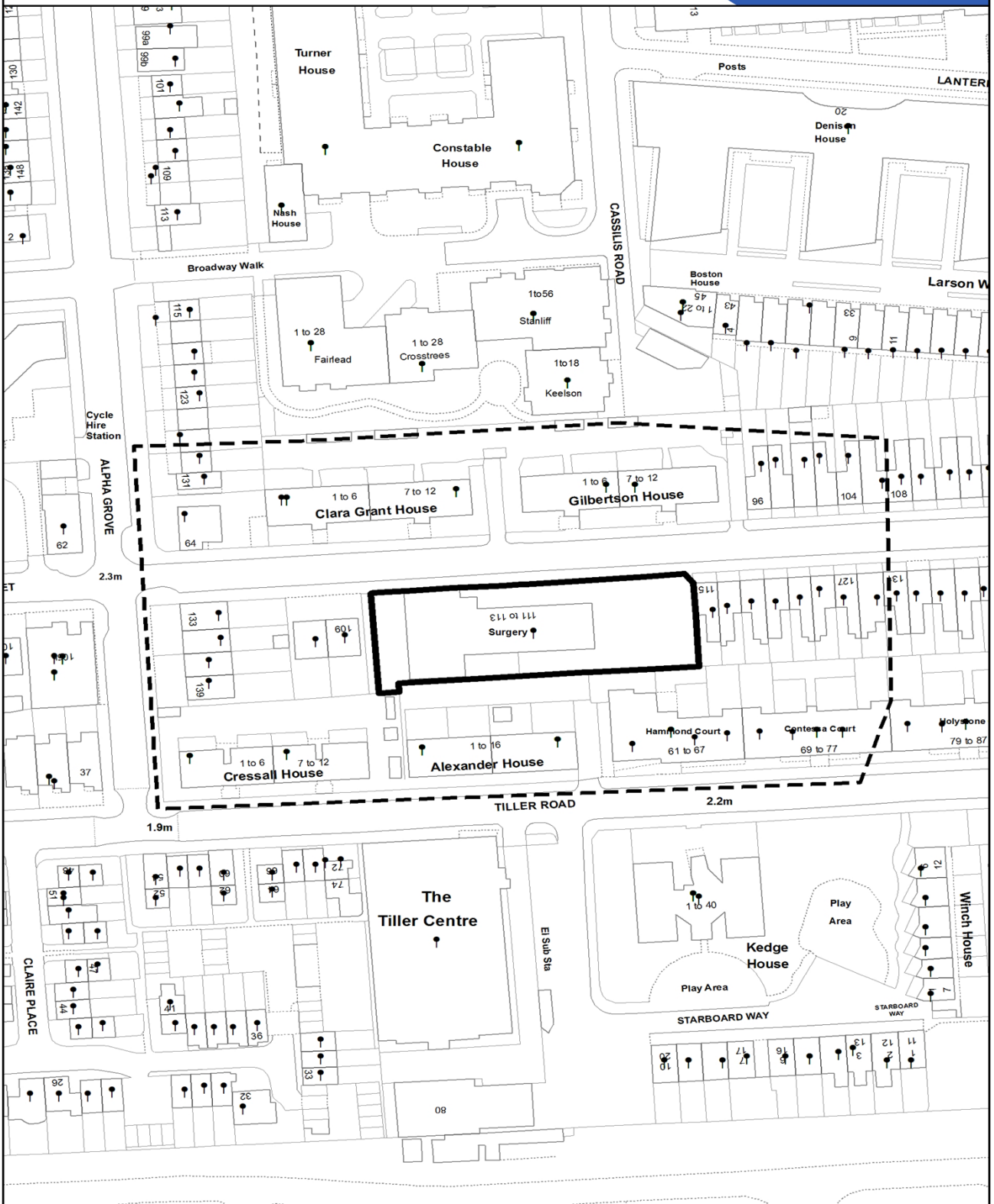
FINANCIAL CONSIDERATIONS

- 9.13. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.
- 9.14. The proposed development does not require a S106 legal agreement, does not result in any new homes (or New Homes Bonus) and is exempt from CIL.

10 CONCLUSION

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

Planning Application Site Map
PA/16/00901



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

40 m

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

Committee: Development	Date: 31 st August 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent
Case Officer: Chris Stacey-Kinchin	Ref No: PA/16/00884 + PA/16/00885
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: Bromley Hall School, Bromley Hall Road, London, E14 0LF

Existing Use: Class D1 (Non-Residential Institution)

Proposal: Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.

Drawings and documents: BHS-LSI-ALL-GND-GA-A31-001000_A
BHS-OUT-EXT-GND-GND-A35-000104-B
BHS-LSI-REF-SL-ELV-A31-001005-A
BHS-LSI-REF-SL-ELV-A31-001006-A
BHS-LSI-REF-SL-ELV-A31-001007-A
BHS-LSI-REF-SL-ELV-A31-001105-C
BHS-LSI-REF-SL-ELV-A31-001106-C
BHS-LSI-REF-SL-ELV-A31-001107-C
BHS-LSI-NBL-SL-ELV-A31-001108-E
BHS-LSI-REF-GND-GA-A31-001001-A
BHS-LSI-REF-GND-GA-A31-001002-A
BHS-LSI-REF-GND-GA-A31-001101-C
BHS-LSI-NBL-GND-GA-A31-001102-C
BHS-LSI-ALL-SL-SEC-A31-001109-C
BHS-LSI-REF-RF-GA-A31-001003-A
BHS-LSI-REF-RF-GA-A31-001004-A
BHS-LSI-REF-RF-GA-A31-001103-C
BHS-LSI-NBL-RF-GA-A31-001104-C
BHS-GDM-ALL-RF-GA-A72-250010-B
BHS-LSI-REF-SL-DET-A31-003105-C
BHS-LSI-REF-SL-DET-A31-003101-B
BHS-LSI-REF-SL-SKE-A31-002805-A
BHS-LSI-REF-SL-SKE-A31-002806-A
BHS-LSI-REF-SL-SKE-A31-002807-A
BHS-LSI-REF-SL-SKE-A31-002808-A
BHS-LSI-REF-SL-SKE-A31-002809-A

BHS-LSI-REF-SL-DET-A31-002801-C
 BHS-LSI-REF-SL-DET-A31-002800-C
 BHS-LSI-REF-GRD-DET-A31-002803-A
 BHS-BYG-SIT-ALL-REP-PLA-000003-A
 BHS-OUT-EXT-GND-GA-A35-000100-I
 BHS-OUT-EXT-GND-GA-A35-000101-I
 BHS-OUT-EXT-GND-SEC-A35-000102-F
 BHS-OUT-EXT-GND-DET-A35-000605-B
 BHS-OUT-EXT-GND-GA-A35-000700-B
 BHS-GDM-ALL-GND-GA-A72-260011-B
 Design and Access Statement
 Addendum to Design and Access Statement, Dated
 05.08.2016
 Air Quality Statement
 Ecological Survey Report
 Conservation Statement
 Sustainability Energy Assessment Report
 Flood Risk Assessment
 Utilities Report
 Drainage Strategy
 Land Quality Statement
 Acoustic Planning Report
 Planning Statement
 Site Waste Management Plan
 Statement of Community Involvement
 Sustainability Report
 Transport Statement
 Transport Assessment Addendum – BHS-BUK-ALL-
 SIT-REP-TA-000001-A
 School Travel Plan
 Arboricultural Impact Assessment
 Archaeological Desk Based Assessment
 Scope of Demolition Works – BHS-BUK-ALL-SL-SOW
 -A31-000001
 Conservation Considerations - BHS-BUK-ALL-SIT-
 REP-CON-000001-B
 Energy Strategy Response - BHS-BUK-ALL-SIT-
 REP-ES-000001-A

Applicant: LBTH Children’s Services
Ownership: London Borough of Tower Hamlets
Historic Building: Existing School Building is Grade II Listed
Conservation Area: None

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal would result in the partial demolition of a listed building on a site owned by the Council.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the creation of a new 2FE primary school (420 places) and associated nursery (60 places) (Use Class D1), including the demolition of the 1970s extensions to the existing building, alterations and the internal refurbishment of the Grade II listed existing school building along with the construction of a new single storey building and associated external landscape works.
- 2.4 The creation of a new primary school in this location is considered acceptable given the need for additional primary school places in the Borough in suitable locations such as this and accords with Policy 3.18 of the London Plan (2016), Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.5 The proposed alterations (including partial demolition works) and refurbishment of the existing Grade II listed school building are considered acceptable in design and conservation terms. The proposed new school building is also considered acceptable in design terms and will complement the existing adjacent Grade II listed school building well. The proposed landscaping treatment for the entire site is also considered acceptable. The proposal therefore accords with Policies 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), Policies SP10 and SP12 of the Core Strategy 2010 and Policies DM24 and DM27 of the Managing Development Document 2013.
- 2.6 Subject to the management of the impacts through the use of conditions and the implementation of a Travel Plan, the proposed school would not unacceptably impact upon the local highway network nor the local public transport network. This would accord with Policies 6.3, 6.9 and 6.13 of the London Plan (2016), Policy SP09 of the Core Strategy 2010 and Policies DM20 and DM22 of the Managing Development Document 2013.
- 2.7 Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.
- 2.8 The proposed design and layout is considered acceptable in access terms in accordance with Policy 7.2 of the London Plan (2016), Policy SP10 of the Core Strategy 2010 and Policy DM23 of the Managing Development Document 2013.
- 2.9 The refuse provision on site is considered to be acceptable in accordance with Policy 5.17 of the London Plan (2016), Policy SP05 of the Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.
- 2.10 Subject to conditions, it is considered that the proposed development does not raise any adverse issues with respect to environmental considerations. This would accord

with Policies 5.2, 5.3, 5.4, 5.7, 5.11, 5.12, 5.21 and 7.14 of the London Plan (2016), Policies SP03, SP04 and SP11 of the Core Strategy 2010 and Policies DM9, DM11, DM29 and DM30 of the Managing Development Document 2013.

3.0 RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission and listed building consent subject to:

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- b) Any direction made by the Secretary of State in the event that the 20th Century Society maintains their objection to the proposal.

3.2 Conditions on planning permission

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Construction management plan (*pre-commencement*)
4. Details of agreed adoption, monitoring and maintenance of the drainage and suds features (*pre-commencement*)
5. Details of foundations and services with respect to tree roots (*pre-commencement*)
6. Contaminated land site investigation report (*pre-commencement*) and remediation details (*pre-occupation*)
7. Amended air quality report (*pre-commencement*)
8. Method for the protection of trees (*pre-commencement*)
9. Further design details for new building (*prior to superstructure*)
10. Landscaping, boundary treatments and biodiversity enhancements (*prior to superstructure*)
11. Scheme of highways improvements (S.278) (*prior to superstructure*)
12. Details of plant and machinery (*pre-occupation*)
13. Travel plan (*pre-occupation*)
14. Delivery and servicing plan (*pre-occupation*)
15. BREEAM certificates (*post-occupation*)
16. Post completion noise testing (*post-occupation*)
17. Cycle parking (*compliance*)
18. External lighting (*compliance*)
19. Site vegetation clearance works (*compliance*)
20. Refuse (*compliance*)

3.3 Informatives on planning permission

1. Thames Water minimum flow rates and pressures

3.4 Conditions on listed building consent

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Further details for the existing building (*pre-commencement*)
4. Method for works to existing boundary wall (*pre-commencement*)

4.0 LOCATION AND PROPOSAL DETAILS

Site and Surroundings

- 4.1 The application site relates to a large rectangular plot of land approximately 0.7 hectares in size sited in between Lochnager Street (to the north) and Leven Road (to the south), to the east of Bromley Hall Road and the Blackwall Tunnel Northern Approach road (A12) and to the west of a number of warehouses which sit directly adjacent to Bow Creek.
- 4.2 The site currently comprises of the existing school building (which is Grade II listed) and playground which cover the southern portion of the site (approximately 0.45 hectares) and a timber merchants which covers the northern portion of the site (approximately 0.25 hectares). The site does not sit within any designated conservation areas.
- 4.3 The surrounding area to the north and east of the site is predominantly industrial in nature, however the surrounding area to the south and west of the site is predominantly residential in nature. It should be noted that the site and its immediate surroundings form a part of the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space.
- 4.4 The application site originally housed a school for children aged 5 to 16 with physical disabilities and more recently housed a pupil referral unit, however the site has been vacant for a number of years since the pupil referral unit vacated the site, and has since fallen into a poor state of repair with squatters taking up residence for a period of time.
- 4.6 The site sits within both flood zone 3 and an archaeological priority area and also features a number of trees within its curtilage. The site has a PTAL rating of 1b indicating a poor level of public transport accessibility and is located within controlled parking zone B3 which is in operation between 8:30am to 5:30pm Monday to Friday with residents parking bays.

Proposal

- 4.7 The applicant seeks full planning permission and listed building consent for the partial demolition and refurbishment of the existing Grade II listed school building and the erection of a new school building to provide a new 2FE primary school (420 places) and associated nursery (60 places).
- 4.8 The portions of the existing Grade II listed school building which are to be demolished are later additions constructed at the eastern end of the building in the 1970s. The remaining portions of the existing building are to be retained and refurbished and will house 10 classrooms for years 2-6 as well as kitchen and dining facilities, the main hall, office and admin facilities and SEN facilities.
- 4.9 A new single storey building to the east of the existing Grade II listed school building is proposed which will house 6 classrooms for nursery, reception and year 1 pupils as well as a studio space. An external covered walkway will connect the new single storey building to the existing Grade II listed school building.

- 4.10 In addition to the above it is also proposed to entirely re-landscape the site and introduce new boundary treatments to the north side of the site.

Relevant Planning History

- 4.11 PA/02/00808 – Change of use from school to office accommodation (B1) and storage (B8). (Permission granted 07/08/2002)

5.0 POLICY FRAMEWORK

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

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

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

- 3.16 – Protection and enhancement of social infrastructure
- 3.18 – Education facilities
- 3.19 – Sports facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.4 – Retrofitting
- 5.7 – Renewable energy
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.17 – Waste capacity
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.9 – Heritage-led regeneration
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 – Biodiversity and access to nature
- 7.21 – Trees and woodlands

5.5 Core Strategy 2010

- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP07 – Improving education and skills
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

5.6 Managing Development Document 2013

- DM8 – Community infrastructure
- DM9 – Improving air quality
- DM11 – Living buildings & biodiversity
- DM13 – Sustainable drainage
- DM14 – Managing waste
- DM18 – Delivering schools and early learning
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero carbon borough and addressing climate change
- DM30 – Contaminated land and development and storage of hazardous substances

5.7 Supplementary Planning Documents

None

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

20th Century Society

6.3 The 20th Century Society objected to the initial proposals due to concerns with the proposals for the refurbishment of the existing Grade II listed building and the lack of detail submitted.

Amended details have been submitted by the applicant which at the time of writing this report, the 20th Century Society had not yet provided any further comments on. Any additional comments will be presented in an update report.

LBTH Biodiversity

6.4 Consideration should be given to retaining/replacing both or one of the ponds, and

the introduction of a green roof. Conditions requiring further details of biodiversity enhancements and the clearing of the site should be imposed.

Canal and River Trust

6.5 No objection.

LBTH Design and Conservation

6.6 The reuse of the existing building for its original purpose is to be welcomed and the amended proposals for both the existing and new building can be supported.

LBTH Energy Efficiency Unit

6.7 No comments received.

Environment Agency

6.8 No objection subject to adequate evacuation arrangements.

LBTH Environmental Health – Air Quality

6.9 The air quality officer objects on the basis that the submitted air quality report does not use baseline conditions that are realistic for this area.

LBTH Environmental Health – Contaminated Land

6.10 No objection subject to a condition being imposed.

LBTH Environmental Health – Noise and Vibration

6.11 No comments received.

LBTH Environmental Health – Smell and Pollution

6.12 No comments received.

LBTH Planning Policy

6.13 No comments received.

Historic England

6.14 The proposals show that the boundary walls to the school's southern and northern boundary are to be reduced in height / removed altogether, and the proposal should be amended to retain these walls. The proposal seeks to introduce solar panels on the existing building and these should be removed. The material palette of the window cills in the existing building should be retained.

Historic England Archaeology

6.15 No objection.

London Borough of Newham

6.16 No comments received.

LBTH School Development Advisor

- 6.17 Concerns raised about cars making 'U-turn' manoeuvres at the A12/Lochnager Street junction.

LBTH Tree Officer

- 6.18 No objection subject to a number of conditions being imposed in the event planning permission is granted.

LBTH Sustainable Urban Drainage Officer

- 6.19 The submitted flood risk assessment and drainage strategy are considered acceptable. Further details of the agreed adoption, monitoring and maintenance of the drainage and SUDS features should be conditioned in the event planning permission is granted.

Thames Water

- 6.20 No objection subject to an informative being imposed.

TFL

- 6.21 No objection subject to conditions being imposed requiring a delivery and servicing plan and a constructions logistics plan. Cycle parking should be provided at London Plan standards.

LBTH Transportation and Highways

- 6.22 Some concerns raised regarding the potential trip generation of the proposed school, however it was considered that a robust travel plan could mitigate any such adverse impacts on the public highway network. A delivery and servicing management plan and construction management plan should be conditioned and the applicant should enter into a S.278 agreement to enable improvements to the adjacent highway to be made.

LBTH Waste Policy & Development

- 6.23 No comments received.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 155 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

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

No of individual responses:	Objecting: 0 Supporting: 0
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No of petition responses:	Objecting: 0 Supporting: 0
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8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design, Heritage & Conservation
3. Transportation & Highways
4. Amenity
5. Access
6. Refuse
7. Environmental Considerations

Land Use

- 8.2 The proposed development does not result in any change of use on this site, however through the partial demolition of the existing school building and the erection of a new school building results in a net gain of 273sqm of D1 floor space.
- 8.3 Policy 3.18 of the London Plan (2016) states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Furthermore those proposals which address the current and projected shortage of primary school places will be particularly encouraged.
- 8.4 The Council's Core Strategy policy SP07 (2) seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.
- 8.5 The Council's Managing Development Document policy DM18 supports the development of schools or children's centres or extensions to existing schools or children's centres in appropriate locations.
- 8.6 The application site has been vacant for a number of years since the previous pupil referral unit vacated the site a number of years ago. The site sits within the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space. LBTH children's services have also identified this area as being in need of further primary school places to meet demand and this proposal would contribute towards planning to meet the growth in need for school places.
- 8.7 Considering the above, officers conclude that the proposed development can be supported in land use terms, as it can be seen to be in accordance with the relevant policies as set out above

Design, Heritage & Conservation

- 8.8 The application proposes to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building and refurbish the remaining portions of the Grade II listed school building. A new single storey building is to be erected to the east of the existing building, and the site completely re-landscaped along with the addition of new boundary treatments along the northern side of the site.

- 8.9 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.10 Policies 7.4, 7.5, 7.6 & 7.8 of the London Plan (2016) seek to ensure that proposed buildings and spaces are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing. Policy 7.9 states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.11 The Council’s Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Policy SP10(2) seeks to protect and enhance heritage assets such as statutory listed buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.12 The Council’s Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also 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’.
- 8.13 As part of the proposed development it is envisaged to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building to make way for the new building. Whilst the applicant considers that these portions of the existing building have no architectural significance, and the 20th Century nor LBTH conservation officers objected to the loss of these portions of the existing building, Historic England did raise some concern over the loss of these portions of the existing building, however they did on balance consider that the merits of the site’s revitalisation as a result of the proposed scheme are such that the demolition of these structures can be justified. As such the demolition of these portions of the existing Grade II listed school building can be considered acceptable.
- 8.14 The existing school building is currently in a poor state of repair and was placed on the ‘Heritage at Risk’ register in 2013 and will be extensively refurbished as part of this proposal. The proposed refurbishment includes modifications to the existing building in order to bring it up to modern standards, which will include: additional insulation; the incorporation of a warm roof as well as solar reflective glazing on the glazed corridors; the installation of mechanical ventilation; the refurbishment of the existing classrooms; and replacement windows and doors. The proposals for the refurbishment of the existing building have been significantly amended since the initial submission of the application to take into account concerns raised by the Council’s conservation officer, Historic England and the 20th Century Society. The proposed refurbishment of the existing building is broadly welcomed by officers as it will reinstate an educational use for the building and will significantly improve the condition of this building and remove it from the ‘Heritage at Risk’ register in the process. It is considered as though the final scheme addresses in the main the initial comments received by the Council’s conservation officer (who is now in support of the proposals), Historic England, and the 20th Century Society (at the time of writing no

further comments have yet been received) and it is considered the applicant is taking a sensitive approach to the restoration of this building which respects its original character, and retain original features where possible. A number of further details have been requested, to be secured by condition, in order to ensure that the refurbishment is undertaken to the highest of standards.

- 8.15 The existing site is currently in a poor state of repair and is overgrown. The existing boundary wall (which is a significant feature of the site) is also in a poor state of repair and is currently structurally unsound. The entire site is to be completely re-landscaped, featuring a mixture of concrete block paving, tarmac surface and timber decking, and officers consider that the proposed landscaping scheme is acceptable in both its relationship with the existing listed building and the quality of environment that it will offer for future pupils of this school. Further details of the exact materials to be used across the site will be conditioned to ensure that they are an appropriate standard. Whilst the initial proposal sought to make a number of amendments to the existing boundary wall, this element of the proposal has been amended on the advice of the Council's conservation officer, Historic England and the 20th Century Society. The majority of the existing boundary wall is now to be retained and refurbished, bar a small portion of the wall being lost on the northern side of the site to allow for classrooms to easily access the new playground, and this approach is considered acceptable by officers. A condition requiring a method statement for the refurbishment of the existing boundary wall will be imposed to ensure that these works are carried out to an acceptable standard.
- 8.16 It is proposed to construct a new single storey building to the east of the existing Grade II listed school building. The proposed building will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns) and is of a contemporary appearance. The appearance of the new building takes its inspiration from the existing Grade II listed school building, in particular its chimney structure and roof lanterns, and incorporates similarly angled roof lights on its roof which will provide additional natural light to the classrooms below, uses a dark blue brick (to match that used on the existing chimney structure), and makes further reference to the existing chimney's fluted design through employing a fluted band around the top of the building, as well as other detailed design elements which reference the existing building. The new building will be linked to the existing building by covered timber 'pergola style' walkways and also features canopies of a similar design on its south and east elevations. Officers consider that the new building is of a high architectural quality and responds well to the adjacent Grade II listed school building and will provide a high quality environment for future pupils and as such can be considered to be acceptable in design terms. As the detailing of the proposed new building is considered critical to the overall final quality of the proposed building, a condition requiring details of the proposed materials and design details will be imposed.
- 8.17 Considering the above, and having given special regard to the desirability of preservation of the building, its setting and any special historic or architectural features, officers conclude that the proposed development is acceptable in design and heritage terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Transportation & Highways

- 8.18 The application proposes to modify the existing main entrance to Bromley Hall Road and introduce new entrances to both Leven Road and Lochnagar Street (with the latter coming into use at a later date once the adjacent site has been developed). It is

also proposed to incorporate cycle parking, scooter parking and disabled car parking within the scheme.

- 8.19 Policy 6.3 of the London Plan (2016) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.20 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.21 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2016), which this application is being assessed against.
- 8.22 Bromley Hall Road and the portion of Leven Road which runs along the southern boundary of the site are both two way streets, however the portion of Leven Road beyond this point is one way only in a northbound direction. As such no through routes are available for vehicles entering Lochnager Street from the west (A12 or Zetland Street), and therefore all traffic entering from the west has to turn on local roads in order to exit. The nearest bus stops to the site are located on the A12, approximately 200m north of the site, and on Zetland Street, approximately 200m west of the site. Langdon Park DLR station also sits approximately 600m to the west of the site. A pedestrian subway is located under the A12 just north of the A12/Lochnager Street junction, and pelican crossing facilities are also available at the A12/Lochnager Street junction.
- 8.23 The applicant has submitted a transport assessment with the application which outlines the likely impacts of the proposed school. The nearby Manorfield primary school has been used as a baseline as it is similar in size and nature to the proposed school at Bromley Hall Road. Using the figures obtained from Manorfield primary's travel plan, it is anticipated that the majority of pupils travelling to the school will do so on foot. This assumption is further backed up by the fact that the applicant's (LBTH Children's Services) proposed pupil catchment for the school is very local with the majority of potential pupils residing within 1km of the proposed school (primarily to the south of the site). Given the above, the number of vehicular trips anticipated to be created by the school are relatively low with a maximum of 28 peak hour car trips by full occupation.
- 8.24 To ensure that the anticipated car trips are kept to a minimum and do not adversely impact upon the local highway network a robust travel plan will be implemented which will seek to promote a car share programme, a breakfast club to reduce AM peak traffic, after school activities to stagger PM peak traffic, a walking bus, and sustainable travel information packs for pupils as well as other initiatives. Both LBTH transport and highways officers and TFL have reviewed this document, and whilst they do have some concerns over the potential trip generation of the proposal they

are of the opinion that a robust travel plan which adopts measures to reduce car trips as far as possible and encourages the use of walking, cycling and public transport, can mitigate any potential adverse impacts of the proposed school upon the local highway network.

- 8.25 It is envisaged that an average of 2 service/delivery trips will take place each day, all of which can be catered for onsite with the exception of refuse collection (see refuse section of this report). In order to minimise any disruption caused by service/delivery trips, all such movements will be organised to occur outside of the school peak hours. A full service/delivery plan will be required by condition prior to occupation of the site.
- 8.26 London Plan (2016) FALP cycle parking standards require this development to provide a minimum of 8 staff cycle parking spaces and 60 student cycle parking spaces. The applicant is providing a total of 10 covered staff cycle parking spaces which are located in a secure location visible from the main office, and a total of 18 covered student cycle parking spaces with passive provision for a further 42 covered student cycle parking spaces, also within a secure location within the site. In addition to the above the applicant is also providing child scooter parking for pupils. The rationale behind not providing 60 student cycle parking spaces up front is due to the age of the pupils who will attend the school as children do not start cycling proficiency until the age of 11 (the last year in school). As child scooter parking (which is more popular which children of this age) is to be provided, and the travel plan includes a provision to review the number of cycle/scooter parking spaces annually to ensure that there are sufficient spaces for users, officers are content that the proposal offers an acceptable level of cycle/scooter parking.
- 8.27 The proposed development includes the provision of 2 accessible car parking spaces, and no further car parking provision on site is proposed. Officers consider this provision acceptable as it is policy compliant and provides the proposed spaces in a suitable and convenient location on site adjacent to the main entrance for the school.
- 8.28 In order to understand the potential impacts upon the highway network during the construction phase of the proposal and how they will be mitigated against, the submission of a Construction Management Plan will be conditioned.
- 8.29 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in highways terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Amenity

- 8.30 Officers have assessed the amenity implications of the proposal, including the proposed use of the site, the alterations to the existing building, and the construction of a new single storey building.
- 8.31 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.32 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.33 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of

surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.

- 8.34 The proposed development is for the creation of a 2FE primary school (420 places) and associated nursery (60 places). The site has previously housed a school for children aged 5 to 16 with physical disabilities and more recently a pupil referral unit. Considering that the site was last in use for educational purposes, officers do not consider as though the principle of the development (i.e. the proposed use of the site as a primary school) raises any additional amenity concerns, especially considering that school uses are generally considered compatible within residential areas.
- 8.35 Whilst the exact hours of the school day for both the primary school and nursery have not yet been decided, it is proposed that the school will open at 7am for the breakfast club and close at 6pm after all after-school activities have finished. It is not proposed to open the school on evenings or weekends except in exceptional circumstances. Given the limited hours of use of the site, which are primarily limited to the daytime, officers do not consider that residents of nearby houses will be subject to noise disturbances during unsociable hours.
- 8.36 Officers do not consider that the alterations proposed to the existing school building, including its partial demolition, internal alterations and minor external alterations raise any amenity concerns and are therefore acceptable in amenity terms.
- 8.37 The new single storey building which is to accommodate the nursery is to be sited in the south east corner of the site and will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns). Given the fact that the new single storey building sits behind a boundary wall which is 2.1m in height and is sited approximately 20m from the nearest residential property officers do not consider the erection of this building raises any additional amenity concerns.
- 8.38 Details of external lighting on the site have been submitted and have been reviewed by officers. None of the external lighting proposed will illuminate areas beyond the boundary of the site and the proposed lighting will only be fully on during the hours of 6am to 6pm on weekdays, with lighting on the site during 6pm and 11pm and at weekends dimmed to 50%, and lighting between 11pm and 6am dimmed down to 25% to act as security lighting. Officers consider this approach acceptable and therefore do not consider that this will raise any additional amenity concerns.
- 8.39 The proposal is likely to feature mechanical plant, however the accompanying acoustic report stipulates that the proposed plant noise limits will be set 10dB below the measured background noise levels which is considered an acceptable approach in order to ensure that surrounding residents and building occupiers are not adversely affected by noise pollution. A condition requesting full details of any proposed mechanical plant and post completion testing to ensure that any proposed plant noise does not exceed the above limits will be imposed in the event that permission is granted.
- 8.40 In order to protect the amenity of future users of the proposed school measures to minimise the levels of noise experienced internally will be undertaken. The applicant has submitted an acoustic report which demonstrates that the expected internal noise levels will be below the maximum noise limits as specified within BB93. As such officers consider that the proposal will create an internal environment that is suitable for teaching.

- 8.41 In order to ensure that the proposed development does not cause significant adverse impacts upon the surrounding residents and building occupiers during its construction phase, a condition will be imposed requiring the submission of a construction management plan in the event that permission is granted.
- 8.42 Considering the above, officers conclude that the proposed development is acceptable in amenity terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Access

- 8.43 The applicant has provided details on how the proposed school has been designed with inclusivity in mind. These details are outlined within section 4 of the design and access statement.
- 8.44 Policy 7.2 of the London Plan (2016) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.45 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.46 The Council's Managing Development Document policy DM23 (1) states that development should be should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.47 The proposed development has been designed with inclusivity in mind and features level thresholds throughout, external walkways at no more than 1:21 gradients and new accessible WC's throughout. As the entire school is a single storey structure no vertical circulation is required.
- 8.48 2 accessible car parking spaces are to be provided adjacent to the main entrance of the building, with access from these spaces to the main entrance of the school featuring level access which is welcomed by officers.
- 8.49 Considering the above, officers conclude that the proposed development is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Refuse

- 8.50 A refuse store has been located adjacent to the servicing entrance to the site on Bromley Hall Road.
- 8.51 Policy 5.17 of the London Plan (2016) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.52 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.53 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for

residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.

- 8.54 The application proposes for refuse vehicles to collect waste from the site on Bromley Hall School as such vehicles would be too large to be accommodated on site. At collection times bins will be wheeled out from the adjacent bin store to the refuse vehicle and then placed back in the store once emptied.
- 8.55 LBTH waste officers have been consulted with on this application and have not objected to the proposed waste strategy for this site. Officers consider that the refuse store is located in an appropriate location on site and is of a suitable size for such a proposal. Further details of the waste strategy for the site will need to be provided within a service/delivery plan which will be secured by condition.
- 8.56 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in refuse terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Environmental Considerations

Air Quality

- 8.57 Policy 7.14 of the London Plan (2016) seeks to ensure that development minimises increased exposure to existing poor air quality and is at least 'air quality neutral' and does not lead to further deterioration of existing poor air quality.
- 8.58 The Council's Core Strategy SP03 seeks to ensure that development addresses the impact of air pollution in the Borough by minimising and mitigating the impacts of air pollution and managing and improving air quality wherever possible.
- 8.59 The Council's Managing Development Document policy DM9 states that applications for development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition.
- 8.60 The applicant has submitted an Air Quality Assessment which concludes that as there are no adverse air quality impacts associated with the proposed development, no further mitigation measures in order to improve air quality and reduce air pollution are required. This document has been reviewed by LBTH Air Quality officers who are concerned that the submitted document does not use baseline conditions that are appropriate to this site. At the time of writing this report further information has been submitted which is hoped will overcome these concerns and comments from LBTH Air Quality officers will be presented in the update report.
- 8.61 Considering the above, and subject to the further information submitted being accepted by LBTH Air Quality officers, officers conclude that the proposed development is acceptable in terms of air quality, and therefore can be seen to be in accordance with the relevant policies as set out above.

Biodiversity

- 8.62 Policy 5.11 of the London Plan (2016) seeks to ensure that development proposals are designed to include roof, wall and site planting, especially green roofs and walls where feasible.

- 8.63 The Council's Core Strategy SP04 seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.64 The Council's Managing Development Document policy DM11 states that development will be required to provide elements of a 'living building' and that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.65 The existing site will be cleared which involves the removal of the two existing ponds on site which is considered regrettable by the Council's biodiversity officer. The proposal does however include a large list of biodiversity enhancements that could be included within the proposed landscaping, including: nectar-rich flowers for pollinators; bat boxes; nest boxes for sparrows and swifts; loggeries; and insect hotels, all of which would contribute to LBAP (Local Biodiversity Action Plan) targets. The Council's biodiversity officer has also recommended the inclusion of a green roof on the new building, however the applicant has stated that this would not be possible in this instance as it would increase the overall height of the new building, something which would not be supported in heritage terms due to its impact upon the adjacent listed building.
- 8.66 Subject to a condition which will require the submission of full details of biodiversity mitigation and enhancements on site, including exploring options for either retaining or replacing at least one of the existing ponds, or providing suitable alternative biodiversity mitigation and enhancements if this is not possible, and a condition requiring that the removal of existing trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive, the Council's biodiversity officer is content to support the scheme.
- 8.67 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in terms of biodiversity, and therefore can be seen to be in accordance with the relevant policies as set out above.

Contaminated Land

- 8.68 Policy 5.21 of the London Plan (2016) seeks to ensure that appropriate measures are taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 8.69 The Council's Managing Development Document policy DM30 states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination.
- 8.70 The site lies in an area which is considered to be potentially contaminated. The applicant has submitted a land quality statement which identifies the extent to which the site is contaminated, although this does conclude that further tests on the land are still required. In order to ensure that the necessary works are undertaken and the site made safe a condition will be imposed requesting further details on the remediation of the site based on the advice of a LBTH Contaminated Land officer.
- 8.71 Considering the above, and subject to the necessary conditions officers conclude that the proposed development is acceptable in terms of contaminated land, and therefore can be seen to be in accordance with the relevant policies as set out above.

Energy and Sustainability

- 8.72 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan (2016) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal, bring existing buildings up to current standards and integrate on-site renewable energy generation, where feasible.
- 8.73 The Council's Core Strategy SP11 seeks to ensure that carbon emission are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 8.74 The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 8.75 The applicant has submitted a sustainability statement which details the measures taken by the applicant to ensure that the proposal has been designed with sustainability in mind. The applicant is targeting a BREEAM 'very good' rating for the proposed works to the existing building, which given the fact that this building is Grade II listed (which constrains the works possible to it) is considered acceptable. The applicant is also targeting a BREEAM 'excellent' rating for the new building which is compliant with the requirements of policy DM29 and is thus considered acceptable. A condition requiring the submission of the relevant final certificates within a set period of occupation will be imposed.
- 8.76 The submitted sustainability energy assessment outlines the measures that are being taken in order for the proposal to contribute towards the Council's sustainability goals. This includes: improved fabric insulation; improved air tightness; high efficiency fans; high efficiency heat recovery heating plant; heat recovery on ventilation systems; daylight control of the lighting in the teaching areas; and 48m² of roof mounted PV's. This will ensure that the new build carbon saving goes beyond Part L 2013 building regulations through the combination of energy efficient design and renewable technologies, achieving a 47.5% reduction on this baseline, which exceeds the policy requirement of 45%.
- 8.77 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in energy and sustainability terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Flood Risk

- 8.78 Policy 5.12 of the London Plan (2016) seeks to ensure that development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.
- 8.79 The Council's Core Strategy SP04 (5) seeks to ensure that all new development is safe and passes the exception test and does not increase the risk and impact of flooding.

- 8.80 As part of the applicant's submission, a flood risk assessment was submitted. This document assesses the risk of flooding on site and measures that will be taken to ensure the safe evacuation of building users in the event of a flood. This document has been reviewed by the Environment Agency who did not have any objections to the proposed development. Officers have also assessed the submitted flood risk assessment and are content that a safe means of access/egress to higher ground has been incorporated into the proposal (in the form of an access gate in the north east corner of the site at the junction of Lochnager Street/Ailsa Street).
- 8.81 Considering the above, officers conclude that the proposed development is acceptable in flood risk terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

9.0 HUMAN RIGHTS CONSIDERATIONS

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

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

11.0 FINANCIAL CONSIDERATIONS

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

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

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

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

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

11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

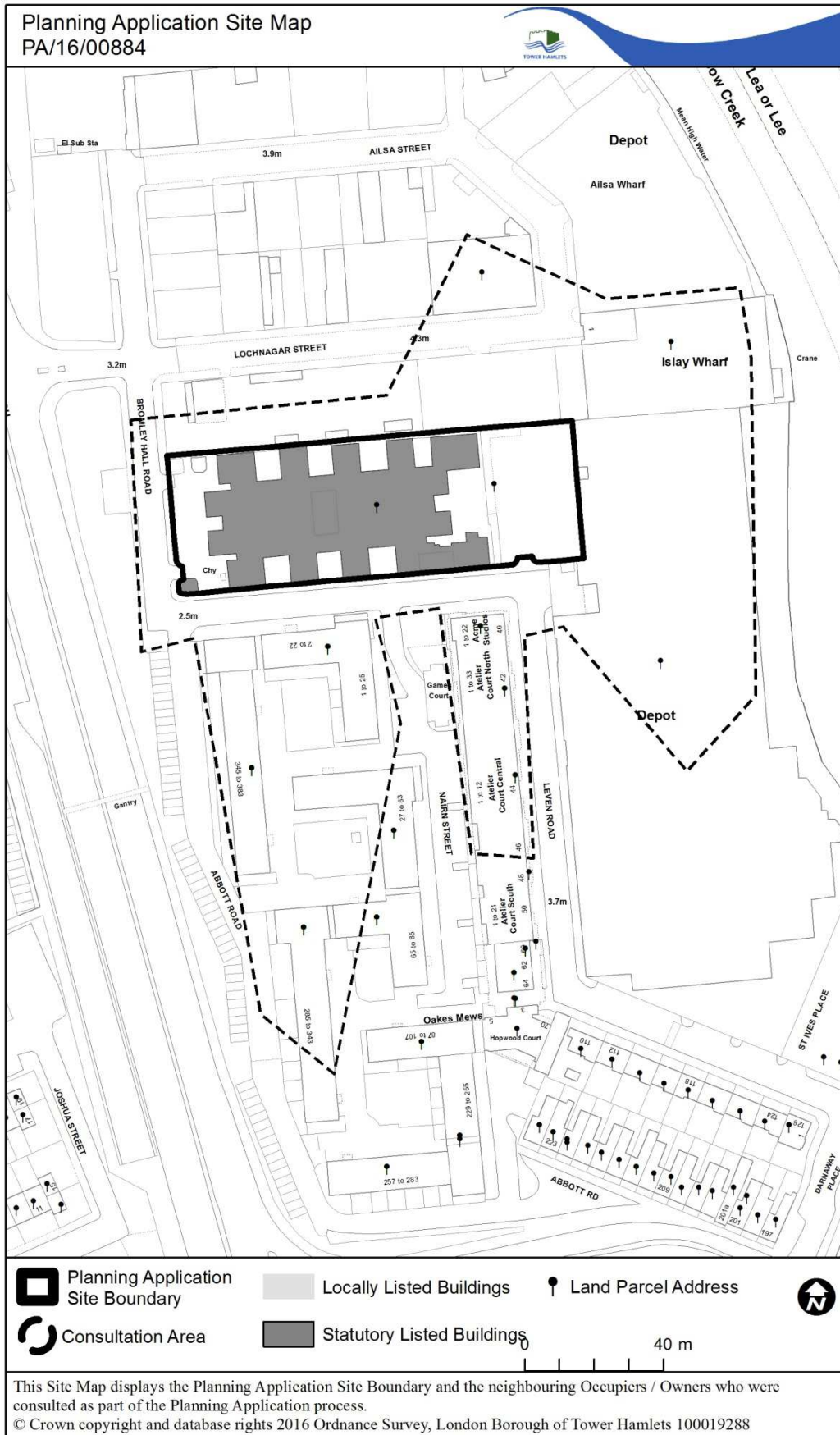
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals for D1 uses (non-residential institutions) are not liable for Mayoral CIL.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as proposals for D1 uses (non-residential institutions) do not attract CIL payments.

12.0 CONCLUSION

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building Consent should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP



APPENDIX 1 – PROPOSED PLANS

CGI of proposed new building



Proposed ground floor plan of refurbished building

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Proposed ground floor plan of new building

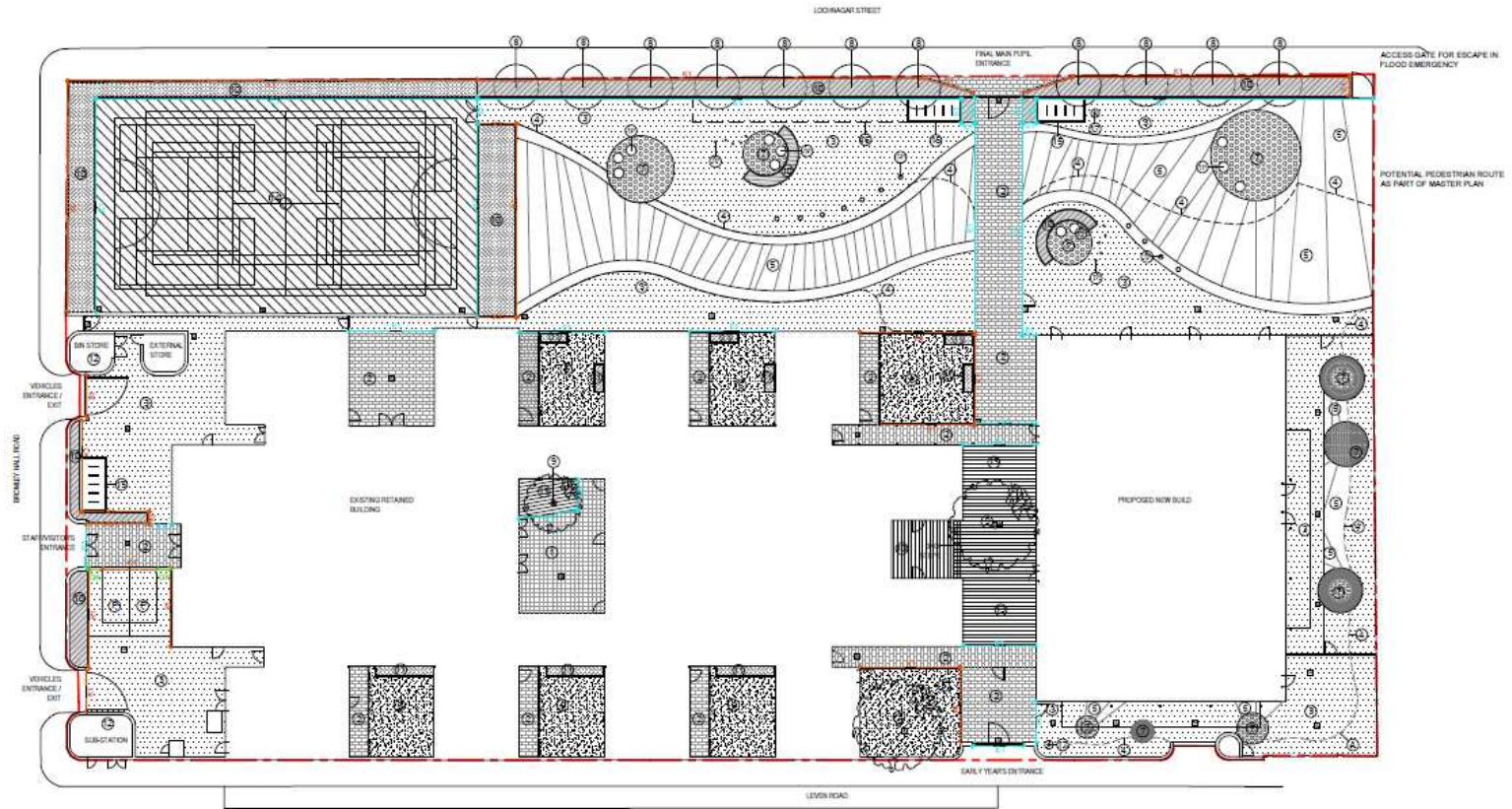
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Proposed landscaping plan



12.0 EXTERNAL LANDSCAPE DETAILS



PROPOSED LANDSCAPE PLAN BY LANDSCAPE ARCHITECT OUTERSPACE

13042 BROMLEY HALL SCHOOL

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Agenda Item 6.3

Committee: Development Committee	Date: 31 August 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Harveen Dhillon	Ref No: PA/16/01261
	Ward: St Dunstan's

1. APPLICATION DETAILS

Location:	14 Flamborough Street, London, E14 7LS
Existing Use:	C3 (Dwelling)
Proposal:	Renewal of front double sash windows and box frame.
Drawing and documents:	SW/14FS/01 SW/14FS/02 SW/14FS/03 SW/14FS/04
Applicant:	Tower Hamlets Homes
Ownership:	London Borough of Tower Hamlets
Historic Building:	Grade II Listed Building
Conservation Area:	York Square Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Tower Hamlets Managing Development Document (2013) the London Plan (2015) and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed refurbishment works have been sensitively designed to preserve the special character of the Grade II listed building.
- 2.3 In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England has directed the Council to determine the listed building consent application. The direction requires that if the Council is minded to grant listed building consent it should do so. The direction has been endorsed by the Secretary of State (via the National Planning Casework

Unit) who have confirmed the application does not need to be referred to them (Secretary of State).

RECOMMENDATION

- 3.1 That the Committee resolve grant Listed Building Consent subject to conditions as set out below.
- 3.2
 1. Time Limit.
 2. Completion in accordance with approved drawings.
 3. In the event full replacement is required full details to be submitted and agreed in writing.

PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The building is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members for determination.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The proposal seeks the renewal of front double sash windows and box frame.

Site and Surroundings

- 5.3 14 Flamborough Street is consists of a two storey end of terrace residential property. The site is located on the west side of Flamborough Street.
- 5.4 The building and adjoining buildings within the terrace are all Grade II Listed. The application site falls within the York Square Conservation Area.

Relevant Planning History

- 5.6 PA/15/02322 - Renewal of front double sash windows and box frame. This application is the concurrent planning for full planning permission and is pending determination.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 National Planning Policy Framework 2012 (NPPF)

Sections: 7 Requiring Good Design
 12 Conserving and Enhancing the Historic Environment

6.3 Spatial Development Strategy for Greater London (London Plan 2015)

3.14	Existing housing
5.4	Retrofitting
7.1	Building London's neighbourhoods and communities
7.4	Local character
7.6	Architecture
7.8	Heritage asset

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

Policies:	SP02	Urban living for everyone
	SP10	Creating Distinct and Durable Places
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

6.5 Managing Development Document (2013) (MDD)

Policies:	DM23	Streets and Public Realm
	DM24	Place-sensitive Design
	DM27	Heritage and the Historic Environment

6.6 Supplementary Planning Guidance

York Square Conservation Area Appraisal

7. CONSULTATION

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

External Consultees

Historic England

7.2 Historic England has considered the information received and do not wish to offer any comments on this occasion.

20th Century Society

7.3 No comments received

Ancient Monuments Society

7.4 No comments received

Council for British Archaeology

7.5 No comments received

Georgian Group

7.6 No comments received

The Society for the Protection

7.7 No comments received

The Victorian Society

7.8 No comments received

8. LOCAL CONSULTATION

8.1 A total of 16 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals. One letter of objection was

9 MATERIAL PLANNING CONSIDERATIONS

9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

9.2 The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

Impact on Special Architectural and Historic Character of the Listed Building.

9.3 London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

9.4 Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets and policy DM27 of the Managing Development Document seeks to ensure development, does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; is appropriate in terms of design, scale, form, detailing and materials in its local context and that it enhances or better reveals the significance of the asset or its setting.

9.5 The proposal seeks the renewal of three windows on the front side of the grade II listed property. Following advice from the Councils Conservation officer, the applicant has advised the intention is to repair the windows rather than replace the windows. No objection is raised to this. Historic England has been consulted on the application and have raised no objections.

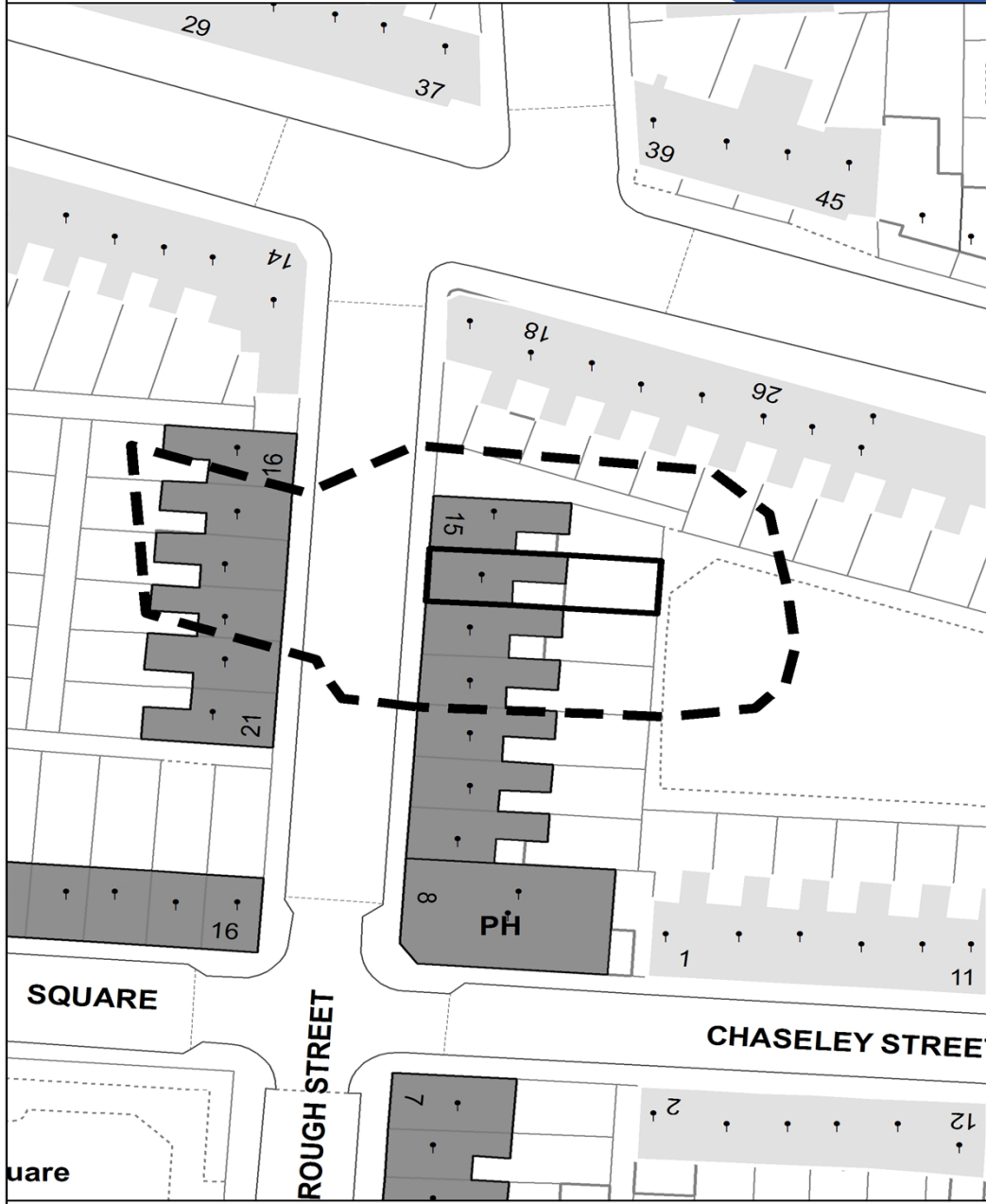
9.6 However, a condition is recommended to ensure if full replacement of any window is necessary full details need to be submitted to and agreed in writing by the local planning authority.







9.7 Overall, subject to condition it is considered that the proposal would have an acceptable impact on the character of the Grade II listed building. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development would preserve the special architectural interest of the listed

building and would preserve the setting of the York Square Conservation Area, according with the aforementioned planning policies.

10 CONCLUSION

- 10.1 The works are considered to preserve the special historical and architectural character and appearance of the Grade II Listed Building. As such, the proposal accords with the aims of Sections 7 and 12 of the NPPF, 7.8 of the London Plan, policy SP10 of the CS, policy DM27 of the MD DPD, which seek to ensure works to listed structures preserve features of special historic and architectural interest.
- 10.2 All other relevant policies and considerations have been taken into account. Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.



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

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