

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Extension of time for implementation of Planning and Listed Building Consents	
<b>Case Officer:</b> Ila Robertson		<b>Ref No:</b> PA/10/341 and 384	
		<b>Ward:</b> Bethnal Green North	

## 1. APPLICATION DETAILS

1.1 **Location:** Keeling House, Claredale Street E2

**Existing Use:** Residential and redundant water tank.

### **Proposal:**

A. Request to extend the time to implement of listed building consent PA/02/01618A dated 28th April 2005 for 'Conversion of redundant water tank on top of block into a maisonette. Works include extension of stair tower to serve new unit; reinstatement of concrete flue; inserting floors, partition walls and glazing into existing structures' to allow a longer period for implementation.

B. Request to extend the time to implement of planning permission PA/02/01617 dated 28th April 2005 for 'Change of use of disused water tank enclosure to maisonette. Development to include extension of stair tower and insertion of glazing to tank structure' to allow a longer period for implementation

1.2 **Drawing Nos.** 9902/ 01A, 02, 03, 04, 05, 06A, 07, 09A, 10A, 11A and 12

**Supporting Documents:** Supplementary Submission Report KHWT/12/02 and Heritage Statement dated December 2010 and referenced KJWT/12/03

**Applicant:** Mr B Heron

**Owner:** Applicant (leaseholder) Revisions 2 Ltd (freeholder) leaseholders of other maisonettes have an interest in common parts

**Historic Building:** Grade II\*

**Conservation Area:** Old Bethnal Green Road

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Council's Core Strategy Adopted September 2010 associated supplementary planning guidance, the London Plan and Government Planning Policy

Guidance and has found that:

a) Subject to appropriate conditions regarding detailed design, the proposed extension, alterations and works of refurbishment are acceptable in terms of their scale, form and design. The proposal therefore complies with PPS 5, London Plan policy 4B.11, saved policies DEV1 and DEV37 of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV2, CON1 of the Interim Planning Guidance: Core Strategy and Development Control Submission Document, policy SP10 of the Core Strategy Adopted September 2010, which seek to ensure that alterations to listed buildings preserve their special architectural and historic interest.

b) Subject to appropriate conditions regarding detailed design the proposed works would not be detrimental to the character and appearance of the conservation area, or strategic or local views in line with PPS 5, London Plan policy 4B.11 saved policies DEV1, DEV17 and DEV27 of the of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV2, CON2 and CON5 of the Interim Planning Guidance 2007: Core Strategy and Development Control Submission Document 2007, which seek to ensure high quality design in the Borough and development which preserves and enhances conservation areas and protects designated views.

c) Subject to appropriate conditions the proposed dwelling would not be detrimental to the amenity of neighbouring residents or future occupiers, in line with save policy DEV2 of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV1 and DEV10 of the Interim Planning Guidance: Core Strategy and Development Control Submission Document 2007 and policy SP10 of the Core Strategy Adopted September 2010 which seek to ensure satisfactory living conditions for residents.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to:

A **GRANT** listed building consent subject to the following conditions and informatives:

#### **Conditions:**

1. Time Limit for implementation three years
2. Full particulars of the materials and fixing details of glass screens and louvres.
3. All works shall be finished to match the original work in respect of materials used, detailed execution and finished appearance.
4. No external vents, flues, air conditioning units, telecommunications equipment or other plant or equipment shall be erected on the exterior of the premises.
5. The penthouse shall be added in such a way that the works are reversible should it be desirable to dismantle and remove the structure at a later date.
6. Implemented in accordance with approved drawings.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

**Informatives:**

1. Listed Building Consent should be read in conjunction with planning permission PA/10/00341
2. Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal.

B That the Committee resolve to **GRANT** planning permission:

- 3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission.

**Conditions**

1. Time limit for implementation – 3 years.
2. Car free
3. The obscured sand blasted glass louvers and glazing must be installed prior to occupation of the unit and thereafter retained.
4. Hours of construction 8am and 6pm Mondays to Fridays only.
5. The maisonette shall not be occupied until the unit has been insulated with agreed noise mitigation measures
6. The roof area of the maisonette shall not be used for any purpose other than as a means of escape and to enable maintenance of the structure.
7. To be built in accordance with the approved drawings.
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

**Informatives:**

1. Planning Permission should be read in conjunction with Listed Building Consent PA/10/00384.
2. This permission is subject to a car free legal agreement.
3. Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal.

**4. PROPOSAL, LOCATION AND BACKGROUND DETAILS**

**Proposal**

- 4.1 On 28<sup>th</sup> April 2005, a planning permission (ref PA/02/01617) and listed building consent (ref PA/02/1618) were both granted with a condition stating that development must commence before expiration of five years from the date of the decision notice.
- 4.2 The proposal is a reconsideration of a previously permitted development with a view to extending the period allowed for its implementation. The development consists of conversion of a redundant water tank housing structure on the top of Keeling House, to create a one bedroom maisonette. In order to enable this conversion an extension to an existing external stair tower is required.

## **Legislative background**

### **Background to Extension of Time Applications:**

- 4.3 An application to extend the time limit for implementation can be made if the relevant time limit of an extant planning permission has not expired on either 1<sup>st</sup> October 2009 and/or at the date of the application, and if the development has not yet been commenced.
- 4.4 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.5 It should also be noted that the Council also has the power to impose and/or vary conditions.

### **Grade I and II\* Listed Buildings**

- 4.6 Local authorities are not authorised to grant listed building consent for listed buildings of Grade I and II\*. In London there is a requirement for the Local Planning Authority (LPA) to seek authorisation from English Heritage if it is minded to grant such a listed building consent. In this instance English Heritage has given the Council the authorisation to determine the application.

### **Site and surroundings:**

- 4.7 Keeling House is located on the south-east side of the junction of Claredale Street and Teesdale Street, not far south of Hackney Road. It is sited in its own curtilage the boundary of which to the east is with a new housing development on the site of Bradley House and to the south with the late C19th two and three storey terrace houses, shops and workshops of the Winkley Estate.
- 4.8 The building is a late 1950s 'cluster block' designed by Denys Lasdun and built as Council housing but sold after being 'spot listed' when threatened with demolition. It is one of the relatively small number of Grade II\* listed buildings and also one of the very few post-war listed buildings. The immediate area is now a conservation area.

### **Relevant History:**

- 4.9 PA/99/0827  
& 1101 Listed Building Consent and planning permission for renovation of Keeling House including alterations, new entrance lobby, roof terraces with garden rooms and railings round the site approved 11<sup>th</sup> May 2000.
- PA/00/0758  
& 759 Full Planning Permission and Listed Building consent for a 3 storey penthouse in water tank structure extended upwards

and with balconies at ends and a roof terrace refused on the 27<sup>th</sup> August 2000.

PA/00/0801  
& 802

Full Planning Permission and Listed Building Consent for a 2 storey penthouse in water tank structure extended by balconies at each end and with roof terrace 27<sup>th</sup> September 2000. Appeals against refusals dismissed on the 2<sup>nd</sup> July 2001.

PA/01/0969  
& 971

Full planning and listed building applications for a revised conversion into 2 storey penthouse wholly within the existing structure submitted but not determined. Appeal on non determination made the planning permission on the 3<sup>rd</sup> July 2002. Appeal allowed on the listed building application, but dismissed on the planning application.

PA/02/01617  
& 1618

Listed Building Consent and planning permission for further for an amended 2 storey penthouse in water tank to incorporating privacy measures to overcome the reasons for dismissal of the 2002 appeal on the 28<sup>th</sup> April 2005

## **5. POLICY FRAMEWORK**

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

### **5.2 Core Strategy Adopted September 2010**

SP10 Creating distinct and durable places

### **5.3 Government Planning Policy Guidance**

PPS 5 Planning and the Historic Environment

### **5.4 Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (London Plan 2008)**

3C.1/3C.23 Reduce Car Usage

4B.11 Built Heritage

### **5.5 Unitary Development Plan 1998 (as saved 2007)**

ST28 Reduce Car Usage

DEV1 Design

DEV2 Amenity

DEV7 Background Views

DEV27 impact of minor alterations in conservation area on the building in question and on the conservation area

DEV37	Alterations to Listed Buildings
HSG13	Internal Space Standards
HSG16	Amenity Space

## 5.6 Interim Planning Guidance for the purposes of Development Control (2007)

DEV1	Amenity
DEV2	Design
DEV10	Noise and Vibration
HSG7	Amenity Space
CON1	Alterations to Listed Buildings
CON2	Development in Conservation Areas
CON5	Protection of local and strategic views

## 5.7 Community Plan 2008/09

A great place to live  
A safe and supportive community  
A healthy community

## 5.8 Other Documents:

Old Bethnal Green Road Conservation Area -Character Appraisal and Management Guidelines 2009

## 6. CONSULTATION RESPONSE

6.1 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:

### 6.2 Health and Safety Executive (Statutory Consultee)

Do not advise against on safety grounds.

### 6.3 Highways

No details of car parking but communal on site parking noted; cycle parking should be provided; no details of refuse arrangements.

**(Officer Comment** – Keeling House has existing refuse arrangements which would not be affected by one additional flat, the curtilage provides sufficient space for cycle parking and some parking spaces. As there is not a space for every unit, a car-free condition should be added to any new planning permission for this development).

### 6.4 English Heritage (Statutory Consultee)

English Heritage originally raised concerns that the application was not accompanied by an assessment of the impact of the proposed development on the heritage assets effected as required by Policy HE6 of PPS5. They took the view, the application should not be determined until that assessment is provided.**(Officer Comment:** The *applicant has since provided an*

*assessment which has been sent to English Heritage).*

Following the receipt of the above assessment English Heritage have advised that the Council are authorised to determine the application for listed building consent referred to them as we think fit. They have advised that in so doing that they are not expressing any views on the merits of the proposals which are the subject of the application.

## **7. LOCAL REPRESENTATION**

7.1 A total of 182 neighbouring addresses were consulted by letter, site notices were posted and a press notice published.

No. of individual responses: 26 object: 21 support: 5

No. of petitions: 1 opposing the proposal, containing 31 signatures (several of whom wrote individual letters also)

There was also an objection from the freeholder of the building (notified under Article 6 of GDPO) objecting to the works being carried out

7.2 The following issues were raised by objectors:

- Negative alteration to the character of listed building in conservation area
- Insensitive design with no architectural merit
- Damage to privacy of many properties, even with louvres private terraces and rooms will be overlooked
- Loss of light to habitable rooms
- Devaluation of flats on 14th floor (maisonettes on 14th-16th floor)
- Local and strategic views affected
- Lack of expert analysis of impact on fabric of the building

7.3 The points made in support were:

- Design sensitive to the original building and the conservation area
- Re-use of existing structure is environmentally responsible, and safeguards the structure thereby helping to preserve the overall character of the building and area
- No loss of amenity to existing top floor
- Includes restoration of flue

These comments are addressed below.

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main issues arising from the development are:

- (1) Key Changes in Policy since 2005
- (2) Land use
- (3) Amenity
- (4) Highways
- (5) Design and Conservation

## **Key Changes in Policy Since 2005**

- 8.2 Government Guidance identifies that applications for extensions to existing consents can normally only be refused if there have been material changes to the physical or policy context in which the original decision was made and which are significant enough to justify a different decision. There have been a number of changes in policy, but little in the surroundings, since 2005 and these are summarised below.
- 8.3 PPS 5 replaces PPG15 changing the terminology and introducing the term 'heritage asset to include not only listed buildings and conservation areas but ancient monuments, archaeological sites, and unlisted items of significance. The requirement to assess their significance and consider whether a proposal would harm that significance and, if it would, but not substantially, whether the development is acceptable in the interests of the long-term viability and conservation of the asset.
- 8.4 The London Plan has been consolidated. The Plan has only generalised policies relating to conservation of built heritage and generally defers to Government Guidance but has strong policies on traffic restraint.
- 8.5 Some policies of the Unitary Development Plan, including several regarding listed buildings and conservation area, have not been 'saved' as they replicate policy set out in Government Guidance.
- 8.6 The Council's Interim Planning Guidance (Core Strategy) was produced in 2007 with additional and updated policies on many topics including amenity and design and traffic restraint and designation of protected local views, including that of Keeling House.
- 8.7 The Old Bethnal Green Road Conservation Area was designated in 2008 and a Character Appraisal and Management Guidelines Document adopted in November 2009. Keeling House is included within its boundaries.
- 8.8 The only significant material change to the context of the site is the completion of the new housing development which replaces Bradley and Connett houses, which were designed as part of the estate which included Keeling House surroundings

## **Land use:**

- 8.9 The water tank was ancillary to the principle residential use of Keeling House. As such its conversion to provide habitable space is in the same category as conversions of laundry rooms and suchlike on estates, and in line with policies seeking to provide additional housing in the Borough. The change of use in itself would not affect the appearance of the building or the character of the conservation area, but the associated physical works have raised concerns.
- 8.10 There are no new material considerations with regard to the layout of the proposed maisonette and the unit complies with minimum floorspace guidelines for a two person dwelling. The unit would have no private amenity space, initial proposals for balconies and roof terraces having been dropped early in the planning history, but this was and remains acceptable in the context of preserving the appearance of the listed building and the fact that



this is not a family dwelling. To ensure this, the planning permission is, and would again be, subject to a condition preventing the use of the roof as a terrace.

**Amenity:**

Privacy and Overlooking

- 8.11 A significant concern of objectors is that their roof terraces will be overlooked; this was also the case when this proposal was originally submitted in 2002 and the permitted scheme dealt with the issue then. UDP policies relating to residential amenity of neighbouring occupiers remain unchanged and those included in the Interim Planning Guidance do not change the principles of the saved policies.
- 8.12 Some overlooking of ground floor gardens from flats above, or between balconies and terraces, or indeed between gardens, is normal and the usual aim is to provide a more private area near the house. The Keeling House roof terraces were not an original feature of the building and were added as part of the 2000 renovations, they abut and overlook each other in the same way as neighbouring gardens would. The structures giving access to them were designed in the nature of conservatories rather than habitable rooms, although now in some cases apparently used as such.
- 8.13 The water-tank structure is on the building's core and not immediately above any of the eight terraces. The windows of the proposed maisonette are in the ends of the structure, facing out through the gaps between the wings rather than directly across the terraces.
- 8.14 Prior to the original permission for the proposal subject of the current application, an earlier version of the scheme was refused planning permission, on appeal. This was due to the potential impact on the privacy of existing top floor residents. However, significant measures were subsequently introduced to prevent any overlooking through roof lights to rooms below and to reduce overlooking of terraces to a minimum. This involves windows set back from the front edge of the openings, opaque glazing to the two side panels and opaque glass louvres in front of the central clear glazed panel, to limit outlook. These measures were considered acceptable when permission was granted in 2005. There is no material change to circumstances or policy which would suggest that the proposal is not still acceptable in terms of amenity.

Overshadowing and daylight/ sunlight

- 8.15 Concerns are also raised that the proposed stair extension will cause overshadowing. This was not considered to be substantiated at the time of the original application and circumstances have not changed.
- 8.16 As regards the amenity of the occupiers of the proposed dwelling, daylight and privacy would be satisfactory, because of its location and the large areas of glazing, but the constraints of staying within the volume of the existing tank housing and avoiding overlooking lead to a small unit with a restricted outlook. This has discouraged a number of would be developers of the unit and is one of the reasons the consents have not been implemented.

## Noise

- 8.17 The tanks were sited on top of the lift motor room so noise and vibration from this must be prevented from causing nuisance to the occupiers of the new dwelling. The original applications included details of insulation and conditions required these measures to be carried out. However In view of updated Building Control and Environmental Health legislation a revised condition requiring submission and approval of insulation details is recommended.

## **Highways**

- 8.18 Car free developments were not standard practice at the time of the original application. It is therefore suggested that any new permission includes an additional condition requiring the unit to be car-free. This would not prevent future occupiers from purchasing a private parking space within the Keeling House courtyard.

## **Design and Conservation:**

- 8.19 Local residents have raised concerns about the changes to the appearance of the listed building.

## External Appearance

- 8.20 The external works to the tank house itself would not change the silhouette of the building, as they consist only of set-in glazing to replace the temporary plywood panels which were put up to protect the open ends of the structure when the water tanks themselves were removed. The change of use would nevertheless be noticeable, in that the glass would catch the sun and at night interior lights and even movement could be visible. The relevant facades are however on the east and west elevations and the changes would not impinge on the north, entrance, façade or on the most well known and only long view, from the south. Views of the tank from the east and west are also restricted by the wings of the main building, which come together on the front of the core, and by the limited angles of view available from the public realm from narrow streets and between other buildings.
- 8.21 The flue is housed in a relatively narrow, concrete clad chimney running up the middle of the south side of the core. This was originally the highest element of the building as, for practical reasons, it had to project past the highest point of the roofs. The proposal is simply to reinstate the flue to its original form, something which would preserve and enhance the appearance of the building.
- 8.22 The concerns raised relate principally to the raising of the stair tower which would be a new extension on the outside of the building at high level. The tower is in a prominent position running up the middle of the north side of the core, above the main entrance of the block. It is narrow, just 2.4m, when viewed on end but projects some 5m out from the core. It is clad to match the rest of the building with no windows on the front elevation.
- 8.23 Because most of the dwellings in the block are maisonettes, the lift and main stair stop a floor short of the top, so the roof of the tower is just below the roof parapets of the wings. There are currently service stairs to the roof of the core and the tank house itself, which sits on top of the lift motor room, is accessed

by ladders. It is impossible to reach the proposed new maisonette from inside the service core, because of the motor room, so an extension to the existing stair tower, in identical style, is proposed. This would not only serve the entrance to the dwelling but also provide the stair between its two floors and would raise the structure almost to the level of the roof of the tank house, but sloping down as it projects from the building. This alteration would, as English Heritage advise, have an impact on the significance of the heritage asset and the consideration is whether it can be accepted as not substantially harmful and appropriate to help secure the optimum viable use of the asset and assist its long term conservation.

- 8.24 The alteration would be visible from the north but would not affect the silhouette of the building from that angle and the new stair would not impact on the most iconic view, from the south. In views from the east and west the illustrations suggest that it would have the effect of filling what appear from ground level to be gaps between the tank house and the north wings, but the impact is likely to be less than it appears in a cross-section, because it is set some 2m in from the ends of the tank structure. It is also quite likely that, if well implemented, both the conversion of the tank house and the stair tower may well be assumed by those not familiar with the building to be part of the original architecture.
- 8.25 The tank housing is redundant, but the structure is crucial to the shape and to the original functioning of the building and to leave it empty has the potential to create a maintenance liability. To convert it for a useful purpose, appropriate to the use of the main building, is welcome in principle and would contribute to new housing in the Borough. It is noted that under the original application English Heritage accepted the new addition as 'enabling development' and it is still considered that balanced against the benefits of putting the space to use the impact of the development is not so significant as to seriously reduce the significance of the heritage asset.

#### Conservation Area Designation

- 8.26 The Old Bethnal Green Road Conservation Area is primarily intended to protect the Winkley Estate a rare example in Tower Hamlets of a kind of 'company town', designed to provide homes, workplaces and shops and historically a centre of the furniture trade. The area extends to the south to include a listed school and a listed church and to the north to include Keeling House, because of its close proximity and connection to the Victorian Terraces. The most significant views are long views of the long terraces and the silhouette of Keeling House beyond, with its contrasting scale and architectural style.
- 8.27 Although to some extent the visual focus of the conservation area, particularly from the south, Keeling House is not reason for its designation. Its listed status gives it strong protection irrespective of the conservation area, but the designation serves to protect its setting. The conservation area did not exist in 2005 and is therefore a new material consideration, but the setting of Keeling House and the views of it remain as they were then, with the exception of the new estate to the west, which is of similar bulk and scale to that it replaced. English Heritage at that time chose to authorise the Council to determine the application as it saw fit and listed building consent was granted, taking into account the context of the building and its status as a local landmark. The alterations previously permitted on the north side of the building are not considered to detrimentally affect the significance of the

conservation area and the new designation is not considered to justify a change to the recommendation.

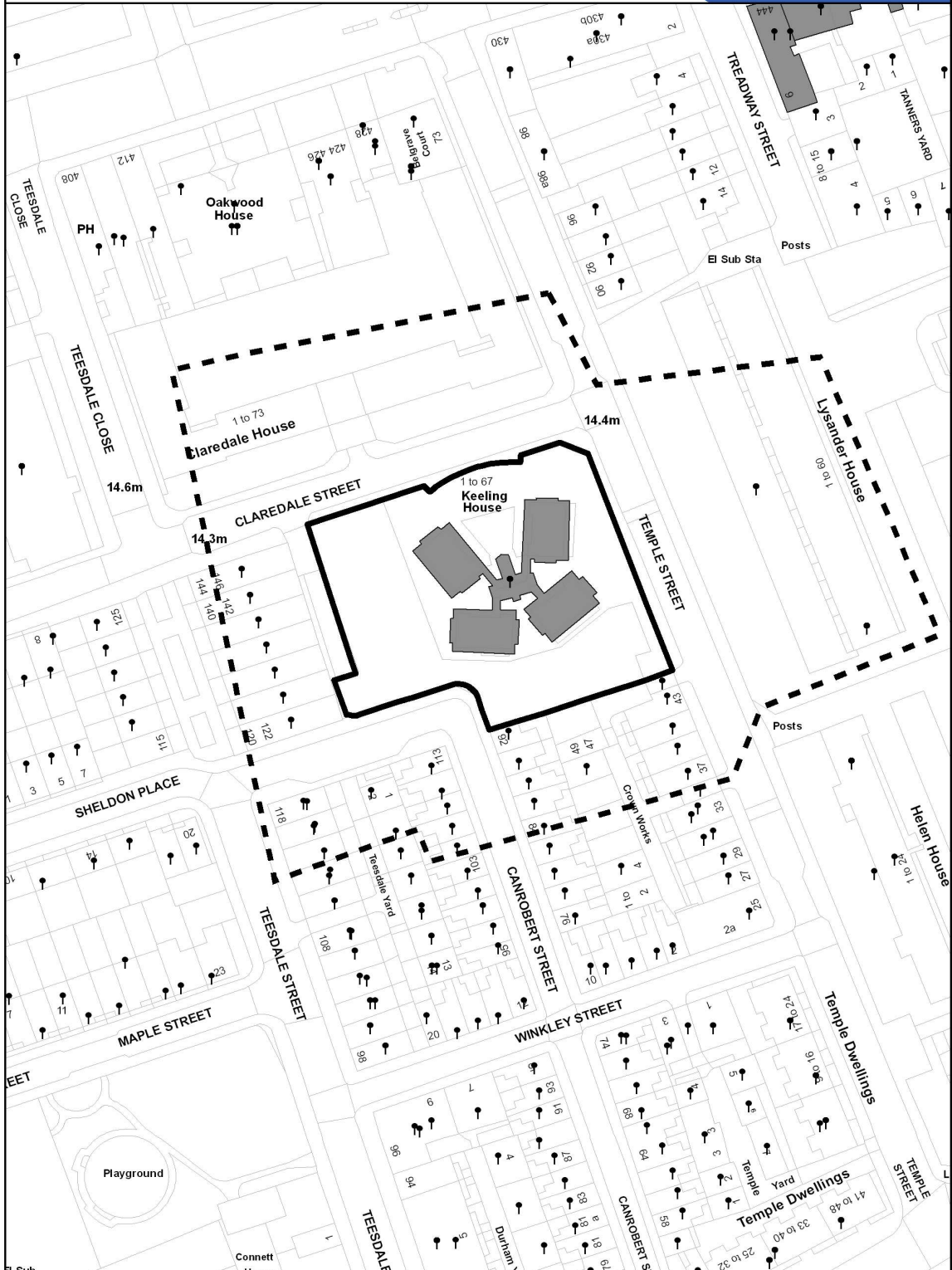
#### Strategic Views







- 8.28 As regards the strategic view background to St Pauls this is not a new consideration and there is not considered to be any detrimental impact as there is no overall increase in the height of Keeling House and the raised stair tower would not be discernable in such a long distance background view.

### **9. CONCLUSIONS**

- 9.1 All relevant policies and considerations have been taken into account and for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS. The details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 <span style="margin-left: 150px;">30 m</span>		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.