

Committee: Development	Date: 16 th January 2013	Classification: Unrestricted	Agenda Item No.:
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/12/02234	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

NOTE

Applications under part 8 of the agenda (Other Planning Matters) do not normally benefit from speaking rights pursuant to the development procedure rules of the constitution. However, given the level of representations on this application, the Chair has exercised discretion to apply 6.14 of the procedure rules to vary the relevant procedure rule and allow speaking rights in respect of this application.

Location:	Bethnal Green Gardens, Cambridge Heath Road, London
Existing Use:	Redundant Public Convenience (Toilets)
Proposal:	Demolition of the redundant toilet and the installation of a 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works.
Drawing Nos	PA-00, PA-01, PA-02, PA-03, PA-04, PA-05, PA-06, PA-07 and PA-08
Supporting Documents:	Design, Access and Impact Statement (amendment) dated 10 th October 2012
Applicant:	London Borough of Tower Hamlets
Owner:	London Borough of Tower Hamlets
Historic setting:	Grade II Listed Bethnal Green Gardens (Listed Parks and Gardens)
Conservation Area:	Bethnal Green Gardens

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 adopted Core Strategy (2010), the Unitary Development Plan (1998)(saved policies), the Council's Interim Planning Guidance (2007), the Managing Development: Development Plan Document (post EiP version 2012), associated supplementary planning guidance, the London Plan (2011) and National

Planning Policy Framework (2012) and has found that:

- 2.2
 - The existing toilet block detracts from the character and appearance of the Grade II listed Parks and Garden and Bethnal Green Gardens Conservation Area and detrimentally affects the setting of the adjoining Grade I listed St. John's Church. The proposed demolition to facilitate the installation of 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works would preserve and enhance the character and appearance of the Bethnal Green Gardens Conservation Area, the listed Parks and Gardens and the setting of St. John's Church in compliance with the National Planning Policy Framework (2012), policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policies DEV2, DEV28 of the Unitary Development Plan (1998), policy CON1, CON2 and CON3 of the Council's Interim Planning Guidance (2007) as well as policy DM27 of the Managing Development DPD (post EiP version 2012).

3. RECOMMENDATION

- 3.1 That the Committee resolve to refer the application to the Government Office for West Midlands (on behalf of the Secretary of State) with the recommendation that the Council would be minded to grant Conservation Area Consent subject to conditions as set out below:
- 3.2
 1. Three year time period
 2. No demolition works permitted prior to submission and approval of contract of works
 3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. BACKGROUND

- 4.1 This application for Conservation Area Consent is required for demolition of the redundant toilet block building to facilitate the installation of 39 cycle parking stands, an automatic public convenience and a mobile confectionary kiosk and associated works.
- 4.2 The Council cannot determine applications for Conservation Area Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Conservation Area Consent, were it empowered to do so itself.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 Conservation Area Consent for demolition of the redundant toilet block building to

facilitate the installation of 39 cycle parking stands, an automatic public convenience and a mobile confectionary kiosk and associated works.

Site and Surroundings

- 5.2 The existing public toilet block is a single storey brick built building lying within Bethnal Green Gardens, Grade II listed Parks and Garden designated in 2003, on the eastern side of Cambridge Heath Road. The building is relatively modern but dilapidated and has been closed and disused for some 15 years. The building is separated from the footway along Cambridge Heath Road by a wrought iron perimeter fence covering an area of 158sq metres.
- 5.3 The site is located within the Bethnal Green Gardens Conservation Area, which was designated in July 1969 and encompasses a series of significant statutory listed civic buildings, such as the Town Hall and Bethnal Green Museum of Childhood, set amongst the public gardens and the open space of Bethnal Green Gardens. St John's Church (Grade I listed) is located at the heart of the area at the north east junction of Cambridge Heath Road and Roman Road.
- 5.4 The toilet block, built in the late fifties, is located 6.5 metres to the north of St. John Church which was built 1826-28 and designed by Sir John Soane. The church is Grade I listed and forms the centrepiece of the designated Bethnal Green Gardens Conservation Area.

6. PLANNING HISTORY

- 5.1 The site has an extensive planning history, with the earliest application in 1958. Of these applications the following are the most relevant:
- 5.2 PA/57/00290
Planning permission was granted on 11/03/1958 for the erection of a public convenience on a site at the south-west corner of Bethnal Green Gardens, Cambridge Heath Road and Bethnal Green.
- 5.3 PA/07/02011
In July 2007, the council made application for planning permission for the change of use of the disused public conveniences to a café/restaurant with public toilets. The application did not progress as it was not supported by the required fee and the commissioning department (Parks & Open Space) decided that funds for the project could not be identified
- 5.4 PA/09/00720
Demolition of existing 95.4 sq m toilet block, (excluding the wrought iron perimeter fence) to facilitate the landscaping of the site by the London Borough of Tower Hamlets' Parks & Open Space.
Conservation area consent application withdrawn on 26/11/2009

6. RELEVANT POLICIES

Government Planning Policy

- 6.1 National Planning Policy Framework (2012)

London Plan Spatial Development Strategy for Greater London (2011)

- 6.2 Policy: 7.8 Heritage assets and archaeology

Adopted Core Strategy (2010)

- 6.3 Policy: SP10 Creating distinct and durable places

Unitary Development Plan (UDP 1998)(as saved September 2007)

- 6.4 Policies: DEV1 Development requirements
DEV28 Demolition of buildings in conservation areas

Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)

- 6.5 Policies: CON1 Listed Buildings
CON2 Conservation area
CON3 Protection of World Heritage Sites, London Squares,
Historic Parks and Gardens
DEV2 Character and Design

Managing Development: Development Plan Document (post EiP version 2012)

- 6.6 Policy: DM27 Heritage and the historic environment

Supplementary Planning Guidance

- 6.7 Bethnal Green Gardens Conservation Area Appraisal 2007

7. CONSULTATION RESPONSE

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

7.2 English Heritage – (Statutory Consultee)

Does not wish to offer comments advising that the application should be determined in accordance with national and local policy guidance and on the basis of the council's specialist conservation advice.

8. LOCAL REPRESENTATION

A total of 13 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 48	Objecting: 24	Supporting: 22	Comment: 2
No of petitions received: 0	Objection: 0	Support: 0	

- 8.1 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Objections:

- The proposal will destroy the special character of this part of the Bethnal Green Gardens Conservation Area

Officer Comment: Please refer to paragraphs 9.2 – 9.11 of this report where this matter is fully addressed.

- The toilet is needed in the local area and should be refurbished
- The toilet should be brought back into use as a café and toilet

Officer Comment: The loss of the toilet and the alternative uses suggested raise land use issues which are not material considerations to a conservation area consent application for demolition. Nevertheless, given the Council's position as land owner, comments on the loss of the facility and the alternative uses suggested are made at paragraphs 9.12 to 9.13 below under the heading "Other considerations".

Support:

- The proposal is an improvement to what is currently an eyesore
- The proposal will open up the area around the underground entrance

- 8.2 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application for conservation area consent:

Land use

- Perfectly ample space is available in the pathway between Cambridge Heath Road and Bethnal Green Library for the purposes of providing bike parking facilities.

Design

- An Automatic Public Convenience (APC) would be a complete eyesore
- To site a bike park here would be totally detrimental to the appearance of Museum Gardens
- Too many conflicting uses are being crammed onto this small site with no consideration given to the site as part of a doubly-protected heritage asset

Highways

- A right-angular wall is shown projecting into the 'landing' from the entrance to the proposed bicycle park (allegedly to force cyclists to dismount). This would further impede two-way pedestrian flow to and from the northern staircase: adding to the congestion on the 'landing' and making it even more difficult and dangerous for pedestrians using the 'landing'.
- This entrance would be congested by pedestrians using the kiosk and by pedestrians trying to get to the proposed APC from Museum Gardens.

- Increase congestion along Cambridge Heath Road
- Cycle access into the gardens not acceptable

Amenity

- Should the existing kiosk remain, the number of tables and chairs will increase

9.0 MATERIAL PLANNING CONSIDERATIONS

- 9.1 In determining a consent application for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Impact on the Grade I listed Church, Grade II listed Parks and Gardens and Bethnal Green Gardens Conservation Area.

- 9.2 UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
 2. The condition of the building;
 3. The likely costs of repair or maintenance of the building;
 4. The adequacy of efforts to maintain the building in use; and
 5. The suitability of any proposed replacement building.
- 9.3 Policy CON2 (3) of the Interim Planning Guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted. Exceptionally, applications will be assessed on:
- a) The importance of the building, architecturally, historically and contextually;
 - b) The condition of the building and estimated costs of repair in relation to its importance, and to the value derived from its continued use;
 - c) The adequacy of efforts made to retain the building in use; and
 - d) The merits of any alternative proposals for the site.
- 9.4 Policy CON 3 of the Interim Planning Guidance 2007 says that applications for development, including changes of use, within or adjacent to World Heritage Sites, London Squares, or Historic Parks and Gardens will be assessed against their impact individually and cumulatively on the setting, character, fabric and identity of the protected Site, Square, Park or Garden.
- 9.5 The Government advises that the general presumption should be in favour of retaining buildings that make a *“positive contribution”* to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes *“little or no such contribution”* the local planning authority must have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.

- 9.6 The Bethnal Green Gardens was designated Grade II listed Parks and Garden on 3rd September 2003. Bethnal Green Gardens is situated on either side of Cambridge Heath Road in Bethnal Green, 700m south-west of Victoria Park. The Gardens are laid out on level ground and are square in shape. They are bounded to the west by Cambridge Heath Road, to the north by Museum Passage, to the east by Victoria Park Square, and to the south by the Church of St John-on-Bethnal Green, the church hall, rectory, and Tarrant House. The gardens are enclosed to the west, north, and east by wrought-iron railings (original two-stage railings, 1904, with sections of post-Second World War single-stage replacements), mounted on granite plinth blocks (1904). The southern boundary has the original Sir John Soane railings along the churchyard boundary, and a stretch of chain-link fencing to the east alongside the boundary with the rectory and Tarrant House.
- 9.7 The site also lies within Bethnal Green Gardens conservation area. The conservation area is characterised by the formal public buildings in their open space and individual garden settings. The collection of statutory listed buildings, namely the Bethnal Green Museum of Childhood, York Hall and the Town Hall are the highlights of this civic quarter. Varied in style and scale, these distinguished civic edifices are complemented by the greenery of the gardens and are perceived as distinct from any residential character. As mentioned, St. John Church forms the centrepiece of the conservation area. Within the conservation area, the Garden itself provides the public green space for local residents and is paramount to the character and setting of the conservation area. The northern part of the southern gardens in which the application site lies is occupied by a lawn and rose garden and provides quieter and more formal gardens than the southern part of the gardens which is occupied by a large play area and tennis courts.
- 9.8 The Council's Bethnal Green Gardens Conservation Area Appraisal and Management Guidelines 2007 advise that the setting of St. John Church is poor. It is said to be surrounded by busy roads, narrow pavements, and the front elevation is obscured by trees in summer. The Guidelines advise that:
- “Consideration should be given to ways in which this building might realize its full potential as a historic landmark, and strengthen the identity of this place.”*
- 9.9 The existing single storey public convenience building has been redundant for 15 years, the Local Authority has explored numerous options since its closure to redevelop the building and site, but to date there have been no viable options carried forward.
- 9.10 The toilet block is relatively modern compared with the predominant Victorian character of the conservation area. Although constructed of yellow brick, the design and detailing are poor and the building is considered to have little architectural merit. The boarded up, dilapidated building makes no contribution to and detracts from the character and appearance of the conservation area. Its appearance and siting in close proximity to the front elevation of St. John Church also detrimentally affects the setting of the Grade 1 listed building.
- 9.11 It is considered that the demolition of the building would preserve and enhance the character and appearance of the Bethnal Green Gardens Conservation Area, the listed Park and Gardens and the setting of St. John Church in accordance with National Planning Policy Framework (2012), policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policies DEV28 of the Unitary Development Plan (1998), policy CON1, CON2 and CON3 of the Council's

Interim Planning Guidance (2007) as well as policy DM27 of the Managing Development DPD (submission version 2012).

- 9.12 Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. Proposals for the site include proposals to install 39 cycle parking stands, an automatic public convenience, a mobile confectionary kiosk and associated works which would significantly enhance the site and its surroundings to the benefit of the character and appearance of the conservation area and the surrounding heritage assets. The principle of demolition is acceptable subject to demolition being conditioned to the implementation of an appropriate works at the site. This is in accordance with saved policy DEV28 of the UDP (1998) and policy CON2 of the IPG (2007) which seek to ensure appropriate development within Conservation Areas.

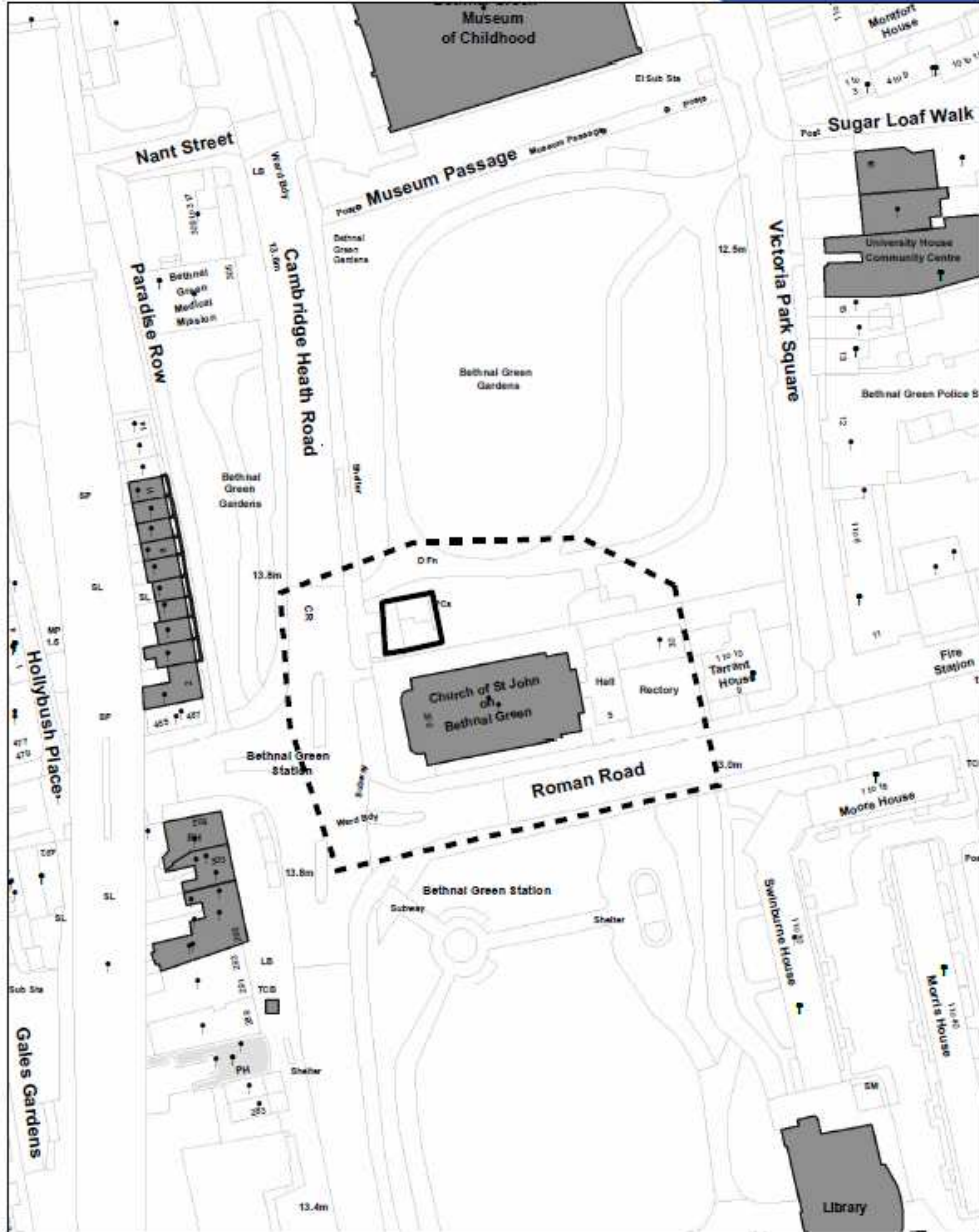
Other considerations

- 9.13 Representations have been received concerning the loss of the existing facility and possible reuse of the site as toilet block and café.
- 9.14 As mentioned, the toilet block at the site has been closed for many years to deal with crime and anti-social behaviour at the site. Demolition would therefore not result in the loss of an existing facility as it has been closed for some time. Further, through the current application to install Automated Public Conveniences, public convenience facilities will be re-opened and made available at Bethnal Green Gardens.
- 9.15 Concerns have been raised about the re-use of this building for alternative uses. Officers have investigated this and there have been numerous attempts to seek to re-use the existing building for alternative uses, however alternative proposals have been found to be unviable. As such, this application has been submitted for consideration. Officers are required to assess the application which is presented before them against Planning Policies. In the context of local policy guidance, the proposals are considered to be acceptable, as set out above.

CONCLUSION

- 9.16 All relevant policies and considerations have been taken into account. It is recommended that the Secretary of State be requested to grant conservation area consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions as set out in the RECOMMENDATIONS 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	1:1,250

0 15 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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