

Committee: Development	Date: 13 th Feb 2012	Classification: Unrestricted	Agenda Item: 7.1
Report of: Corporate Director of Development and Renewal		Title: Listed Building Application & Full Planning Application	
Case Officer: Elaine Bailey & Richard Humphreys		Ref No: PA/12/02317 & PA/12/02318	
		Ward: Weavers	

1.0 APPLICATION DETAILS

1.1 **Location:** Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES.

1.2 **Existing Use:** D1 (Art Gallery and Exhibition Space)

1.3 **Proposal:** Change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution) with the construction of an extension to rear, internal alterations (including installation of mezzanine floor space and new staircases), external alterations (including new doorways & windows & roof parapet raising & roof replacement) and alterations to Club Row boundary wall.

1.4 **Documents & Drawing Nos:**

- Covering letter dated 08.08.12
- Site location plan 001 Rev D
- Existing ground floor 101 Rev E
- Existing first floor 103 Rev F
- Existing roof plan 104 Rev F
- Existing North and South Elevation 110 Rev F
- Existing East and West Elevation 111 Rev F
- Existing Street Elevation 112 Rev B
- Proposed Ground Floor Plan 201 Rev F
- Proposed Ground Floor Plan 201 Rev F (dated 29/1/13 showing indicative cycle storage options).
- Proposed mezzanine plan 202 Rev F
- Proposed First Floor Plan 203 Rev F
- Proposed Roof Plan 204 Rev F
- Proposed North and South Elevation 210 Rev D
- Proposed East and West Elevation 211 Rev D
- Proposed Street Elevation 212 Rev C
- Proposed Section A-A 220 Rev C
- Proposed Sectional Roof & Window Details 230 Rev D
- View of Proposed from Club Row 240 (indicative)
- Sample materials (provided direct by Quinn Architects)
- Design Statement (Aug 2012) Quinn Architects
- Impact Statement (Aug 2012) Indigo Planning
- Impact Statement Addendum (03.08.12) Indigo Planning

- Proposed Sectional Roof and Window Details 230 Rev D
- View of Proposed from Club Row 240 (indicative)
- Sample materials (provided direct by Quinn Architects)
- Design Statement (Aug 2012) Quinn Architects
- Impact Statement (Aug 2012) Indigo Planning
- Impact Statement Addendum (03.08.12) Indigo Planning
- Indigo letter dated 26.10.12 and enclosures:
- Letter from Donald Insall Associates 25.10.12
- Letter from Indigo Planning responding to objections 26.10.12
- Email from KW to RH dated 27.11.12 – final response to consultation comments plus Indigo Briefing Note dated 27.11.12

- 1.5 **Applicant:** Mr James Moores
- 1.6 **Owner:** Mr James Moores
- 1.7 **Historic Building:** Grade II Listed
- 1.8 **Conservation Area:** Boundary Estate Conservation Area

2.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 In relation to the **Planning Application** - The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version May 2012 with post EiP Modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 In land use terms, the proposed change of use of the existing building from D1 to mixed A1, B1, and D1 uses is acceptable subject to condition. The proposal will protect the current art gallery and cultural function of the existing building and improve opportunity and access to social, community, shopping and employment opportunities through the introduction of other compatible and associated uses in the area. As such, the proposal is in accordance with Policies SP01, SP06 and SP12 of the Core Strategy (2010) and Policies DM1, DM8 and DM15 of the Managing Development DPD (Submission Version 2012 with post EiP Modifications) and Policy RT3 of the Boroughs IPG (2007) together with the objectives of the NPPF which encourage suitably scaled shopping and employment facilities, including specialist retail uses and cultural uses in appropriate locations such as the edge of the CAZ and City Fringe Activity Area.
- 2.3 The proposal incorporates good design principles and takes into account and respects the local character and setting of the development site in terms of scale, height, design detail, materials and external finishes, in accordance with SP10 of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) and Policies DM24 and DM26 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications) together with the objectives of the NPPF which together seek to ensure that

buildings and places are of a high quality of design and respect their local context.

- 2.4 On balance, the proposed works, including internal and external alterations to the listed building are considered acceptable, in that they will help preserve the character, fabric and architectural features of this grade II listed building and will preserve the character and appearance of the Boundary Estate Conservation Area. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment of the existing building; sensitively designed additions and the introduction of new compatible uses, which will complement the existing and emerging arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF. These policies and government guidance seek to protect the special architectural and historic interest of listed buildings within the Borough.
- 2.5 Subject to condition, the proposal will not give rise to any significant adverse impacts to adjoining residential amenity in terms of loss of daylight/sunlight, loss of privacy, noise, nuisance or pollution and the development is generally in accordance with saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications) which together seek to protect residential amenity.
- 2.6 Transport matters including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications), and the objectives of the NPPF which together seek to ensure developments minimise parking, promote sustainable transport options and minimise impacts on the highway network.
- 2.7 The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.
- 2.8 In relation to the **Listed Building Consent Application** - The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version May 2012 with post EiP Modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.9 On balance, the proposed works, including internal and external alterations to the listed building are considered acceptable, in that they will help preserve the character, fabric and architectural features of this grade II listed building. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment of the existing building; sensitively designed additions and the introduction of new compatible uses, which will complement the existing

and emerging arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF. These policies and government guidance seek to protect the special architectural and historic interest of listed buildings within the Borough.

- 2.10 The proposed works will help to maintain and preserve the character and appearance of the Boundary Estate Conservation Area in terms of design, scale material and visual appearance and accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (Submission Version 2012 with post EiP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF which seek to protect the Borough's heritage assets including conservation areas.

3.0 **RECOMMENDATION**

- 3.1 That the Committee resolve to grant Listed Building Consent and Planning Permission subject to conditions as set out below.

3.2 Planning Permission Conditions:

- i. 3 year time limit.
- ii. Works in accordance with the plans
- iii. All drainage within site boundary
- iv. Limitation of permitted development rights within Use Class D1
- v. Restriction on the amalgamation of units
- vi. Hours of opening Retail (8am to 8pm Mon-Sat, 10am – 4pm Sundays)
- vii. Hours of construction
- viii. Details of landscaping proposals including biodiversity elements
- ix. Details of tree protection measures during construction.
- x. S278 – Highway Works
- xi. Refuse storage arrangements (including arrangement with St Hildas)
- xii. Energy requirements
- xiii. Cycling storage detail

3.3 Listed Building Consent Conditions:

- i. 3 year time limit
- ii. Works in accordance with the plans
- iii. Method statement setting out how the brickwork and stonework is to be repaired.
- iv. Method statement setting out how the existing windows are to be repaired.
- v. Retention / like for like replacement of any existing original window furniture / mechanisms.
- vi. Materials to include roofing materials, brick and stone samples.
- vii. Full details of the new critical windows
- viii. Full details of the way in which the new mezzanines are to be constructed.

- ix. Details of the relocation of the brackets.
- x. Further details of the new gates and railing infill panels for the brick boundary wall.
- xi. Repair and retention of original wood block flooring.
- xii. Recording of those elements of the building to be lost as a result of the proposals i.e. the ancillary spaces to the rear and the roof top playground.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks planning permission and listed building consent for the change of use of the existing building (Rochelle Centre) from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution) with the construction of an extension to rear, and various associated internal alterations, including installation of a new mezzanine floor and new staircases, and various external alterations, including new doorways & windows & an extension to the roof parapet including roof replacement. Alterations are also proposed to the existing boundary wall along Club Row. Each aspect of the proposal is outlined in further detail under the Design Section of this report.

Site and Surroundings

- 4.2 The applications relate to a two storey building currently with an established D1 use (art gallery display and exhibition space). Constructed in traditional brickwork with timber painted windows, the building was originally built for educational purposes and used as such up until the early 70's as part of the Rochelle School development.
- 4.3 The site is located to the northern end of Club Row, adjacent to Arnold Circus within the Boundary Estate. The application building itself (Rochelle Centre) is a grade II listed building, providing a floorspace of 2,400sqm over two floors.
- 4.4 The site is bounded by Club Row to the west, St Hilda's Community Centre to the south, residential block of flat to the east along Montclare St and Rochelle school to the north.
- 4.5 The site falls within the Boundary Estate Conservation Area and the Character Appraisal for this area (2007) recognises the area's architectural and historic interest. A number of references are made to the Rochelle School site and its associated buildings. The area is primarily residential in character with some shops, offices cultural and community uses centred along Calvert St and the Rochelle complex. The scale of the area is noted as being roughly uniform throughout the estate with 4 or 5 story housing blocks.

Relevant Background

- 4.6 The application proposals have been subject to formal pre-application discussions with officers at Tower Hamlets between June 2011 and March 2012. In July 2011 following a meeting with the applicant, officers confirmed their acceptable of the proposal in principle land use terms and raised concerns with several aspects of the scheme, namely the wholesale replacement of timber windows with crittal; the option of introducing dormer windows; the introduction of a full mezzanine and loss of double height space and a resistance to the proposed demolition to the boundary wall. Officers however, confirmed their support for the rear infill extension; the

smaller wing mezzanines; removal of some internal partitions; and alterations of some windows to form new doors. The introduction of conservation rooflights was also supported.

- 4.7 Amendments were then made by the applicant to reflect officer's pre-app response and further plans submitted in Sept 2011. A subsequent meeting took place with The Borough's Conservation Officer and English Heritage in Oct 2011 where it was confirmed that the key outstanding listed building issues related primarily to the demolition of the boundary wall; dropping of window cills and need to retain timber framed windows. Further justification and clarification was also sought on the roof replacement.
- 4.8 In further pre-app meeting took place with English Heritage in March 2012 to discuss the evolution of the scheme by May 2012, officers at LBTH confirmed their support of the updated scheme which sought to retain and alter the boundary wall and retain as much of the historic fabric and original features as possible. It was recommended that the scheme include a three brick band and coping stone rise to the proposed parapet increase and finally, a full justification for the alterations to the roof was advised and clarification on its originality sought.
- 4.9 The applications were then submitted in August 2012.

Relevant Planning History

- 4.10 Whilst there does not appear to be any planning history on the subject site (Rochelle Centre), there are a number of changes to the nearby and associated buildings, all of which form part of the wider Rochelle School site. These are summarised as follows:
- 4.11 PA/04/1790 and 04/1791 – In Jan 2006, planning permission and listed building consent was granted for external alterations to the former bike shed to provide an ancillary café for the occupiers of the Rochelle Centre.
- 4.12 PA/10/00037 – In Oct 2010, planning permission was refused for the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation however, this was subsequently allowed on appeal (6 May 2011) Ref: App/E5900/A/11/44732.
- 4.13 PA/08/830 - In July 2008, planning permission was granted for the conversion and refurbishment of existing roof building at Rochelle School to provide office accommodation.
- 4.14 PA/08/829 - In July 2008, planning permission was also granted for the erection of two new buildings at roof level to adjoin the existing roof building at Rochelle School in order to create an additional office space (Use Class B1) units (219sqm in total)
- 4.15 PA/10/00036 - In April 2010, planning permission was granted for the change of use of the 'Old College Building' within the Rochelle Complex from D1 (non - residential training and education centre) to mixed D1/B1 use (artists studios and small creative businesses).

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning

Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 **Spatial Development Strategy for Greater London (London Plan 2011) including Early Minor Alterations to the London Plan (June 2012)**

Policies:

- 2.9 Inner London
- 2.11 Central Activities Zone
- 2.12 Central Activities Zone
- 2.15 Town Centres
- 3.16 Protection And Enhancement Of Social Infrastructure
- 4.1 Developing London’s Economy
- 4.4 Mixed Use Development and Offices
- 4.6 Enhancement of Arts, Culture, Sport and Entertainment
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Successful and Diverse Retail Sector
- 4.12 Improving Opportunity for All
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage Led Regeneration

5.3 **Core Strategy Development Plan Document (adopted 2010)**

- Policies:
- | | |
|------|---------------------------------------|
| SP01 | Refocusing our Town Centres |
| SP03 | Healthy and Liveable Neighbourhoods. |
| SP05 | Dealing with Waste |
| SP06 | Employment Hubs |
| SP09 | Attractive and safe streets and space |
| SP10 | Creating distinct and durable places |
| SP12 | Delivering Placemaking |

5.4 **Unitary Development Plan 1998 (as saved, 2007)**

- Policies:
- | | |
|-------|---|
| DEV1 | General Design Requirements |
| DEV2 | Environmental Requirements |
| DEV3 | Mixed Use Developments |
| DEV9 | Control of Minor Works |
| DEV50 | Noise |
| EMP1 | Promoting Employment Growth |
| EMP3 | Change of use/redevelopment of employment use |
| EMP6 | Local Employment |
| T16 | Traffic Priorities for New Development |
| T18 | Pedestrians and the Road Network |
| T21 | Pedestrians Needs in New Development |
| DEV37 | Listed Buildings |

5.5 **Managing Development DPD (Submission Version May 2012 with post EiP Modifications)**

- | | |
|-----|-----------------------|
| DM1 | Town Centre Hierarchy |
|-----|-----------------------|

DM2	Local Shops
DM8	Community Infrastructure
DM11	Biodiversity
DM14	Managing Waste
DM15	Local job Creation and Investment
DM20	Sustainable Transport
DM22	Parking
DM23	Streets and Public Realm
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the Historic Environment

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

Policies:	DEV2	Character and Design
	CON1	Listed Buildings
	RT3	Shopping Provision outside of Town Centres

5.7 Government Planning Policy Guidance/Statements

NPPF	National Planning Policy Framework
PPS5	Planning for the Historic Environment <i>Practice Guide</i>

5.8 Community Plan The following Community Plan objectives relate to the application:

A Better Place for Living Well

6.0 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:

LBTH Transport/Highways

6.2 The Highways Officer's comments can be summarised as follows:

- No car parking on-site welcomed.
- minimum of eight cycle parking stands would be required
- Existing servicing arrangement acceptable
- Not anticipated there will not be intense vehicle deliveries and that the majority of service and delivery trips will be by light goods vans (as stated in the Impact Statement) this is acceptable.
- Proposed widening of existing gate access over existing crossover acceptable subject to s278 agreement.
- Condition recommended regarding - drainage to take place within the site boundary as there is hard standing between the building line and the public highway.
- Subject to conditions and a s.278 agreement, Highways Officer does not object to the application.

LBTH Environmental Health - Noise and Vibration:

6.3 EHO has confirmed that the proposed acoustic improvements to double glazing in

all the facades and elevations with full insulation of the new roofing system is acceptable. Recommended that construction hours be conditioned in line with Council Policy.

- 6.4 *(Officer Comment: suitable condition recommended).*

LBTH Cleansing/Refuse/Waste:

- 6.5 Waste storage arrangements as detailed in Refuse Strategy of Design Statement can be accepted subject to a condition that an agreement is being reached with St Hilda's as stated. If no agreement is reached with St Hilda's then the development would still require an own storage facility preferably with different compartments for different trade units.

LBTH Energy Efficiency Officer:

- 6.6 Information relating to the energy and sustainability features of the scheme are limited. The D&A (Section 6) contains brief details of energy systems proposed. The sustainable development team supports the use of the communal heating system but further information sought. Further details of the energy efficiency and sustainability measures were requested. The applicant has submitted a subsequent note setting out the proposed sustainability features including:

- Improved thermal performance of materials
- Improvements to air tightness of building
- Communal heating system
- Centralized hot water use
- Mechanical ventilation with heat recovery
- low water usage appliances including dual flush toilet cisterns with a restricted maximum flush
- Potential for grey water recycling
- A+ rated white goods
- low energy light fittings and in particular LED lighting sources. Any external lighting will be designed to minimise light pollution and energy use.

- 6.7 The proposals are principally for internal rearrangements which do not include energy intensive uses. As the impacts are not considered to have a major impact on the energy use of the building the sustainable development team have no objection to the proposals. To ensure the proposed energy strategy does not adversely affect the appearance of the listed building it is advised that an appropriately worded condition be applied to any permission, for the full details and specification of the technologies to be submitted prior to commencement of the development.

- 6.8 *Officer comment: It is the view of officers that the proposed development will deliver significant improvements in terms of its energy efficiency through a variety of measures including double glazing where appropriate, window repairs, new roof insulation and making the building airtight, all of which will contribute to reducing energy demand.*

LBTH Conservation and Design Advisory Group

- 6.9 At a meeting on 10 December 2012, CaDAG welcomed retention of most of the boundary wall; and propose use of traditional timber painted joinery; expressed concerns regarding A1 use and the lack of justification for the proposed raised roof. In a subsequent letter dated from CaDAG, the group noted that they do not object

to the replacement roof but are unhappy with the design. Bringing the building back into more productive use is welcomed however, concerns expressed that the proposed change of use may have a significant effect on the open plan nature of the existing building. Particular concern that the original staircase will not remain intact.

- 6.10 *(Officer comment: much of these issues are discussed in the material considerations section of this report).*

The Spitalfields Historic Buildings Trust

- 6.11 No comments received.

The Spitalfields Society

- 6.12 No comments received.

Open Shoreditch

- 6.13 No comments received.

Friends of Arnold Circus

- 6.14 Change of use, particularly the addition of A1 Retail, will jeopardise the legacy of Rochelle School and set a dangerous precedent for other non-residential property privately owned on the Boundary Estate (ie. the work-shop buildings). The Club Row building has integrity as a single open space and works well as it is - for exhibitions, gatherings and other projects. Would question whether the viability of using the building with its present status has been explored fully. That it is currently on a six month hire to a subsidiary of Microsoft to use as a community hub shows that it does have a rental value with its current status. If it is not possible for the owner to maintain the building in its current status I wonder whether enquiries have been made with other arts foundations who might be able to lease the building for such use. Luxury retail would achieve a higher rental income but is, in my opinion, inappropriate for the Boundary Estate, arguably the first Council Estate in the world, still with a significant percentage of council tenants. Community consultation on this application has been poor considering that these important buildings sit in the heart of the estate and that use impacts enormously on residents and other businesses.

Jago Action Group

- 6.15 No comments received

Shoreditch Community Association

- 6.16 No comments received.

Columbia Road Neighbourhood Group

- 6.17 No comments received.

Ancient Monuments Society

- 6.18 No comments received.

English Heritage

- 6.19 Advised that the LPA determine the application in accordance with national and local policy guidance and on the basis on our specialist conservation advice.

Boundary Estate Tenants and Residents Association

- 6.20 No comments received

Council for British Archaeology

- 6.21 No comments received.

The Victorian Society

- 6.22 In summary the Victorian Society object to the application claiming the proposal would cause substantial damage to the significance of the listed building. The Heritage Assessment judges the west elevation to be the principle elevation however it is the Society's view that the east elevation would have been the original principle elevation and any alterations to this elevation would hide detail such as upper arches, and decorative brick panels. The Society also questions the evolution of the roof form as set out in the applicant's statement.

- 6.23 Being one of the oldest surviving infants school the schoolroom is unusual in size and any subdivision and loss of detail would harm the significance of the building.

- 6.24 The loss of the fully covered rooftop playground and detail such as chimneys would cause further harm to the significance of the building.

(Officer comment: much of these issues are discussed in the material considerations section of this report).

Georgian Group

- 6.25 No comments received.

The Twentieth Century Society

- 6.26 No comments received.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 165 neighbouring addresses were consulted by letter, site notices were posted on 29 October 2012 and the applications were published in the East End Life on 10 September 2012.

42 letters of representation have been received in total comprising:
10 letters in support.
32 letters of objection.

2 x petitions have also been received: One petition received 1 Oct 2012 with 46 signatures and states that the 'undersigned local residents object to the applications for the internal and external alterations'. However, no reasons are outlined as to why the signatories object. A further petition was received on 15 November 2012

with 130 signatures citing that the internal and external works would cause substantial harm to the national significance of listed building and the Boundary Estate Conservation Area (as set out in letter dated 7 Oct and 6 Nov with four attachments) all of which is available on the application file.

Support:

7.2 The 10 letters of support can be summarised as follows:

- Proposal is well resolved and sensitively designed.
- Will bring the existing building back to life.
- Will benefit the local community.
- Regeneration welcomed and will respect the building's history and heritage.
- Works will be a valuable and positive contribution to the amenity and health of the area.
- Will allow small business to thrive.
- Repair and investment welcomed.
- Will benefit and attract new local business.
- Proposal will support and ensure the Rochelle school site legacy.
- Will contribute positively to this listed structure and the character of the Boundary Estate Conservation Area.

Objection:

7.3 The 32 letters of objection are outlined in various letters, statements and emails, some of which are of considerable length, however all are available on the application file for viewing. A summary of the key reasons for objections are outlined below:

- Proposal is contrary to LBTH planning and listed building policies and will have an adverse impact of the character, fabric of the listed building
- The former schoolroom's special architectural and historic interest would be substantially harmed by the proposed works including subdivision of original school room floor plan.
- Proposed raising of the roof will damage to the character and fabric of the listed building.
- The loss of the original roof will have a significant harmful impact of the listed building significance.
- Proposed mansard roof style is out of keeping.
- Roof materials are unsympathetic.
- Loss of double height space impacts the character of the building.
- Change of use not appropriate –not a suitable location for retail.
- Loss of internal fabric.
- Loss of historic layout associated with the former infants school.
- Proposal would enable drinking establishments in a quiet residential area and cause noise and nuisance at night.
- Fear of fast food establishments.

7.4 Of the 32 letters of objection submitted, 19 comprise 'copied' letters signed by various local residents and submitted by St Hilda's School. Each of the 19 letters repeat similar concerns which can be summarised as follows: concerns regarding the impact of the proposal on the character and identity of the building; the impact of retail use on the character of the area and cause substantial damage to the

national significance of this heritage asset; loss of former open plan schoolroom; impacts resulting from increased traffic.

- 7.5 One of the objections submitted was made by GLIAS (Greater London Industrial Archaeology Society). Their objection is outlined in 4 x separate objection letters dated 1 Oct, 10 Oct, 15 Nov and 16 Nov 2012, all of which are of considerable length and available on the application file. GLIAS's objections focus on how the proposed works would destroy the unique internal planning and associated features and character of the existing building.
- 7.6 Of the 33 letters of objection submitted, one was an objection by The London Society citing reservations about the proposal and raising concern that there is no public interest justification for major alterations to the building. The works are also considered to damage the legibility club row building.
- 7.7 The Boundary Neighbourhood Group also raised objection to retail use and potential increase in traffic, and impact of the proposed roof.
- 7.7 *(Officer comment: many of these issues raised are discussed in the material considerations section of this report).*

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 Planning Application:

8.2 The main planning issues raised by the planning application that the committee must consider relate primarily to:

1. The principle of the proposed change of use (A1/ B1/ D1);
2. The impact of the proposal in term design conservation as well as the impact of the grade II listed building;
3. Any amenity issues raised by the proposal;
4. Any highway and access impacts raised by the proposal.

8.3 Listed Building Consent:

8.4 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall 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. The main issue for Members' to consider in relation to the application for Listed Building Consent is whether the proposed works are appropriate in this respect. With regards to applications with in conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.5 These issues are outlined and discussed below.

Principle of the Proposed Change of Use (A1/ B1/ D1)

8.6 The application proposes to change the use of the existing building from D1 (art gallery and exhibition space) to a mix of A1 (retail), B1 (office) and D1 (art gallery) uses. As such the key considerations relate to the appropriateness of these uses in this location. The building is proposed to be split into 5 spaces, with the ground

floor having 3 spaces, a new mezzanine level and the first floor having 2 main spaces.

Whilst the prevailing character of the Boundary Estate area is predominantly residential, with commercial uses confined to Calvert Avenue, the site is situated on the edge of the Central Activities Zone and the City Fringe Activity Area where a mix of uses is promoted. The appropriateness of each of the proposed uses and their compatibility with the existing and around area is discussed below:

A1 (Retail)

- 8.7 The site is located on the edge of the Central Activities Zone and on the edge of the City Fringe Activity Area, both of which promote a vibrant mix of uses. Policy SP01 (Part 5) deals specifically with areas outside and at the edge of town centres as places which will support and assist in the creation of sustainable communities.
- 8.8 The form of retail proposed is anticipated to be linked to the arts, gallery and cultural function of the existing building, and such specialist retail use is supported by Policy RT3 of the Boroughs IPG (2007). However, concerns have been raised in many of the objections regarding the nature and scale of the retail element proposed. As the proposal is for the flexible use, there is the possibility that all units could be occupied by one A1 retailer and therefore resulting in 748sqm of retail space. With the introduction of new retail uses in a development come associated considerations relating to servicing, hours of operation, parking, refuse.
- 8.9 However, as the proposed layout of the proposal comprises individual small units, this is not considered a major concern for officers and the use of an appropriately worded condition preventing the amalgamation of the units, gives officers the assurance that the building could not be occupied as one large retail unit, therefore minimising the potential impact of a larger scale A1 use on local residential amenity.
- 8.10 Comments from the public have also raised concerns regarding nuisances associated with other A type uses, such as A3 Restaurants, A4 Public Houses and A5 Take Away uses, and how such uses will give rise to problems in terms of noise, nuisance and general late night activity in this primarily residential area. It is important to emphasise however that the application does not propose any A3, A4 or A5 uses and only A1 shop retail is proposed.
- 8.11 As such, subject to condition, in land use terms, officers have no objections to the introduction of A1 retail as part of this mixed use development proposal.

B1 (Office Employment)

- 8.12 Permission is sought for B1 offices as part of the mix of uses proposed. The site does not fall with a designated employment area, however, Policy SP06 of the Core Strategy seeks to maximise and deliver investment and job creation in the Borough by promoting the creation of sustainable, diversified and balanced economies and ensuring a range, mix and quality of employment spaces and ensuring that job opportunities are provided in and at the edge of town centres. In support of this, Policy DM15 of the Managing Development DPD (2012) encourages the development of new employment floorspace and seeks the incorporation of a range of flexible units including units less than 250sqm to meet the needs of Small and Medium Enterprises (SMEs).
- 8.13 The units proposed are small in scale, ranging from 88smq to 114sqm to 246sqm,

and are therefore considered appropriate for SMEs. The site is located on the edge of the CAZ and the edge of the Activity Area and as such is ideally located for small employment based uses. Using an average employment density generator, the proposal is likely to result in the creation of circa 24 new jobs on the site, which is considered appropriate for the scale and sensitive nature of this site.

- 8.14 This is considered to contribute greatly to the diverse and evolving nature of Rochelle Centre and the Boundary Estate in general, bringing employment to locate communities in sustainable and accessible locations. As such, officers have no objection to the introduction of B1 office use on this site in land use terms.

D1 (Art Gallery/Exhibition)

- 8.15 The established use of the building is D1 (Art Gallery and Exhibition Space) including associated arts and fashion related events, and as such officers have no objections to the retention of this space in land use terms.
- 8.16 In terms of planning policy, Policy SP03 (5) supports the provision of social and community facilities by maximising opportunities to deliver facilities and locating them in accessible locations. Furthermore, Policy DM8 of the Managing Development DPD seeks to protect such facilities where they meet a local need and the buildings are considered suitable for their needs. The Policy also seeks to encourage the location of such facilities on the edge of town centres.
- 8.17 The existing use of the site is recognised and its connections with other cultural, artistic and educational uses in the area also welcomed. The expansion of this use and the introduction of other compatible associated uses in terms of possible associated retail and office uses is considered to build on and complement the existing use. The demand for the proposed uses is outlined by the applicant as being generated from the local area and in particular the cultural, retail and employment hub that nearby places such as Shoreditch offers. The site is located within 100m from the edge of the Central Activities Zone and 80m from the City Fringe Activity Area, both of which promote and encourage a rich mix of uses and activity. As such, officers have no objections for the D1 element proposed.
- 8.18 It is however worth noting that a D1 use can include a range of other non-residential institutional uses such as medical, health clinics, a crèche, nursery or day centre, or public hall in connection with exhibitions or places of worship or a court. It is therefore considered appropriate in this instance to recommend a **condition** limiting the extent of the D1 uses within the 'Non-Residential Institution' category to the following 'Art gallery, museum, and exhibition space in association with cultural and educational uses'.

Land Use Conclusion:

- 8.19 It is considered that in land use terms, the proposed change of use of the existing building from D1 to mix of A1/ B1/ D1 use is acceptable subject to condition. The proposal will protect the current art gallery and cultural function of the existing building and improve opportunity and access to social, community, shopping and employment opportunities through the introduction of other compatible associated uses in accordance with Policies SP01, SP06 and SP12 of the Core Strategy (2010) and Policies DM1, DM8 and DM15 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy RT3 of the Boroughs IPG (2007) together with the objectives of the NPPF which together encourage suitable scaled shopping and employment facilities, including specialist retail uses and

cultural uses in suitable locations such as the edge of the CAZ and City Fringe Activity Area.

Design – including Impact on the Conservation Area and Listed Building

8.20 The applications propose a number of alterations and extensions which can be broken down and simplified as follows:

- Proposed roof extension including new replacement roof;
- Rear infill extension;
- Internal alterations including installation of new mezzanine floor and new staircases;
- External alterations to elevations;
- Alteration to existing boundary wall & associated landscaping.

8.21 Each of these aspects is described further in later sections. Set out below is the relevant design related planning policy context.

8.22 In terms of national policy – Section 7 of the NPPF provides guidance on ‘Good Design’. Para 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.23 Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8.24 PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.

8.25 In terms of local planning policy - Saved policies DEV1 and DEV 37 of the UDP (1998), policy DEV2 of the IPG (2007) and policy SP10 of the Core Strategy (2010) and Policy DM24 of the Managing Development DPD (Submission Version May 2012 with post EIP Modifications) all seek to promote good quality design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive and well integrated with their surroundings.

8.26 The proposed works considered and assessed in the context of the above policies.

Roof Extension including Replacement Roof

8.27 This aspect of the proposal involves a small parapet roof extension, set back 150m from the façade of the existing brickwork. The new parapet would be a standing seam Rheinzink material (zinc), positioned on three extra courses of brickwork (to match the existing façade) and a course of string coping. The application also

proposes the replacement of the existing roof which is in a state of disrepair. The roofing material would match that of the parapet extension (rheinzink).

- 8.28 The existing building is two storeys in height and considering the taller residential blocks around it (4-5 storeys), it is clear that the roof of this listed structure is and would continue to be a visible feature. The existing roof also appears to be original and evidence gathered suggests it has been there since 1895. This has been an important consideration for officers as any alteration at roof level is likely to have an impact of this on the character and fabric of this Grade II listed building. The degree of this impact must however be considered in the context of the building's significance as a heritage asset, the scale of the harm caused and this also needs to be carefully balanced against the applicant's justification for the works together with any wider benefits gained by the proposal.
- 8.29 The works to the roof were discussed in depth at the pre-application stage over many meetings and consultation with specialist conservation officers and English Heritage. Officers have reservations regarding the loss of the original roof, and the loss of the former play space at roof level which are unique aspects of the listed building as they represent links to the former historic use of the building as an Infants school.
- 8.30 To explore this further, several options were considered by the applicant at pre-app stage which included options such as the retention of the roof, use alternative roof materials, the inclusion of dormer window designs, and the option of inserting a new roof covering over the existing. However, none of these options were found to be commercially viable or practical and the proposal is supported by a viability and economic statement which outlined that in order for the building to be protected for future continued use, the building requires considerable investment, repair and maintenance. For this to be possible, the applicant claims that building must generate an income to cover the repair work. (According to the applicant, the current building generates only enough income to break-even). The strategy has therefore been to make more efficient use of the building and maximise its economic potential whilst aiming to minimise the impact of the listed fabric. The raising of the roof seeks to enable the more efficient use of the upper level of this building for alternative uses, A1/B1/D1 and therefore assist in ensure the building's economic attractiveness and on-going survival. The replacement roof will also provide structural reinforcement to the building, new insulation, and create new rain water provision through concealed drainage system, as well as enabling the first floor units to comply with current Building Regulations. As such, it is the view of officers that the works at roof level have been justified satisfactorily by the applicant.
- 8.31 In design terms, the alterations to the roof and its replacement material are also considered acceptable to officers. It is noted that other buildings in the area (which are also listed) have had sensitive roof alterations, Rochelle school being one. The loss of the original fabric is regrettable, however the replacement roof is not considered to be detrimental to the appearance of the building. The new brickwork to accommodate the extension element will match the existing and the new roof itself is set back from the building edges.
- 8.32 In terms of the impact of the listed building, the existing building is in much need of repair and upgrading, and the loss of original feature and is regrettable, however when balanced against the need for the building to entertain some degree of modernisation in order to secure its survival, the works are not considered to be so harmful to warrant refusal. It must be recognised that much of the buildings internal

and external structure is to be retained and the benefits proposed by the roof alterations are considered to greatly outweigh the loss of this feature. English Heritage raises no objection to roof works and the Borough's Conservation Officer has concluded that on balance the works are acceptable.

Rear Infill Extension

- 8.33 To the rear of the building a small infill extension is proposed over ground and first floor level. This extension will accommodate toilets (at ground floor level) and will facilitate an additional meeting room (at first floor level). A roof terrace is also proposed above the extension. The new brickwork proposed to match the existing and the introduction of new crittal frames welcomed and supported by officers.
- 8.34 The elevation is located to the rear of the building and whilst it may have been the principal elevation of the building at some point in the past, this elevation now reads as the rear elevation. It is the view of officers that the infill extension at this level is acceptable in terms of its design, scale and detailed finishing, much of which should be subject to condition.

Internal Alterations

- 8.35 The main internal alteration relates to the introduction of a mezzanine level to provide 175sqm of additional floorspace and the sub division of the internal layout of the building. The main element of the mezzanine is to be suspended from the ceiling with access from new two staircases and glazed balconies, to minimise impact of the listed building structure. Two smaller mezzanines are proposed on either side of the main space which would be fixed to the walls and accessed via stairways. It is important to note that the existing staircase at the rear which is an original part of the building is to be retained and this will facilitate access to the rear infill extension.
- 8.36 In addition to this, various other internal partitions are proposed to be removed and altered to accommodate the new layout of the units. However, to address some of the concerns raised by officers and the public, some alterations have been made since the submission, one of which includes the retention of the partitions in the classroom wings. This is considered a way in which to maintain an element of the original plan form and is supported by officers as this will preserve the historic character and form of the existing building.
- 8.37 As the proposed plans indicated the overall amendments to the existing building at ground floor level are relatively minimal. The layout of the original space as one large centre space and two small areas to the wings is also retained. The location of the proposed staircases to access the uppers floors are considered to be sensitively designed and positioned. The modernisation of this level to accommodate modern wc facilities is also necessary in order to ensure the existing building and its future uses area adaptable and viable.

External Alterations

- 8.38 The proposal involves a number of external alterations which relate primarily to the infill extension at the rear and the window treatment on all elevations which includes the installation of new windows, as well as repair and retention of existing timber framed windows. The replacement windows will be a mix of painted timber framed

windows and crittal windows. However, following concerns raised by the consultation process, the applicant has now amended the plans to ensure all window replacements at first floor level will have timber casements (to match the existing as close as possible).

- 8.39 A new doorway is also proposed to the north and south elevations and in order to facilitate access to the new units at ground floor level, it is proposed that four existing windows on the Club Row elevation with new doorways, with timber frames.
- 8.40 The materials and detailed design of the new windows and doors have been discussed at length and officers are satisfied with the efforts made to retain and repair as much of the original window detail and materials as possible. The use of crittal and timber in the replacement windows is welcomed and is considered to preserve and enhance the character and appearance of the listed building.

Alterations to Boundary Wall & Associated Landscaping

- 8.41 The proposal seeks to retain the existing listed boundary wall, however, alterations and extended openings are proposed. The existing brick infill sections (non-original) are to be removed and replaced with black painted metal railings. It is also proposed that the existing timber gates (painted green gates) along Club Row be replaced with metal railings and a new gate at the opposite end of the wall.
- 8.42 In terms of landscaping, it is recommended that a detailed landscaping plan be conditioned, however the submitted plans and supporting statement submitted indicate that the forecourt to the Rochelle Centre will be hard surfaced with pockets of planting to replace the existing tarmac surface. Stone paving is also proposed to the north and west of the building. The three existing trees on site are to be retained and two new trees proposed to the north and south of the building.
- 8.43 The proposed landscaping scheme also proposes to incorporate various biodiversity friendly planting around the site and around Rochelle School. This is welcomed and supported by officers, particularly in light of the site's links with the school and the site's overall lack of open space and biodiversity value. It is recommended that the provision of items like herbs gardens, climbers, bird boxes, nests and the proposed community allotment form part of a detailed landscaping condition.
- 8.44 Officers are satisfied with the proposed works to the boundary wall and associated landscaping. This alterations to the boundary wall was an aspect of the scheme which was discussed at great length with officers at LBTH and English Heritage and the retention of the wall, and removal of the non-original infill element considered to be the most acceptable option for the wall as this minimises the impact on the listed building and enhances the buildings relationship with the street allowing the building to be viewed and appreciated more, from the public realm and therefore preserving and enhancing its character and appearance.
- 8.45 Finally, it is also worth noting that the applicant aims to meet Secured by Design certification and communication with the Council's Crime Prevention Design Officer has helped inform aspects of the proposal. For example, the provision of secure metal gates along the boundary, laminated glass on all new doors, cctv and wall mounted downlighting. These considerations have been designed to make the scheme more secure as well as being sensitive to the character and fabric of the listed building.

Overall Design & Conservation Assessment – including Impact on the Listed Building

- 8.46 A key consideration in the assessment of this proposal from a design and appearance perspective has been the extent and scale of the works proposed and their impact on the character and appearance of the listed building as well as its special and historic interest.
- 8.47 The proposal has resulted in a significant number of objections from the public which, in the case officer's view, is a good reflection of the level of interest and pride that local residents have in the Boundary Estate area for their area. Officers share many of the concerns raised by the objectors in relation to the need for new development in this area to respect the special character and historic fabric of listed buildings. However, the applications must also be considered in light of national and local planning policy in relation to listed buildings and heritage assets in general. As advised by Paragraph 135 of the NPPF - in weighing applications that affect a heritage asset:

'...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

- 8.48 In assessing the building's significance, the applicant has noted that the building is grade II listed with 'group value'. This is the lowest national significance listing category. Group value indicates that the building's significance is largely related to its exterior and its relationship with the street. Many of the objections raised relate to the physical alterations to the building, the proposed roof extension and roof replacement and the loss of original internal layout of the former infants school. However, considering the extent of the proposed retention of the existing building, its fabric and features, the scale of the harm caused by the proposed alterations are not considered to be *substantial*. The proposal has been considered by specialist officers at LBTH and English Heritage, all of which support the proposal and are of the view that the works are not considered to cause *substantial* harm to the building.
- 8.49 Officers are also mindful of the fact that considering the current state of the building, there is a risk that one of the Borough's listed buildings could be placed on English Heritage's List of Buildings at Risk Register if no repair or investment is carried out. The survival of the existing building and its attractiveness to current and future uses is very much dependent on its refurbishment and improved structural soundness in order to make the building more efficient. There are aspects of the scheme which are indeed regrettable, such as the loss of the original roof. However, when considered in light of the extent of the retention of the existing building and the benefits that the replacement roof will bring, officers are content that the scheme will, on balance, preserve the life of this building and the alterations will not have a significant adverse impact on the character and setting of this listed building, nor impact adversely on its special historic interest to a degree that warrants refusal.
- 8.50 It is also considered that the approach to the refurbishment works, and the design of the extensions are sensitive and well thought through. The retention of as many original features as possible and the use of appropriate materials (timber, crittal and zinc) in any replacement features is supported, and there are many elements to the proposal which will preserve and enhance the heritage value of this listed building in line with Part 3(c) of Policy SP10 of the Core Strategy.
- 8.51 Other objections raised by the public include the loss of the original floor plan and in

particular the division of the main hall space and the removal of the infants stairs. However, the Borough Conservation Officer considers that this work is essential to allow ancillary / service spaces to the office / units beyond. The applicant has now amended the scheme to retain the partitions within the wings which will minimise the impact to the plan layout.

8.52 The introduction of the mezzanine level has also resulted in much objection due to the potential impact to the historic original floorplan. However, a full mezzanine floor (as originally proposed at pre-app stage) would have had a more harmful impact than the currently proposed mezzanine setback. The setback proposed is supported by officers as it still allows the double height space to be read and this therefore preserves the historic character of this heritage asset.

8.53 Consideration has also been given to the wider benefits proposed by this application and Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. To support this, the NPPF goes on to state that:

‘...planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.

8.54 This is a relevant consideration in relation to the acceptability of the proposal. The proposed works will improve the quality and usability of the existing building, making it more attractive to potential occupiers and users. The existing use of the building and the proposed expansion of associated uses such as retail and office space will help integrate the building with those working and living in the arts and cultural community in east London.

8.55 To supplement this, at a local planning policy level, Part 3 of Policy SP10 of the Core Strategy (2010) requires development to preserve or enhance the wider built heritage and historic environment *‘through promoting and implementing place making to ensure that locally distinctive character and context of a place is enhanced’.* The Boundary Estate and the Rochelle School site complex are renowned nationally and locally as one of the first Council built developments in the country and in recent years its educational and cultural function has also become well established. The proposed works and associated uses outlined in these applications are therefore considered to accord with this policy, in that they will enhance the use of the Rochelle Centre and thereby contribute to the existing local distinctive character of the area – which in turn will assist in the preservation and enhancement of this listed building.

8.56 Furthermore, Part 3b of Policy SP10 seeks to protect, conserve and promote the beneficial re-use of old buildings that provide suitable locations for employment uses including SMEs. Therefore, through the introduction of additional uses such as A1 and B1 office space (of suitable SME size) the proposal will make more efficient use of the existing D1 use of the site and again contributing towards the protection and conservation of heritage assets in line with Policy SP10 (3b).

8.57 It is clear therefore clear to officers that despite the level of objection raised, the proposed works bring many benefits, including extensive retention and refurbishment; improved structural soundness; sensitively designed additions; introduction of new associated uses (compatible with the area and complementary to other arts and cultural uses in the CAZ and Activity Area). The benefits in this

instance greatly outweigh any harm caused to the listed building. This approach to assessment is supported by paragraph 134 of the NPPF which states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

- 8.58 Furthermore, and at a local policy level, the Council's Character Appraisal for the Boundary Estate (2007) notes that the most effective way to secure the historic environment is to ensure that buildings can continue to contribute to the life of the local community, preferably funding their own maintenance and refurbishment. It goes on to state that *'Commercial value can be generated directly from the building, through its use, or through its role in increasing the attractiveness of the area to tourists and visitors'*.
- 8.59 In conclusion, the proposed works, including internal and external alterations to the listed building are considered acceptable on balance, in that they will help preserve the character, fabric and architectural features of this Grade II listed building and will preserve the character and appearance of the Boundary Estate Conservation Area. The proposed works are considered to bring a number of benefits, including extensive retention and refurbishment, sensitively designed additions and the introduction of new associated uses, compatible with the area and complementary to the existing and emerging character of the Boundary Estate and other arts and cultural uses in nearby areas such as the CAZ and the Activity Area. As such, these benefits are considered to outweigh any harm caused by the alterations to the listed building, in accordance with policy DEV37 of the Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance (2007), policies DM24 and DM27 of the Development Management Plan (2012 with post EIP Modifications) and policies SO22 and SP10 of the adopted Core Strategy (2010), and the guidance set out in Section 12 of the NPPF which seek to ensure that alterations to Listed Buildings do not have an adverse impact on the character, fabric and architectural features of the building and preserve the special historic character of the listed building.

Amenity Considerations

- 8.60 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version 2012 with post EIP Modifications) seek to protect and improve residential amenity of existing and future residents in surrounding developments by protecting against the loss of privacy, overlooking, loss of outlook, daylight, sunlight, noise nuisance and pollution.
- 8.61 Due to the nature of the proposed uses and its relationship with adjoining uses in the area, the proposal is not considered to give rise to any adverse impacts relating to privacy, overlooking, loss of outlook, daylight, sunlight. However, the nature of the new uses proposed may have a potential to give rise to nuisances relating to noise, traffic, parking, congregating etc.
- 8.62 As outlined in the previous sections of this report, there have been a number of objections from members of the public regarding the use of the premises for alternative A-type uses such as A3 (restaurants), A4 (pubs), or A5 (takeaways) which have the potential to give rise to late night nuisance. However, the application does not propose any A3, A4, or A5 uses as such, officers have no reason to believe the application will result in any nuisances associated with

restaurant, bars and take away uses.

- 8.63 In order to protect residential amenity, and address the concerns raised by objectors in relation to the retail aspect of the proposal, the applicant proposed to limit opening hours on the retail units to 8am to 8pm daily, and 10am to 4pm on Sundays, which is considered reasonable by the case officer.
- 8.64 In terms of the B1 uses, it is anticipated that they would operate under normal office working hours and such a use is generally compatible with residential uses. The existing D1 use already exists and given the art gallery and exhibition nature of the use, it is not considered likely to result in noise nuisance. Occasional later exhibition is expected however this already exists on the site and officers have no concerns regarding the current use of the building.
- 8.65 As such, it is considered that subject to condition, the proposal will not give rise to any significant adverse impacts to adjoining residential amenity in terms of loss of daylight/sunlight, loss of privacy, noise or nuisance and the development is generally in accordance with saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications) which together seek to protect residential amenity.

Highway and Access Considerations

- 8.66 The application is located in an area of excellent public transport accessibility and connectivity and is also within the London Cycle Hire Scheme area. Shoreditch High St station is located within 250m from the site and Liverpool Street station is located 1k away.
- 8.67 No car parking is proposed in the change of use aspect of this application and as such, the proposal is supported.
- 8.68 In terms of cycling, a proposal of this scale and nature would need to provide a minimum of eight cycle parking stands within the site boundary (calculated at a rate of 1/125 sqm). The drawings submitted with the application do not show the number of cycles that can be safely, securely and conveniently be stored within the site boundary, however, the applicant has now provided a ground floor plan showing indicative options for the location of cycle parking all within the curtilage of the building. It is recommended that the precise details be conditioned.
- 8.69 In terms of servicing, it is proposed that the existing arrangements with servicing and deliveries take place through the existing gate fronting Club Row. It is not anticipated that the introduction of the new uses (A1, B1) will result in more intense vehicle deliveries. The majority of service and delivery trips are anticipated to be light goods vans (as confirmed in the Transport Impact Statement) and as such, this is acceptable and supported by the Highways Officer.
- 8.70 In terms of access, the existing access is to be retained and the applicant wishes to widen the existing gate access to the site on Club Row where an existing crossover is situated. The Highways Officer has recommended that these works be subject to a condition setting out the schedule of works under s278 of the Highways Act (1980).
- 8.71 Further conditions are recommended requiring all drainage to take place within the site boundary as there is hard standing between the building line and the public

highway.

- 8.72 In relation to refuse and waste, the existing refuse storage area is located along Club Row, adjacent to St Hilda's building. However, it is proposed that the new waste and recycling facility be located to the rear of the building using an open air bin store structure which would accommodate St Hilda's Building and the Rochelle Centre building. The Council's Waste Officer has confirmed that the storage arrangements outlined in the Refuse Strategy of Design Statement is accepted however, this is clearly subject to agreement being reached with St Hilda's as outlined by the applicant. If no agreement is reached with St Hilda's, then the development would still require its own storage facility, preferably with different compartments for different trade units. It is therefore recommended that this detail be conditioned to ensure that a) refuse is sufficient to accommodate the new uses and also b) that the design and appearance of the bin store is appropriate in terms of design and appearance and impact on listed building.
- 8.73 In conclusion, transport matters including parking, cycling, access and servicing, are considered to be acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Submission Version May 2012 with post EiP Modifications), and the objectives of the NPPF which together seek to ensure developments minimise parking, promote sustainable transport options and minimise impacts on the highway network.

9.0 CONCLUSION

- 9.1 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 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

