

Committee: Development Committee	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item Number: 6.4
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Report of: Corporate Director of Development and Renewal	Title: Planning Application and Conservation Area Consent Application for Decision
Case Officer: Adam Williams	Ref No: PA/12/02661 and PA/12/03383
	Ward: Weavers

1. APPLICATION DETAILS

Location: Shoreditch Station, Pedley Street, London E1

Existing Use: Vacant former railway station.

Proposal: Partial demolition of former Shoreditch Station building, with retention of brick facade, and erection of a new 6 storey building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units (amended proposal).

Drawing and documents: C-00C;C-10B;C-11E;C-12B;C-13.1;C-13.2;C-13A;C-15B;C-17B;C-20D;C-21B;C-22B;C-30B;C-31B;C-32B;C-40D;C-41E;C-42B;C-43D;C-50A;C-60;D-00Z;D-11I;D-20.3ZA;D-21.3Z;D-22.3Z;D-23.3Z;D-24.3Z;D-25.3Z;D-27.3Z; D-28.3Z;D-30.3ZA;D-31.2Z;D-40.4ZA;D-41.4Z;D-42.4Z;D-43.4Z;D-53ZA;D-71Z;D-72Z;D-73Z;D-74Z;D-75Z;D-76Z;D-77Z;D-78Z;D-79Z;D-300;D-301;D-302;D-600G;D-601A;D-602A;D-603A;D-604A;D-605A;D-606A;D-607A;D-608A;D-609A;D-610A;D-611A;D-615A;D-616;D-617;Design and Access Statement, prepared by WHAT_architecture, dated 7 May 2013;Planning and Public Supporting Statement, prepared by WHAT_architecture, dated 2 April 2012;Heritage and Visual Impact Statement, prepared by WHAT_architecture, dated 2 April 2012;Statement of Significance, prepared by WHAT_architecture, dated 2 April 2012;Statement of Community Involvement, prepared by WHAT_achitecture, dated 21 May 2012;Sunlight and Daylight Assessment, prepared by WHAT_architecture, dated 2 April 2012;Transport Statement, prepared by WHAT_architecture, dated 11 September 2012;Waste Management Statement, prepared by WHAT_architecture, dated 7 August 2012;Energy Strategy Report, prepared by Syntegra Consulting, dated December 2011;Code for Sustainable Homes Report, prepared by Anthony

Wing-King;PPG 24 – Noise and Vibration Assessment Report, prepared by Sandy Brown Associates LLP, dated 16 December 2011;127sho_Shoreditch Overground PA 12/02661: Additional Information.

Applicant:	Mr Parminder Singh Sandhu
Ownership:	Mr Parminder Singh Sandhu and Network Rail
Historic Building:	N/A
Conservation Area:	The site lies within the Brick Lane and Fournier Street Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. Officers have 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), Managing Development Document (2013), adopted supplementary planning guidance and documents, the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:

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- 2.2. The proposed A3 use within the development would exacerbate the existing overconcentration of A3/A4/A5 uses in the vicinity of the site and wider Brick Lane District Centre and would compound the associated levels of disturbance to local residents, contrary to Policy SP01(2c) of the Council's adopted Core Strategy (2010) and contrary to the objectives of Policy DM1(6b) of the Council's adopted Managing Development Document (2013).
- 2.3. It is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area and that the proposed demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).
- 2.4. The proposed development would fail to adequately protect future residential occupants from unacceptable levels of noise and vibration, to the detriment of residential amenity. The proposal is therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

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- 2.5. It is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area and the demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

3. RECOMMENDATION

- 3.1. That the Committee resolve to REFUSE Planning Permission and Conservation Area Consent for the reasons cited in paragraphs 2.1 to 2.5 of this report.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for the partial demolition of the former Shoreditch Station building, with the retention of the brick façade, and the erection of a new six storey building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units.

Site and Surroundings

- 4.2. The application site is the former Shoreditch Station, which is a single storey brick built structure with arched windows and a shallow pitched slate roof that includes an undercroft below the building at railway line level that used to house the station platform (see Figure 1). The site is bounded by the National Rail railway tracks and London Overground railway viaduct to the west and north, by public open space (grassland) within Allen Gardens to the east and south-east, and by the public highway at Code Street and the north elevation of the four storey sheltered housing block at Daniel Gilbert House, 1 Code Street to the south.

Figure 1: Photo of the site from Allen Gardens (facing north-west)



- 4.3. The application site is located immediately to the east of Brick Lane and is situated adjacent to an alleyway that links Brick Lane to Allen Gardens. The site also lies adjacent to, although outside of, the Brick Lane District Centre and the City Fringe Activity Area, as designated in the Council's adopted Managing Development Document (2013). The surrounding area is mixed use in character, with Brick Lane including a large number of retail, restaurant, bar and hot food takeaway uses, whilst buildings around Allan Gardens to the south and east of the site are predominantly in residential use.
- 4.4. The application site is located within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. It contains some of the most architecturally and historically significant buildings in the Borough, including the exceptional group of 18th Century houses around Fournier Street. They comprise the most important early Georgian quarter in England and include Christ Church Spitalfields, designed by Nicholas Hawksmoor. The site and surrounds do not include any Statutory Listed Buildings.
- 4.5. The site benefits from good access to public transport, with a Public Transport Access Level (PTAL) of 4/5 (on a scale from 1a to 6b where 6b is excellent). The site lies approximately 290 metres to the east of Shoreditch London Overground Station and also lies 250 metres to the south of Bethnal Green Road and 350 metres to the east of Commercial Street, both of which are served by a number of bus routes.

Relevant Planning History

- 4.6. The following planning decisions are relevant to the application:
- 4.7. PA/06/00884
On 21 September 2006 conservation area consent was granted for the demolition of bridge GE19, arches and other structures between Brick Lane, Pedley Street and Fleet Street Hill, including bridges at Bratley Street and Weaver Street.
- 4.8. PA/11/01382 & PA/11/01383
On 9 June 2011 applications for planning permission and conservation area consent were withdrawn by the applicant for 1. Material change of use from Sui Generis - former London Underground train station to a mix used space including: D1 gallery, D1 workshops, D2 cinema, D2 gymnasium, D2 dancehall, A3 pop up restaurant 2. Material change in appearance via : a) Installation of ATM cash machine b) Installation of security lighting and security cameras c) Graphic treatment to the elevation.
- 4.9. PA/11/01863 & PA/11/01864
On 5 October 2010 planning permission was granted for the retention of temporary change of use until January 3rd 2012 from vacant Train Station (sui generis) to a D1 Gallery, to include erection of seating at basement level. The Council deemed that conservation area consent was not required for the proposed development.
- 4.10. PA/11/03903 & PA/11/03905
On 28 March 2012 applications for planning permission and conservation area consent were withdrawn by the applicant for the demolition of the existing building and erection of a seven storey building to provide 15 residential units, 405 square metres of commercial/office (Use Class A1, A2, A3 and B1) at ground floor and basement level and 245 square metres of community use (Use Class D1/D2) at sixth floor level.
- 4.11. PA/12/00900
On 29 May 2013 planning permission was granted for change of use from Sui Generis former London Underground station to mixed used including A1 for the display of goods for sale, A1 Internet Cafe, D1 for the display of works of art (otherwise than for sale or hire), D1 public hall or exhibition hall and D2 dance class.

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. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**
- 3.3 Increasing Housing Supply
 - 3.4 Optimising Housing Potential
 - 3.5 Quality and Design of Housing Developments
 - 3.8 Housing Choice
 - 4.1 Developing London's economy
 - 4.2 Offices

- 4.3 Mixed Use Development and Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a Successful and Diverse Retail Sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.21 Contaminated Land
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing OutCrime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage Led Regeneration
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.3 Community Infrastructure Levy (CIL)

5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SO3 Achieving Wider Sustainability
- SO5 Refocusing on our Town Centres
- SO6 Refocusing on our Town Centres
- SP01 Refocusing on our Town Centres
- SO7 Urban Living for Everyone
- SO9 Urban Living for Everyone
- SP02 Urban Living for Everyone
- SP03 Creating a Healthy and Liveable Neighbourhood
- SP04 Creating a Green and Blue Grid
- SO14 Dealing with Waste
- SP05 Dealing with Waste
- SO16 Delivering Successful Employment Hubs
- SP06 Delivering Successful Employment Hubs
- SO21 Creating Attractive and Safe Streets and Spaces
- SP09 Creating Attractive and Safe Streets and Spaces
- SO22 Creating Distinct and Durable Places
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering Placemaking

5.5. Managing Development Document (adopted April 2013) (MDD)

- DM1 Development within the Town Centre Hierarchy
- DM2 Local Shops
- DM3 Delivering Homes
- DM4 Housing Standards and Amenity Space
- DM8 Community Infrastructure
- DM11 Living Buildings and Biodiversity
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM20 Supporting a Sustainable Transport Network

- DM21 Sustainable Transportation of Freight
- DM22 Parking
- DM23 Streets and the Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM27 Heritage and the Historic Environment
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

5.6. **Supplementary Planning Documents**

Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
 Town Centres Boundaries and Balance of Uses Review, LBTH (2012)
 Housing Supplementary Planning Guidance, Mayor of London (2012)
 Conservation Principle, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2009)

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

LBTH Environmental Health (Noise & Vibration)

6.3. This development will experience high levels of noise and vibration from the railway in close proximity and is considered to fall within the Significant Observable Adverse Effect Level (SAOEL). If the site is used a high degree of noise insulation and vibration isolation will be required, to meet the “good standard” of BS2333. The applicant’s noise consultant has suggested a “reasonable standard” of BS8233 is used, but this is not acceptable and is contrary to our Planning Standard requirements. Areas that would have previously fallen within category “C” and “D” of PPG24 would have either been refused planning permission or required a high degree of noise insulation. If the “reasonable standard” approach is adopted, the living room areas would be allowed to be 10 dB higher internally and the bedrooms 5 dB higher, this would equate to a doubling of perceived railway and road noise level internally and some of the rooms may be considered uninhabitable.

6.4. Any future development at Shoreditch Station should have foundations that are designed to mitigate any possible transmission of noise or vibration or groundborne noise. Bedrooms or any habitual rooms should not be allowed to overlook the railway at this development; it is suggested that only bathrooms, kitchens or toilets are allowed. The premises will also require adequate ventilation, such as through whole house ventilation from the quieter side of the building, although trickle vents will not be acceptable and acoustic vents may not meet our requirements.

- 6.5. Environmental Health are also concerned that high levels of groundborne noise may exist at the development. This hasn't been (but should be) taken into account in the design to meet the council's rail noise policy limit of 35 dBA. Environmental Health recommends that the development is refused in its present form, as it is highly likely that residential properties may be uninhabitable and complaints will be very likely after occupation.
- 6.6. Other conflicts of use may occur at the development between residential and any mechanical and electrical plant noise from commercial activities; servicing and delivery noise should also be taken into consideration.
- 6.7. Officer Comments: *This is discussed further in Section 8 of this report.*

LBTH Environmental Health (Health & Housing)

- 6.8. The premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. The development should comply with the standards in the GLA's London Housing Design Guide. Licensing may be required under the Housing Act 2004 Part 2, unless the premises has Building Control approval.
- 6.9. Officer Comments: *Noted.*

LBTH Environmental Health (Contaminated Land)

- 6.10. It is noted from our records that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. If planning permission were to be granted a condition should be included to ensure that the developer carries out a site investigation to investigate and identify potential contamination, to be submitted for written approval prior to the commencement of development.
- 6.11. Officer Comments: *If planning permission were to be granted it is recommended that the afore mentioned land contamination condition be included.*

LBTH Environmental Sustainability Officer

- 6.12. The sustainable development team do not support the current recommendations to utilise electric storage heaters for the proposed residential units. The current proposals offer the worst scenario for CO2 emissions as they would result in the highest dwelling emission rate. Also, the system would have the highest operating costs of any of the proposals for future residents.
- 6.13. The sustainable development team recommends that the applicant deliver 'option 2' as detailed in the energy strategy. This would deliver a gas boiler system alongside a >14kwp of photovoltaic array to result in dwelling emission rates <10. This is greater than a 50% improvement on the current proposals for electric storage heaters. The implementation of 'option 2' would deliver CO2 emission reductions in excess of Policy DM29 requirements. Additional information should be submitted relating to the provision of the PV array and a roof plan showing the size and location of array for the different building uses should be submitted. In relation to sustainability, the proposals are for Code for Sustainable Homes Level 4. This is supported and should be secured through an appropriately worded Condition.

- 6.14. *Officer Comments: If planning permission were to be granted it is recommended that a condition be included to require the submission for approval of an updated Energy Strategy for the current development, which is omit the use electric storage heaters, to provide a single strategy in line with 'option 2' of the submitted strategy, provide additional information relating to the provision of the PV array and a roof plan showing the size and location of array for the different building uses. In addition, a further condition should be included to require the residential element of the development to meet Code for Sustainable Homes Level 4.*

LBTH Crime Prevention Officer

- 6.15. It is recommended that the proposed pavement lighting is revised to overhead lighting, ideally with the building being 'lit up'. CCTV installation is recommended. There should not be a recessed lobby and separate commercial entries should be provided. There should also be improvements to the existing pavement which is in poor condition to accommodate the new entry location.
- 6.16. *Officer Comments: During the course of the application the scheme was amended to address the above issues. This is discussed further in Section 8 of this report.*

LBTH Transportation & Highways

- 6.17. The site is located in an area of very good public transport accessibility (PTAL4/5) and connectivity and is suitable for the car free approach undertaken by the applicant and is also suitable for a s106 residential on-street car parking permit free agreement. Highways note that applicant has not identified where a Blue Badge holder can safely, conveniently and accessibly park to use the development.
- 6.18. Eight cycle parking spaces should be provided for staff and visitors, to be segregated from the residential cycle parking. In addition, the use of wall fixed, vertical cycle stands is not supported as this type of cycle stand requires a level of physical effort that is beyond many individuals and thus would exclude them from secure cycle storage on this site
- 6.19. Highways request additional information on the likely number and size of service and delivery vehicles to the site. If the applicant intends for deliveries to take place from Code Street they will need to demonstrate that vehicles can safely perform a turn in the road. Highways wishes to prevent a situation where vehicles are reversing for significant distances along Code Road, or ramping up on to the footway. Highways' preference would be for service vehicles to use the loading bays on Brick Lane adjacent to the north of the pedestrian link serving the site.
- 6.20. Conditions should be included to secure a Construction Management Plan, to secure a scheme of highway improvements necessary to serve this development, to require all private forecourt/areas to be drained within the site and not into the Public Highway.
- 6.21. The development shall not be occupied until the Owner, his agents or representatives shall through S278 Agreement to secure the cost for any damage caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the Planning permission.
- 6.22. *Officer Comments: This is discussed further in Section 8 of this report.*

LBTH Waste Policy & Development

- 6.23. The waste Storage arrangements for the residential units are satisfactory. In relation to the trade waste, a combined waste storage has been presented for the residential and commercial units; however, there must be a clear demarcation between commercial units and residential units. The Council does not provide the collection service for the commercial units and it is the applicant/operator's own responsibility to have a private contract in place. The wheeling distance for the bins should be no more than 10 metres. If it is more than 10 metres then internal arrangements have to be made to pull the bin out on to the agreed collection point on the collection day.
- 6.24. *Officer Comments: If planning permission were to be granted it is recommended that a condition be included to require the submission of full details of segregated waste storage facilities for the residential and commercial uses.*

LBTH Communities, Localities and Culture

- 6.25. As the scheme is below the threshold of seeking contributions according to the SPD, CLC have no comments.

LBTH Parks and Open Spaces

- 6.26. No comments have been received.

Spitalfields Joint Planning Group

- 6.27. No comments have been received.

The Spitalfields Historic Buildings Trust

- 6.28. No comments have been received.

English Heritage

- 6.29. English Heritage provided comments on this application in November 2012 (our ref: P00198000). We indicated then that the former station displays evidential value in respect of the distribution and form of Victorian transport infrastructure in London, historic value in respect of its relationship to the development of the 19th century character of the conservation area, and architectural value as a reserved but robust example of mid-Victorian architecture. We concluded that the former train station makes a positive contribution to the character and appearance of the conservation area and that the proposals did not, in our view, provide clear justification of any public benefits outweighing the loss of the building, nor did the scheme secure its optimum viable use. Therefore the proposal could not satisfy paragraph 134 of the National Planning Policy Framework (NPPF, March 2012) and we urged your Council to encourage a scheme that retains and repairs the existing building.
- 6.30. The revised drawings demonstrate that the scale of the building has been reduced, and elevations of the original station building are incorporated at ground level. However, incorporating these elements would likely involve the dountaking and rebuilding of the elevations, which we still consider to be substantial demolition. Added to this, the removal of the roof structure and the 5 storey roof extension would significantly harm the character of the building. Therefore we do not consider that these revisions satisfy our concerns made in November 2012.

- 6.31. We appreciate that the public gallery, public art space and community offices would provide the scheme with strong public benefits. However, we consider that these much needed facilities could be housed within the refurbished station building and associated platform levels, and additional space could be provided via the introduction of catslide dormers into the roof structure. A separate residential block of a modest scale could be built in the area immediately to the east of the building which could be connected to the station building by a discreet glazed link.
- 6.32. In our view these proposed changes do not fully address our previous concerns. We consider that the former Shoreditch Station building makes a positive contribution to the character of the conservation area and we reiterate that your Council should encourage the retention and repair of the building in order to satisfy national historic environment policy.
- 6.33. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*

6.34. **English Heritage Archaeology (Greater London Archaeological Advisory Service)**

- 6.35. No comments have been received.

The Victorian Society

- 6.36. The significance of the building in the conservation area lies in its importance to the community, its indication of the local development of Victorian transport infrastructure, and its simple but appealing design. The revised proposal for the site would preserve more of the original structure, in its original location, than the previous iteration. However, in adding a five-storey extension to the roof of the single storey building, the former station would be reduced to merely the ground floor walls of a new building on a much larger scale. The roof structure would be completely lost, as well as all sense of scale and form of the previous building; it would no longer be readable as the former railway station. We therefore cannot consider that this proposal retains the former station building in a meaningful way. The building makes a positive contribution to the conservation area, and this proposal would therefore constitute harm to that area.
- 6.37. According to section 134 of the NPPF, any proposal which would cause harm to a conservation area must weigh up the public benefits against any loss, and consider the optimum use of a site. Comments submitted by English Heritage on 23 August 2013 propose an alternative approach to achieving the public benefits of this proposal, as well as the commercial gains, without the loss to the conservation area. The site appears to be generous enough to allow a residential block to be built alongside the station, enabling the Victorian structure to be retained and converted for community use, and achieving community benefits without the damage to local heritage. We join English Heritage in urging that the Council encourages the retention and renovation of this building.
- 6.38. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*

Ancient Monuments Society

- 6.39. No comments have been received.

Council for British Archaeology

- 6.40. The Committee endorsed the Victorian Society's objection to demolition and visual impact. It was considered that the building - albeit somewhat graffiti laden - was important in terms of the Conservation Areas and communities to the south. It was also considered that there was a need to look at the wider heritage site including the Bishopsgate Goods yard with the Listed Walls and Gates at the entrance and the Braithwaite Viaduct and other (unlisted) structures running the length of the site. The former station could form an important link between (and contain facilities for) the proposed new elevated park atop the Braithwaite Viaduct and Allen Gardens. The present proposal which would be detrimental to the character and appearance of the area should be refused and other options explored.
- 6.41. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*

Garden History Society

- 6.42. No comments have been received.

Georgian Group

- 6.43. No comments have been received.

The Society for the Protection of Ancient Buildings

- 6.44. No comments have been received.

20th Century Society

- 6.45. No comments have been received.

London Underground

- 6.46. London Underground Infrastructure protection has no comment to make on this planning application.
- 6.47. *Officer Comments: Noted.*

Thames Water Authority

- 6.48. No objections. If permission is granted a condition should be included to require the applicant to submit a piling method statement for written approval by the local planning authority in consultation with Thames Water due to the proximity to underground sewerage infrastructure. In addition, an informative should be included to advise the applicant to take into account minimum water pressure requirements in the design of the development.
- 6.49. *Officer comments: If planning permission were to be granted it is recommended that such a condition and informative be included.*

Network Rail

- 6.50. No objection subject to the developer taking appropriate measures to ensure that the development (including demolition and construction works) will not adversely impact on Network Rail property or the safe operation of the railway.
- 6.51. Prior to any works to adjacent to Network Rail property the applicant must secure in writing agreement from Network Rail and the local authority should immediately contact Network Rails asset protection team on AssetProtectionaAnglia@networkrail.co.uk who will assist in managing the construction and commissioning of the project.
- 6.52. Officer Comments: Noted.

London Overground Infrastructure

- 6.53. London Overground (LO) supports this application in principle. Due to the proximity to LO's East London Line, if planning permission is granted conditions should be included to ensure that the development will not adversely affect the safe efficient and economic operation of the East London Line through ground heave, settlement and other changes in ground levels. Full details of the design and construction methodology, particularly concerning foundations and superstructure, should be submitted to and approved by LBTH and LO. Precaution must also be taken that nothing can fall onto the railway either during or after the construction, with particular reference to the use of cranes or other equipment used above the height of the railway.
- 6.54. Officer Comments: If planning permission were to be granted it is recommended that such conditions be included.

7. LOCAL REPRESENTATION

- 7.1. A total of 152 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 on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	27	Objecting:	4	Supporting:	23
No of petitions received:	0				

- 7.2. The following issues were raised in objection to the proposal that are material to the determination of the application and are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.

- (a). The neighbourhood has been bombarded by new blocks of flats and the area is rapidly losing its character.
- (b). The old Shoreditch Station is a feature to Brick Lane and its surroundings and should not be demolished.
- (c). The building is a part of the Brick Lane culture and has a lively, unique detailed brick front. The building should be kept for future locals to use and should not be lost like so many of the old pubs.
- (d). There is no need for a modern high rise building in this location.

- (e). The proposed building would overlook the green park which many people use and prefer to keep more private.
- (f). The development is out of keeping with the local area, is too tall, will cause traffic and parking problems and restrict daylight and sunlight to neighbouring properties.
- (g). The wonderful period architecture that makes London the city it is, is being systematically ravaged by developers into a soulless metropolis – this is yet another example of the decline of our beautiful city.
- (h). Concern is expressed about blocking sunlight on Allen Gardens.
- (i). The development should be subject to a 'no licences' covenant - the Brick Lane night-time economy needs to be contained and not allowed to seep into residential side streets.

7.3. Officer Comments: *The above points are addressed in Section 8 of this report.*

7.4. The following representations have been submitted in support of the application:

- (a). The existing building is a mess and has a bad effect on the alleyway.
- (b). There is a lack of housing in Tower Hamlets.
- (c). The proposal will create employment opportunities and a charity will use the building.
- (d). The charity use is commendable, in providing purpose-built space for a local charity with specific needs (i.e. rehearsal and office space).
- (e). The proposed building will become part of the garden and the old station will be transformed into a 'bridge' between the trendy Brick Lane and the hidden garden.
- (f). The old station has not been in use for some years and the application presents the most suitable scheme with a mix of uses, including residential and commercial uses.
- (g). This corner of Allen Gardens is not friendly, particularly at night, and the proposal will solve the problem of a lack of safety, security and lighting in Code Street and the Pedley Street alleyway.
- (h). The new different spaces have the possibility of increasing security, as well as improving the environment and connection between Brick Lane and the garden.
- (i). The proposed development will surveil the hidden garden.
- (j). The proposal will greatly improve the area and make it an area for the local community to enjoy and feel safe walking through.
- (k). Anti-social behaviour is a major issue in the area, which will be reduced if the proposal is given permission by bringing a new mix of people to the surrounding park.
- (l). The scheme would potentially bring the access lane to Allen Gardens back into the public realm from being a dead end, which is a haven for anti-social behaviour.
- (m). The retention of the brick part of the station as 'sustainable heritage' is supported.
- (n). Spitalfields Music supports the proposals as we would like to establish a new home at the site which combines office accommodation and workshop/rehearsal space.
- (o). Spitalfields City Farm supports the proposals as the proposed mixed-use residential and community focusing building will have a significant positive impact on the area.
- (p). The proposed building is of a scale, design and form that will enhance the local Conservation Area while introducing attractive modern architecture into the locale, supporting the existing context rather than challenging it.

- (q). The proposed architecture makes reference to the site's former life as a railway station, whilst it's uses will add to the local character and provide much needed security to the existing small street which it overlooks.

7.5. Officer Comments: *The above points are addressed in Section 8 of this report.*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Housing
- § Design and Conservation
- § Amenity
- § Highways
- § Equality Act

Land Use

- 8.2. The application site is not included in the site allocations of the Council's adopted Managing Development Document (2013) and as such is not designated for any specific use. The site abuts the boundary of the Brick Lane District Centre and the City Fringe Activity Area, as designated in the adopted Managing Development Document (2013).
- 8.3. Policy SP01(2) of the Council's adopted Core Strategy (2010) seeks to ensure that the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre by ensuring town centres are active, well-used and safe during the day and night through appropriate uses and design, and encouraging evening and night-time economy uses provided they are not over-concentrated in areas where they will have a detrimental impact on local people, are of a balanced provision of cater for varied need, and are complimentary to existing uses and activities.
- 8.4. Policy SP01(5) of the Council's adopted Core Strategy (2010) promotes areas at the edge of town centres as places that support and assist in the creation of sustainable communities, to be achieved by promoting mixed use development at the edge of town centres to support the role of town centres.
- 8.5. Policy DM1(4) of the Council's adopted Managing Development Document (2013) directs A3/A4/A5 uses (restaurant and café/ drinking establishment/ hot food takeaway, respectively) to the Central Activities Zone, Tower Hamlets Activities Areas and designated town centres, provided they do not result in an over-concentration of such uses. Policy DM1(6b) of the Managing Development Document (2013) supports A3/A4/A5 uses within the Brick Lane District Centre provided they do not exceed 25% of the total number of units. Policy DM8(4) of the Managing Development Document (2013) seeks to ensure that new community facilities are located either within or at the edge of town centres.
- 8.6. The proposal is for the residential-led mixed-use redevelopment of the former Shoreditch Station, to comprise 225 sqm of office and art studio space (Use Class B1/D1) at basement level, 236 sqm of shop, café and art space (Use Class A1/A3/D1) at ground floor level, 211 sqm of office and community (charity) space

(Use Class B1/D1) at first floor level, together with nine residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed a 3 x 3 bed units.

- 8.7. The application site is located at the edge of both the Brick Lane District Centre and the City Fringe Activity Area, which is considered to be an appropriate location for mixed use developments in line with Policy SP01(5) of the Core Strategy (2010).
- 8.8. It is noted from the Council's Town Centres Boundaries and Balance of Uses Review (2012), which forms part of the evidence base for Policy DM1 of the adopted Managing Development Document (2013), that the level of A1 retail use within the Brick Lane District Centre was at 44.1% of units at the time of the review, which is well below the target minimum level of 50% as set out in Policy DM1(3) of the MDD. Whilst it is noted that the site is not technically located within the town centre, given that the site abuts the town centre boundary and is in close proximity to, and can be directly accessed from, the public highway on Brick Lane, and given the limited scale of the proposed A1 retail floorspace and the existing deficiency of A1 retail units within the Brick Land District Centre, it is considered that the A1 retail element of the scheme is acceptable in land use terms.
- 8.9. It is understood that the community floorspace at basement, ground and first floor level is intended to be occupied local non-for-profit organisations, including Spitalfields Music, who would utilise the lower ground floor studio as rehearsal space, whilst the ground floor community element would be used for public activities and the first floor offices would provide associated administrative space. It is also noted that a number of letters of representation have been received in support of the proposals, with particular regard to the proposed local community uses, including representations from Spitalfields Music and the nearby Spitalfields City Farm.
- 8.10. In line with Policy DM8(4) of the adopted Managing Development Document (2013) officers are supportive of the proposed D1 community floorspace within the scheme, which is considered to be appropriate in terms of its scale and location at the edge of the Brick Land District Centre.
- 8.11. The main land use issue in the current proposals relates to the inclusion of A3 café use at ground floor level. The site is located at the edge of, although technically outside of, the Brick Lane District Centre and City Fringe Activity Area. Policy DM1(4) of the adopted Managing Development Document (2013) seeks to direct new A3 uses to the CAZ, designated town centres and Tower Hamlets Activity Areas, provided they do not result in an overconcentration of such uses and provided there are at least two non A3/A4/A5 units between new A3/A4/A5 units in town centres.
- 8.12. Policy SP01(2c) seeks to ensure that A3/A4/A5 uses are not over-concentrated in areas where they will have a detrimental impact on local people. Policy DM1(6) of the Council's adopted Managing Development Document (2013) supports the provision of new A3/A4/A5 uses within the Brick Lane District Centre provided they do not exceed 25% of the total number of units.
- 8.13. Brick Lane is a mixed use area with a range of bars and restaurants which contribute to a thriving night time economy. Over the last 10 years the nature of the area has changed considerably with the influx of many restaurants, hot food takeaways, bars and clubs. With the influx of these types of uses has come an influx of people and Brick Lane's reputation as a place to eat and go out has become well known for Londoners and tourists alike. Whilst the Council do not wish to see the unique culture of Brick Lane eroded, there needs to be a balance between entertainment activities and other uses, including the retail function of the town centre. Furthermore, the

cumulative impacts of the existing range and number of entertainment type uses on the amenity of residents within and around Brick Lane remains a significant issue.

- 8.14. The Council's Town Centres Boundaries and Balance of Uses Review (2012), which forms part of the evidence base for Policy DM1 of the adopted Managing Development Document (2013), shows that the level of A3/A4/A5 units within the Brick Lane District Centre was 26% of the total number of units at the time of the review, which exceeds the target maximum level of 25% as set out in Policy DM1(6) of the MDD. It is further noted that the two closest commercial premises to the application site, namely the ground floor units at 174 and 176 Brick Lane, which are both located within the Brick Lane District Centre, comprise an A4 bar (the Exit bar) and an A3 restaurant (Kinkao Thai restaurant).
- 8.15. Given the existing over-concentration of A3/A4/A5 uses within the adjacent Brick Lane District Centre as identified in the Town Centres Boundaries and Balance of Uses Review (2012), together with the close proximity of the site to the A3 and A4 uses at 174 and 176 Brick Lane, it is considered that the proposed A3 use within the development would exacerbate the existing overconcentration of A3/A4/A5 uses in the vicinity of the site and wider Brick Lane District Centre and would therefore compound the associated levels of disturbance to local residents, contrary to Policy SP01(2c) of the Council's adopted Core Strategy (2010) and contrary to the objectives of Policy DM1(6b) of the Council's adopted Managing Development Document (2013).
- 8.16. It is noted that a letter of representation has been received from OPEN Shoreditch, in which it is requested that a 'no [alcohol] covenant' be placed on the development. However, it should be noted that it is beyond the remit of the planning system to place restrictions on the premises licencing system. As such, Officers would advise that the application should be determined with regard to the acceptability of a new A3 use at this location in planning terms, which Officers consider to be unacceptable and contrary to policy for the reasons outlined above.

Housing

- 8.17. Policy 3.3 of the London Plan (2011) seeks to ensure the identified housing need in London is met through the provision of new homes. Policy SP02(1) of the Council's adopted Core Strategy seeks the delivery of new homes in the Borough in line with the housing targets in the London Plan.

Mix

- 8.18. Policy 3.8 of the London Plan (2011) seeks to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors. Policy SP02(5) of the Council's adopted Core Strategy (2010) requires a mix of housing sizes on all sites providing new housing. Policy DM3(7) of the Council's adopted Managing Development Document (2013) seeks to ensure that development provides a balance of housing types, including family homes.
- 8.19. The proposed development would provide 9 new residential units, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units. Whilst only a limited number of units are proposed, it is noted that there is a good balance of 1, 2 and 3 bed units and that 33% (3 units) would be of a size suitable for families (i.e. 3+ bed), which is supported in line with adopted policy. As such, it is considered that the proposed residential mix is acceptable.

Layout and Internal Space Standards

- 8.20. Policy 3.5 of the London Plan (2011) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (2011).
- 8.21. The proposed residential dwellings have been assessed against the Council's adopted minimum space standards and against the residential design standards set out in the Mayor of London's Housing Supplementary Planning Guidance (2012). It has been found that that the proposed dwellings all either meet or exceed the relevant residential design and space standards and as such it is considered that the residential component of the development would provide an appropriate living environment for future residents, in accordance with Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

Amenity Space

- 8.22. Policy SP02(6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every development. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5 sqm of private outdoor space for 1-2 person dwellings, with an additional 1 sqm provided for each additional occupant, whilst specifying that balconies and private external spaces should have a minimum width of 1500mm.
- 8.23. Each of the residential units includes provision of private amenity space in the form of recessed terraces. For the 1 bed units, single terraces are provided, ranging from 5 sqm to 8 sqm in size. For the 2 bed units, two have single terraces of 9 sqm, whilst the third benefits from 2 terraces, which combined provide 11 sqm of private amenity space. Each of the 3 bed units include two terraces, which combined provide between 14 sqm and 15 sqm of private amenity space.
- 8.24. Whilst the secondary terraces for the 2 and 3 bed units are small, ranging from 2 sqm to 4 sqm, it is noted that the main terraces for these units are of sufficient size themselves to meet the Council's minimum amenity space standards for 6 person dwellings. As such, it is considered that the provision of amenity space for the residential units is acceptable in accordance with Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Design

Proposed Design, Scale, Height and Mass

- 8.25. Policy 7.4 of the London Plan (2011) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship

between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.

- 8.26. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.27. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.28. The proposal is for the partial demolition of the existing former station building, with retention of the brick façade at ground level and brick walls adjacent to the railway lines at lower ground level, together with the erection of a new six storey building. The proposal includes the building up of the eastern boundary brick wall at ground level and the introduction of new arched openings in the south and east elevation that reflect the design and scale of the existing arched openings within the existing building. At lower ground level it is proposed to enclose the west elevation with full height glazing.
- 8.29. At first floor level the building includes a fully glazed façade set in front of a diagonal lattice of metal trusses that reflect the design of the trusses used on the adjacent London Overground railway viaduct. At second to fifth floor level the building is to be faced in black brick and includes a degree of variation in the detailing through the use of different brick bonds (patterns) on different elements of the upper façade.
- 8.30. The fenestration on the upper floors of the building comprises simple rectangular windows set within deep reveals, with the windows on each floor off-set from those on the floors above and below. The building also incorporates a pitched roof with sloping parapets, which result in a building of varying heights, with the façade and roof being tallest at the south-east and north-west corners and dropping in height towards the north-east and south-west corners (see Figure 2).
- 8.31. In terms of the scale and height, it is noted that the proposed six storey building is two storeys taller than the adjacent Daniel Gilbert House to the south of the site, although is one storey shorter than the seven storey residential block known as Stuttle House, which is located immediately to the south of Allen Gardens at the junction of Spital Street and Buxton Street, situated approximately 130 metres south-east of the application site.
- 8.32. Given the location of the site at the north-west corner of Allen Gardens together with the general scale and height of the surrounding built form, it is considered that the scale and height of the proposed building is acceptable in this instance as it would provide a degree of enclosure to the open space within Allen Gardens and would act as a marker and wayfinding tool for pedestrians from Brick Lane without appearing unduly dominant or overbearing from street level.
- 8.33. In terms of detailed design, materials and finishes, whilst the upper storeys of the building represent a bold and contemporary departure from the simple, utilitarian

architecture of the former station building, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

Figure 2: CGI Visualisation of the Proposed Development



Demolition and Development within the Brick Lane and Fournier Street Conservation Area

- 8.34. Paragraph 132 of the National Planning Policy Framework (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 of the NPPF (2012) states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 8.35. Policy 7.8 of the London Plan (2011) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2011) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.

- 8.36. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.37. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.38. Policy DM27(3) of the Managing Development Document (2013) states that proposals for the demolition of a designated heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. When exceptional circumstances require demolition to be considered, applications will be assessed on:
- (a). The significance of the asset, architecturally, historically and contextually;
 - (b). The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;
 - (c). The adequacy of efforts made to retain the asset in use;
 - (d). The merits of any alternative proposal for the site.
- 8.39. The application site lies within the Brick Lane and Fournier Street Conservation Area, which is one of the largest Conservation Areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site is located at the north-west corner of Allen Gardens, situated immediately to the south of the National Rail railway lines and London Overground railway viaduct and approximately 30 metres to the east of the public highway on Brick Lane.
- 8.40. The application site comprises the former Shoreditch Station building, which is a single storey brick built structure with arched windows and a shallow pitched slate roof that includes an undercroft below the building at railway line level that used to house the station platform. The south-west corner of the site includes a narrow single storey brick structure with a pitched roof that extends westwards from the main station building along part of the alleyway that links Allen Gardens to Brick Lane. The eastern end of the site is effectively vacant, including timber stairs leading from ground level to the undercroft beneath the station building, together with a single storey timber structure with mono-pitch roof that abuts the eastern brick elevation of the main station building. The building is currently in a poor state of repair and large expanses of the brick façade, most notably the entire south elevation, is covered in graffiti.
- 8.41. The proposal is for the partial demolition of the existing building and erection of a new six storey building, which is to retain the brick façade of the existing building at ground floor level and the brick walls along the northern edge of the site at lower ground (railway) level. The proposal includes the demolition of the narrow single storey brick structure that extends from the south-west corner of the main building, the single storey timber structure that abuts the east elevation of the building and the entire roof of the building. In their letter dated 23 August 2013, English Heritage have also advised that they consider that the proposals will necessitate the dountaking and rebuilding of the elevations and that the level of demolition is considered to be substantial.

- 8.42. English Heritage consider that the existing former station building displays evidential value in respect of the distribution and form of Victorian transport infrastructure in London, historic value in respect of its relationship to the development of the 19th century character of the Conservation Area, and architectural value as a reserved but robust example of mid-Victorian architecture. English Heritage note that the proposed development would provide strong public benefits through the community uses within the scheme. However, they object to the proposals on the grounds that the former Shoreditch Station building makes a positive contribution to the character of the Conservation Area and that the harm caused by the proposed demolition works and development is not outweighed by the public benefits.
- 8.43. The Victorian Society object to the proposals on the grounds that the development would result in the loss of a substantial portion of the building, which would cause harm to the Conservation Area. The Victorian Society consider that the significance of the building within the Conservation Area lies in its importance to the community, its indication of the local development of Victorian transport infrastructure and its simple but appealing design. The Victorian Society further state that the proposed development would reduce the former station to the ground floor walls of a much larger building, which together with the loss of the roof structure, would remove all sense of scale and form of the previous building.
- 8.44. In addition, the London and Middlesex Archaeological Society (LAMAS), on behalf of the Council for British Archaeology, object to the proposals on the grounds that the existing building is important in terms of the Conservation Area and communities to the south and that the proposed development would be detrimental to the character and appearance of the area.
- 8.45. It is noted that the applicant, Mr Sandhu, has provided a written response to the letter of objection from the Victorian Society. In this letter, dated 23 November 2012, Mr Sandhu states the comments from the Victorian Society appear generic and lacking in detail. In addition, Mr Sandhu cites an extract from an English Heritage report on the former station building, in which it is stated that the building “does not meet the standards necessary for listing railway stations to this date”. Mr Sandhu further states that he considers that the building has a detrimental effect on the conservation due to high levels of crime, vandalism and anti-social behaviour at the site.
- 8.46. It is also noted that the applicant’s agent, Mr Hoete, has provided a written response to the letter of objection from LAMAS, in which he states that he considers that the proposed development will form a gate to Allen Gardens and the future regeneration of Spitalfields Farm, Fleet Street Hill and the Shah Jalal Estate and would conform to the existing streetscape that frames Allen Gardens.
- 8.47. Policy DM37(3a) of the MDD (2013) requires this application to be assessed with regard to the significance of the asset, architecturally, historically and contextually. Whilst it is acknowledged that the site is not listed, the LBTH Conservation Officer considers that building has a strong, utilitarian character which recalls the areas industrial past, unlike suburban stations which tend to have a softer more decorative appearance, with the building comprising of two main elements - brick walls with simply detailed arched openings and a straightforward slate roof. For these reasons, officers consider that the building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area.
- 8.48. Policy DM37(3b) of the MDD (2013) requires this application to be assessed in terms of the condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued

use. It is noted that the building is in a poor state of repair, with large expanses of the south and east elevations having been covered in graffiti, and that the site and surroundings have been subject to crime, vandalism and anti-social behaviour. However, no evidence has been provided on the likely cost of repairing the building or values that could be generated from its use.

- 8.49. Policy DM37(3c) of the MDD (2013) requires this application to be assessed in terms of the adequacy of efforts made to retain the asset in use. It is noted that the applicant was granted planning permission in May of this year for change of use of the existing former station building to mixed use including A1 retail and internet cafe, D1 for the display of works of art (otherwise than for sale or hire), D1 public hall or exhibition hall and D2 dance class (planning reference PA/12/00900). However, from observations made by the Case Officer on a recent site visit on 17 September 2013, it would appear that this permission has not been implemented. As such, it is considered that little effort has been made to retain the asset in use.
- 8.50. Policy DM37(3d) of the MDD (2013) requires this application to be assessed in terms of the merits of any alternative proposal for the site. As stated above, there is an extant planning permission for change of use of the site, which is supported by officers as it would bring the vacant building back into use and would provide an appropriate mix and scale of uses for an edge of town centre site.
- 8.51. In addition, officers consider that the application site provides opportunities for more sensitive development proposals, which would include the retention and restoration the existing former station building and roof and could include the erection of a new block within the vacant eastern section of the site. It should also be noted that these aspirations are supported by English Heritage in their letter dated 23 August 2013.
- 8.52. For the reasons outlined above, it is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Land and Fournier Street Conservation Area and that the proposed demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Safety and Security

- 8.53. Policy 7.3 of the London Plan (2011) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.54. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding

the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.

- 8.55. Anecdotal evidence has been supplied by the applicant and responses to consultation to suggest that there have been instances of anti-social behaviour and criminal activity within and around the site. It is noted that a number of letters of support have been received from local residents and organisations on the grounds that the proposed development would improve peoples' feelings of safety and security when walking in the area, particularly at night.
- 8.56. It is considered that the proposed mix of residential, commercial and community uses will improve the feeling of security by enabling activity at the site throughout the day and night, whilst the design of the building will provide good levels of natural surveillance to Allen Gardens, Code Street and the alleyway linking Allen Gardens and Brick Lane.
- 8.57. The proposals have been reviewed by the LBTH Crime Prevention Officer, who advised that the development should include additional external lighting on the building, that there should not be recessed lobbies, that separate commercial entrances should be provided and that the pavement in the vicinity of the site should be improved.
- 8.58. The design of the scheme was subsequently amended by the applicant to address these concerns, with the current proposals now including external lighting on the south (front) elevation, whilst the entrance doors have been brought forward to remove the recessed and separate commercial entrances are provided. Improvement to the pavement in the vicinity of the site could be secured through a condition requiring the submission for approval of a scheme of highways improvement works, as requested by LBTH Transportation & Highways (see Section 6 of this report).
- 8.59. Taking into account the above, it is considered that the proposed development would reduce opportunities for criminal behaviour and contribute to a sense of security around the site and surrounding area, in accordance with Policy 7.3 of the London Plan (2011) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Energy Efficiency and Sustainability

- 8.60. At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document Policy (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.61. Policy DM29 of the Council's adopted Managing Development Document (2013) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At

present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.

- 8.62. Policy SO3 of the Council's adopted Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.63. The application is accompanied by an Energy Strategy Report, prepared by Syntegra Consulting, which was originally submitted in support of the previous planning application for the redevelopment of the former Shoreditch Station site in 2011 (reference PA/11/03903 – see Section 4 of this report). The strategy has therefore been based on a 7 storey building with 15 residential, as opposed to the current proposed for a 6 storey building with 9 residential units. However, the design approach to the two schemes is broadly consistent.
- 8.64. The submitted Energy Strategy Report includes three options that could be incorporated into the development, with 'Option 1' comprising the use of a communal air source heat pump and a 13kWp photovoltaic array. 'Option 2' comprises the use of a gas combi boiler per flat and a 14.7kWp photovoltaic array. 'Option 3' comprises the use of electric storage heaters and instantaneous electric hot water system per flat, together with a 14.05kWp photovoltaic array. The Energy Strategy Report concludes by recommending the implementation of 'Option 3'.
- 8.65. The LBTH Environmental Sustainability Officer has reviewed the proposals and submitted Energy Strategy Report and does not support the current recommendations to utilise electric storage heaters for the proposed residential units under 'Option 3', which would offer the worst scenario for CO₂ emissions as they would result in the highest dwelling emission rate. However, it is noted that 'Option 2' as detailed in the Energy Strategy Report would deliver CO₂ emission reductions in excess of the Council's Policy DM29 requirements.
- 8.66. The Energy Strategy Report also includes details of a Code for Sustainable Homes pre-assessment, which indicates that the (2011) development could achieve Code for Sustainable Homes Level 4. Given the similarities between the two schemes it is expected that the current development proposals would also attain Code Level 4, although verification would be required.
- 8.67. Taking into account the above, and in line with the recommendations of the LBTH Environmental Sustainability Officer, the proposed energy strategy is considered to be acceptable and to generally accord with the requirement of Policy DM29 subject to the inclusion of a condition to require the submission for approval of an updated Energy Strategy for the current development proposals, which is to provide a single strategy in line with 'Option 2' as currently submitted, to provide additional information relating to the provision of the PV array and to provide a roof plan showing the size and location of array for the different building uses. In addition, a further condition should be included to require the residential element of the development to meet Code for Sustainable Homes Level 4.

Amenity

- 8.68. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require

development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Specifically, development should not result in an unacceptable loss of privacy or outlook, should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding development, should ensure adequate levels of daylight and sunlight for new residential developments, and should not result in unacceptable levels of noise, vibration, artificial light or pollution.

Overlooking and Privacy

- 8.69. The only residential properties in the vicinity of the application site are the four storey sheltered housing block at Daniel Gilbert House, 1 Code Street, located immediately to the south of the site, and the upper floors and rear elements of the three storey plus mansard buildings at 174 and 176 Brick Lane, located to the south-west of the site.
- 8.70. The north elevation to Daniel Gilbert House faces the application site at a distance of approximately 10 metres. However, the only windows facing the application are high level windows at fourth floor level, which would not enable any significant overlooking to or from the proposed development. In addition, the windows on the front (east) elevation of Daniel Gilbert House are set at an oblique angle to the south facing windows within the proposed development and as such would prevent direct overlooking between the two buildings. It is noted that the rear windows on the upper floors of the buildings at 174 and 176 Brick Lane are located over 20 metres from the application site and as such would not result in, or be subject to, any significant overlooking or loss of privacy.
- 8.71. Taking into account the above, it is considered that the proposed development would not result in any significant overlooking or material reduction in privacy to neighbouring residents.

Daylight & Sunlight

- 8.72. The proposed residential units would be located on the second to fifth floors of the building and it is noted that there are no nearby buildings or structures that could adversely impact on daylighting levels to the proposed dwellings to the west, north or east of the site. In addition, whilst the four storey sheltered housing block known as Daniel Gilbert House is located 10 metres to the south of the application site, given that the south-facing habitable rooms within the proposed development are dual aspect and given the location, size and number of windows serving the habitable rooms within the proposed development, it is considered that the proposed dwellings will receive good levels of natural light throughout the day.
- 8.73. With regard to the sunlighting and daylighting conditions of neighbouring properties, given that there are no north-facing habitable room windows within Daniel Gilbert House at first to third floor level, and given that the high level north-facing windows at fourth floor level serve dual aspect rooms, it is not considered that the proposed development would have any significant adverse impacts on the daylighting levels to flats within Daniel Gilbert House. In addition, given that the rear facing (east) windows at 174 and 176 Brick Lane are set back over 20 metres from the application site, and given the height, scale and mass of the proposed development, it is not considered that these windows will be significantly impacted in terms of daylight and sunlight levels.

- 8.74. It is noted that the letter of representation from OPEN Shoreditch has been received, in which concern is expressed that the proposed development could block sunlight to Allen Gardens. However, the application site is located at the north-west corner of the gardens and therefore, given the southerly path of the sun, any overshadowing resulting from the development will predominantly be to the train tracks to the north of the site and not to Allen Gardens, which lies to the south-east of the site.
- 8.75. Taking into account the above, it is considered that the proposed development would not result in a material deterioration on the daylighting and sunlighting conditions of neighbouring properties and would provide adequate levels of daylight and sunlight for future residents within the development.

Noise & Vibration

- 8.76. The application site is located immediately adjacent to the low level National Rail railway tracks and London Overground viaduct. The application is accompanied by a Noise & Vibration Report, prepared by Sandy Brown Associates LLP, which includes the results of background noise survey and tactile vibration survey carried out at the application site on 14 December 2011. The application proposals and submitted Noise & Vibration Report have been assessed by LBTH Environmental Health (Noise & Vibration), who object to the proposals on the grounds that future residential occupants within the development would be subject to unacceptable levels of noise and vibration, including ground borne noise. Comments from LBTH Environmental Health are provided in Section 6 of this report.
- 8.77. LBTH Environmental Health consider that the development falls within a Significant Observable Adverse Effect Level (SAOEL) as defined by the Noise Policy for England and that the development will experience high levels of noise and vibration from the adjacent railway. LBTH Environmental Health note that if the site were used a high degree of noise insulation and vibration isolation would be required, to meet the "good standard" of BS8233 (Sound Insulation and Noise Reduction for Buildings), although the applicant's consultant has advised that a "reasonable standard" of BS8233 would be used. This approach is considered to be unacceptable on the basis that the living room areas would be allowed to be 10dB higher internally and the bedrooms 5dB higher, which would equate to a doubling of the perceived railway and road noise level internally and as such some of the habitable rooms may be considered uninhabitable.
- 8.78. LBTH Environmental Health have also raised concerns that high levels of ground borne noise may exist at the development, which has not been fully taken into account in the design of the development. It is further noted that the applicant's consultant confirms at section 9 of the submitted Noise and Vibration Assessment that the ground borne noise levels within the development would exceed the Council's rail noise policy limit of 35dBA. LBTH Environmental Health therefore recommend that the proposed development is refused planning permission in its current form as it is highly likely that the properties will be uninhabitable and that complaints will likely be received soon after occupation.
- 8.79. Taking into account the above, it is considered that the proposed development would fail to adequately protect future residential occupants from unacceptable levels of noise and vibration, to the detriment of residential amenity. The proposal is therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding

existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

Highways

Car Parking

- 8.80. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.
- 8.81. The proposal does not include provision of any on-site car parking. The application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4/5. Accordingly, if planning permission were to be granted it is recommended that a condition be included to secure the development as 'permit free'.

Accessible Car Parking

- 8.82. The Council's parking standards, as set out in Appendix 2(1) of the Council's adopted Managing Development Document (2013), require developments providing new residential units without any off-street car parking to include 1 accessible car parking space to be provided on-site. Where site constraints mean provision is unfeasible, the development must demonstrate how a disabled person can park to use the development with ease.
- 8.83. Given the spatial constraints of the site, Officers acknowledge that the provision of an on-site accessible car parking space is unfeasible. It is noted that any disabled residents would be able to apply for on-street parking permits, even if the development were to be secured as 'permit free'. It is further noted that there are existing resident parking bays on Code Street situated immediately to the south of the application site, which could therefore be used by disabled residents.
- 8.84. Given the limited number of residential units proposed and for the reasons outlined above, it is not considered that the non-provision of accessible parking should constitute a reason for refusal in this instance.

Cycle Parking

- 8.85. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below

Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
A1 retail	1 space per 125 sqm
A3 restaurant/café	1 space per 20 seats for staff 1 space per 20 seats for visitors
B1a offices	1 space per 120 sqm
C3 residential	1 space per 1 or 2 bed unit 2 spaces per 3+ bed unit
D1 community use	1 per 10 staff 1 per 5 staff for visitors

8.86. Taking into account the above minimum standards, the proposed development would be required to provide 8 cycle parking spaces for the proposed non-residential (A1/A3/B1/D1) uses, together with a further 12 cycle parking spaces for the residential units.

8.87. The proposed development includes a 15 sqm cycle store room at ground floor level that is indicated as being able to accommodate up to 22 bicycles. LBTH Transportation & Highways have advised the applicant that the 8 cycle parking stands for the non-residential uses are segregated from the residential cycle parking. In the submitted '127sho_Shoreditch Overground PA 12/02661: Additional Information' document the applicant to reduce the number of cycle parking stands in the ground floor cycle store to 12, to be provided in the form of horizontal ground based stands, and to provide 8 cycle parking stands for the non-residential uses outside the building.

8.88. LBTH Transportation & Highways consider that the proposed amendments to the cycle parking arrangements are acceptable in principle, although they advise that the stands must be provided as Sheffield style stands and that external stands would need to be secured through a S278 condition as the stands would be installed on the public highway. As such, subject to condition to secure full details of the cycle parking facilities, together with a S278 agreement for the associated works to the public highway, it is considered that the proposed cycle parking arrangements are acceptable.

Servicing

8.89. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.

8.90. The proposal includes retail, café, office and community uses at basement, ground and first floor level which will require goods deliveries and servicing. Due to the spatial constraints of the site and the design of the proposed building it would not be possible to accommodate servicing and goods delivery vehicles on site. As such, servicing will need to take place on the public highway.

8.91. The proposals have been assessed by LBTH Transportation & Highways, who have requested additional information from the applicant on the likely number and size of servicing and delivery vehicles to the site. Given the narrow width of Code Street (with on-street parking bays) and that the street terminates at a dead-end at the application site, LBTH Transportation & Highways have raised concerns that

servicing vehicles on Code Street may be unable to turn around and thus may be forced to reverse up the length of Code Street and possibly mount the kerb.

- 8.92. LBTH Transportation & Highways have therefore advised that servicing and delivery vehicles for the proposed development should use the loading bays on Brick Lane, which are located adjacent to the entrance of the alleyway leading from Brick Lane to the application site, located approximately 25 metres to the west of the site.
- 8.93. Whilst no details have been provided on the number and size of servicing vehicles that would be required, in the submitted '127sho_Shoreditch Overground PA 12/02661: Additional Information' document the applicant confirms that it is not proposed to service the site from Code Street and agree with the Council's recommendation of using the servicing bays on Brick Lane.
- 8.94. If planning permission were to be granted it is therefore recommended that a Delivery and Servicing Management Plan be secured by condition, to include details of the number and size of servicing and delivery vehicles to be used, together with the location, frequency and time of day of servicing and delivery movements.
- 8.95. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements for the non-residential uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

- 8.96. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.97. The proposed development includes a designated refuse store, located at the north-east corner of the site, situated between the proposed building and the railway tracks, which is to include 5 x 1,280 litre waste bin (6,400 litres total), with 3 bins (3,840 litres) allocated for residential refuse and recyclables storage and 2 bin units and 2 (2,560 litres) allocated for commercial waste storage for the A1/A3/B1/D1 uses at basement, ground and first floor level.
- 8.98. The proposals have been assessed by LBTH Waste Policy & Development, who consider the proposed refuse and recyclables storage facilities for the residential units to be satisfactory, although they note that there is no segregation between the residential and commercial waste storage facilities, which is not supported.
- 8.99. Therefore, if planning permission were to be granted it is recommended that a condition be included to require the submission for approval of details of amended waste storage facilities, to include clear segregation and demarcation of the residential and commercial waste storage facilities.
- 8.100. Subject to condition, it is considered that the proposed refuse and recyclables storage facilities are acceptable, in accordance with Policy 5.17 of the London Plan (2011), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

Community Infrastructure Levy

- 8.101. The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April 2012. The proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £ 59,710. This is an initial estimation. Were planning permission to be granted the Council would issue a CIL Liability Notice as soon as possible after a decision notice is issued.

Financial Considerations

- 8.102. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires local planning authorities (and the Secretary of State) to have regard to the following:
- (a). The provisions of the development plan, so far as material to the application;
 - (b). Any local finance considerations, so far as material to the application; and
 - (c). Any other material consideration.
- 8.103. Section 70(4) defines "local finance consideration" as:
- (a). A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b). Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.104. These issues need to be treated as material planning considerations when determining planning applications or planning appeals. In this instance, the payment of CIL and the new Homes Bonus that would be associated with this development are capable of being material considerations.

Human Rights

- 8.105. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.106. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.107. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.108. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.109. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.110. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.111. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.112. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

Equality Act

- 8.113. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a). eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b). advance equality of opportunity between persons who share a relevant
 - (c). protected characteristic and persons who do not share it;
 - (d). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.114. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.115. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be refused for the reasons set out in RECOMMENDATION section of this report.

Application Site Map for PA/12/02661 and PA/12/03383

