

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01638 and PA/13/01644
	<b>Ward:</b> Weavers Ward

## 1. APPLICATION DETAILS

### Site 1: PA/13/01638 Full Planning Application and PA/13/01644 Conservation Area Consent.

**Location:** Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street

**Existing Use:** Huntingdon Industrial Estate: Light Industrial Buildings (Use Class B1) and temporary D1 and B2 uses.  
30-32 Redchurch Street: Vacant

**Proposal:** FPP PA/13/01638  
Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

CAC PA/13/01644  
Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.

## 2. **BACKGROUND**

2.1 The above applications were reported to the Strategic Development Committee on the 21<sup>st</sup> November 2013 with an Officers recommendation for APPROVAL. The Committee resolved NOT TO ACCEPT officers' recommendation to GRANT planning permission (subject to conditions) for the approval of the redevelopment of Huntingdon Industrial Estate.

2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:

- Impact on the surrounds and the heritage assets in view of the height, scale and massing, demolition of 30-32 Redchurch Street, the design (especially the use of

Roman Brick, the design of the proposed balcony and the roof terrace arrangements) and the loss of the historic street pattern with regards to Whitby Street.

- The failure to provide a mixed and balanced community given the overprovision of private sale within the development and concentration of affordable housing on the linked Fleet Street Hill application. (PA/13/01637)

### **3.0 PROPOSED REASON FOR REFUSAL**

3.1 Officers have drafted the following refusal reasons to cover the issues raised.

#### PA/13/01638- Full Planning Permission

3.2

1. The proposed development, by virtue of its excessive height and bulk, is insensitive to the context of its surroundings and as such would not incorporate the principles of good design. By failing to relate well to the scale of the buildings in the immediate surrounds the proposal would not preserve or enhance the character and appearance of the Redchurch Street Conservation Area and fail to preserve or enhance the setting of surrounding conservation areas. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.
2. The detailed design of the building including the use of a stepped massing, a Roman profile brick, balconies and terraces with balustrades would be out of character with its surroundings and as such, would be contrary to: Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.
3. The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation Area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal is therefore contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8( c and d) and guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.
4. The development would be constructed over the historic route of Whitby Street and as such, would result in the loss of the traditional street pattern of the area, failing to reserve or enhance the character and appearance of the Redchurch Street Conservation Area. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27 and London Plan (Revised Early Minor Alterations to the London Plan 2013)

policies 7.4, 7.6, 7.7 and 7.8d. The proposal would also be contrary to guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.

5. The development by virtue of the lack of on-site affordable housing (particularly housing falling within the rented tenure) would fail to contribute to the creation of a mixed and balanced community in the area. The proposal would therefore be contrary to Strategic Objective S08 of the Core Strategy (2010), policy DM3(a) of the Managing Development Document and London Plan policy 3.9.
6. In the absence of a planning permission for the redevelopment of a linked scheme at Fleet Street Hill (LBTH Ref PA/13/1637) the development would not secure the provision of an appropriate level of affordable housing and S106 contributions. The proposal would therefore be contrary to policies (legal agreement to secure an appropriate level of affordable housing and s106 contributions) and would fail to deliver affordable housing and mitigate against its impact. As such, the proposed development would fail to accord with policy 3.12 of the London Plan, policies SP02 and SP13 of the adopted Core Strategy and policy DM3 of the Managing Development Document (2013).

#### PA/13/01644- Conservation Area Consent

1. The proposed demolition of 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) without the grant of planning permission for an acceptable replacement, would neither preserve nor enhance the Redchurch Street Conservation Area. As such, the proposed demolition would be contrary to policy SP10 of the adopted Core Strategy 2010, and Policy DM27 of the of the Managing Development Document (Adopted 2013).
2. The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal would therefore be contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8(c and d) and guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.

#### Consideration for PA/13/01638- Full Planning Permission

- 3.3 The Officer report to the Strategic Development Committee set out the very balanced nature of the assessment of these proposals. Officers identified that aspects of the scheme did not comply with policy, but that the overall regenerative benefits of linked applications weighed in favour of approval.
- 3.4 Officers consider that it is reasonable for Members to adopt a different view on the balance of the issues and have drafted reasons to cover the main areas of concerns raised by Members. Reason 6 is an additional reason to the reasons given by Members. Officers consider that this reason is necessary as it follows from the minded to refuse resolution in respect of the Fleet Street Hill proposal (LBTH Ref PA/13/01637). Officers consider it appropriate to include this further reason into a decision notice.

- 3.5 Officers consider that the reasons given by Members are reasonable and could be defended at appeal. Officers note that in the event of an appeal it is open for an Appellant to make an application for Costs. Planning Inspectorate Guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

- 3.6. Officers consider that it would be possible to produce evidence to defend these reasons and do not consider that there is a particularly high risk of an award of costs in this case - though noting that any decision on this matter would be made by the Secretary of State.

#### Consideration for PA/13/01644- Conservation Area Consent.

- 3.7 The reasons for refusal in relation to the conservation area consent application have been divided into two. The first reason focusses on prematurity of demolition in the absence of a planning permission for a suitable replacement building. The second reason focusses on the principle of demolition of 30.32 Redchurch Street (which was highlighted as an area of concern for Members in respect of the application for planning permission).
- 3.8 Huntingdon Industrial Estate, is not considered to be of particular architectural merit, and is included in the reason for refusal, purely on the basis of the lack of an suitable alternative design. As such, the demolition of the buildings could result in a derelict site which would not be in accordance with the character of the conservation area.
- 3.9 The second reason involves the concerns raised by Members with regards to the loss of 30/32 Redchurch Street.
- 3.10 Officers consider both reasons are reasonable.

#### **4.0 IMPLICATIONS OF THE DECISIONS**

- 4.1. If Members resolve to **REFUSE** Planning Permission the application must be reported to the Mayor of London under the ‘Stage II’ provisions of the Mayor of London Order. Following receipt of this referral the Mayor of London may decide to either:-

- i) Direct that he is to act as the Local Planning Authority, or
- ii) Let the Decision Stand (i.e. allow LBTH to Refuse the Application)

In the event that the Authority is allowed to determine the application as a Refusal the following are among the options open to the Applicant:-

- i) Submit a Revised Application and try to overcome the reasons for refusal.
- ii) Appeal against the Refusal of Planning Permission to the Secretary of State.

- 4.5 Officers would defend the decision of the Council at Appeal.

#### **5.0 CONCLUSION**

- 5.1 All relevant policies and considerations have been taken into account. Whilst officers' remain satisfied that planning permission for the Huntingdon Industrial Estate should be GRANTED for the reasons outlined in the appended report and update report, subject to the direction by the London Mayor, Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous reports and update report presented to the Strategic Development Committee on 21<sup>st</sup> November 2013 (see Appendices 1 and 2) and determine the planning applications as appropriate.

## **6.0 APPENDICES**

- 6.1 Appendix One - Committee Report to Members on 21<sup>st</sup> November 2013  
6.2 Appendix Two – Update Report to Members on 21<sup>st</sup> November 2013