

<b>Committee:</b> Development	<b>Date:</b> 11 March 2015	<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> Application for Planning Permission
<b>Case Officer:</b> Kate Harrison	<b>Ref No:</b> PA/14/01181 (Listed Building Consent)
	<b>Ward:</b> St Katharines and Wapping

1. **APPLICATION DETAILS**

**Location:** St Pauls Primary School, Wellclose Square, London E1 8HY

**Existing Use:** School (Use Class D1)

**Proposal:** Removal of dilapidated crittall windows to school hall and replacement to match existing.

**Drawings and documents:** List of Plans:

*Existing:*  
2804/SD1  
2804/SD2  
2804/SD3  
2804/SD5  
2804/SD6

*Proposed*  
2804/SD4  
Dwg/1  
Dwg/2  
Dwg/3

Documents:  
• Design and Access Statement

**Applicant:** Tower Hamlets Council

**Ownership:** Tower Hamlets Council

**Historic Building:** Grade II Listed Building

**Conservation Area:** Wiltons Music Hall

## **2. EXECUTIVE SUMMARY**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.2 The report considers an application for Listed Building Consent to remove critical windows to a school hall and install replacement windows to match the existing. The report concludes that the proposed design preserves the setting of the surrounding Grade II Listed Buildings, conserves the appearance of the Conservation Area and is an acceptable design within the context.

## **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** listed building consent subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

### **Conditions – listed building consent PA/14/01181**

#### **3.3 Compliance**

1. Time Limit 3 years
2. Compliance with plans and documents

#### **3.4 Prior to commencement**

3. Submission of details and samples of proposed windows

#### **3.5 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal**

#### **3.6 Informative**

1. Listed Buildings

## **4. SITE AND SURROUNDINGS**

- 4.1 The application site is in the west of the borough; the site falls within the electoral ward of St Katherine's and Wapping and within the Wilton Music Hall Conservation Area. The site is St. Paul's Primary School, which is a local authority school situated to the north of Wellclose Square and south of Cable Street. The main pedestrian access is on the southern side of the school and the vehicular access along the northern boundary. The buildings on the site are Grade II Listed.
- 4.2 The proposal relates to the school hall which is a relatively modern addition (circa 1960s) attached to the original school building. The hall is positioned centrally within the site and the elevation on which the windows are proposed looks westwards in to the site as opposed to on to a public highway.

## **5 RELEVANT PLANNING HISTORY**

### Application site

- 5.1 PA/09/01583 and PA/09/01584 - Full planning permission and listed building consent for the demolition of existing nursery and plant room and construction of two extensions forming foundation unit with associated store and early years unit and improvements to school grounds. *Approved 28th October 2009.*
- 5.2 PA/10/00623 - Listed building consent for the internal alterations and minor modifications to improve flow through the school at ground floor and improve toilet provision on the first floor. *Approved 18th January 2012.*
- 5.3 PA/10/00622 - Submission of details pursuant to conditions 2c, 2d and 2e (materials) and 3 (glazed connection) of listed building consent PA/09/01584, dated 28 October 2010. *Approved 27th October 2010.*
- 5.4 PA/11/00510 - Application under Section 96A of Town and Country Planning Act 1990 for a non-material amendment to Planning Permission PA/09/1583 dated 28 October 2009 consisting of the cladding of the external wall with weather boarding and alteration to the main entrance of the Foundation Unit. *Approved 4th April 2011.*
- 5.5 PA/11/00340 – Approval of Details, submission of details pursuant to conditions 2d (window samples) and 3 (glazed connection) of listed building consent dated 28/10/09 ref. PA/09/01584. *Approved 15th April 2011.*
- 5.6 PA/11/00401 – Internal refurbishment works at ground and first floors and minor modifications to improve access within the school, toilet provision for the junior years and general flow through the school. *Approved 18th April 2011.*
- 5.7 PA/11/00512 - Application under Section 96A of Town and Country Planning Act 1990 for a non-material amendment to Listed Building Consent application for non-material amendment of minor alterations to approved scheme, including cladding to external wall with weatherboarding, arrangement of FSU main entrance, of planning permission dated 28/10/09, ref: PA/09/1584. *Approved 20th July 2011.*

## **6 DETAILS OF THE PROPOSED DEVELOPMENT**

- 6.1 Listed Building Consent is sought to remove the existing crittal windows to the school hall and install replacement windows. The proposed windows would be double glazed and would have crittal frames and a matching design to the original windows.
- 6.2 The council is prohibited from granting itself listed building consent. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

## **7 POLICY FRAMEWORK**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess

- 7.2 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:
- 7.3 Government Planning Policy  
NPPF - National Planning Policy Framework (2012)  
NPPG- National Planning Policy Guidance (2014)
- 7.4 Spatial Development Strategy for Greater London - London Plan 2011  
London Plan Revised Early Minor Alterations 2013 (LP REMA)  
7.4 Local Character  
7.5 Public Realm  
7.6 Architecture  
7.8 Heritage Assets and Archaeology
- 7.5 Tower Hamlets Adopted Core Strategy 2010  
SP10 Creating Distinct and Durable Places
- 7.6 Managing Development Documents 2013  
DM24 Place-sensitive Design  
DM25 Amenity  
DM27 Heritage and the Historic Environment
- 7.7 Supplementary Planning Documents  
LBTH Wiltons Music Hall Conservation Area Character Appraisal and Management Guidelines (2007)

## **8.0 CONSULTATION RESPONSE**

- 8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process

### LBTH Conservation and Design

- 8.2 These are relatively modern windows on a building which has been added to the historic school. The new windows are w20 double glazed units and match the original windows in design. I have no objections.

### ***External consultation responses***

#### English Heritage

- 8.3 No objections to development.

*Officer Note: As the application relates to a Tower Hamlets owned property, the application was sent via English Heritage to the Secretary of State for review. A stamp from the National Planning Casework Unit on the English Heritage letter confirms that the application does not need to be referred to the Secretary of State.*

## **9. LOCAL REPRESENTATION**

### Statutory Consultation

- 9.1 A site notice was displayed and the proposal was also advertised in the press. A total of 60 neighbouring addresses were notified in writing. No letters have been received in support/ objection.

## **10 MATERIAL PLANNING CONSIDERATIONS**

- 10.1 The only planning issue raised is design and heritage.

### Design and Heritage

- 10.2 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.3 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- 10.4 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles and seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.5 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in any adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.6 The site falls within the Wiltons Music Hall Conservation Area. Members must satisfy themselves that the proposal pays special regard to the desirability of preserving or enhancing the character and appearance of this area and the character of the Listed Building.
- 10.7 The details of the listed building as listed by English Heritage are as follows: 'Brown brick with white stone dressings. Red and black brick window dressings. Tiled roof. Gothic style. Western facade has 4 gables, outer 2 above staff houses. Central clock tower with spire above entrance which has 6 cloister arches, centre 2 with stone string course gabled above, and with trefoil finials and tablets marking "Boys" and "Girls" entrances. 2 storeys, 4 windows, Gothic glazing bars and stone tracery.'
- 10.8 As noted within the Conservation and design officers comments, the building that the application site relates to is a relatively modern addition that has been added to the historic school. The proposed windows, although double glazed, will be similar to the profile of the original windows and the overall design would match the existing fenestration. Furthermore, the proposed windows would improve the insulation of the

existing school building and thus would improve the functional quality of the school hall.

- 10.9 For the reasons outlined above, the proposed development would preserve the character, appearance and setting of the Grade II Listed buildings, preserve the setting of the Wiltons Music Hall Conservation Area and would be an appropriate design within the context. As such, the proposal would comply with Policy SP10 in the Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (2013) as well as sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Human Rights Considerations

- 10.10 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 10.11 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".

- 10.12 This report has outlined the consultation that has been undertaken on the application and the opportunities for people to make representations to the Council as local planning authority.

- 10.13 Members need to satisfy themselves that there will be no potential interference with Article 8 rights will be legitimate and justified.

- 10.14 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.

- 10.15 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 10.16 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.

10.17 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.

#### Equalities Act Considerations

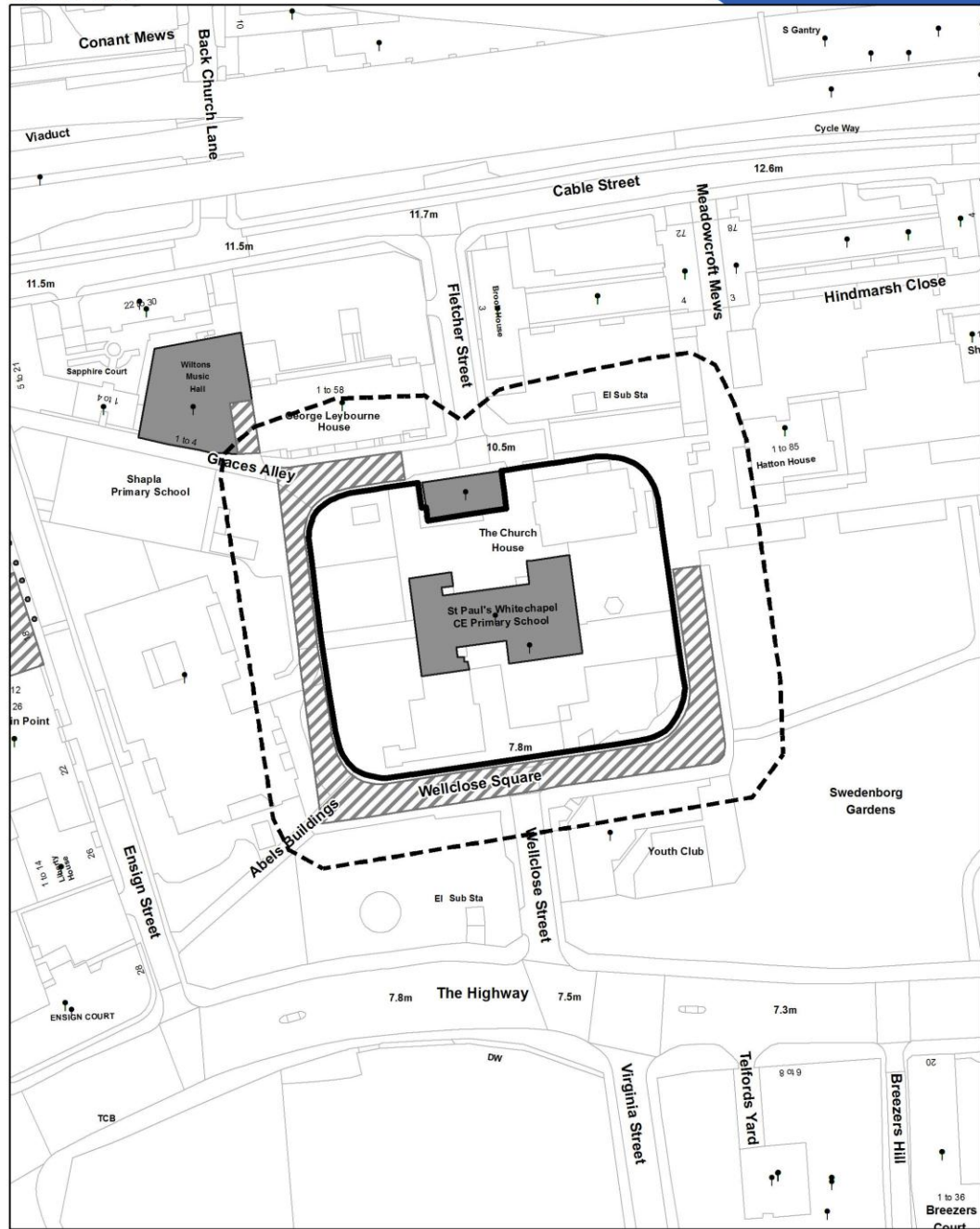
10.18 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **11 CONCLUSION**

11.1 All other relevant policies and considerations have been taken into account and the Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent subject to the conditions set out in the RECOMMENDATION at the beginning of this report.

**Planning Application Site Map**  
Pa/14/01181



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	0	20 m
	Consultation Area		Statutory Listed Buildings		OSLine		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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