

<b>Committee:</b> Development	<b>Date:</b> 28 October 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> Town Planning Application
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/15/000108
	<b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

**Location:** The Royal London Hospital, Whitechapel Road, London, E1 1BB

**Existing Use:** Vacant

**Proposal:** Removal and re-siting of Royal London Hospital war memorial plaque from within the former ground floor foyer of the old Royal London Hospital Front Block Building. To be re-sited on the wall of the Stepney Way public atrium in the new hospital building.

**Drawing Nos/Documents:** WM Site Plan 29/1/2014  
W01/GrevM  
WM2  
DBR Quotation dated 13/1/2015  
Supporting Statement

**Applicant:** Barts NHS Health Trust  
**Ownership:** London Borough of Tower Hamlets  
**Historic Building:** Grade II listed  
**Conservation Area:** London Hospital

## 2. EXECUTIVE SUMMARY

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

2.2 The war memorial, subject of this application, commemorates staff and students of the Royal London Hospital who gave their lives in World Wars I and II. The removal of the war memorial from the grade II listed building would result in less than substantial harm to this heritage asset, however this harm is outweighed by the public benefits associated with the memorial being sited in a public location within the new hospital building as opposed to being retained in a building which currently has no public access and will no longer be used by hospital staff and students.

## 3. RECOMMENDATION

3.1 That the Development Committee resolve to **GRANT** listed building consent subject

to:

A. The completion of a legal agreement to secure:

- i) Details of how the memorial will be stored and transported to the new site
- ii) Details of how the war memorial will be affixed in its new position.
- iii) The retention of the war memorial in a public location in the new building in perpetuity.

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the listed building to secure the following matters:

### **3.6 CONDITIONS on LISTED BUILDING CONSENT**

1. Time limit
2. Compliance with the plans
3. Details of timing and method of removal of the war memorial
4. Details of making good the wall the plaque is removed from.

3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse listed building consent.

## **4 SITE AND SURROUNDINGS**

4.1 The Royal London is an imposing Grade II listed building located on the northern side of Whitechapel Road, opposite Whitechapel Underground station. Following the redevelopment and expansion of the Royal London Hospital approximately 10 years ago, the frontage block has become vacant and boarded up. There is no public access into this building currently.

4.2 The listing description of the building is as follows:

*“Begun 1751. Architect Boulton Mainwaring. Later alterations and additions. Brick with slate roof. Central advanced block of 7 bays with pediment over 5 bays, clock in tympanum and balustraded parapet. Arcaded ground floor with rusticated brick arches. Windows separated by pilasters through 1st and 2nd floors with 2 pairs at each end. Eastern reveal had round arched window with tracery and similar one remains on facade. Flanking recessed 6 bay wings to east and west 4 storeys and dormers leading to eastern advanced wings of 11 bays. Yellow brick, stone cornice to parapet. Band above 1st floor. Gauged flat arches to recessed windows”*

4.3 There is a war memorial dedicated to the staff and students of the hospital who lost their lives during World War I and II. It is currently located near the entrance of the listed building. The war memorial would be moved from the vacant frontage block to the new

block at the rear, it would be positioned just inside the Stepney Way entrance. This is one of the main entrances to the hospital and is adjacent to the ambulance bay.

- 4.4 As the war memorial is part of the listed building, consent is required to remove it from the listed building.

## 5 DECISION MAKING AND REGULATIONS

- 5.1 The war memorial is currently located within the atrium of the front block of the Royal London Hospital. During the course of the application, the sale of the Royal London frontage block from Barts NHS trust to the London Borough of Tower Hamlets completed, and so the war memorial is now sited within a building under the ownership of the Local Authority, Barts NHS trust do however retain ownership of the war memorial and various other items heritage items within the building.

- 5.2 The council is prohibited from granting itself listed building consent unless certain consultation / procedures are followed. 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. However amendments were inserted in 2015 which allow Local Authorities to determine applications where the following has occurred:

- Notification to the amenity societies and Historic England
- No objections have been received by either after 21 days of the notification
- The application is to be approved.

This is the case for this application so listed building consent can be granted following the decision of the Committee.

- 5.3 The application is being reported to the Development Committee under the terms of reference set out on the constitution, part 1 (c): "To consider and determine recommendations from the Corporate Director of Development and Renewal for listed building consent applications made by or on sites / buildings owned by the Council."

## 6 Relevant Planning History

- 6.1 There are numerous applications and listed building consents associated with the listed Royal London hospital block and the redevelopment block to the south. Below is a list of the most relevant applications:

PA/04/00611 Redevelopment and refurbishment of the Royal London Hospital – Approved 31/3/15

PA/06/276 – Erection of a circular blue commemorative plaque to the front ground floor facade.  
Approved 29/3/06

PA/12/1895 - Relocation for a limited period of the Grade II listed statue of Queen Alexandra to opposite the south entrance of the new main hospital building under the building overhang area off Stepney Way. Approved 13/8/12

## 7 POLICY FRAMEWORK

- 7.1 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:

## 7.2 **Core Strategy Development Plan Document 2010 (CS)**

Policies: SP10 – Creating Distinct and Durable Places

## 7.3 **Managing Development Document (2013)**

Policies: DM27 – Heritage and the Historic Environment

## 7.4 **London Plan 2015 (consolidated with alterations since 2011)**

Policies: 7.8 – Heritage Assets and Archaeology

## **8 CONSULTATION RESPONSE**

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

The following were consulted and made comments regarding the application:

### 8.1 **English Heritage**

“You are hereby authorised to determine the application for listed building consent as you think fit.” The letter (dated 17<sup>th</sup> February 2015) gives authorisation from the National Planning Casework Unit to determine the application without further referral to the Secretary of State.

### 8.2 **The Victorian Society – No comments received to date**

### 8.3 **The Georgian Group - No comments received to date.**

## **9 LOCAL REPRESENTATION**

A total of 146 neighbouring addresses were consulted by letter, a site notice was erected on 18<sup>th</sup> February 2015 and a press notice published 16<sup>th</sup> February 2015. No responses have been received.

## **10 MATERIAL PLANNING CONSIDERATIONS**

### **Policy Background**

10.1 Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings and their setting, including any features of special architectural interest which it possesses.

10.2 The NPPF outlines that harm can be considered in relation to heritage assets (such as listed buildings), however this harm needs to be outweighed by public benefits. The level of public benefits required would depend on the level of harm identified.

10.3 Policy 7.8 of the London Plan requires development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

10.4 Policy SP10 of the Core Strategy requires protection and enhancement of listed

buildings as well as other heritage assets, which is echoed by policy DM27 of the Managing Development Document. DM27 also goes on to advise that applications affecting a heritage asset will only be approved where they are appropriate in terms of scale, form, design and detailing and better reveal the significance of the asset.

### **Assessment**

- 10.5 The re-siting of the war memorial results from the relocation of the Barts NHS trust from the historic Royal London Hospital Building along Whitechapel Road to the modern buildings at the rear. The redevelopment of the Royal London commenced in 2005 and has resulted in significant new medical and teaching facilities for the Trust, predominantly in modern buildings set behind the frontage building. The frontage building is no longer occupied by hospital staff and students and so as the war memorial plaque relates specifically to members of the hospital who died during the two world wars it is considered appropriate that it is relocated within the new hospital building.
- 10.6 The Council's borough conservation officer is supportive of the relocation of the war memorial as it would be more appropriate to locate it within the current hospital than for it to remain within the vacant hospital where it is currently not visible to either the public or to staff and students of the hospital.
- 10.7 In terms of the NPPF and whether the relation would cause any harm to the heritage asset, as this would be removing an historic item from a grade II listed building it can be considered to result in 'less than substantial harm', however its relation to a public place within a more appropriate building would be a significant public benefit which would outweigh the harm caused to the listed building.
- 10.8 In order to ensure the memorial is secured in a public place in perpetuity a s106 legal agreement is required to be entered into by the Trust. This cannot be secured by condition because as the memorial is not listed in its own right, it would lose protection under the Listed Building Act and a condition under the Listed Building Consent would not be enforceable. As the main public benefit associated with this application is its display in a public area it is necessary to secure this through a legal agreement. Details of how the memorial will be fixed to the wall within the new building would also be secured through the legal agreement rather than a condition for the same reason.
- 10.9 Conditions will be used to secure the safe removal of the memorial and making good of the wall that it is removed from, as this relates to works within the listed building, it is considered acceptable to secure this through condition, rather than through a legal agreement.
- 10.10 Taking into account the above, it is considered that the relocation of the war memorial would better reveal its significance, even though it is moved out of the listed building. The application accords within the provisions in the NPPF and London and Local Plan policies and is therefore considered acceptable.

### **11 Localism Finance Considerations**

- 11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 11.2 In dealing with such an application the authority shall have regard to:
  - 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.

- 11.3 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.
- 11.4 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use:
- 11.5 These issues are to be treated as material planning considerations when determining planning applications or planning appeals. In this case there are no financial obligations associated with the scheme and the Council as owner of the subject building would not be subjected to costs associated with the removal / storage or relocation of the war memorial.

## 12 Human Rights Considerations

- 12.1 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:-
- 12.2 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".
- 12.3 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.
- 12.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 12.5 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.

- 12.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 12.7 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.
- 12.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that there is no demonstrable interference with Human Rights as a result of this proposal.

### **13 Equalities Act Consideration**

13.1 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 and sex 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:

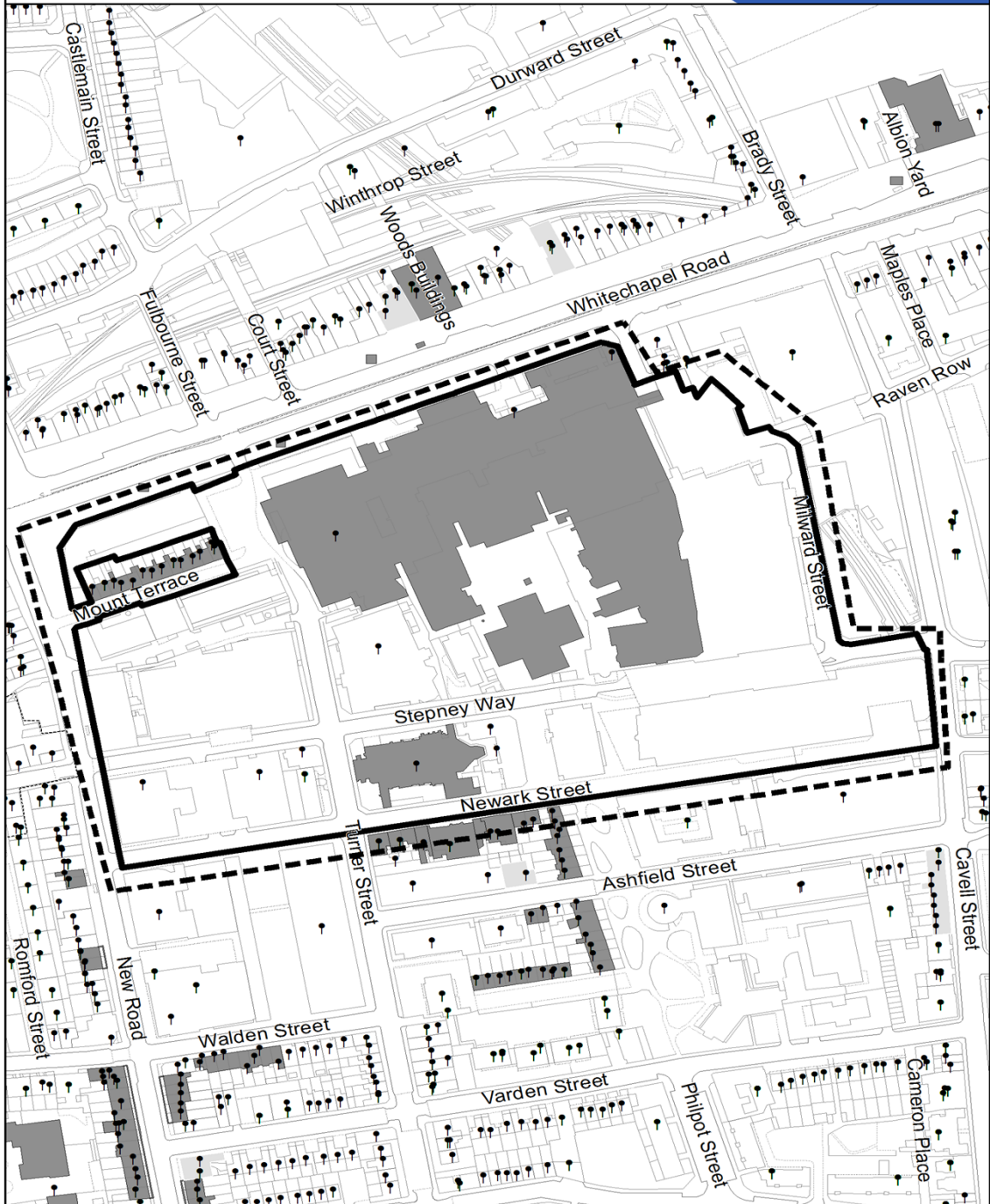
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share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







13.2 Officers are of the view that this proposal would accord with the Equalities Act.

### **14 Conclusion**

14.1 All other relevant policies and considerations have been taken into account. Listed Building Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map  
PA/15/00108



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 30 m		

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