

<b>Committee:</b> Development	<b>Date:</b> 28 <sup>th</sup> October 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application	
<b>Case Officer:</b> Brett McAllister		<b>Ref No:</b> PA/15/02216	
		<b>Ward:</b> Lansbury	

## 1.0 APPLICATION DETAILS

- 1.1 **Location:** Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ
- 1.2 **Existing Use:** Junior School
- 1.3 **Proposal:**
1. Installation of external fire escape stair to south elevation of hall.
  2. Replacement of windows on west elevation of hall.
  3. Demolition of existing timber storage shed.
  4. Minor resurfacing works around new stair.
- 1.4 **Documents:** Design & Access Statement by Architectural Initiative (July 2015)  
Heritage Statement by Heritage Collective ref. 1907A (July 2015)
- 1.5 **Drawing Nos:** LL-001 (July 2015)  
LL-002 (July 2015)  
LL-003 (July 2015)  
LL-004 (July 2015)  
LL-005 (July 2015)  
LL-100 Rev. A (July 2015)  
LL-101 Rev. A (July 2015)  
LL-102 Rev. A (July 2015)  
LL-103 Rev. A (July 2015)
- 1.6 **Applicant:** Tower Hamlets Children's Services
- 1.7 **Owner:** London Borough of Tower Hamlets
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Lansbury Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 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 Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2011) and National Planning Policy Framework (2012) and has found that:

- 2.2 The proposals are necessary to increase the capacity of the school hall from 80 to 400. The capacity is restricted by building regulations which hold the existing fire escapes to be insufficient. The proposed new stair would create a fire escape that would maximise the capacity of the hall. This would be designed to closely resemble the existing original external stair in that the main structure would be built from pre-cast concrete, would have a black steel balustrade and would have a minimalist appearance. There would also be a single brick support similar to the existing stair. The windows on the western elevation would be replaced by matching fire resistant windows. It is considered that the proposals would preserve the special architectural interest of the listed building.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to grant Listed Building Consent subject to the conditions as set out below.
- 3.2
1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. Details of External Materials
- 3.3 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

### **4. BACKGROUND**

- 4.1 This application is for Listed Building Consent which is required for the proposed works to the school. The building is Grade II Listed, and owned by the Council.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. 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.
- Provided the 20<sup>th</sup> Century Society (an amenity society) have no objection this will be the case for this application so listed building consent can be granted following the decision of the Committee.
- 4.3 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."
- 4.4 The proposed works also require planning permission, this was submitted on 10<sup>th</sup> August 2015 (planning reference PA/15/02260). This application is not required to be presented to members and as such, the Council will determine it under delegated powers.

## 5. PROPOSAL AND LOCATION DETAILS

### Proposal

5.1 Listed Building Consent is sought for:

1. Installation of external fire escape stair to south elevation of hall.
2. Demolition of existing timber storage shed on south elevation of hall to provide space for the new stair.
3. Minor resurfacing works around new stair.
4. Replacement of windows on west elevation of hall with matching fire resistant windows.

### Site and Surroundings

5.2 Lansbury Lawrence Primary School is a two form entry school catering for 3-11 year old children. It is bounded by Cordelia Street to the north, Kerbey Street to the east, Ricardo Street to the south and Elgin House residential block to the west. It is part of the Lansbury Estate. The surrounding buildings are a mixture of 3 and 4 storey post-war residential housing. The site sits within the Lansbury Conservation Area.

5.3 The school has been built as an architecture show piece of the 'Festival of Britain' exhibition in 1951. It is Grade II listed. It has a number of features of historic and architectural interest; considered an elegant example of the architectural innovation for the rebuilding of schools after the war.

5.4 Here is an extract from the list description:

5.5 *"Primary School and adjoining nursery school. Built 1949-51 and 1951-2 respectively, to the designs of Yorke, Rosenberg and Mardall (F R S Yorke job architect, K W Grieb and J Sofaer respective assistants) for the London County Council. Light welded Hills' 8'3" steel frame, clad in concrete panels, brick and stone. Copper roof to assembly hall and nursery ranges, flat felted roof to rest. The Hills' 8'3" prefabricated system developed with Hertfordshire County Council for its enterprising post-war schools programme, then at the peak of its achievement, imposed its grid on the floor plan as well as the proportions of the elevations.*

5.6 *Planform. 2-storey central classroom spine, with infants on ground floor and juniors above, clad in concrete panels (renewed). Infants' floor with covered play area and cloakrooms (one now with swimming tank) on one side, and five classrooms on the other, of a spinal corridor with small glazed toplights. Junior school floor with 8 classrooms in pairs reached via glazed links from corridor placed over cloakrooms. Entrance hall next to ground floor kitchen and dining hall a cross passage between front and back of school, with adjoining staircase. At eastern end original entrance hall and pair of assembly halls, set one above the other, faced in brick and Hornton stone and with copper roof. Projecting block of staff rooms and offices towards Cordelia Street forms formal entrance corner to original entrance with granite setts."*

5.7 The principal visitor's entrance is located at the north eastern corner of the site opening to the north onto Cordelia Street. The two storey main school hall is located immediately south of the entrance running along the eastern edge of the site with a car park in the south eastern corner.

5.8 The school hall is a two storey building with a shallow pitched roof of copper supported on steel trusses; this is in contrast to the flat roofs elsewhere on the

school site.

- 5.9 The hall is accessed from the main entrance lobby, which is a double height space with a stair case spanning the space and giving access to the first floor hall. Secondary access and fire escape route is provided on the western side of the hall where the full glazed elevation features doors onto a balcony and free standing concrete stair leading to the ground in two flights set at an angle to the main building. The eastern elevation features windows higher in the elevation providing light and ventilation but no view out. The southern elevation is a blank brick wall. There is a storage shed and electricity substation at ground floor level of the east elevation.

## **6 Relevant Planning History**

- 6.1 PA/01/01055 & PA/01/01057

Planning and listed building consent applications granted 06.02.2002 and 02.05.2002 respectively for the refurbishment and upgrading of the school involving reinstatement of existing entrance with the erection of a canopy; internal modifications; formation of new staff car park, replacement of existing windows and glazed screens and demolition of some unlisted buildings.

- 6.2 PA/01/01071 & PA/01/01072

Planning and listed building consent application granted 30.01.2002 and 02.05.2002 respectively for the erection of new boiler house with the renewal of the fabric including existing glazed screens and new administration/recreation wing.

- 6.3 PA/03/00757

Listed building consent application granted 06.08.2003 for internal alterations to building including the demolition/removal of partition walls, blocking up of several internal doors, plus the addition of new internal door.

- 6.4 PA/05/00845 & PA/05/00847

Planning and listed building applications granted 05.05.2006 and 26.05.2006 for external alterations to elevations and erection of a new extension at ground floor level, provision of new staff car park, alterations to hard and soft landscaping and erection of a new entrance canopy and the associated listed building consent for internal alterations and demolition, extension to form chair store and lobby, new staff car park, new external doors and screens to 3 entrances and erection of external canopy to main entrance.

- 6.5 PA/06/00754 & PA/06/00755

Planning and listed building consent applications granted 04.10.2006 and 16.11.2006 respectively for erection of a separate new single storey facility building for training, educational and childcare facility including the creation of a separate access onto Ricardo Street and the associated listed building consent for partial removal of existing Grade II Listed perimeter wall.

- 6.6 PA/12/01993 & PA/12/02468

Planning and listed building consent applications granted 10.09.2012 and

20.12.2012 respectively for new school main entrance gate on Ricardo Street formed within existing school perimeter metal fence and partial height brick wall.

- 6.7 Most recently, PA/15/02260 the planning application submitted 2<sup>nd</sup> June 2015 for the works considered within this listed building application.

## **7. POLICY FRAMEWORK**

- 7.1 The following policies are relevant to the application:

### **7.2 National Planning Policy Framework 2012 (NPPF)**

### **7.3 National Planning Practice Guidance (NPPG)**

### **7.4 Spatial Development Strategy for Greater London consolidated with further alterations (London Plan 2015) (LP)**

Policies:	7.4	Local Character
	7.8	Heritage assets and archaeology

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

Policies:	SP10	Creating Distinct and Durable Places
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### **7.6 Managing Development Document (2013) (MDD)**

Policies:	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and the Historic Environment

## **7. CONSULTATION**

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **7.2 English Heritage**

English Heritage have considered the information received and state that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

*Officer comment: This has been noted.*

### **7.3 The 20<sup>th</sup> Century Society**

Comments from the 20<sup>th</sup> Century Society have not been received as yet but will be included in the Committee update report.

## **8. LOCAL REPRESENTATION**

A total of 115 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in East End Life. No letters of representation have been received.

## 9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 9.2 The main issue for Members to consider is whether the proposed works are appropriate in this respect.
- 9.3 **Impact on Special Architectural and Historic Character of the Listed Building.**
- 9.4 For the determining of planning applications relating to heritage assets the National Planning Policy Framework (2012) advises local planning authorities to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.5 In addition to the above, London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.6 The Council's adopted policy SP10 of the Core Strategy (2010) seeks to protect and enhance the boroughs Heritage Assets. This is supported by Policy DM27 states development will be required 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'.
- 9.7 The application is comprised of two parts. The primary element being the installation of a staircase on the southern elevation of the hall building and the associated removal of the timber storage shed and resurfacing around the staircase. The second element being the replacement of a number of panes of glass in the western elevation with fire-resistant glass. Both elements are to increase the fire safety of the hall to increase its capacity.
- 9.8 Due to current building regulations the maximum capacity of the hall is 80. At present conducting 'full school' assemblies in the hall with infants and juniors comprising 400 pupils is non-compliant. To increase the capacity of the hall to this number the means of escape in the event of a fire needs to be improved. The proposed fire escape, which would be of a clear width of 1560mm, would increase the capacity to this desired amount.
- 9.9 The additional fire escape is proposed on the south elevation on the right hand side as you look at the building from the outside. This would create three fire escapes: the hall entrance on the northern elevation, the existing external stair on the western elevation and the proposed fire escape. Originally the proposed fire escape was proposed for the left hand side of the southern elevation but this was deemed to be

too close to the fire escape on the western elevation. The positioning of the new fire escape on the right hand side of the south elevation would give a distinct alternative escape option increasing the level of safety in the hall.

- 9.10 The proposed stair serving the fire escape would attempt to match the existing stair on the western elevation. It would be separated from the building and be parallel to the southern elevation. The main structure would be built from pre-cast concrete with a single brick support and it would have a black powder coated steel balustrade. It is considered that it achieves a minimalist appearance and the features of the design, if not exactly matching, would correspond well with the existing, original external stair.
- 9.11 The blank side wall of the southern elevation, although original fabric is not considered to have any particular architectural or historic significance. There would be limited views of the entrance from Kerbey Street but it is considered to be a minor alteration that would have a minimal impact. It is also noted that trees positioned south of the hall would provide good screening of the new stair.
- 9.12 New fire resistant glazing would be also be installed on the western elevation in order to meet building regulations for the proposed hall capacity. The applicant has confirmed that the replacement glazing and frames would have an appearance that matches the existing.
- 9.13 For the above reasons the Council's Conservation Officer considered that the proposal would have an acceptable impact on the character of the buildings. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development would preserve the special architectural interest of the listed building and would result in a significant benefit to the school in their ability to fully utilise the halls capacity.

## **10. Localism Finance Considerations**

10.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

10.2 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.

10.3 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.

10.4 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:

10.5 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.

## **11. Human Rights Considerations**

- 11.1 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:-
- 11.2 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:-
- 11.3
- 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".
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.8 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.
- 11.9 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.



## **12. Equalities Act Consideration**

12.1 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.

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

### **CONCLUSION.**

## **13.**

It is considered that the proposals are acceptable to the Grade II listed building in that they are minor and serve to maximise the potential use of the hall building for the school. The works are considered to preserve the special historical and architectural character and appearance of the Grade II Listed Building and Lansbury Conservation Area. As such the proposal is considered to comply with aims of policy SP10 of the CS (2010), policies DM24 and DM27 of the MDD (2013), policies 7.4 and 7.8 of the LP (2011) and sections 7 and 12 of the NPPF (2012).

13.1 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.