

<b>Committee:</b> Development	<b>Date:</b> 25 November 2015	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/14/03547
	<b>Ward:</b> Bethnal Green

## 1.0 APPLICATION DETAILS

- Location:** Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1
- Existing Use:** Retail, restaurant, office and banqueting suite
- Proposal:** Refurbishment of former Wickham's department store comprising: retention of facade of former Spiegelhalter's shop at 81 Mile End Road to provide new entrance, change of use of second floor to office (Use Class B1), change of use of ground and basement floors to a flexible retail/leisure use (Use Class A1/A2/A3/A4/B1/D1/D2) and erection of roof extensions at third and fourth storey levels to provide 1,481sqm (GIA) of additional office space (Use Class B1); as well as reconfiguration of internal layout, restoration of external features and other associated works.
- Drawings:** 875.S.01 rev P1, 875.EX.B1 rev P1, 875.EX.00 rev P1, 875.EX.01 rev P1, 875.EX.02 rev P1, 875.EX.03 rev P1, 875.EX.04 rev P1, 875.EX.RF rev P1, 875.EX.SITE rev P1, 875.EE.01 rev P1, 875.EE.02 rev P1, 875.EE.03 rev P1, 875.EE.04 rev P1, 875.ES.01 rev P1, 875.GA.B1 rev P3, 875.GA.00 rev P3, 875.GA.01 rev P2, 875.GA.02 rev P2, 875.GA.03 rev P2, 875.GA.04 rev P2, 875.GA.RF rev P2, 875.GA.SITE rev P2, 875.GE.01 rev P5, 875.GE.02 rev P2, 875.GE.03 rev P1, 875.GE.04 rev P2, and 875.GS.01 rev P2.
- Documents:**
- Design & Access Statement (December 2014);
  - Design changes to planning application (Revision P5, 6<sup>th</sup> November 2015);
  - Planning Statement (December 2014);
  - Transport Statement (December 2014);
  - Initial Heritage Statement (December 2014);
  - Structural Notes on the Front Elevation (December 2014);
  - Daylight, Sunlight & Overshadowing Report, (December 2014);
  - Sustainability Report (December 2014);

- Statement of Community Involvement (December 2014);
- Energy Assessment (December 2014); and
- Acoustic Report (December 2014).

**Applicant:** Whitestep SARL

**Freeholder:** Whitestep SARL (joint venture of Resolution Property Plc with Schroders Plc)

**Leaseholders:** Tesco Stores Ltd & Sports Direct International Plc

**Historic Building:** Non-designated heritage asset

**Conservation Area:** Stepney Green Conservation Area

## 2.0 EXECUTIVE SUMMARY

- 2.1 This report considers a planning permission application for the comprehensive refurbishment, change of use and extension of the former Wickham's department store to a co-working office hub with ground floor and basement retail and leisure use.
- 2.2 The main issues addressed in this report are:
- the economic implications of the creation of a co-working office hub, in relation to the regeneration of Whitechapel and the Tech City initiative;
  - the loss of a banqueting suite (the Waterlily);
  - the heritage impact of the proposal; and
  - the amenity impact, including opportunities to reduce noise disturbance to the adjoining residents.
- 2.3 The proposal represents a unique opportunity to create a large co-working hub for start-ups and SMEs. The site would provide between 700 and 1200 full time jobs. The office use would also provide 'an optimum viable use' providing for comprehensive refurbishment of the non-designated heritage asset and securing its future conservation.
- 2.4 While the banqueting suite is of some public value, for the reasons set out within the report, including the significant current adverse amenity impact and persistent lack of compliance with enforcement notices and regulations, the public value of the facility is limited. The harm resulting from the loss of the facility, to allow the creation of the office hub, is justified in planning terms, given the extensive public benefits of the scheme and the high level of regenerative impact of the proposal would have.
- 2.5 Careful consideration has been paid to the refurbishment and extension works, taking into account the different features of the site and its surroundings. The proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.

- 2.6 Officers consider that any adverse heritage impacts, where these occur, are minor and of a less than substantial significance. These effects would be considerably outweighed by the heritage and public benefits of the scheme, as set out in the report.
- 2.7 The scheme, overall, would deliver a net benefit in heritage terms, enhancing the significance of the Wickham's and Spiegelhalter's as non-designated heritage assets. It would preserve and enhance the character and appearance of the Stepney Green Conservation Area while preserving the setting of the adjoining Grade II listed buildings.
- 2.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

Financial contributions:

- a) £7,756.00 towards construction phase skills and training;
- b) £78,418.00 towards end user employment skills and training;
- c) Crossrail CIL top-up contribution of between £0.00 and £73,126.00 depending on what uses are implemented within the flexible units; and
- d) Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.

Total financial contribution: between £86,174 and £159,300.00 depending on final amount of Crossrail contribution, plus monitoring contribution.

Non-financial contributions:

- a) Reasonable endeavours to ensure 20% of the construction phase workforce are residents of the Borough;
- b) Reasonable endeavours to ensure 20% of goods/service during construction are procured from businesses in Tower Hamlets;
- c) Reasonable endeavours to ensure 20% of the end-user phase workforce are residents of the Borough; and
- d) Apprenticeships and work placements during construction and end user phase of the development.

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If within three months of the resolution the legal

agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.3 Conditions:

- a. Time Limit 3 years;
- b. Compliance with plans and documents;
- c. Opening hours of A1, A2, A3, A4, D1 and D2 uses restricted to 07:00 – 23:00 Monday to Saturday; office hub open 24h.
- d. Cleveland Way not to be used for access and egress from the basement after 8pm (main access/egress to be from Mile End Road);
- e. Scheme to prevent overlooking and light pollution at the rear, no access to the roof areas at rear other than for maintenance;
- f. Updated noise impact assessment (from rear of the building);
- g. Technical specification and noise output of all plant and mechanical equipment, including details of visual and acoustic screens;
- h. Noise insulation to all A3, A4, D1 and D2 uses at basement and ground floor;
- i. Details of use, servicing and a Facility Management plan for any D1 and D2 use to minimise highways, refuse and amenity impacts;
- j. Servicing and Waste Management Plans for the office and each commercial unit;
- k. Construction Logistics Plan and Construction Management Plan;
- l. Travel Plan;
- m. BREEAM Excellent, Sustainability & Energy Statement Compliance, details of PV array;
- n. Biodiverse roof and sustainable drainage provisions;
- o. 120 cycle spaces, changing rooms and showers for office use, details of cycle storage provision for each flexible ground floor and basement unit;
- p. Timescales for implementation of new shopfronts, glazing not to be obscured;
- q. Details of all demolition, construction and alterations works including full schedule of features to be reinstated, retained and relocated including metalwork within the rear staircase, glazed domes at 2<sup>nd</sup> floor level and panelled room within the base of the tower;
- r. Lighting scheme to enhance heritage and townscape value;

- s. Public art and historic information interpretation boards and plaques;
  - t. Samples and details of all external materials, including shopfronts, fenestration, doors. Detailed drawings of any new and reinstated features;
  - u. Removal of permitted development rights for any alterations works, erection of structures or boundary enclosures, no painting of brickwork or masonry.
  - v. No amalgamation of ground floor units. No more than 50% of A4-A3 use within ground and basement floors. Maximum size of any A1 unit within the basement restricted to no more than the size of the largest existing ground floor unit;
- 3.4 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1 The application relates to the former Wickham's department store located on the northern side of Mile End Road and the eastern side of Cleveland Way, as well as to the remains of the former Spiegelhalter's store frontage at 81 Mile End Road.
- 4.2 The Wickham's Department Store was built in 1925-27 by T. J. Evans & Son at a time when Mile End Road aspired to be 'the Oxford Street of the East End'. The main characteristic features of the Beaux Arts building include the classical columns and monumental tower and the way in which the grand design of the front elevation is compromised by the two storey Spiegelhalter's jewellery shop whose owners refused to sell to the developer, consequently severing the east wing from the main body of the building. This composition has been famously described by Ian Nairn as "one of the best visual jokes in London, a perennial triumph for the little man, the bloke who won't conform." (Nairn's London, 1966).



Figure 1 – photograph of the site as existing

- 4.3 Neither building is statutorily or locally listed, however, both buildings make an important contribution to the townscape of the Stepney Green Conservation Area and are considered to be non-designated heritage assets.
- 4.4 The local townscape is of a historic character with a large number of listed buildings in the vicinity of the site as shown on the below plan. These include the Grade II listed early 19<sup>th</sup> Century terraced properties at 1 Cleveland Way, 1-11 Bellevue Place, 82-84 and 90-124 Mile End Road (even), 107-113 Mile End Road (odd). A Grade II listed fountain is located within the footway to the south of 99 Mile End Road.

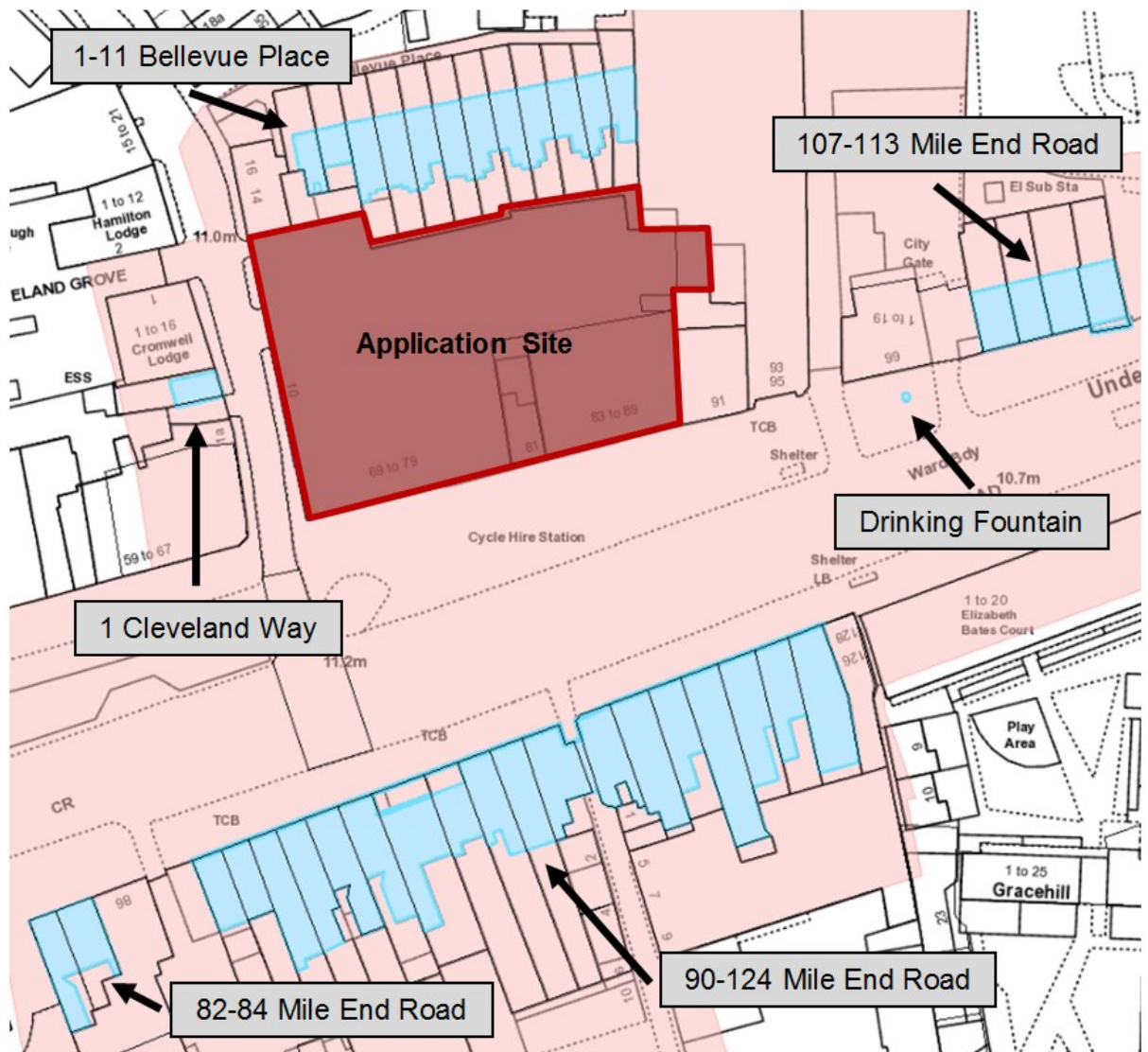


Figure 2 – location of the application site in relation to heritage assets. (The extent of the Stepney Green Conservation Area has been highlighted in a pale colour)

- 4.5 The application site sits within an edge-of-centre location for the Whitechapel District Town Centre and the Stepney Green Neighbourhood Town Centre. It abuts the boundary of the London Plan Tech City & City Fringe Opportunity Area and the

boundary of the Council's Whitechapel Vision Masterplan. It is also within 240m distance of the Whitechapel Local Office Location.

4.6 Mile End Road (A11) forms part of the Transport for London while Cleveland Way is an LBTH adopted highway. The site benefits from very good public transport accessibility (PTAL of 5/6a) as it is within walking distance of Whitechapel, Bethnal Green and Stepney Green Underground Stations. There are numerous bus routes serving Mile End Road and Cambridge Heath Road. Cycle Superhighway CS2 runs along the A11 corridor, with numerous TfL cycle hire docking stations nearby, including one immediately outside the former department store.

4.7 There are a number of residential properties surrounding the application site, the closest being at Cleveland Way and Bellevue Place, immediately at the rear of the application site. There are also residential properties on the opposite side of Mile End Road, to the south. Adjoining to the east are the Al Huda cultural centre & mosque and the Genesis cinema.

4.8 The former department store currently houses the following mix of uses:

Basement - 2295sqm of GIA floorspace, currently vacant and benefiting from planning permission for A1 retail space. It was last occupied as a theatre. It is understood that this space has never been occupied as active retail floorspace and only served for occasional ancillary storage, prior to the use as a theatre.

Ground Floor - 2266sqm of GIA floorspace, of which approximately 1700sqm in A1 retail use (Tesco and Sports Direct), 340sqm in B1 office use, and 200sqm in A3 use (Foxtroft and Ginger).

First Floor - 2096sqm of GIA floorspace, all in B1 office use (co-working & business incubator space run by Central Working), including a 140 seat ancillary auditorium

Second Floor - 1830sqm of GIA floorspace, all in D2 use (Waterlily Banqueting Suite)

Third Floor - 873sqm of GIA floorspace, all in B1 office use.

### **Background and Planning History**

4.9 After years of neglect, in February 2009, planning permission (ref PA/08/02274) was granted for refurbishment, alterations works and change of use of the former department store to provide retail at basement, ground and first floors, conference suites/banqueting hall at second floor and offices at third floor together with the creation of a new access lobby in the yard at rear of 81 Mile End Road (the former Spiegelhalter's).

4.10 The most relevant conditions included provision of sound insulation and sound limiters for the banqueting suite, opening hours restrictions, and a stipulation that all access & egress after 8pm is to take place from Mile End Road rather than Cleveland Way. These conditions were imposed to safeguard the amenity of residents of Cleveland Way and Bellevue Place.

4.11 This planning permission has been only partially implemented, most likely due to funding difficulties and lack of interest from retail operators. Most of the building has remained vacant for a number of years, with Tesco and Sports Direct eventually occupying part of the ground floor, the Waterlily banqueting suite opening on the 2nd floor and poor quality serviced offices being let within a partial roof extension at 3rd

floor level. Significant parts of the approved development have not been carried out, most of the Spiegelhalter's building has been demolished, Building Regulations and fire safety requirements have not been complied with and planning conditions have been breached. The most significant of the breaches have been and continue to regard the operation of the Waterlily banqueting suite.

- 4.12 The Council has issued two planning enforcement notices (ref ENF/09/00515 dated 18/10/2010 and 18/11/2013) and prosecuted the previous operator of the Waterlily in the Magistrates Court in August 2011. The previous operator has been fined £8315 in relation to 16 offences but subsequently went into liquidation in August 2012. While there is now a new operator, non-compliance with the planning enforcement notice is still an issue. The Health and Safety Executive and London Fire Brigade enforcement notices are also still in force, limiting the number of Waterlily patrons to 480 at any one time. As no Building Regulations application has been made, the banqueting suite use remains unauthorised from the Building Regulations perspective.
- 4.13 The Planning Enforcement & Environmental Health Officers continue to receive noise & disturbance complaints regarding the operation of the Waterlily – most of the complaints relate to violation of the permitted opening hours, use of Cleveland Way for access/egress in breach of condition and noise disturbance.
- 4.14 In 2013, the former department store was acquired by Resolution Property Plc with an intention to refurbish and extend the building to provide office accommodation. Following acquisition of the site, Resolution Property applied for planning permission to convert the vacant retail floorspace at 1st floor and the rear of ground floor to office use. Planning permissions were granted under delegated powers in November 2013 (ref PA/13/02187) and May 2014 (ref PA/14/00823). The change of use has now been implemented.
- 4.15 Other relevant planning consents for the site include:
- PA/08/02274, variation of condition granted on 14<sup>th</sup> April 2010, to allow the retail uses to open between the hours of 07:00 – 23:00 Monday to Sunday with no restrictions on staff occupying the property after closing time.
  - PA/12/03357, planning permission granted on 11<sup>th</sup> April 2013, for conversion of the first floor to a 24hr gym. This permission has not been implemented.

### **Proposal**

- 4.16 The application proposes comprehensive refurbishment, change of use and extension of the former department store to provide a co-working office hub for start-ups and SMEs with ground floor and basement retail and commercial uses.
- 4.17 The following mix of uses would be provided:

Basement – 2443sqm GIA (1978sqm NIA) of flexible floorspace in either A1 retail, A2 professional services, A3 restaurant, A4 drinking establishment, B1 office, D1 non-residential institutions or D2 assembly and leisure.

Ground floor – 2443sqm GIA (1597sqm NIA) of flexible floorspace in four units – units 3 (~460sqm NIA), 4 (~200sqm NIA) and 5 (~700sqm NIA) in A1, A2, A3 or A4 use and unit 6 (~260sqm NIA) in A1/A2/B1/D1 or D2 use.



First Floor – 2229sqm GIA (1941sqm NIA) of B1 office floorspace

Second Floor – 1885sqm GIA (1625sqm NIA) of B1 office floorspace

Third Floor – 1444sqm GIA (1207sqm NIA) of B1 office floorspace

Fourth Floor – 910sqm GIA (715sqm NIA) of B1 office floorspace

4.18 The general distribution of existing and proposed uses is shown below:

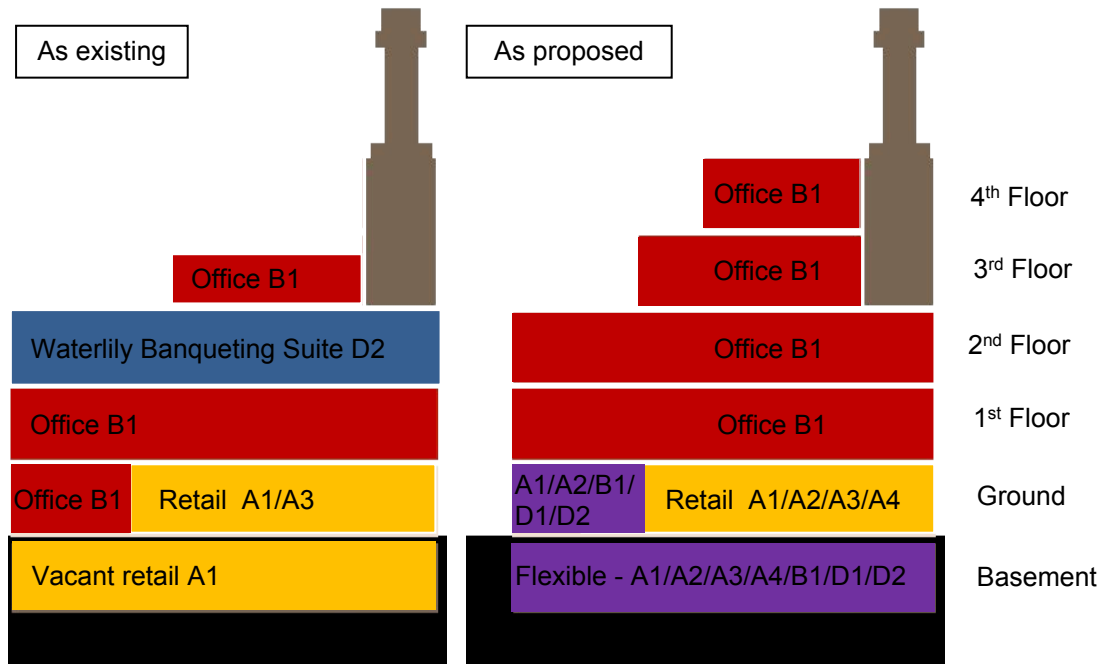


Figure 3 – schematic sections showing existing and proposed uses

4.19 The front elevation of the former department store would be refurbished with new shopfronts installed throughout and a new contemporary roof extension erected at 3<sup>rd</sup> and 4<sup>th</sup> floor levels. The existing 3<sup>rd</sup> floor mansard extension would be removed.

4.20 The original version of the proposal, as submitted in December 2014, involved the demolition of the Spiegelhalter's façade to create a grand sculptural entrance as shown on the below image.



Figure 4 – artist impression showing the original proposal

- 4.21 Following receipt of a large amount of objections to the demolition of the façade the applicant has amended the scheme, proposing to retain and refurbishing the frontage as shown on the below image.



Figure 5 – artist impression showing the amended proposal

- 4.22 The proposed extensions would result in an increase of 1939sqm GIA of floorspace, an increase of 20% when compared to the existing floorspace of 9359sqm GIA. The below image illustrates the design of the largely glazed roof extension, as viewed from the opposite side of Mile End Road.



Figure 6 – artist impression of the amended proposal

## 5.0 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

National Planning Policy Framework 2012  
Planning Policy Guidance 2014 with subsequent alterations

### 5.3 London Plan consolidated with alterations since 2011

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.15 - Town Centres
- 3.1 - Ensuring equal life chances for all
- 3.16 - Protection and enhancement of social infrastructure
- 3.17 - Health and social care facilities
- 3.18 - Education facilities
- 3.19 - Sports facilities
- 4.1 - Developing London’s economy
- 4.2 - Offices

- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.9 - Small shops
- 4.10 - New and emerging economic sectors
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4 - Retrofitting
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.17 - Waste
- 6.3 - Assessing effects of development on transport capacity
- 6.5 - Funding Crossrail and other strategic transport infrastructure
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage
- 7.15 - Reducing noise and enhancing soundscapes
- 7.19 - Biodiversity and access to nature
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero carbon borough
- SP12 - Delivering placemaking (places of Whitechapel and Stepney Green)
- SP13 - Planning obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM2 - Local shops
- DM8 - Community infrastructure
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing waste

- DM15 - Local job creation and investment
- DM20 - Supporting a sustainable transport network
- 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

## 5.6 Other Material Planning Documents

- Whitechapel Vision Masterplan (LBTH 2013)
- Stepney Green Conservation Area Character Appraisal (LBTH 2009)
- Planning Obligations SPD (LBHT 2012)
- Revised Draft Planning Obligations SPD (LBTH 2015)
- Planning for the Historic Environment Practice Guide (English Heritage 2012)
- Conservation Principles, Policies and Guidance (English Heritage 2008)
- Draft Minor Alterations to the London Plan (GLA 2015)
- Draft City Fringe & Tech City Opportunity Area Planning Framework (GLA 2014)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

## 6.0 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. The responses are summarised below.

### **LBTH Environmental Health – Noise**

- 6.3 No objection subject to the following matters being dealt with by condition:
- a) Submission of a revised noise survey to correctly reflect the background noise climate at the most affected neighbouring properties;
  - b) Submission of details of plant and mechanical equipment to ensure compliance with the British Standard BS4242 and ensure that the resulting noise is 10db below the lowest measured background noise (LA90, 15 minutes);
  - c) Submission of details of kitchen extract systems for A3 and A4 uses to ensure compliance with DEFRA guidance document on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005;
  - d) Submission of noise insulation schemes for any A3, A4, D1 and D2 uses to ensure compliance with the British Standard BS8233;
  - e) Restriction of opening hours for A3, A4, D1 and D2 uses 07:00 - 23:00 Monday to Sunday;
  - f) Cleveland Way entrance/exit not to be used after 20:00 other than in

emergencies; and

g) Submission of a Servicing Management Plan.

*[Officer comment: The requested conditions have been included.]*

### **LBTH Biodiversity**

6.4 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed. Full details should be secured by condition.

*[Officer comment: The requested condition has been included.]*

### **LBTH Energy & Sustainability**

6.5 No objections. The proposals are designed to meet carbon emission reduction policies and deliver a 45% reduction in CO2 emissions for the new build elements. In addition, the refurbishment proposals are anticipated to deliver a reduction in over 70 tonnes of CO2 per annum. The delivery of the sustainability proposals and achievement of BREEAM Excellent should be secured by condition together with the specification of the proposed PV array.

*[Officer comment: The requested conditions have been included.]*

### **LBTH Waste**

6.6 No objections to the proposed waste storage and collection area located behind shutters and serviced from Cleveland Way.

*[Officer comment: Noted.]*

### **LBTH Highways**

6.7 No objections subject to conditions dealing with the following matters:

- a. submission of a Delivery and Servicing Management Plan to ensure that majority of servicing occurs from Mile End Road rather than Cleveland Way and that the existing loading bay on Cleveland Way is used for waste storage and collection only;
- b. submission of a Travel Plan for office users; and
- c. submission of a scheme of highway improvement works to remove redundant crossovers and reinstate footways along Cleveland Way.

*[Officer comment: The requested conditions have been included.]*

### **Transport for London**

6.8 No car parking is proposed which is supported.

6.9 120 cycle parking spaces for the office use are proposed along with showers and changing facilities. This is welcomed but cycle storage should also be provided for the flexible uses within ground and basement floors. This should be secured by

condition.

- 6.10 Submission of a Travel Plan and a Construction Logistics Plan should be secured by condition.
- 6.11 The site is within 1km radius of the Whitechapel Crossrail Station and thus liable for the Crossrail top-up financial contribution which should be secured through the S106 agreement.

*[Officer comment: The requested conditions and the Crossrail S106 contribution have been included.]*

### **LBTH Borough Conservation Officer**

- 6.12 The site's importance to the Stepney Green Conservation Area lies in the front and flank elevations of Wickham's and in the central tower, which is important to the elevation and is visible in long views from Mile End Road, and also in the Spiegelhalter's which interrupts the façade and has done so since the buildings construction. It also forms part of the setting of the listed buildings in Bellevue Place, at 1 Cleveland Way and 90-124 Mile End Road.
- 6.13 The present proposals involve the repair of the existing building, together with the retention of the Spiegelhalter's façade and the creation of a two storey roof extension across the length of the building. The proposals are the result of careful negotiation and have been revised in line with the comments received.
- 6.14 Whilst the roof extension is a significant intervention, the proposals encompass the careful repair of the existing structure and have been designed to ensure they compliment this historic building. New shopfronts reflecting the character and proportion of the originals are to be introduced, together with the traditional awnings which can be seen in photographs of the building in its heyday. Sitting well back from the front façade, the roof extension has been designed to protect the prominence of the original tower within local and longer views and enable the original elevations to remain dominant. The retention of the Spiegelhalter's façade, will preserve the existing historic fabric and the proposals to use the space behind this façade for some form of public art to interpret Spiegelhalter's will reveal the significance of the building as required by the NPPF.
- 6.15 Internally the building is fairly utilitarian with the exception of three decorative glazed rooflights and a panelled room with fireplace beneath the tower. Conditions should be applied to try to ensure retention and repair of these features.
- 6.16 This scheme will comply with policy, and will enhance the character of the Stepney Green Conservation Area. It is to be welcomed as an exciting proposal, which will add an innovative and distinctive element to this significant building, ensuring its repair and securing its future in the longer term.

*[Officer comment: Noted. Conditions have been included to secure submission of a feasibility study for the retention and if appropriate relocation of the glazed domes as well as the retention of the panelled room. Heritage matters are addressed further in the Design & Heritage section of this report.]*

### **Historic England**

Response to original proposal

- 6.17 The total loss of the former Spiegelhalter's shop, as well as some of the proposed design elements of the former Wickham's department store, would neither preserve nor enhance the character of the Stepney Green Conservation Area. No clear and convincing justification has been provided for the demolition of Spiegelhalter's.
- 6.18 Improvements to the Wickham's frontage and the provision of new public realm would not offset the harm caused to the significance of the Conservation Area.
- 6.19 *Recommendation:* For the above reasons, Historic England are unable to support the current proposals. However, Historic England are likely to consider the application more favourably if the Spiegelhalter façade is retained and the sculptural shards are removed from the scheme. A further setting back and reduction in height of the glazed extension, and clarification on the relocation of the glazed domes is also strongly advised.

*Response to amended proposal*

- 6.20 Historic England are pleased that the Spiegelhalter façade would now be retained and the shard elements removed from the scheme. Whilst some concerns about the glazed extension remain, the harm would be mitigated by the previously identified heritage gains and the retention of the Spiegelhalter façade provided that a shop fascia would be reinstated as part of these revisions.
- 6.21 The shop fascia should be based on the original design with the width lining up with Wickham's fasciae at either end to provide a more seamless connection. Framing influenced by the original glazing patterns should be reinstated to the window openings to provide a better sense of the original Spiegelhalter's elevation – Historic England do not expect this to be glazed and the fabric could match the new metal fins of the roof extension to create a visual connection between the old and new elements.
- 6.22 *Recommendation:* Historic England are very encouraged by the positive revisions that have been made to the scheme following initial advice, however, they urge the Council to address the above issues, and recommend 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: The above comments are noted. The applicant has amended the proposal further, addressing the matters raised in the second response. Heritage matters are addressed further within the Design & Heritage section of this report.]*

**Victorian Society**

Response to original proposal

- 6.23 The Society objects because of the proposed demolition of the Spiegelhalter's, which is a good historic building worthy of retention. Its demolition would cause substantial harm to the Stepney Green Conservation Area.
- 6.24 Given that the design of Wickham's evolved around that of Spiegelhalter's, the proposed demolition would make the entire block's streetscape unintelligible.

*Response to amended proposal*



- 6.25 The Society is pleased that the applicant has taken into consideration the Society's advice with a view to retaining the façade of Spiegelhalter's. On this basis The Society is happy to withdraw their objection.

*[Officer comment: Noted.]*

### **Twentieth Century Society**

#### Response to original proposal

- 6.26 The Society strongly objects to the application based on the substantial harm to both the Stepney Green Conservation Area and to Wickham's itself which would result in from the demolition of the Spiegelhalter's façade and removal of 2<sup>nd</sup> floor leaded domes.

#### Response to amended proposal

- 6.27 No response received.

*[Officer comment: The applicant has amended the proposal to retain and restore Spiegelhalter's façade. The glazed domes are addressed within the Design & Heritage section.]*

### **The East End Preservation Society**

#### Response to original proposal

- 6.1 The Society strongly objects to the demolition of the Spiegelhalter's façade and the below listed proposed changes to the former department store:
- The proposed 4<sup>th</sup> floor makes the roof extension far too tall, overwhelming the architectural composition below and challenging the prominence of the tower.
  - Moving the entrance to the location of the Spiegelhalter's façade is counterintuitive when the tower naturally indicates the position of the entrance.
  - Plans showing how the glass domes would be dismantled, stored and reincorporated need to be submitted with the application.
  - Accurate restoration of original shopfront design would be more impressive than the proposed shopfronts.
  - Decorative anthemions should be reinstated as part of the proposals.

#### Response to amended proposal

- 6.2 The Society welcomes the attempt to retain the Spiegelhalter's façade but remains disappointed that the new glass building will continue well above its height, seriously reducing the façade's visual impact and any value in retaining it.
- 6.3 The approach to retention is somewhat disappointing as it treats the façade as stage scenery rather than a fragment of a building that deserves restoration. The façade should be faithfully restored if it is to have any integrity – this should entail restoration of timber sashes with glazing and reinstatement of a replica shopfront. Roller shutters within the Cleveland Way elevation are inappropriate.

*[Officer comment: Specific points raised are addressed in the Design & Heritage section of this report.]*

### **LBTH Conservation and Design Advisory Panel**

(Panel's comments on pre-application ref PA/13/00106 – the proposals presented to the panel on 11<sup>th</sup> August 2014 broadly matched the original planning application scheme as submitted in December 2014)

- 6.4 Whilst the Panel understands that it is the architect's intention that the proposals celebrate the Spiegelhalter's unit and the story behind it, the proposals indicate the loss of that very feature that is intended to be celebrated. Whilst the architect is asserting that they wish to ensure the history is remembered, the proposals are removing the very fabric, the historical entity, of the story, which appears in many London guidebooks.
- 6.5 The Panel strongly urges that retention of the existing façade be embraced and suggest that the ways in which this existing façade could be treated are explored. Spiegelhalter's helps to make the present façade of this building very locally distinctive and contributes positively to the character of the conservation area. The loss of this iconic piece of local history would not be supported.
- 6.6 Historically the most appropriate location for the entrance would be underneath the tower, however, members do not rule out the possibility of a successful entrance utilising the Spiegelhalter's façade
- 6.7 Corten steel considered an inappropriate material for the roof extension, alternatives complimenting the neoclassical façade should be explored.
- 6.8 Details of awnings, shop fronts, and a lighting scheme should be secured by condition. Greek anthemions on the right hand side of the parapet should be retained and if possible restored on the left hand side of the building.

*[Officer comment: The proposal has been amended to include retention of the Spiegelhalter's frontage in accordance with the Panel's recommendation. Other matters are dealt with within the Design & Heritage section of this report. The requested conditions have been included.]*

### **7.0 LOCAL REPRESENTATION**

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 173 letters sent to neighbours, a press advert published in East End Life and site notices displayed outside the application site.

#### **Consultation on original proposal**

- 7.2 Public consultation on the original proposal took place in February and March 2015. The numbers of representations received in response to notification and publicity of the proposal are as follows:

No of individual responses:	Objecting: 225	Supporting: 7
No of petitions received:	3 (with 2826, 352 and 37 signatories)	0

- 7.3 Approximately 80% of objections to the original consultation were solely on heritage grounds, predominantly focusing on the loss of the Spiegelhalter's frontage. Some 20% objected to the loss of the Waterlily banqueting suite with most objecting on land use grounds but a significant number have also highlighted the loss of internal features within the venue.
- 7.4 Three petitions were received, the largest, with 2826 signatories is an online petition in objection to the loss of the Spiegelhalter's façade by 'Save Spiegelhalter's', while the petitions with 352 and 37 signatories are against the loss of the banqueting suite.

### **Consultation on amended proposal**

- 7.5 A further round of public consultation was carried out in June and July 2015, following receipt of amendments to the scheme now showing the retention of the Spiegelhalter's façade.
- 7.6 The following additional representations were received:
- |                             |                                  |               |
|-----------------------------|----------------------------------|---------------|
| No of individual responses: | Objecting: 38                    | Supporting: 8 |
| No of petitions received:   | 2 (with 379 and 246 signatories) | 0             |
- 7.7 Most of the received objections were on heritage grounds, focusing on the proposed roof extension and loss of internal features including glazed domes.
- 7.8 Two further petitions were received, one objecting on heritage grounds (379 signatures) and the other objecting to the loss of the Waterlily (246 signatures). The heritage objections focus on proposed roof extension and loss of internal features.
- 7.9 The organisers of the 'Save Spiegelhalter's' petition, with 2826 signatures submitted in response to the original consultation, have declared the revisions as a success of their campaign, describing the amended proposal as sympathetic and immeasurably preferable to the original scheme. Additional questions were raised about the treatment of the inner elevation of the retained façade and the lack of glazing within the metal window frames and a suggestion was made that the public art and historic interpretation scheme behind the frontage should include a quote from Nairn's London.

*[Officer's comment: Suitable conditions have been included.]*

### **Summary of issues raised**

- 7.10 The following issues were raised in objection to the proposal:
- 7.11 Loss of the banqueting suite
- a) There are insufficient flexible leisure facilities in Whitechapel and along Mile End Road which would allow weddings, seminars and other religious, charity and community activities and events.
  - b) No appropriate alternative facilities exist.
  - c) The facility offers affordable space and the two halls provide flexibility, in particular allowing for gender segregated weddings and activities, but also to serve as prayer or children crèche areas at events.

- d) Loss of the facility would necessitate longer car and public transport journeys which would affect the poorer and older members of the community.
- e) Lack of need for the office accommodation - the location being unsuitable for offices, there is an oversupply of office space in the borough.
- f) Use as a banqueting suite means that the decorative glazed domes can be appreciated by members of the public.
- g) Loss of the direct and indirect employment currently provided by the Waterlily.
- h) Impact on female users of the banqueting suite who use the venue for prayers and religious activities. This is necessitated by the inadequate facilities for women in the majority of mosques in the borough.
- i) No meaningful public consultation has been carried out by the developer.

*[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]*

#### 7.12 Heritage – demolition of Spiegelhalter's façade

- a) The façade should be restored and preserved as a local heritage asset.
- b) There is no justification for the demolition of the façade.
- c) The proposed sculptural shards and void would not be sympathetic to the former Wickham's department store.
- d) Demolition would cause loss of a local architectural landmark, resulting in loss of social, architectural and historical interest and making it impossible to understand the history of the area and the story behind the development of the Wickham's department store.
- e) Demolition would result in harm to the character and appearance of the Stepney Green Conservation Area.
- f) The Spiegelhalter's façade is currently an eye sore and should be demolished.

*[Officer's comment: The applicant has revised the proposal to retain and restore Spiegelhalter's façade to address the above issues. Matters raised above are addressed further in the Design & Heritage section of this report.]*

#### 7.13 Other heritage issues

- a) Loss of internal features including glazed domes and coving.
- b) Loss of critical windows and other fenestration.
- c) Roof extension having an adverse effect on local views, and in particular on the views of the tower. Roof extension being too high, undermining the prominence of the tower and harming the architectural composition.

- d) The proposal having an adverse effect on a key building within the Stepney Green Conservation Area, resulting in harm to the character & appearance of the conservation area.
- e) The retention proposals would be insufficient to adequately reinstate Spiegelhalter's heritage narrative.
- f) The amended proposals being less architecturally creative and imaginative than as originally proposed.

*[Officer's comment: Matters raised above are addressed in the Design & Heritage section of this report.]*

#### 7.14 Other issues

- a) The flexible uses in the basement are not appropriate because the basement shares a party wall with the Al Huda cultural centre & mosque.
- b) Overshadowing, loss of light, privacy intrusion and overlooking of the Al Huda cultural centre & mosque once it is redeveloped pursuant to planning permission PA/13/00064.
- c) Flexible uses would potentially lead to greater public nuisance, danger to public safety, crime and disorder and harm to children.
- d) Flexible uses should be appropriately conditioned to reduce impact on neighbours.
- e) Cleveland Way entrance should only be used in emergencies with main public access from Mile End Road to prevent disturbance to neighbours.
- f) Construction noise and traffic should be controlled by condition.
- g) The proposal represents social cleansing of the working poor and ethnic minorities. The 3rd floor offices house charities, cultural and educational organisations mainly catering for the Bengali and Somali communities.

*[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]*

#### 7.15 The following issues were raised in support of the proposal. The majority of support letters have come from the residents of the neighbouring properties on Cleveland Way and Bellevue Place.

- a) Local residents are blighted by impact of traffic and deliveries associated with the Waterlily, in particular during wedding and other larger events. Regularly there are long queues of cars dropping people off with drivers sounding horns and revving engines. The proposal is supported as it would remove the disruption.
- b) Waterlily not complying with conditions on noise, opening hours, and Cleveland Way access/egress causing disturbance to neighbours. The proposal would remove the disruption. The area has been very pleasant to live in until the banqueting suite moved in creating noise nuisance on a regular basis, at least 3 to 5 times a week. The proposal would remove the disruption

- c) Waste and litter left out in the street following events at the banqueting suite. The proposal would remove the disruption.
- d) The proposal would regenerate the area.
- e) The development would attract professional businesses and create new jobs.
- f) The development would be sympathetic to the history of the site. The alterations and extensions would be sympathetic to the host building. Proposal would restore and preserve the building.
- g) Improved living environment for local residents, potential for local economy. Change of use to office is much more in keeping with the residential context of the site. Historic building should be updated to safeguard its future (*comment made by the Cleveland Way Residents Association*)
- h) The amended proposal is good, provided that a plaque referencing the site's history is installed (*comment made by a member of the Spiegelhalter family who used to work at the site*).

*[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]*

### **Applicant's Consultation**

- 7.16 The applicant has submitted a Statement of Community Involvement describing the extent of public consultation that took place during the development of the proposals, prior to submission of the planning application.
- 7.17 A public consultation event was held on 15<sup>th</sup> September 2014 at the Foxtroft and Ginger café between 4pm and 8pm. The exhibition was advertised by 500 notification letters sent to local residents and businesses and details placed on the project website and posters displayed at the exhibition venue. The event was attended by over 30 people.
- 7.18 A series of Community Workshops were also held with local residents, taking place on 10<sup>th</sup> September 2014, 24<sup>th</sup> October 2014, 20<sup>th</sup> November 2014 and 2<sup>nd</sup> December 2014.
- 7.19 These meetings have influenced the proposal, as described within the submitted Statement of Community Involvement.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
  - 1. Land use
  - 2. Heritage and design
  - 3. Amenity
- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, planning

obligations, biodiversity as well as financial, health, human rights and equalities considerations.

## **Land Use**

- 8.3 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in insolation.
- 8.4 According to paragraph 9 of the NPPF, pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 8.5 These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 8.6 The application site falls within an edge-of-centre location for both the Whitechapel and Stepney Green town centres, respectively 240m and 260m walking distance from the core of each centre, and on a main road. It abuts the boundary of the London Plan Tech City & City Fringe Opportunity Area and the boundary of the Council's Whitechapel Vision Masterplan. It is also within 240m distance of the Whitechapel Local Office Location.
- 8.7 The Core Strategy vision for Whitechapel, set out in the annex to policy SP12, is for Whitechapel to become a thriving regional hub and a home to a bustling and diverse economy offering a variety of job opportunities for local people. The vision for Stepney centres on creation of a new neighbourhood centre around Stepney Green station and creating a great place for families.
- 8.8 The following sections of the report address the principle of office use and creation of a co-working hub, the principle of flexible retail and commercial uses and the loss of the banqueting suite.

### Principle of Office Use, Employment and Economic Benefits

- 8.9 Paragraph 18 of the NPPF states that the Central Government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.
- 8.10 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The London Plan projects demand for office workplaces for 67,000 people within inner London in addition to the 177,000 expected within the Central Activities Zone and the north of the Isle of Dogs between 2011 - 2031. This translates into floorspace demand of 0.86 million sqm and 2.30 million sqm, respectively.

- 8.11 More specifically, London Plan policy 4.1 requires boroughs to work with developers and businesses to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space.
- 8.12 The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place. Creation of flexible workspaces in edge-of-town centre and main street locations is to be promoted and encouraged.
- 8.13 Policy DM15 of the Managing Development Document requires that all developments proposing new employment floorspace include units of under 100sqm and 250sqm to meet the needs of small and medium enterprises.
- 8.14 The 1st floor office currently provides 150 workstations which are used by approximately 150 businesses – providing employment to some 350 desk sharing employees and entrepreneurs in various technology and creative industry start-ups, microbusinesses and SMEs. The space is managed by Central Working to support SMEs and technology start-ups in partnership with Microsoft and Barclays 'accelerator' programmes and the Government Tech City Investment Organisation which operates from the building. According to the applicant, the space is currently operating at full capacity.
- 8.15 To support its co-working hub function, the facility currently contains an ancillary 140 seat auditorium which is also available for public hire. The auditorium would be enlarged during the course of the extension works. Full details of the auditorium's capacity, location within the building and a management plan are recommended to be secured by condition.
- 8.16 The application would result in creation of a hub for SMEs and start-ups in creative and tech industries. The uplift in the quantum and quality of office accommodation would be substantial, leading to creation of 5,488sqm NIA of high quality business floorspace within the 1<sup>st</sup> floor and above (an uplift of some 3,500sqm NIA of office floorspace). Depending on methodology used, the upper floor offices would provide employment to about 550 to 800 people (full time equivalent).
- 8.17 The application includes provision of flexible commercial units within the ground and basement floors. In the event that all of the flexible floorspace within the basement and within the rear ground floor unit was used within the B1 office use, the site could provide office employment for additional 220 – 340 people (full time equivalent). In contrast, were all of these flexible spaces used for retail, approximately 130 full time employment posts could be provided. Use of these spaces for D1 and D2 purposes could result in significantly lower employment, likely between 35 and 70 full time posts. All three scenarios would be in addition to the estimated 80 full time employment posts supported by the continued retail operation within the ground floor units fronting onto Mile End Road (the current Tesco, Sports Direct and Foxtroft & Ginger units).
- 8.18 Notwithstanding the ultimate mix of uses within the flexible units, the proposal would provide significant employment opportunities for skilled and unskilled workers, with the site providing between 700 and 1200 full time equivalent jobs. Through employee spending power, further retail and services jobs are like to be created in the local economy. The applicant has also committed to working with Skillsmatch to achieve 20% of local workers in construction and end-user phases as well as to participate in



a training, apprenticeship and work placement programme for local people. This would be secured through the S106 agreement.

8.19 Even though the applicant's current intention is for Central Working to continue to manage the floorspace as flexible co-working space (most likely in an open plan arrangement as currently provided on the 1<sup>st</sup> floor) the proposed floor layouts and the location of access & service cores allows flexibility in internal subdivision, in the event that smaller, more self-contained, units are required by the future office tenants.

8.20 While the site is located just outside the boundary of the Tech City & City Fringe OAPF, the draft OAPF document notes the importance of co-working spaces and states that more peripheral areas have become increasingly important sources of spaces for start-ups, especially around Whitechapel. The draft OAPF describes the following economic benefits of co-working spaces:

- *By sharing services and facilities costs are kept as low as possible and the relationship is usually one of membership rather than tenancy. Different levels of membership are tailored to needs and budget and range from hotdesking options to separate rooms or even a whole floor.*
- *The multi-disciplinary, collaborative nature of these co-working spaces is likely to be important in stimulating the knowledge spillovers between sectors that are so important to the growth of the Tech City cluster as digital, marketing, creative and other professionals sit side by side and receive ideas and inspiration from one another.*
- *Co-working spaces provide a useful support network that often includes skills enhancement, mentoring and business opportunities as well as social activities.*

8.21 While no units smaller than 100sqm or 250sqm would be provided, contrary to the prescriptive requirements of policy DM15 of the Managing Development Document, the overarching objective of the policy, to support small and medium enterprises, would be met through provision of co-working space.

8.22 The principle of office use and provision of co-working space, as well as demand for such use, has been established by the existing operation of Central Working within the 1<sup>st</sup> floor office. Nonetheless, the site is considered to be particularly suitable for co-working, start-ups and small & medium companies due to its location, size, facilities offered and the site's individual characteristics:

- a) The site is within walking distance of Whitechapel, Stepney Green and Bethnal Green Underground Stations. It is within a close walking distance of the Whitechapel District Town Centre and Local Office Location. Other co-working hubs in Aldgate, Bethnal Green and Shoreditch are only a short distance away. With the arrival of Crossrail in late 2018, the site would be within easy reach of the Canary Wharf Estate and its emergent tech businesses cluster at Levels 39 & 42 of One Canada Square tower and within the new office buildings of Wood Wharf where Canary Wharf Group intend to create a hub for financial technology and retail research & development start-ups and SMEs. The site is also close to the Royal London teaching hospital & Med City as well as the Queen Mary University campus in Mile End. The location would provide great transport connections and clustering and agglomeration benefits.
- b) The location further away from established office clusters of Canary Wharf, the City and the core area of the City Fringe could make the office accommodation

more affordable and reduce competition for space from larger and more established companies which normally prefer to be located within a conventional office cluster.

- c) The capacity of the upper floor office accommodation to support between 550 to 800 full time posts would create a significant critical mass encouraging knowledge sharing and networking.
- d) The office accommodation would be serviced and pro-actively managed by the co-working provider and its partners to nurture and support start-ups. The accommodation itself will be designed to a high environmental specification (BREEAM Excellent) with the offices benefiting from good daylight and fashionable interior design. Auditorium space would be provided for business and networking events. Cycle parking spaces with changing rooms and showers and the site's location along Cycle Superhighway CS2 would also be attractive to tenants.
- e) The rich history of the building, its prominence in the townscape and landmark form would create unique identity which is likely to help attract tenants. The shops, cafes, bars and restaurants located within the building as well as along Mile End Road and within the surrounding town centres would contribute to a strong life-style & leisure offer and facilitate informal networking. Leisure and life-style offer are important factors affecting locational decisions for tech & creative industry companies and start-ups.

8.23 Overall, the site is considered to be particularly suitable to create a co-working office hub for start-ups and SMEs. The creation of such a hub would accord with the aforementioned planning policies, be highly desirable from the land use perspective and bring significant public benefits, helping to realise the Council's vision to regenerate Whitechapel.

8.24 The main economic benefits would include:

- a) Between 700 and 1200 full time equivalent jobs, skilled and unskilled
- b) Agglomeration and clustering effects bringing wider regenerative benefits to the area and increasing the attractiveness of Whitechapel and City Fringe/Tech City as office locations – in particular for start-ups and SMEs.
- c) Increased footfall and spending power boosting the local economy and helping to sustain the vitality & viability of the local shops & businesses along Mile End Road and those within the local town centres

#### Principle of Flexible Commercial Use & Impact on Town Centres

8.25 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to:

- support the vitality and viability of the centre,
- accommodate economic growth through intensification and selective expansion in appropriate locations,
- support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
- be of scale related to the size, role and function of the centre, and
- be easily accessible by public transport.

- 8.26 The NPPF and the above policies also require for development to be focused in town centres, or if no in-centre sites are available, on sites on the edges of centres that are well integrated with the existing centre.
- 8.27 The Town Centres SPG acknowledges that the evening and night time economy can make a significant contribution to town centre vitality and viability through generating jobs and improving incomes from leisure and tourism activities, contributing to not just the vitality of the town centre but also making it safer by increasing activity and providing passive surveillance. It advises that any disadvantages of concentration such as noise, crime, anti-social behaviour, community safety problems and detrimental effect on public health, should be considered in the context of the economic benefits arising from the clustering of related activities.
- 8.28 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities.
- 8.29 Further guidance is provided by policy DM1 of the Managing Development Document which directs restaurants and drinking establishments to town centres provided that they do not result in overconcentration. This is to support the vitality and viability of town centres.
- 8.30 The application site currently houses a significant amount and variety of town centre uses reflecting its historic use as a department store, edge-of-centre location for both Whitechapel and Stepney Green Town Centres and its location along a busy thoroughfare with good public transport connections. There are currently two large A1 retail units - Tesco Express (~470sqm NIA) and Sports Direct (~700sqm), an A3 café/restaurant Foxtroft & Ginger (~200sqm) and the D2 Waterlily Banqueting Suite which occupies the entirety of the 2<sup>nd</sup> floor (~1600sqm). The vacant basement measures some 2000sqm of floorspace all of which benefits from planning permission for A1 retail use.
- 8.31 While formally outside the boundary of a designated town centre, the site itself is an established location for retail and town centre uses. The site is also located within a near continuous strip of commercial and town centre premises stretching from Aldgate and the City of London to Mile End. The site adjoins the Al-Huda Cultural Centre and Mosque and the Genesis Cinema with its ancillary bar and café. It is within short walking distance of the Anchor Retail Park. There are approximately 60 individual small retail and commercial premises (A1, A2 and A3), on both sides of Mile End Road, between the eastern boundary of the Whitechapel District Centre and the western boundary of the Stepney Green Neighbourhood Centre. Both town centres are in good health and have vacancy rates significantly below the national average.
- 8.32 The application proposes change of use of ground and basement floorspace to flexible use within the following use classes:
- A1 retail
  - A2 financial and professional services
  - A3 restaurants

- A4 drinking establishments
- B1 office
- D1 non-residential institutions (such as clinics, health centres, non-residential education and training centres, museums, exhibition halls, places of worship)
- D2 assembly and leisure (such as cinemas, theatres, bingo halls, dance halls, gymnasiums, other indoor sport or recreation)

- 8.33 The ground floor units facing Mile End Road (Units 3, 4 and 5) would be restricted to uses falling within Use Class A1/A2/A3 and A4 because such uses provide active frontage and larger footfall. These are the units currently occupied by Tesco, Sports Direct and Foxtroft & Ginger. B1, D1 and D2 uses would not be appropriate within these units due to lack of active frontage and animation. A mix of retail, restaurant and drinking establishment uses would maintain activity throughout the day and into the evening, contribution to the local economy but also providing local amenities and broadening the food and drink offer. A3 and A4 uses are important in creating a lifestyle and leisure offer which makes locations attractive to start-ups and tech companies. A condition would prevent amalgamation of units to ensure that the scale of retail is appropriate to the locality and the site's location within the Council's town centre hierarchy, safeguarding against a larger supermarket operating from the site, which could have a negative effect on the adjoining town centres. A condition is also recommended to restrict the proportion of A3 and A4 uses, to safeguard amenity and prevent overconcentration.
- 8.34 The rear ground floor unit (Unit 6) would be within A1, A2, B1, D1 or D2 use. This unit would be accessed off Cleveland Road and, due to lack of a large shop window, is most likely to be used within B1, D1 or D2 use classes. A3 and A4 use would not be appropriate in this particular unit given the proximity to residential properties and the residential nature of Cleveland Way.
- 8.35 The basement would benefit from the largest range of flexible uses. This is considered necessary to reflect the significant size of the basement, lack of natural ventilation, lack of windows, large depth of floor plate, limited access and previous difficulties in attracting tenants for this space. The uses would include A1, A2, A3, A4, B1, D1 and D2. Conditions would prevent creation of excessively large A1, A3 or A4 units within the basement to limit the likelihood of adverse impacts on the nearby town centres and to safeguard the amenity of neighbours. Due to the constraints of the basement, it is considered unlikely for the space to be used by a high street retailer or by restaurant operators and more likely that it would form part of budget office offer in connection with upstairs office use, or that it would be a location for budget retail, a bar or for it to serve as a gym or fitness centre. Earlier this year the basement operated as a theatre, however the use has ceased earlier than expected due to lower audience numbers than originally expected.
- 8.36 Given the site's location on a busy main road and as part of a strip of town centre uses linking Stepney and Whitechapel, the site is considered to be suitable for a wide range of D1 and D2 uses, either in fitness, leisure, health, education, religious and/or community use, although, due to the large floorspace and capacity available within the basement, a condition is necessary for details of the D1 and D2 uses to be submitted to the Council, prior to commencement of use, together with facility management plans to appropriately manage and minimise the amenity and transport impacts.
- 8.37 Overall, as a consequence of large flexibility in use, it is likely that A1 retail provision within the site would reduce and that A3 and A4 evening economy uses would increase, with some D1 and/or D2 uses taking place in the basement. This would not

be inappropriate in an edge-of-centre location and on a busy road, and would assist in improving the local evening economy & leisure offer.

- 8.38 The flexibility would minimise any periods of vacancy, lead to higher footfall and maximise commercial activity, while allowing the applicant to develop a comprehensive life-style offer to attract tech and creative industry enterprises.
- 8.39 Having regard to the scale and type of the proposed uses and subject to conditions, it is considered that the proposed uses would not materially draw trade away nor deter investment in the surrounding town centres. The proposed flexible units would be acceptable in relation to the Council's town centre hierarchy and would support the vitality and viability of the surrounding centres and the adjoining local businesses, in broad accordance with the aforementioned policies. The overall retail and town centre impact of the proposal is likely to be positive given the large increase in office workers and the associated boost to the local economy.

#### Loss of the D2 use (Waterlily Banqueting Suite)

- 8.40 In paragraph 69, the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote opportunities for meeting between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 8.41 Paragraph 70 of the NPPF stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.42 Policy 3.16 of the London Plan states that proposals which would result in the loss of social infrastructure in areas of defined need for that type of social infrastructure should be resisted unless there are realistic proposals for re-provision.
- 8.43 Policy SP03 of the Core Strategy seeks provision of high-quality social and community facilities to support housing and employment growth and to deliver a healthier, more active and liveable borough, where people have excellent access to a range of health, leisure and recreational facilities.

- 8.44 Further guidance is provided by policy DM8 of the Managing Development Document which stipulates that health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use. The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.
- 8.45 The text supporting policy DM8 specifies that, for the purpose of this policy, social and community facilities can, among others, include community halls, meeting places and places of worship as well as other uses in Use Class D1 that provide a service to the local community. The policy does not specifically mention conference and banqueting suites such as the Waterlily (Use Class D2), although it is clear that the Waterlily does perform some functions which can be considered of value to the community.
- 8.46 The conference and banqueting suite measures approximately 1600sqm NIA and consists of two halls which can be used independently to provide gender segregated facilities, although use as two separate halls puts significant strain on the access arrangements and leads to conflict with the existing condition preventing the use of Cleveland Way entrance for access and egress after 8pm. The venue is most often used for weddings but various other community, religious and political events also take place. The facility's catchment area is wide, commensurate with the size of the venue, extending outside Tower Hamlets and including large parts of East London.
- 8.47 According to some of the objectors, the venue is of particular value to women, providing opportunities for prayer and worship which, due to inadequate facilities, cannot be met by local mosques. It is understood that weddings and other parties normally take place in the evenings and in particular on weekends, with majority of other community functions taking place during the day.
- 8.48 In support of the application, the applicant undertook an assessment of other community facilities in the locality, arguing that alternative provision would adequately meet local need. The following venues within 1.5km of the site have been identified:
- a) Regents Lake, Bow Wharf 221, Grove Rd, E3 5SN  
Banqueting halls, reception lounge and multi-faith prayer rooms to accommodate wedding ceremonies, lectures and other events.
  - b) Oxford House, Derbyshire Street, Bethnal Green, E2 6HG  
Function rooms and halls for conferences, arts events and training days.
  - c) The Great Hall. Queen Mary, University of London, 327 Mile End Road, E1 4NS  
Large function space suitable for exhibitions, conferences and lectures.
  - d) Francis Bancroft Building, Queen Mary, University of London, Mile End Road, E1 4NS  
Function hall available for receptions and large training events

- e) The Octagon, Queens Building, Queen Mary, University of London, Mile End Road, E1 4NS

Space for wedding receptions, conferences and exhibitions.

- 8.49 While a degree of functional overlap exists between the Waterlily and the above venues, the assessment does not demonstrate that there is a lack of demand for banqueting facilities or that all of the displaced uses could be appropriately accommodated within the above venues, many of which are busy and often serve dual purpose. The assessment does not put forward a persuasive case that adequate provision of banqueting and conferencing facilities in the borough would remain.
- 8.50 The Waterlily is a privately owned and operated commercial venue, it is not run as a charity. It currently operates on a short term lease and at a rent which is below market value. The applicant has advised that Waterlily has now stopped taking bookings in preparation for the redevelopment of the site, however, the availability of Waterlily for events hire is still being advertised online.
- 8.51 While undoubtedly the operation of the banqueting suite is of some community benefit, as it provides large and relatively affordable spaces for weddings and events, the suitability of its location within the former department store is questionable given the significant adverse amenity impacts which have resulted from its operation. The public value of this commercial facility is also debatable given the long history of persistent noncompliance with planning, building, health & safety and fire safety regulations which has been outlined in the Planning History & Background section of this report. The applicant has also noted that noise and other disturbance caused by the venue adversely affect the operation of the existing 1<sup>st</sup> floor offices.
- 8.52 The venue is currently advertised as benefiting from a capacity of 1,100 seated banqueting guests (it is likely that at some other events attendance exceeds 2,000) in clear contravention of the London Fire Brigade notice which restricts the maximum capacity to 480. As no Building Regulations application has been made, the banqueting suite use remains unauthorised from the Building Regulations perspective. The Council's Planning Enforcement & Environmental Health teams continue to receive noise & disturbance complaints, from residents of Cleveland Way and Bellevue Place, regarding the operation of the banqueting suite. Adjoining residents also complain about the parking stress during events, as the controlled parking zone only operates Monday to Friday, until 5:30pm, and there are no parking facilities nearby to support large wedding events.
- 8.53 It is unlikely that the significant construction and refurbishment works required for the banqueting suite, to meet the relevant conditions and regulations, would be viable, given that the facility already operates at a rent which is below market value.
- 8.54 In conclusion, while the operation of the banqueting suite is considered to be of some public benefit, the public value of the facility is greatly diminished through significant adverse amenity impacts and the persistent non-compliance with planning conditions and other regulations. Overall, the loss of the banqueting suite is considered to be acceptable and justified in planning policy terms given the significant economic and heritage benefits which would result from refurbishment of the building and conversion to form a hub for start-ups and SMEs, as detailed in the previous sections of this report.

## **Heritage & Design**

- 8.55 The National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 8.56 Paragraph 131 of the NPPF states that in determination of planning applications, local planning authorities should take account of:
- 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.
- 8.57 The nearby Grade II listed buildings and the Stepney Green Conservation Area are designated heritage assets. Paragraph 132 of the NPPF states that great weight should be given to the conservation of such assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. According to paragraph 134, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.58 The former Wickham's department store and the frontage of the former Spiegelhalter's store are non-designated heritage assets. Paragraph 135 of the NPPF requires that the effect of an application proposal on the significance of non-designated heritage assets should be taken into account - a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the assets.
- 8.59 Further to the above requirements, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings.
- 8.60 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.61 The Core Strategy policy SP10 aims to protect and enhance borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.
- 8.62 With regard to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.



## Planning Policy Guidance and English Heritage/Historic England Guidance

- 8.63 Paragraph 17 of the Planning Policy Guidance (PPG) states that whether a proposal causes substantial harm is a judgement for the decision maker, having regard to the circumstances of the case and the National Planning Policy Framework. The PPG goes on to state that in general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm rather than the scale of the development that is to be assessed. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
- 8.64 Paragraph 83 of the English Heritage Planning for the Historic Environment Practice Guide states that some non-designated heritage assets are of heritage significance but not at a level that would pass the threshold for statutory designation. Such assets can, singularly or collectively, make an important contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets. The criteria for assessment of impact should thus be proportionate to the nature and the lower level of the non-designated asset's significance.
- 8.65 Furthermore, a proposal may harm or enhance significance or it may be neutral. It may have a combination of these effects. Differing and often conflicting heritage impacts accruing from the proposals are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.
- 8.66 Potential heritage benefits of proposals are set out in paragraph 79 of the practice guide as:
- sustaining or enhancing the asset's significance;
  - reducing or removing risks to a heritage asset;
  - securing the optimum viable use in support of long term conservation;
  - positive contribution to economic vitality and sustainable communities;
  - appropriate design for its context and a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment; and
  - revealing the significance of the asset and enabling enjoyment of it by members of the public.

## Site's history and significance of heritage assets

- 8.67 The former department store features in Pevsner's 'Buildings of England, London 5 – East', where it is described as *"a relic of a period when Mile End Road aspired to be 'the Oxford Street of the East End'. 1925-7 by T. Jay Evans & Sons, eastern end heightened (behind the façade) by one storey in 1931-4 by W.J. Lewis. Lengthy stone façade, over steel frame, dominated by a screen of giant Bassae Ionic columns rising through tree floors and crowned by a bulbous central tower, reduced in scale from the original design. Its pompous aping of West End fashion is comically deflated by the intrusion of a C19 three-storey terraced house, which cuts the design in half. Wickham, unable to buy it, was forced to build around it and thus created what Ian Nairn called 'one of the best visual jokes in London, a perennial triumph for the little man, the bloke who won't conform' "*.
- 8.68 An application to list Wickham's was submitted to English Heritage in 2005 and a further application to list the Spiegelhalter's was submitted in 2008. In both instances the English Heritage Inspector concluded that, while the buildings form an important

component of the conservation area, there was insufficient special architectural interest in a national context to merit listing.

- 8.69 While not benefiting from listed building status, Wickham's and Spiegelhalter's are considered to be non-designated heritage assets worthy of protection. Wickham's fine elevation in a monumental Beaux Arts style has strong local interest as it reflects the growing wealth and confidence of East London during the inter-war period and its desire to emulate the West End department stores in architectural grandeur. The heritage value of the buildings also lies in the social and community interest of the aforementioned story behind the development of the department store.
- 8.70 The façade of the Spiegelhalter's is integral to the development of Wickham's and the appearance of the department store today cannot be understood without it. Without the interruption of the Spiegelhalter's façade, the break in the monumental parade of columns adorning the front elevation becomes unintelligible.
- 8.71 Internally, the building has been extensively altered and little remains of its original fabric – a situation which is not unusual for commercial premises. The most significant surviving elements include the three leaded glass domes on the 2<sup>nd</sup> floor of the building, the remains of the ornamental ironwork around the cage lift within the rear staircase, and a panelled room with a fireplace within the base of the tower. These features are of some heritage value, however, as the building is not listed, they do not benefit from statutory protection and could currently be removed without the benefit of a planning permission. The fact that these features are not visible from any publicly accessible areas also, to some extent, diminishes their value.
- 8.72 There are a number of features which currently detract from the appearance of the buildings and their heritage significance:
- For Wickham's these include unsympathetic contemporary shopfronts at ground level, lack of coherent signage, the mansard roof extension over the eastern wing, the high radio masts located at roof level, instances of unsympathetic window replacement and the general dilapidated condition of the elevations of the building. The decorative anthemions from the parapet of the western wing are missing.
  - Only the façade of the Spiegelhalter's remains. The façade is in poor condition requiring substantial restoration works – the shop front, timber fascia and fenestration have been removed, most likely at the time when majority of the building was demolished to facilitate the partially implemented scheme ref PA/08/02274.
- 8.73 Wickham's and Spiegelhalter's make a positive contribution to the character and appearance of the Stepney Green Conservation Area in which they are located. The Conservation Area Character Appraisal notes that:
- a) The scale and character of the buildings and trees along Mile End Road give it the quality of a significant urban boulevard. Its functional importance as a transport route is an important part of its historic character. The main defining characteristic of the road is its large scale. The building lines to the north and south define the continuous corridor and give it its urban quality.
  - b) An important terrace of listed shops exists between 90 and 124 Mile End Road, and this, together with the former Wickham's department store, opposite, offers an important commercial focus to the conservation area.

- c) The former department store is a key asset of the area. The sensitive and appropriate re-use of this building would improve the character of this stretch of Mile End Road.
  - d) The distinctive, monumental tower of the former department store is a key feature in the centre of the conservation area, visible from a long distance. Views of the tower should, in general, be protected and any new development along the road should not detract from the importance and presence of this landmark.
- 8.74 The conservation area and the local townscape are of a strong historic character. There is a large number of listed buildings in the vicinity of the site including the Grade II listed early 19th Century terraced properties at 1 Cleveland Way, 1-11 Bellevue Place, 82-84 and 90-124 Mile End Road (even), 107-113 Mile End Road (odd). A Grade II listed fountain is located within the footway to the south of 99 Mile End Road.

#### Analysis

- 8.75 The proposal, as originally submitted, involved the demolition of the Spiegelhalter's façade and replacement with sculptural shards of corten steel to create an entrance area to the offices within the building. While it can be argued that the proposal was of some architectural merit, the principle of demolition and total loss of the Spiegelhalter's façade has attracted considerable number of objections from members of the public as well as from amenity societies, Historic England and the Council's Conservation Officers.
- 8.76 Removal of Spiegelhalter's frontage would have resulted in substantial harm to the significance of the non-designated assets and unjustified but less-than substantial harm to the Stepney Green Conservation Area.
- 8.77 The unacceptable harm would mostly arise from the fact that the appearance of the department store today cannot be understood without the façade of the Spiegelhalter's which has been the key influence on the current appearance and layout of Wickham's.
- 8.78 In consultation with the Council's and Historic England's Officers, the applicant has subsequently revised the proposal, to now retain and repair the frontage of the Spiegelhalter's, making it the key feature of the entrance to the office hub. The original and amended proposals are shown below:



Figure 7 - visualisations contrasting the original and the amended proposals

8.79 The Spiegelhalter's façade would now be repaired with features reinstated as shown on the below visualisation:



Figure 8 - visualisation showing the retained façade with the office elevation behind.

- 8.80 The hand written reinstatement of the inscription of “Spiegelhalter Bros LTD” would directly reference the history of the site, while the current name of the office hub, “Dept W” makes an indirect reference to the Wickham’s department store.
- 8.81 A historic information interpretation scheme, secured by condition, would tell the story behind the development of the department store and highlight it with public art. This area would form part of the public realm, with the entrance and the new elevation of the office set back about 8m behind the Spiegelhalter’s façade.
- 8.82 The reinstated features of the Spiegelhalter’s elevation have been designed in accordance with the guidance from Historic England and the Council’s Conservation Officers. The works to the façade would significantly improve the appearance of the Spiegelhalter’s and safeguard its future. Subject to above conditions, the works would enhance the significance of this important non-designated heritage asset.
- 8.83 An alternative approach of reinstating the shopfront to create a glazed entrance to the office or indeed to reinstate a retail unit within the frontage has been considered, however, it has been discounted as they would not outweigh the benefits of the current proposal. The options allow for the creation of a generous and functional

lobby, maximises active retail floorspace and provides space for the story of the building to be told through public art and an interpretation scheme.

- 8.84 The proposal is considered to be a sensitive and creative reimagining and repurposing of the Spiegelhalter's frontage. The location of the office entrance would be legible and appropriately relate to the building as a whole, giving more prominence to the retail frontages of the former department store rather than to the new upper floor offices. It also serves to accentuate the contrast between the historic department store and the new office lobby and roof extension.
- 8.85 The most substantial alterations proposed as part of the application are to do with the erection of a new roof extension at 3<sup>rd</sup> and 4<sup>th</sup> floor level. The existing poor quality extension at 3<sup>rd</sup> floor level of the western wing would be demolished with the new roof extension built at a significant set back from the Mile End Road and Cleveland Way elevations. The extension would be of a high quality contemporary appearance, consisting of a lightweight curtain walling system with vertical metal fins or frames surrounding each glazing pane, creating deep reveals and leading to a solid and robust appearance. The metal fins would match the appearance of the metalwork of the existing windows at 1<sup>st</sup> and 2<sup>nd</sup> floor of the building, and be spaced at 90cm intervals, to emphasize verticality and give the extension a finer grain than would normally be expected from a glazed elevation.
- 8.86 The extension would be set back by approximately 3m from the Cleveland Way elevation and 7m from the Mile End elevation. The extension would sit immediately behind the base of the monumental tower to minimise the impact on the tower's prominence. While the roof extension would be two storeys high, its visible height would be significantly reduced because of the considerably high existing parapet walls over both wings of the former department store and the substantial extent of the setbacks.
- 8.87 Below is a photograph of the building as existing with a verified wireline showing how much of the extension would be visible from the opposite side of Mile End Road. The verified wireline has been used to confirm the general accuracy of the artist impression visualisation shown further below.



Figure 9 - verified wireline photograph



Figure 10 - visualisation based on the verified wireline

8.88 Longer views have also been provided to illustrate how the perception of the extension would change as the site is approached from various directions. The most relevant views are shown below, also showing the massing of the approved

proposals for the extension of the Al Huda cultural centre & mosque (ref PA/13/00064 granted 22/07/2013).



Figure 11 - visualisation showing the view from the corner of Stepney Way and Mile End Road, looking west





Figure 12 - visualisation showing the view from the northern side of Mile End Road close to Anchor Retail Park, looking west

- 8.89 Overall, the extension would appear as subordinate to the former department store and would not undermine the host building's symmetry. To some extent, it would serve to tie together the two wings of the building, leading to a more coherent appearance. Due to the extensive setbacks incorporated and the height of the existing parapet wall, the two storey extension would effectively appear as a single storey extension. It would neither be unduly prominent in local and longer views nor would it dominate the tower or the overall architectural composition of the building. The prominence of the monumental tower and grand columns of the front elevation would be maintained at all times.
- 8.90 Incorporation of large set-backs at rear, would minimise the visibility of the proposal in the context of the Grade II listed Bellevue Place terrace, at rear. The setback in the side elevation would minimise the impact on the setting of Grade II listed 1 Cleveland Way. The works to the front elevation would preserve the setting of the listed buildings on the opposite side of Mile End Road at 82-84 and 90-124 Mile End Road (even), the Grade II listed fountain and the adjoining terrace 107-113 Mile End Road (odd).
- 8.91 With respect of longer views, the deep setback in the front elevation and the fact that the extension would be located just behind the base of the tower, would ensure that the characteristic views of the tower from Whitechapel and Stepney Green are preserved.
- 8.92 While the extension would be more visible and its height more apparent when viewed head-on, from outside the Spiegelhalter's and from the opposite side of Mile End Road, the large setback and careful architectural composition of the glazing and metal frames would ensure that it would not dwarf or significantly overwhelm the two storey Spiegelhalter's façade.
- 8.93 Nonetheless, while overall highly sympathetic, the roof extension with the glazed atrium behind Spiegelhalter's would be a significant intervention to the historic appearance of Wickham's and Spiegelhalter's. This would result in minor, less than substantial harm to the significance of these non-designated heritage assets. In accordance with NPPF, PPG and Historic England Guidance, this minor harm needs to be carefully balanced against the heritage and other planning benefits of the proposal. This balancing exercise is carried out in the conclusion to this section of the report.
- 8.94 The application also involves a number of other works that, cumulatively, would have a significant impact on the appearance and heritage significance of the building.
- 8.95 The following minor works are also proposed:
- a) Replacement of existing shopfronts with new steel framed glazing, re-instatement of awnings

The existing shopfronts and signage significantly detract from the appearance of the front elevation and from the quality of the generous public realm on the northern side of Mile End Road. The proposal provides for replacement of all of the unsightly shopfronts with high quality metal shopfronts, broadly matching the proportions of the original 1920s shopfronts. Awnings would also be reinstated,

contributing to the quality of the frontage and the public realm. Overall, the reinstatement of high quality, coherent and uniform shopfronts with awnings and appropriate signage would have a significant positive impact on the appearance of the building.

b) Making good and repair of the elevations, reinstatement of architectural features

A suitable condition has been included to ensure that all of the elevations would be made good and repaired with the damaged or missing architectural features appropriately reinstated. This would have a significant positive effect on the appearance of the elevations of the building which currently appears dilapidated.

c) Making good, repair and where relevant reinstatement of fenestration

There are areas of crittal and other metal framed fenestration that have been repaired or replaced unsympathetically or are in need of repair. Conditions have been included to ensure appropriate detailing and quality, to safeguard the architectural interest and uniformity within the frontages. These works would also serve to improve the appearance of the building.

d) Replacement of shutters and doors within the Cleveland Way elevation

The ground floor of the Cleveland Way elevation, in particular north of the Tesco unit, is in need of repair with replacement of doors and shutters to the loading bay. Appropriate conditions have been included to ensure suitable detailing and use of materials. The works would have a positive effect on the streetscene of Cleveland Way.

e) Demolition of 3<sup>rd</sup> floor mansard extension over the western wing

The existing 3<sup>rd</sup> floor mansard extension is built just behind the parapet of the western wing of the building. It is of a significantly dilapidated appearance and detracts from the symmetry of the building, harming its significance. Its demolition would enhance the local views of the building.

f) Removal of double-height shed structure over the eastern side of the building

The roofs of the eastern side of the building, located entirely behind the parapet, are currently not visible from Mile End Road. The roof structures are not original and their replacement with a purpose built roof extension would improve the view of the application site from the rear.

g) Removal of two existing stair cores within the eastern and north-eastern corners of the building

These stair cores are of no particular interest and their removal would not result in any harm to the heritage value of the building while allowing for creation of improved office layouts. The northern staircase with decorative metalwork would be preserved.

h) Removal of glazed leaded domes

There are currently three decorative, leaded domes within the ceiling of the 2<sup>nd</sup> floor banqueting suite. The domes are of some heritage value as attractive examples of 1920s metalwork. They are not in a condition which would preclude

sensitive repair. While it would not be appropriate to retain them in the existing locations, it does not appear impossible to relocate the domes and sensitively incorporate them within the new upper storeys of the building. A condition would be attached to ensure that feasibility of retention and relocation is thoroughly investigated. The total removal of the domes would result in minor, less than substantial harm to the heritage value of the former department store, nonetheless, it should be noted that the domes are internal features and, as such, are afforded limited protection.

i) Removal of radio masts

There are a number of radio masts which have been erected at roof level, some of significant height. These masts detract from the appearance of the building and the townscape of the conservation area. The removal of the radio masts would have a positive effect.

Conclusion

- 8.96 Careful consideration has been paid to the refurbishment and extension works, taking into account the different features of the site and its surroundings. The proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.
- 8.97 The development would sympathetically re-imagine and re-purpose Wickham's and Spiegelhalter's to enable overdue restoration works and to safeguard the future of this pair of much loved non-designated heritage assets.
- 8.98 The alterations to the appearance of Wickham's and Spiegelhalter's would be such as to result in an overall positive impact on the setting of the adjoining Grade II listed buildings. The deep setbacks at roof level ensure that the setting of the early 19th century terraces of 1-11 Bellevue Place and the terraced house at 1 Cleveland Way is safeguarded.
- 8.99 Where feasible, the proposals take the opportunity to enhance the asset's significance and reduce risks to the assets' preservation. Office use over the upper floors and retail and other commercial uses at ground and basement are appropriate given the original function of the building as a department store and considered to secure the optimum viable use which is necessary to support the assets' long term conservation.
- 8.100 The proposal has been designed appropriately for the site's context. It would make a positive contribution to the appearance, character quality and local distinctiveness of the surrounding historic environment. The substantial repair and reinstatement of architectural features, retention of Spiegelhalter's and the public art and interpretation scheme would better reveal the significance of the asset and facilitate enjoyment of it by members of the public.
- 8.101 Other significant public benefits of the proposal have been outlined within the Land Use and Amenity sections of this report.
- 8.102 Care has been taken to minimise any adverse heritage impacts but where these occur, they are minor and of a less than substantial significance. These minor adverse effects would be significantly outweighed by the positive alterations as described above. The scheme, overall, would deliver a net benefit to the heritage significance of the Wickham's and Spiegelhalter's non-designated heritage assets. It

would preserve and enhance the character and appearance of the Stepney Green Conservation Area while enhancing and/or preserving the setting of the adjoining Grade II listed buildings.

- 8.103 As such, subject to conditions, the proposal would comply with the aforementioned policies and, overall, benefit the heritage significance of the local designated and non-designated heritage assets.

### **Amenity**

- 8.104 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.105 The below aerial photograph shows the bird's eye view of the application site and illustrates the very close relationship between the adjoining properties and the rear elevation of the department store.

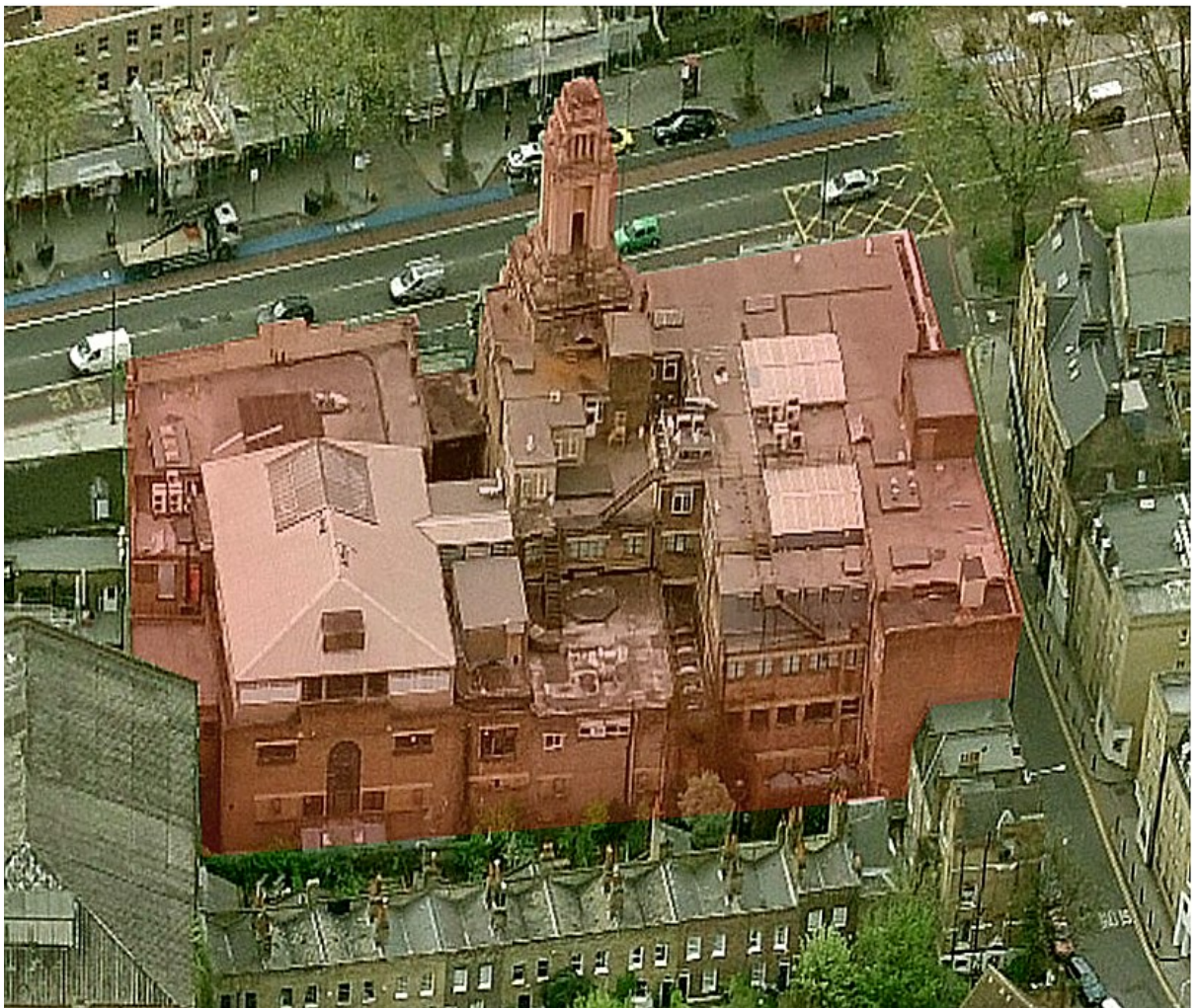


Figure 13 – bird's eye view of the rear of the application site

Daylight, Sunlight and Overshadowing

- 8.106 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.107 A Daylight and Sunlight Assessment prepared in accordance with BRE guidance has been submitted with the application. The assessment considers daylight, sunlight and overshadowing impacts on all relevant properties and confirms that none of the 112 windows to habitable rooms which have been tested would experience noticeable daylighting reductions - the daylighting impact would be negligible. Similarly, no significant sunlight reductions would occur to habitable rooms and there would be no reduction to Bellevue Place gardens which will receive two hours of sunlight on 21<sup>st</sup> March. A transient overshadowing has also been carried out for the months of March, April, May and June, comparing the path of the shadow caused by the existing and proposed buildings – the areas where overshadowing would occur would be very minor, any additional overshadowing would also be very brief.
- 8.108 The lack of any significant impacts is the direct result of the way in which the upper storeys of the building have been set back from the rear and side elevations. In some instances, the setbacks are very significant, as illustrated on the below drawing. The setbacks are a direct result of the applicant's engagement with the residents living to the rear of the site at Bellevue Place as well as along Cleveland Way, as described within the submitted Statement of Community Involvement.



Figure 14 - visualisation showing the upper storey setbacks at rear

#### Outlook & Sense of Enclosure

8.109 The setbacks shown above would also serve to safeguard the outlook of the residents at rear, ensuring that the offices would not appear overbearing and that sky visibility would not be significantly affected.

#### Light Pollution, Overlooking & Privacy

8.110 As shown above in Figures 13 and 14, there are existing windows within the rear elevation at 1<sup>st</sup> and 2<sup>nd</sup> floor level. New windows would also be created within the setback roof extensions. All of the windows at rear would serve office accommodation. Given the close proximity to the rear elevation of Bellevue Place properties, this could give rise to light pollution, overlooking and privacy intrusion although it is acknowledged that the majority of windows are existing. A condition has been included requesting submission of a scheme to safeguard against light pollution and overlooking – this can include automatic blinds, louvres and/or obscured glazing. Subject to the condition, no undue impacts would occur.

#### Noise

8.111 The residents of Bellevue Place and properties on Cleveland Way currently face significant disturbance from the operation of the 2<sup>nd</sup> floor Waterlily banqueting suite. The following adverse impacts occur:

- disturbance arising from general comings and goings;
- disturbance from unauthorised use of Cleveland Way entrance after 8pm;
- servicing outside prescribed hours;
- events taking place outside the prescribed opening times; and
- noise escaping from the venue due to lack of sound limiters and noise insulation, in breach of planning conditions.

- 8.112 The above impacts have been raised in representations to this planning application as well as to the Council's Environmental Health Officers and Planning Enforcement Officers. As summarised in the Background and Planning History section of this report, non-compliance with the Council's enforcement notices is still an issue.
- 8.113 Change of use of the 2<sup>nd</sup> floor to an office would largely eliminate the above adverse impacts, significantly improving the soundscape of Cleveland Way and Bellevue Place and have a positive impact on the living quality of the local residents.
- 8.114 While D1 and D2 uses are also proposed as part of the flexible use of the basement and the small unit at rear of the ground floor, these units are not suitable to host large banqueting and wedding events and have no windows at rear. The larger units within the basement would be accessed solely from Mile End Road. Conditions have been included to secure appropriate noise and vibration insulation measures. There is potential for A3 and A4 uses within the flexible units accessed from Mile End Road, similarly, noise and vibration measures are dealt with by condition. There would be no A3 and A4 uses within the Cleveland Way frontage or on upper floors. A condition to limit the use of the Cleveland Way frontage for access and egress after 8pm has been included to limit the impacts from comings and goings.
- 8.115 The majority of the uses within the building will require plant for kitchen extracts, general ventilation and air conditioning. The plant areas would be located at rear, within timber enclosures, all set-back from the rear elevations. Suitable conditions would be attached to ensure appropriate acoustic specification to safeguard the amenity of neighbours.
- 8.116 To support its co-working hub function, the 1<sup>st</sup> floor office currently contains an ancillary 140 seat auditorium which is also available for public hire. The auditorium would be enlarged following the proposed extension works. Full details of the auditorium's capacity, location within the building and a management plan are secured by condition.
- 8.117 Overall, subject to conditions, the proposal is likely to result in an improvement to the local soundscape, to the benefit of the amenity of the adjoining residents.

#### Construction Impacts

- 8.118 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

#### Impact on Al Huda Cultural Centre & Mosque

- 8.119 Planning permission for the expansion of the cultural centre and mosque which adjoins the application site was granted on 22<sup>nd</sup> July 2013 (ref PA/13/00064). The permission provides for construction of a six storey building – four storeys at the front, matching the height of the parapet of the former department store, with two set-back storeys toward the rear of the side.
- 8.120 The elevation of the first four storeys would be flush with the existing elevation of the department store, no daylight or sunlight impacts would thus occur from the redevelopment of the Wickham's. The two upper storeys are well set back. At 4<sup>th</sup> floor

level would be a library and IT suite, however, its windows would be within the western part of the front elevation, away from the proposed roof extension of the Wickham's department store. The daylight and sunlight to this room would not be affected to any significant extent due to the separation distance, setback of the extension at Wickham's and the small difference in height. There would also be a number of rooflights at 5<sup>th</sup> floor level – for the reasons given above these would also not be affected by the proposal.

- 8.121 A number of responses to the public consultation have raised an issue with the proposed flexible uses within the basement, arguing that these could affect the operation of the cultural centre & mosque, mainly because the sites share a party wall. A condition has been included to require submission of a scheme of sound insulation for any A3, A4, D1 or D2 uses to ensure that the functioning of the adjoining premises is not affected.
- 8.122 Some objectors have also raised an issue about general disturbances which could occur as a result of the flexible uses. As described in the Land Use section of this report, all of the proposed uses are considered to be appropriate in this location and no unacceptable effects would occur on either the existing or the redeveloped cultural centre & mosque. As described within the Noise subsection above, appropriate conditions have been included to safeguard against any unacceptable amenity impacts.

#### Conclusion

- 8.123 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining occupiers while, in some instances, such as with regard to noise disturbance, it is likely that the living conditions of nearby residents would improve significantly. Appropriate conditions have been included to mitigate any impacts, as requested by the Council's Environmental Health Officer.

#### **Highways, transportation and servicing**

- 8.124 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.125 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.126 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.127 Mile End Road (A11) forms part of the Transport for London while Cleveland Way is an LBTH adopted highway. The site benefits from very good public transport accessibility (PTAL of 5/6a) as it is within walking distance of Whitechapel, Bethnal Green and Stepney Green Underground Stations and there are numerous bus routes running along Mile End Road and Cambridge Heath Road. Cycle Superhighway CS2 runs along the A11 corridor and there are numerous TfL cycle hire docking stations nearby, including one immediately outside the former department store.



- 8.128 The completion of the development is likely to take place following the commencement of Crossrail services at Whitechapel in late 2018. Giving the high accessibility of the site and proximity to a large number of stations, the additional trips associated with the proposal would be spread widely and distributed across the different routes and transport modes without undue effect on the operation of public transport networks in the vicinity.
- 8.129 Depending on the final mix of flexible uses, in accordance with the Use of Planning Obligations in the Funding of Crossrail SPG and at TfL's request, any additional public transport demand would be mitigated by the Crossrail top-up financial contribution.
- 8.130 In accordance with policy, there would be no car parking provided and, as the vicinity of the site is within a controlled parking zone and the site benefits from very good accessibility, it is unlikely for many office workers to commute by car.
- 8.131 A draft Travel Plan has been developed in order to promote sustainable travel amongst staff at the development. A condition requiring submission of a final version, tailored to the future occupants, has been included.
- 8.132 In order to manage the impact of deliveries and servicing of the development, in accordance with the Transportation & Highway Officer's recommendation, a condition is included requiring submission of a Delivery and Servicing Management Plan. The plan would be required to ensure that the majority of servicing occurs from the new loading bay on Mile End Road rather than Cleveland Way and that the existing loading bay on Cleveland Way is used for waste storage and collection only. The new off-peak loading bay is currently being delivered as part of the on-going Cycle Superhighway CS2 upgrade works. The new bay would also allow time-limited parking for Blue Badge holders in close proximity to the site.
- 8.133 The footway along Cleveland Way requires improvement, including removal of redundant crossovers. In accordance with Transportation & Highway Officer's recommendation, a condition is included requiring submission of a scheme of highway improvement works. Such works would be delivered under S278 of the Highway Act.
- 8.134 120 cycle parking spaces for the office use are proposed along with showers and changing facilities. This is welcome and in accordance with the relevant policies. A condition to secure the delivery has been included. A separate condition has been included to require submission of details of cycle storage facilities for the flexible uses.
- 8.135 To mitigate the highway & transportation impacts during the construction phase, submission of a Construction Logistics Plan has been reserved by condition.
- 8.136 The waste storage arrangements have been confirmed as acceptable by the Waste Strategy Officer. A condition requesting submission of a Waste Management Plan has been included.
- 8.137 Overall, subject to conditions and the Crossrail S106 planning obligation, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL have raised an objection to the proposal.

### **Sustainability and Energy Efficiency**

- 8.138 The Managing Development Document policy DM29 includes the target for developments to achieve reductions in CO2 emissions through the cumulative steps of the Energy Hierarchy. The policy states that the sustainable retrofitting of existing development with provisions for the reduction of carbon emissions will be supported.
- 8.139 The proposals follow the London Plan energy hierarchy of Be Lean, Be Clean and Be Green. A 45% reduction in CO2 emissions for the new build elements would be delivered in accordance with policy requirements. In addition, the refurbishment proposals are anticipated to deliver a reduction in over 70 tonnes of CO2 per annum.
- 8.140 The office accommodation would be delivered to a BREEAM Excellent standard.
- 8.141 Conditions to secure the delivery of the energy & sustainability proposals and achievement of BREEAM Excellent together with submission of the specification of the proposed PV array and the proposed sustainable drainage measures have been included as requested by the Council's Energy Efficiency & Sustainability Officer.

### **Biodiversity**

- 8.142 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.143 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed in its detailed design. A condition to this effect has been included in accordance with the recommendation of the Council's Biodiversity Officer.

### **Planning Obligations**

- 8.144 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 8.145 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Fairly and reasonably related in scale and kind to the development.
- 8.146 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.147 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA guidance. These are:
- £7,756.00 towards construction phase skills and training;
  - £78,418.00 towards end user employment skills and training;

- Crossrail CIL top-up contribution of between £0.00 and £73,126.00 depending on what uses are implemented within the flexible units; and
  - Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.
- 8.148 The total financial contribution would be at between £86,174 and £159,300.00 depending on the final amount of Crossrail contribution, plus monitoring contribution.
- 8.149 The non-financial obligations include:
- Reasonable endeavours to ensure 20% of the construction phase workforce are residents of the Borough;
  - Reasonable endeavours to ensure 20% of goods/services during construction are procured from businesses in Tower Hamlets;
  - Reasonable endeavours to ensure 20% of the end-user phase workforce are residents of the Borough; and
  - Apprenticeships and work placements during construction and end user phase of the development.
- 8.150 All of the above obligations are considered to be in compliance with aforementioned policies and the NPPF and Regulation 122 tests.

### **Financial Considerations**

- 8.151 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 8.152 Section 70(4) defines “local finance consideration” as:
- 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
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.153 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.
- 8.154 The Tower Hamlets CIL liability would be nil because the proposed uses, including offices (outside of City Fringe), are zero-rated in the Council’s CIL Charging Schedule (2015).
- 8.155 The Mayor of London CIL liability would be £67,865.
- 8.156 These financial benefits are material considerations of some weight in favour of the application.

### **Health Considerations**

- 8.157 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.158 The proposal raises no unique health implications and would not prejudice the opportunity of neighbours or members of the public to benefit from appropriate living conditions and lead healthy and active lifestyles.

### **Human Rights Considerations**

- 8.159 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:
- 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".
- 8.160 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 a local planning authority.
- 8.161 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

### **Equalities Act Considerations**

- 8.162 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. 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 planning 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.







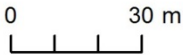
## **10.0 CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

## **11.0 SITE MAP**

11.1 Please refer to the next page of this report.



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

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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