

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> December 2015 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Full and Listed Building Planning Permission Application	
<b>Case Officer:</b> Christina Gawne		<b>Ref No:</b> PA/15/02554 (Full Planning Permission & PA/15/02555 (Listed Building Consent)	
		<b>Ward:</b> Lansbury	

## 1.0 APPLICATION DETAILS

1.1 **Location:** Balfron Tower, 7 St Leonards Road, London, E14 0QR

1.2 **Existing Use:** Residential

1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:

External and internal physical alterations and refurbishment works to Balfron Tower, including:

- New fenestration
- Alterations to flat layouts
- Re-instatement of cornice at the top of the building
- Replacement of boiler house flues
- Alterations to car parking
- Cycle parking and refuse storage arrangements
- Lighting
- Hard and soft landscaping and associated works.

1.4 **Documents:** Design and Access Statement (Sections 00-02, 03 Part 1, 03 Part 2, Section 04, Section 05 Part 1, Section 05 Part 2, Section 05 Part 3, Section 06 and Sections 07-09)

Flood risk assessment

Transport Statement

Planning Statement

Heritage Statement (Parts 1 and 2)

Arboricultural Impact Assessment

Statement of Community Involvement (Segments 001 and 002)

Sustainability statement

1.5 **Drawing Nos:**

Site drawings

0209\_SEW\_BT\_0003 rev 04

Existing drawings

0209\_SEW\_xx\_0100 rev 01, 0209\_SEW\_xx\_0101 rev 01

0209\_SEW\_xx\_0102 rev 01, 0209\_SEW\_xx\_0103 rev 01

0209\_SEW\_xx\_0107 rev 01, 0209\_SEW\_xx\_0108 rev 01

0209\_SEW\_xx\_0109 rev 01, 0209\_SEW\_xx\_0116 rev 01,

0209\_SEW\_xx\_0117 rev 01, 0209\_SEW\_xx\_0128 rev 01,

0209\_SEW\_xx\_0129 rev 01, 0209\_SEW\_xx\_0130 rev 01,  
0209\_SEW\_xx\_0131 rev 01, 0209\_SEW\_xx\_0201 rev 01,  
0209\_SEW\_xx\_0202 rev 01, 0209\_SEW\_xx\_0203 rev 01,  
0209\_SEW\_xx\_0301 rev 01, 0209\_SEW\_xx\_0302 rev 01,  
0209\_SEW\_xx\_0303 rev 01, 0209\_SEW\_xx\_0304 rev 01,  
0209\_SEW\_xx\_0400 rev 01, 0209\_SEW\_xx\_0401 rev 01,  
0209\_SEW\_xx\_0402 rev 01, 0209\_SEW\_xx\_0403 rev 01,

#### Strip-out drawings

0209\_SEW\_xx\_3100 rev 01, 0209\_SEW\_xx\_3101 rev 01,  
0209\_SEW\_xx\_3102 rev 02, 0209\_SEW\_xx\_3103 rev 02,  
0209\_SEW\_xx\_3107 rev 01, 0209\_SEW\_xx\_3108 rev 01,  
0209\_SEW\_xx\_3109 rev 01, 0209\_SEW\_xx\_3116 rev 01,  
0209\_SEW\_xx\_3117 rev 01, 0209\_SEW\_xx\_3128 rev 01,  
0209\_SEW\_xx\_3129 rev 01, 0209\_SEW\_xx\_3130 rev 01,  
0209\_SEW\_xx\_3131 rev 01, 0209\_SEW\_xx\_3201 rev 01,  
0209\_SEW\_xx\_3202 rev 01, 0209\_SEW\_xx\_3203 rev 01,  
0209\_SEW\_xx\_3301 rev 01, 0209\_SEW\_xx\_3302 rev 01,  
0209\_SEW\_xx\_3303 rev 01, 0209\_SEW\_xx\_3304 rev 01,

#### Proposed general arrangement drawings

0209\_SEW\_xx\_1100 rev 01, 0209\_SEW\_xx\_1101 rev 10,  
0209\_SEW\_xx\_1102 rev 07, 0209\_SEW\_xx\_1103 rev 05,  
0209\_SEW\_xx\_1104 rev 05, 0209\_SEW\_xx\_1105 rev 05,  
0209\_SEW\_xx\_1106 rev 05, 0209\_SEW\_xx\_1107 rev 05,  
0209\_SEW\_xx\_1108 rev 05, 0209\_SEW\_xx\_1109 rev 05,  
0209\_SEW\_xx\_1110 rev 01, 0209\_SEW\_xx\_1111 rev 01,  
0209\_SEW\_xx\_1112 rev 01, 0209\_SEW\_xx\_1113 rev 01,  
0209\_SEW\_xx\_1114 rev 01, 0209\_SEW\_xx\_1115 rev 01,  
0209\_SEW\_xx\_1116 rev 05, 0209\_SEW\_xx\_1117 rev 05,  
0209\_SEW\_xx\_1118 rev 01, 0209\_SEW\_xx\_1119 rev 01,  
0209\_SEW\_xx\_1120 rev 01, 0209\_SEW\_xx\_1121 rev 01,  
0209\_SEW\_xx\_1122 rev 01, 0209\_SEW\_xx\_1123 rev 01,  
0209\_SEW\_xx\_1124 rev 01, 0209\_SEW\_xx\_1125 rev 01,  
0209\_SEW\_xx\_1126 rev 01, 0209\_SEW\_xx\_1127 rev 02,  
0209\_SEW\_xx\_1128 rev 02, 0209\_SEW\_xx\_1129 rev 01,  
0209\_SEW\_xx\_1130 rev 01, 0209\_SEW\_xx\_1131 rev 00,,  
0209\_SEW\_xx\_1201 rev 01, 0209\_SEW\_xx\_1202 rev 02,  
0209\_SEW\_xx\_1203 rev 02, 0209\_SEW\_xx\_1304 rev 04,  
0209\_SEW\_xx\_1305 rev 04, 0209\_SEW\_xx\_1306 rev 04,  
0209\_SEW\_xx\_1307 rev 04, 0209\_SEW\_xx\_5300 rev 01,  
0209\_SEW\_xx\_5301 rev 01, 0209\_SEW\_xx\_5302 rev 01,  
0209\_SEW\_xx\_5303 rev 01,

#### Apartment type drawings

0209\_SEW\_xx\_4100, 0209\_SEW\_xx\_4101,  
0209\_SEW\_xx\_4102, 0209\_SEW\_xx\_4103,  
0209\_SEW\_xx\_4104, 0209\_SEW\_xx\_4105,  
0209\_SEW\_xx\_4106, 0209\_SEW\_xx\_4107,  
0209\_SEW\_xx\_4108, 0209\_SEW\_xx\_4109,  
0209\_SEW\_xx\_4110, 0209\_SEW\_xx\_4111,  
0209\_SEW\_xx\_4112, 0209\_SEW\_xx\_4113,  
0209\_SEW\_xx\_4114, 0209\_SEW\_xx\_4115,

#### Detailed drawings

0209\_SEW\_xx\_6301 rev 01, 0209\_SEW\_xx\_6302 rev 01,  
0209\_SEW\_xx\_6303 rev 01, 0209\_SEW\_xx\_6350 rev 00,  
0209\_SEW\_xx\_6351 rev 03, 0209\_SEW\_xx\_6352 rev 03,  
0209\_SEW\_xx\_6353 rev 03, 0209\_SEW\_xx\_6354 rev 03,  
0209\_SEW\_xx\_6355 rev 03, 0209\_SEW\_xx\_6356 rev 03,  
0209\_SEW\_xx\_6357 rev 03, 0209\_SEW\_xx\_6358 rev 03,  
0209\_SEW\_xx\_6359 rev 02, 0209\_SEW\_xx\_6360 rev 03,  
0209\_SEW\_xx\_6361 rev 03, 0209\_SEW\_xx\_6362 rev 00,  
0209\_SEW\_xx\_6370 rev 00, 0209\_SEW\_xx\_6371 rev 00,

Landscape drawings

0209\_SEW\_xx\_7000 rev 05, 0209\_SEW\_xx\_7001 rev 03,  
0209\_SEW\_xx\_7201 rev 01, 0209\_SEW\_xx\_7202 rev 01,  
0209\_SEW\_xx\_7203 rev 01, 0209\_SEW\_xx\_7204 rev 01,  
0209\_SEW\_xx\_7205 rev 01, 0209\_SEW\_xx\_7206 rev 01,

- 1.6 **Applicant:** Balfron Tower Developments LLP
- 1.7 **Owner:** Poplar HARCA
- 1.8 **Historic Building:** Grade II\* Listed.
- 1.9 **Conservation Area:** Balfron Tower

## 2. EXECUTIVE SUMMARY

- 2.1. The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2015) and National Planning Policy Framework (2012) and has found that:
- 2.2. The proposed refurbishment works have been sensitively designed, taking into account advice from Historic England and the boroughs Listed Building Officer. An acceptable balance has been achieved with the heritage needs to preserve the special character, historic significance and appearance of the grade II\* listed Balfron Tower along with the requirements to bring the building up to modern standards.
- 2.3. Furthermore, the re-instatement of the original features such as the roof cornice, concrete boiler flues, internal corridors and the front entrance offsets any harm caused by the replacement of the existing windows and internal flat layouts.
- 2.4. In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England have directed the Council to determine the listed building consent application. The direction requires that if the Council is minded to grant listed building consent it should do so, subject to conditions requested by Historic England. The direction has been endorsed by the Secretary of State (via the National Planning Casework Unit) who have confirmed the applications do not need to be referred to them (Secretary of State).

## 3. RECOMMENDATION

- 3.1. That the Committee resolve to grant planning permission subject to the following planning conditions:

1. Compliance with plans
  2. Time limit
  3. Written notification of the start of the works to Historic England
  4. Mock-up section of the proposed fenestration to be installed at low level on site
  5. Sample panel for the patching of the external bush hammered concrete to be tested on site
  6. Cornice materials
  7. Details and samples of all materials for all doors, windows for all elevations, lobbies, access galleries, tiles, details of colours etc.
  8. Retention of quarry floor tiles in access gallery of ground floor
  9. Full schedule of works including concrete repairs + requirement to advise Council if new repairs required
  10. Electric charging points
  11. Landscaping and community allotment gardens
  12. Arboricultural Method Statement(AMS)
  13. Full Tree Protection Plan (TPP)
  14. Details of lighting and lighting assessment
  15. CCTV
  16. Design and materials of communal areas
  17. SUDs
  18. Waste
- 3.2. Any other conditions(s) and informatives considered necessary by the Corporate Director Development & Renewal.
- 3.3. That the Committee resolve to grant Listed Building Consent subject to conditions relating to:
1. Compliance with plans
  2. Time limit
  3. Written notification of the start of the works to Historic England
  4. Mock-up section of the proposed fenestration to be installed at low level on site
  5. Sample panel for the patching of the external bush hammered concrete to be tested on site
  6. Cornice materials
  7. Details and samples of all materials for all doors, lobbies, access galleries, tiles, details of colours etc.
  8. Retention of quarry tiles in access gallery of ground floor
  9. Full schedule of works including concrete repairs
- 3.4. Any other conditions(s) and informatives considered necessary by the Corporate Director Development & Renewal

#### **4.0 PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1. The applicant seeks full and listed building planning permission to undertake external and internal physical alterations and refurbishment to Grade II\* listed Balfron tower. This includes the following:
- New windows on all elevations
  - Alterations to flat layouts

- Re-instatement of Cornice to top of the building.
- Replacement of boiler house flues
- Alterations to car parking
- Provision of cycle parking
- Alterations to refuse storage arrangements
- Lighting
- Hard and soft landscaping.

4.2. The proposal does not seek the loss or gain of any residential units.

4.3. The applicants have stated that the works are to ensure Balfron Tower is updated to meet today's living standards, securing the long term viable future of this heritage asset.

### **Site and Surrounds**

4.4. Balfron Tower is located the Lansbury ward. And is located within the Balfron Tower Conservation Area, designated in 1998.

4.5. The tower was built between 1965-1967 and was designated as Grade II listed in 1996. The tower's historic listing has been recently upgraded to Grade II\* on 15 October 2015.

4.6. The listing for Balfron Tower was upgraded due to the following principal reasons:

- Authorship: designed and planned by Ernö Goldfinger, a major exponent of the European Modern Movement in Britain and an architect of international standing;
- Architectural interest: strikingly sculptural, precursor and model for Goldfinger's modernist high-rise towers, and a manifestation of the architect's rigorous approach to design and of his socialist architectural principles;
- Materials and construction: concrete aggregate, exceptionally fine bush-hammered concrete finishes and precise joinery, establishing a consistency in planning, palette of materials and aesthetic applied across the estate;
- Planning interest: Corbusian-inspired interlocking arrangement of flats and maisonettes, including community facilities, sports and hobby rooms;
- Degree of survival: a little-altered building with a particularly strong planning, visual and aesthetic relationship with Carradale House and Glenkerry House;
- Social and historic interest: phase one of an LCC mixed development, principally of high rise blocks, designed to re-house a local community within a carefully planned integrated landscape;

Group value: Balfron Tower has strong group value with the low-rise and high-rise elements of the estate, most notably with Carradale House, and the space within which it stands.

4.7. Balfron Tower is part of the larger Brownfield Estate (originally known as the Rowlett Street Estate). This comprises of Carradale House and Glenkerry House, amongst others. Carradale House, located to the north of Balfron Tower is Grade II listed.

4.8. Balfron Tower sits between Carradale House to the north and a low rise elderly housing block to the south. An associated community building and shop are located to the west of Balfron Tower.

4.9. The site is located in close proximity to the A12 Blackwall Tunnel approach to the East and the A13 to the South. It is within walking distance of Chrisp Street Market to the West and Jolly's Green to the North.

4.10. The Brownfield Site was originally owned by LBTH but ownership was transferred to

Poplar HARCA in December 2007. Poplar HARCA is a registered social landlord with around 8,500 homes in Poplar, East London.

## 5. PLANNING HISTORY

- 5.1. Balfroon Tower has an extensive planning history, relating to various works that have taken place over the last 30 years. The most recent applications are listed below.

PA/13/01881 and PA/13/01883

- 5.2. Erection of a transmission/reception aerial on the south-east corner of the roof level of Balfroon Tower.  
Permitted on 03/10/2013

PA/11/00795 and PA/11/00796

- 5.3. Installation of three new externally fitted vertical gas riser services to the west face of Balfroon Tower.  
Permitted on 01/06/2015

PA/08/00309

- 5.4. Submission of details pursuant to condition 2 (Materials) of planning permission dated the 5th of February 2008 ref; PA/07/03229.  
Permitted on 11/06/2008

PA/08/01132 and PA/08/01133

- 5.5. Refurbishment and repair affecting 234 dwellings.  
Withdrawn on 03/09/2008

PA/08/01054

- 5.6. Modify steel doors leading from the top floor stairwell to the roof and tank room, provide new locking mechanisms and covert CCTV cameras to enclosed areas of stair access.  
Permitted on 14/08/2008

PA/07/03229

- 5.7. Repair works to listed building.  
Permitted on 05/02/2008

## 6. POLICY FRAMEWORK

- 6.1. 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.

### **Government Planning Policy Guidance/Statements:**

National Planning Policy Framework (2012) (NPPF)

- Section 7 – Requiring Good Design

- Section 12 – Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (2014) (NPPG)

### **Spatial Development Strategy for Greater London (2015)**

5.4 – Retrofitting

5.10 - Urban greening

5.11 – Green roofs and development site environs

5.13 – Sustainable drainage

5.17 - Waste capacity

7.4 – Local character

7.5 – Public realm

- 7.8 – Heritage assets and archaeology
- 7.15 - Reducing Noise and Enhancing Soundscapes

**Core Strategy Development Plan Document 2025 (2010)(CS):**

- SP03 - Creating Healthy and Liveable Neighbourhoods
- SP05 – Dealing with waste
- SP09 – Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP11 – Working towards a zero-carbon borough

**Managing Development Document (2013)(MDD):**

- DM4 – Housing standard and amenity space
- DM11 – Living buildings and biodiversity
- DM13 – Sustainable drainage
- DM14 – Managing waste
- 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

**Supplementary Planning Guidance:**

- Local Biodiversity Action Plan
- Balfour Tower Conservation Area Appraisal and Management Guidelines
- Balfour Tower Historic Listing - 1334931

## **7. CONSULTATION**

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

### **LBTH Transport & Highways**

- 7.3. Highways welcome the proposal to reduce number of car parking spaces within the development.
- 7.4. Highways suggest that the applicant should try to meet the cycle space requirement stated in the Further Alteration to London Plan (FALP). According to FALP the applicant should provide total of 248 cycle spaces for this proposal.
- 7.5. A further reduction in the car parking spaces will be welcomed to accommodate the additional cycle parking spaces.
- 7.6. In addition, the applicant could provide some active and passive provision for electric vehicle charging facilities instead of large number of standard car parking spaces.
- 7.7. *(Officer Comment: the impact of the proposal on highways matters is discussed within the material planning considerations section of this report.)*

### **LBTH Waste Policy & Development**

- 7.8. The Council's Waste Officer has advised that LBTH will shortly be adopting new capacity guidelines and these will be required for all existing and new developments. The current proposal does not meet the new guidelines.
- 7.9. It is therefore requested that the developer considers the new guidelines to future proof the development and that these details are secured via condition.
- 7.10. The applicant has agreed to a condition.
- 7.11. The Waste Officer also noted that many new developments in the Borough have been approved with internal chute systems (along with the tri-separator that is already proposed in Balfron Tower). The Officer recommends the applicant reviews the decision not to replace the entire chute system flue to instate tri-separation hoppers at every level of Balfron Tower whilst they have the opportunity, as a newer design should prove successful in helping residents to separate their waste for recycling.
- 7.12. The above can be considered within an overall waste condition for the site.
- 7.13. All other considerations seem to have been made to ensure waste management is conducted to policy.

*(Officer Comment: the impact of the proposal on waste matters is discussed within the material planning considerations of this report).*

#### **LBTH Design & Conservation**

- 7.14. The proposal has been the subject of much pre and post application discussion involving the architects, relevant consultants and Historic England. The proposals have evolved throughout this process.
- 7.15. The reinstatement of lost architectural features on the exterior is very welcome as is proposed work to the external landscape areas.
- 7.16. Much of the pre and post application discussion has centred on changes to fenestration which has been subject to very detailed design development addressing the concerns of the Council and Historic England. In particular the proposed fenestration on the key west facing elevation has been the subject of many design iterations. Overall the changes to the fenestration are now considered acceptable subject to further detailed design to be secured through condition.
- 7.17. The works to sensitively upgrade communal areas are considered acceptable in principle subject to detailed design secured through condition.
- 7.18. The proposal to retain and restore one of each of the original flat types is welcome.
- 7.19. The proposed conditions from Historic England are welcome but detailed conditions will be necessary with regard to each aspect of the overall proposal.
- 7.20. Overall it is considered that the architects have managed to balance the necessity of upgrading whilst maintaining the essential architectural character of this mid-20th century building.
- 7.21. The existing windows are of some significance in terms of the overall architectural composition of the building but are generally in poor condition and no longer meet modern Building Regulation requirements. There has been prolonged discussion with

regard to the proposed changes to the external fenestration including with regard to materiality, colour and glazing bar pattern.

7.22. The initial proposal put forward by the architects for the west elevation excluded the twin transoms. Revisions were sought and as now proposed, the window design balances the needs of the buildings users with the requirement to sit within Goldfinger's masterly composition.

7.23. The fenestration on the other elevations have been subject to greater change over the years; some of it harmful to the overall appearance of the listed building. As proposed, the windows are fit for purpose but reflect the spirit of the original architecture.

*(Officer Comment: the impact of the proposal on design and conservation matters is discussed within the material planning considerations of this report).*

### **Historic England**

7.24. (Summarised second letter from HE following the upgrading of Balfron Tower on the 15th of October 2015)

7.25. Historic England has advised, that the overall significance of this important listed building would be sustained through the proposed works.

7.26. Historic England continue to welcome the much-needed repair work to the Tower and investment in the Conservation Area, which we consider would raise the profile of the historic environment and provide the Tower with a sustainable and long-term future use.

7.27. As such, Historic England are therefore minded to direct as to the granting of the listed building consent.

7.28. In light of recent upgrading, Historic England considers it necessary to exercise greater control over the scheme via conditions. These relate to fenestration and concrete repairs to the exterior.

7.29. (Officer comment: the impact of the proposal on heritage matters is discussed within the material planning considerations of this report. The applicant has also responded to the above comments which are included below).

### **20<sup>th</sup> Century Society (20<sup>th</sup> C)**

7.30. The 20<sup>th</sup> Century Society has made the following comments in relation to this application.

#### **Fenestration**

7.31. In relation to fenestration, the 20<sup>th</sup>C oppose the proposed fenestration pattern and materials in particular the use of brown aluminium. 20<sup>th</sup> C's committee takes the view that this change is particularly sensitive as it affects not only the appearance of the historic building, but also the geometric patterning both from close up and afar, as well as the visual continuity of the building as part of the wider estate. They also believe the proposed changes have not been justified by applicants.

#### **Access corridors**

7.32. In relation to the access corridors, the 20<sup>th</sup>C also believe the existing configuration should be retained as part of the historic plan form of the building and the original quarry tiles and finishes of the corridor floors should also be retained as these contribute to the character of the building.



### **8.5. Landscaping works**

Opposition and concerns were raised with regards to the following:

- Greening the external concrete
- Changes to car access ramp
- Community orchard
- Should maintain existing trees
- Alterations to concrete paving flags
- Alterations to sunken play area
- Elaborate landscaping scheme
- Closure of the circuit service road

*Officer comment: the impact of the proposal on external matters is discussed within the material planning considerations of this report.*

### **8.6. Other**

- Fire safety concerns
- Concerns over the necessity of the works

Concerns over the decanting whilst work takes place

### **8.7. Social Housing, Tenure and Ownership**

Concerns, comments and objections were raised with regards to the following:

- Civil Matters between the objector and their landlord
- Failure to meet statutory affordable housing types with a concern that the application does not include information on the future tenure of the 146 flats, potentially resulting in the loss of social housing.
- Insufficient consultation.
- Poplar HARCAs obligations to existing tenants have not been fulfilled i.e. 'no resident will lose their home involuntarily' and 'there will be no loss of homes for rent on the Brownfield Estate'.

*Officer comments:*

- 8.8. In relation to the issues relating to Social Housing, Balfron Tower is currently owned by Poplar HARCA. Ownership of Balfron Tower was passed from LBTH to Poplar HARCA in December 2007 under the East India stock transfer.*
- 8.9. Historically, the only controls on the tenure of Balfron Tower were those imposed under the Housing Acts with the Homes and Communities Agency acting as regulator.*
- 8.10. On the 15th of December 2014, the Homes and Communities Agency, exercising its discretion under s133 of the Housing Act 1985, authorised Poplar HARCA to dispose of its interest in Balfron tower. There is now nothing to prevent Balfron Tower from being transferred into private ownership.*
- 8.11. Notwithstanding the above, the tenure of Balfron tower is not, and has never been, controlled under the planning regime. There is no s106 agreement or planning conditions requiring the building to be provided as social housing in perpetuity as would be the case for major new builds today. The building is not classified as social housing either in planning terms or housing law terms and planning permission is not required to transfer flats within Balfron Tower into private ownership.*
- 8.12. The applicant has stated that there have been many tenure changes over time to individual flats with Balfron Tower. These have never required planning permission and*

were generally done under right to buy schemes.

8.13. *As such, matters relating to social housing, tenure and ownership will not be assessed under the current applications for refurbishment.*

8.14. *Also, it is considered that the application has undergone adequate consultation with three site notices posted; all consultation responses received both during and after the standard 21 day period had closed. With regards to consultation undertaken by the applicants, this is also considered sufficient and above what is required for a 'minor' application.*

8.15. Planning application process

Concerns and comments were also made with regards to the following:

- Inability to access information on the website, time extension for comments
- Consultation carried out by applicants was not good enough i.e. should have been face-to-face meetings inviting leaseholders and all interested stakeholders to explain the process, the diagrams and the technical details of the application as per the expected standards of transparent and high level governance consultation
- Design and Access statement is not representative of the situation at Balfron Tower i.e. piecemeal alterations that have taken place are due to the site's managers, Poplar HARCA, rather than residents
- Failure to show any awareness of, or respect for, the exemplary Conservation Management Plan (CMP) commissioned by the Council from Avanti Architects in 2007-8 to guide it on conservation matters in relation to Goldfinger's work.

*Officer comments:*

8.16. *It is noted that several comments have stated that the LBTH website is difficult to use and the information regarding the application is not well accessible. Several objectors raised this directly with the case officer and help was provided with how to view relevant documents etc. It was therefore not deemed necessary to extend the consultation period as all issues directly raised were dealt with. It should also be noted that all late comments were accepted.*

8.17. *As the application is not a major application, extra consultation is not required of the applicants. However, a Statement of Community Involvement was submitted with the application which shows the applicants had consulted with a range of stakeholders before submitting the applications. This is considered appropriate in relation to the size of the scheme.*

8.18. *It is not considered appropriate to comment on the piecemeal alterations that have taken place at Balfron Tower with regards to who undertook the works i.e. LBTH or tenants. The application is assessed only against the condition of the building in relation to the proposal and the relevant policies and guidelines.*

8.19. *The applicants submitted a detailed Design and Access Statement and Heritage Statement in line with National and LBTH requirements. The Conservation Management Plan has been used along with the other below listed policies and other guidelines to assess the application.*

Representations Supporting

8.20. The representations in support of the application have been made in support of the following aspects of the proposal:

- Landscape proposals to mitigate noise from the nearby A12

- Use of 'social rooms'
- Support replacement of roof cornice
- Support replacement of entrance doors to original style
- Support irrigation system to planter boxes

8.21. A condition has also been requested limiting works to Monday to Friday 8am – 5pm and no works on Saturday, Sunday or Bank Holidays

*Officer comment: the above will be discussed within the material planning considerations of this report.*

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1. The main planning issues raised by the application that are to be considered are:

1. Design and Heritage
  - Refurbishments and repairs to exterior of building
  - Internal refurbishments
  - External upgrades
2. Sustainability
3. Flooding

### **Design and Heritage impact**

9.2. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

9.3. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

9.4. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality and sustainable.

9.5. As Balfour Tower is a 27 storey Grade II\* listed building and is within the Balfour Tower conservation area, additional policies relating to heritage matters are also relevant.

9.6. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining 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 viability; and the desirability of new development making a positive contribution to local character and distinctiveness.”*

9.7. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.

- 9.8. Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets, including both buildings within conservation areas and listed buildings. Firstly, developments will be required to protect and enhance the borough's assets, their setting and their significance.
- 9.9. Secondly, development should:
- Not result in an adverse impact on the character, fabric or identity of a heritage asset or its setting
  - Be appropriate in terms of design, scale, form, detailing and materials in its local context
  - Enhance or better reveal the significance of the asset and its setting
  - Seek opportunities to mitigate or adapt to climate change.

### *Balfron Tower*

- 9.10. Balfron Tower is a 27 storey grade II\* listed residential building which is located in Poplar. The building contains 146 residential units (136 flats and 10 maisonettes). The building is an iconic symbol of 'Brutalist' architecture designed by the celebrated architect Erno Goldfinger in the 1960s to rehouse displaced residents from nearby road works.
- 9.11. Balfron Tower has a distinctive silhouette with its separate utility tower joined to the main building by nine access bridges. This configuration allows for the noisy functions, such as the boiler room and lifts, to be kept away from the residential accommodation in the main building. The stacked typology allows for more than two thirds of the flats to be dual aspect.
- 9.12. Vehicular and pedestrian accesses are separated, a common design feature of Erno Goldfinger.
- 9.13. The application includes both internal and external alterations which will be discussed separately below.

### **Refurbishments and repairs to exterior of building**

#### *Windows*

- 9.14. The windows are a key part of the overall design of Balfron Tower and concerns around their replacement has been raised by those objecting to the application in relation to both proposed design and materials.
- 9.15. The original design of the windows represents a finely balanced composition of horizontal and vertical elements. This includes the intricate pattern of transoms and mullions which create a finer grain and augments the strength of the surrounding exposed concrete. Each façade of the tower has a different window pattern which will be discussed below.
- 9.16. The Eastern and Southern facades have seen their original window replaced with white Upvc. It is proposed that the horizontal transoms and 6 panel bays will be retained but the high level windows will be removed. The grey spandrel panel will also be replaced with a perforated corrugated panel which will conceal the acoustic vents required to bring the tower up to modern standards. Dark coloured window frames are also proposed in place of the existing white frames. The applicant has advised that the white window frames have been more susceptible to a change in appearance from nearby road

pollution.

- 9.17. Also, on the southern elevation of the ground level and level 1 fully glazed winter gardens are proposed for safety concerns.
- 9.18. The proposal also seeks the removal of the non-original vents on these elevations.
- 9.19. The Western façade contains the only original fenestration that can be seen on Balfron Tower. These windows are characterised by flush glazing and recessed balconies. The alignment of the concrete planters and horizontal transoms is most apparent on this façade.
- 9.20. The proposed fenestration will maintain the existing pattern with recesses, transoms and mullions but will utilise dark coloured aluminium frames in place of existing timber windows. All low level casements will be fixed and the original side hung door and sliding sash window will be replaced with a sliding sash door.
- 9.21. The existing windows on the northern elevation of the utility tower will be maintained with steel frames along with the introduction of some louvered windows. The applicant has stated that these louvers are required for two reasons being to provide smoke extraction in case of a fire and fresh air intake and extract for the heating and cooling of the communal rooms. A small number of louvers are also required for toilet extracts in the communal areas. The applicant has stated that they believe this to be an appropriate design as the louvers are a design feature of the original north façade. This is considered appropriate.
- 9.22. Balfron Tower is characterised by the architect's attention to detail and the window pattern is notable for its uniformity and detailing, including the transom and mullions of the windows which contrast with the surrounding exposed concrete.
- 9.23. The Councils Listed Building officer has noted that whilst the existing windows are of some significance in terms of the overall architectural composition of the building, they are generally in poor condition and do not meet modern Building Regulations. Extensive discussions have taken place over the replacement windows which have been considered acceptable given the proposed windows will appear as uniform on each side and the overall design will reflect the spirit of the original architecture which was noted for its uniformity and attention to detail.
- 9.24. As proposed, the windows are fit for purpose but reflect the spirit of the original architecture. The applicants have stated that re-unifying the windows is a key act of restoration and is in line with Historic England's advice regarding post-war listed housing which states that tall blocks can more easily withstand the impact of new glazing because it is more subsidiary to the impact of the overall design.
- 9.25. Historic England have also required a condition of a mock-up section of the proposed fenestration system comprising glazing, framing and perforated panelling which will be required to be prepared and presented on site. The sample will be installed at low-level next to the existing fenestration and shall present an accurate full-scale representation of the proposed system.
- 9.26. In summary, it is considered that the proposed alterations to the windows are acceptable in relation to the Grade II\* listing of the building and the relevant policies mentioned above.
- 9.27. Details of the materials of the windows, doors and planters will be required by condition.

### *Concrete repairs*

- 9.28. A main feature of Balfroon Tower is its exposed concrete facades and exceptionally fine bush-hammered concrete finishes, important details noted within the reasons for the building's Grade II\* status. Repairs and cleaning are required both in-situ and in precast elements at different parts of the building.
- 9.29. Given the importance of the concrete both structurally and aesthetically, Historic England have requested a condition which would require a sample panel for the patching of the external bush hammered concrete showing the proposed proportions of mix, colour and texture on site at a low level., this is recommended to be accompanied with a full schedule of works relating to the repairs and cleaning. The condition would also require notification of any further defective areas during the course of the refurbishment.

### *Cornice*

- 9.30. Balfroon Tower originally had a cornice at roof level which was removed for safety reasons in the 1990s.
- 9.31. The applicant is seeking to re-instate the cornice. However, in order to overcome concerns over the weight of the concrete, the cornice is proposed to be constructed with a more lightweight glass reinforced concrete construction. This is considered appropriate given the final design will be similar in appearance to the original.
- 9.32. Please note that the applications are not proposing a glazed balustrade between the roof cornice and the parapet of the roof below as was mentioned in the above objections.
- 9.33. Reinstating the cornice as per the original design is welcomed by the Council and several of those who commented on the application.

### *Flues*

- 9.34. Four flues can be prominently seen on the side of the utility tower. This feature is also seen on another of Goldfinger's designs, Glenkerry House. These were originally constructed in concrete but were later replaced with stainless steel flues which are in place today.
- 9.35. The applicant is seeking the re-instatement of these flues in concrete and this is supported by officers. A condition is recommended to ensure the design and appearance of the flues is appropriate on the listed building.

### *Summary*

- 9.36. Overall, the above detailed proposals are acceptable in principle in relation to the current policies and guidelines including SP10, DM 24 and DM27 and the Conservation Area management guidelines, subject to detailed materials and designs. Whilst the proposed changes to the windows will materially alter the building, it is considered that as the design promotes uniformity and high quality materials as well retaining the character of the building that the careful balance between the windows and the surrounding concrete will be retained and are as such acceptable. The replacement cornice, flues and concrete repairs are also supported and will be subject to conditions.

## **Internal refurbishments**

### *Flat layouts*

- 9.37. The building contains 146 residential units (136 flats and 10 maisonettes). These range from 1 to 4 bedrooms and despite changes since they were first built, many of the flats retain the general original layout.
- 9.38. As stated within the Design and Access statement, there have been many innovations and changes made to the way houses are designed today in comparison to when Balfron Tower was built in the 1960s. This includes open plan living, larger kitchens, non-natural ventilated bathrooms and kitchens, better noise and thermal insulation etc.
- 9.39. The proposal seeks to alter the internal layout of the flats within Balfron Tower, whilst not losing any units. Key changes include removing partition walls between kitchens and living rooms to create open plan flats, removing hallway walls, integrating the currently separate W.C.s within the main bathroom and upgrading the performance of the building i.e. acoustic and thermal. Some additional ensembles have been provided within the larger flats.
- 9.40. The proposal includes 6 types of flats which are outlined below:
- Type A (1B, 2P)
  - Type B (2B, 4P, duplex)
  - Type C (2C, 4P)
  - Type D (2B, 4P, duplex)
  - Type E (2B, 6P, duplex)
  - Type F (3B, 6P, duplex)
- 9.41. In order to ensure the original plan form as designed by Erno Goldfinger is not lost, the applicant is seeking to retain one example of each of the original typologies. This includes 6 different flat layouts ranging from single level 1 bedroom flats to 4 bedroom flats.
- 9.42. A number of key details such as the architrave light switch and the demountable balustrades will be used throughout all flat types bringing a sense of consistency to the building in line with the original design. Original details such as the metal architraves and incorporated light switches, sanitary ware and stair balustrades will be retained within the heritage flats.
- 9.43. The reinstated flats will need some modifications such as dropped ceiling zones, larger kitchens and changes to the layouts to accommodate the sustainability performance upgrades. This includes heat recovery units, under floor heating, acoustic and thermal insulation etc.
- 9.44. One of the heritage flats to be retained will be flat 130 where the architect, Erno Goldfinger, lived soon after the completion of the tower.
- 9.45. As the building is Grade II\* listed, maintaining the spirit of the Goldfinger design is integral to the application. Policy DM27 of the MDD states that firstly, developments will be required to protect and enhance the borough's assets, their setting and their significance.
- 9.46. The above mentioned changes to the flat layouts are not considered to detract from the significance or character of the Grade II\* listed building given the number of units remains the same, and the overall layout is very similar i.e. number of bedrooms, duplex character and orientation of bedrooms, kitchens etc. The changes reflect modern living standards and will ensure the listed tower will continue to make a positive contribution to the wider conservation area whilst allowing for much needed sustainability upgrades to ensure a good standard of accommodation.

*Access galleries, corridors + lobbies*

- 9.47. The existing timber front entrance door on site is not original. The proposal seeks to reinstate the original fully glazed entrance with a glass door and surrounds as well as reinstating the mosaic surround. The door handle would be timber and brass balustrades would be either side of the door.
- 9.48. The proposal also seeks to retain and extend the original materials within the entrance lobby which includes green Tinos marble, Iroko wood, concrete and Alta Quarzite stone. The proposal also seeks a concierge area in the original refuse chute room. The concierge desk is proposed with materials that reference the original lobby materials. Full details are to be secured via condition.
- 9.49. The access ways and corridors of Balfron originally had coloured tiled walls, some of which remain but are generally in poor condition. The original tiles are very thin and in specific shades. The applicant has advised that these are no longer available, or would be extremely expensive to recreate. As such, standard tiles in the metric equivalent size are proposed within colours as close to the original as possible i.e. white, yellow, green, blue, grey etc. The colours on each access way are different to enable users to differentiate between floors.
- 9.50. The above mentioned colour coding will also be installed within the lift lobbies. Originally, the coloured tiles were only in the access galleries and not in the lift lobby. Mail boxes will also be located in these spaces.
- 9.51. Kitchen windows from flats also faced out onto the communal access ways with clear glass that was designed to promote social interaction. The applicant has stated that many of these windows have been covered within netting and curtains and as such, it is proposed to replace these windows with a privacy film over a portion of the window to provide obscure glazing. The windows are proposed to be powder coated aluminium.
- 9.52. The original entrance doors to the flats were timber and these are proposed to be replaced with new timber doors. It is proposed that all doors will be painted to reflect the coloured tiles of each respective floor.
- 9.53. To enable to the installation of insulation and waterproofing, the floors of the corridors will need to be lifted. The falls which were once required due to the open nature of the access galleries will be removed and the applications originally proposed to replace the original quarry tiles with a soft material, not yet known. Following further discussions on the removal of the quarry tiles, the applicant has agreed to a condition requiring the existing quarry tiles in the corridors to be removed carefully to allow for enough of these to be retained and re-laid in the access gallery on the ground floor. Officers welcome this further measure and recommend a condition is imposed to secure this.
- 9.54. The separating walls within the access galleries are also proposed to be re-built with the wall being set back at the entrance doors to create a wider space.
- 9.55. The existing lifts will also be replaced. The new lifts will have upgraded materials, which reflect the original, and will be larger in size.
- 9.56. Subject to material samples being provided via condition for the tiles, walls, floors, doors and windows, the above is acceptable as it is considered that the proposal maintains the original style of the areas and attention to detail such as colours, use of materials and

dimensions.

#### *Communal rooms*

- 9.57. The original design included communal rooms that were designed to facilitate social interactions within the tower.
- 9.58. The communal rooms were located within the side utility tower and original uses included hobby room, drying room, jazz/pop room, table tennis rooms etc. Several spaces within the utility tower housed tanks which are no longer used and are therefore proposed to be made communal. The proposed uses for these spaces include cinema room, hobby room, jazz/pop room, yoga room, library, cookery room, dining room and play rooms.
- 9.59. Upgrades to these rooms are also required such as thermal insulation and heating.
- 9.60. The proposal to sensitively upgrade these communal areas is considered acceptable in principle, subject to detailed design and materials which are recommended to be secured through condition.

#### *Access (within homes)*

- 9.61. The London Plan requires that all new homes are built to Lifetime home Standards. These do not apply in this instance as the proposals are for refurbishment only and no new units are proposed.
- 9.62. The applicants have stated that even though they are not required to meet Lifetime Home Standards, the revised housing typologies and communal areas will be notably more accessible and generally can be deemed to meet the overall original objectives.

#### *Summary*

- 9.63. Overall, the above detailed proposals are acceptable in principle in relation to the current policies and guidelines including SP10, DM 24 and DM27 and the Conservation Area management guidelines, subject to detailed materials and designs. It is considered that the proposals will not only raise the living standards within the building and restore many physical parts of the building in line with the original design but the proposal will also reinstate many of the original social uses and functions of the building that are integral to the design and spirit of the building.

### **External upgrades**

#### *Landscaping*

- 9.64. Core Strategy policy SP10 section 4 seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This includes using high quality urban and landscape design.
- 9.65. Policy DM11 states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 9.66. The original landscaping on site was designed with input from the architect, Erno Goldfinger. Goldfinger's ambition for the landscape was to create external spaces that were supervised and animated through a different series of different play facilities for all ages.

- 9.67. The palette of hard landscaping materials used includes British Standard concrete paving flags, concrete kerbs, brick plants and deterrent cobble detail.
- 9.68. The soft landscape palette is limited to grass, a mixture of native and non-native trees and some structural planting along the A12 boundary. Trees were originally planted in the lawn to the right of the main structure but they have since been removed.
- 9.69. The landscaping today is characterised by being poorly lit, under used, low quality concrete paving with limited seating opportunities and a lack of good quality planting. A belt of mature trees and a sloping lawn provides a leafy setting for the tower near the A12.
- 9.70. A community garden also exists on site and a purpose built play area for children under the age of 5 which the applicant states is not well used due to its high walls and low quality paving.
- 9.71. The proposed landscaping approach is to create a diverse and vibrant landscape that can be enjoyed whilst also contributing to biodiversity and other environmental benefits i.e. noise minimisation, sustainable drainage etc.
- 9.72. The proposed landscaping has the following 15 components:
1. Woodland setting/understory (bulb planting)
  2. Sound garden (to block noise from the A12)
  3. Vertical garden (planting strip along edge of car park ramp with trailing plants trained to tensile wire system)
  4. Hedge garden (herbaceous and ornamental grass planting)
  5. Sensory play garden (defensible planting introduced to ground floor gardens)
  6. Community orchard (fruit trees)
  7. Sustainable Drainage garden
  8. Allotment garden
  9. Patio garden (small multi stem trees)
  10. Approach planting
  11. Wildflower garden
  12. Community centre garden
  13. Carradale play area
  14. Herb garden
  15. Roof garden
- 9.73. The proposed landscaping was assessed by LBTHs Biodiversity officer who has advised that the proposal is considered varied, innovative and exciting and is a very welcome change to the usual low-maintenance evergreen shrubbery. It will be far better for biodiversity than the existing landscaping, and will contribute to a number of objectives and targets in the Local Biodiversity Action Plan. These include new orchard, new meadow, enhanced woodland, perhaps enhanced grassland, and new nectar-rich planting. Overall, the landscaping is extremely good for biodiversity.
- 9.74. Following advice from the Councils Biodiversity officer a condition is recommended for further details on the selection of flora and further details of the open space. This has been accepted by the applicant.
- 9.75. An arboricultural impact assessment was submitted with the application which states that 8 individual trees and four groups of trees are required to be removed to enable the above proposed landscaping. These are not subject to tree protection orders but are

protected under the Balfour Tower conservation area. All trees to be removed have been deemed low quality and no objection is raised to their loss based on replacement plantings and overall landscaping proposals.

- 9.76. As stated within the Arboricultural Impact Assessment, an Arboricultural Method Statement (AMS) and a full Tree Protection Plan (TPP) will be required prior to the implementation of the refurbishment works to ensure tree protection measures are fully specified and to provide a methodology for the works within retained trees root protection areas. These will be required via condition.
- 9.77. In summary, it is considered that the landscaping proposals meet Policies SP10 and DM11.

#### *Transport Impacts*

- 9.78. The applicant provided a Transport Statement (TS) in support of their applications.
- 9.79. Balfour tower is located in a prominent position adjacent to the strategic Blackwall Tunnel Northern Approach (A12), close to the interchange with the east-west running A13, but is served by a local road network via Chrisp Street.
- 9.80. The TS notes that as the proposal is to refurbish the building, with no floor space or units being added or lost, the travel demands of the building will not be noticeably different as a result of the proposals.
- 9.81. The PTAL rating onsite is 2, which is low. However, the site is located close to several bus stops and DLR stations such as Langdon Park and All Saints, which provide direct access to the Poplar interchange point and Canary Wharf.
- 9.82. The original car park in the lower ground floor was originally arranged as a number of individual garages. By modern standards, the car parking spaces are too small.
- 9.83. Over time the applicant has advised that the car park has deteriorated with water ingress in a number of areas. The inadequate lighting and poor sightlines created by the closed in nature of the garages have made the car park an uncomfortable space to use. As a result, the car park has seen subject to anti-social behaviour and was eventually closed permanently.

#### *Car parking*

- 9.84. There are currently 66 car spaces onsite, none of which are wheelchair accessible car spaces.
- 9.85. The proposal seeks to lower this figure from 66 to 46 with 6 accessible spaces for a total of 52. None of the car parking spaces will have their own garages as some do currently.
- 9.86. LBTH Highways welcomed the reduction in car parking spaces and recommended that further reductions in parking were made along with the provision of electric car charging points and additional cycle parking. Given there are no additional units proposed, and there is already a reduction in car parking, it is considered unreasonable to seek a further reduction for the purpose of providing cycle spaces.
- 9.87. In supplementary information provided, the applicants have indicated that two electric car charging points can be introduced onsite which would remove two spaces from the currently proposed 52. These would not be in place of wheelchair accessible spaces and would keep the total at 52. This is supported and will be secured via condition.

9.88. Overall, it is considered that this aspect of the scheme meets policies SP09 of the Core Strategy and DM 22 of the Managing Development Document.

#### *Cycle spaces*

9.89. There are currently no formal cycle spaces provided within the site. The proposal seeks to introduce a total of 152 spaces which includes 110 single tier cycle spaces, 36 two tier cycle space and six wheelchair accessible spaces.

9.90. Whilst Highways have requested the cycle parking to be increased to FALP standards, given this is not a new build, there is not policy justification to demand this.

9.91. As the proposal is raising the total formal cycle parking spaces from 0 to 152 and coupled with the reduction of car parking spaces, it is considered the proposal meets policies SP09 and DM22.

#### *Refuse storage*

9.92. CS Policy SP05 and MDD Policy DM14 set out the Borough's framework for how it will manage waste in a sustainable manner. DM14 states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling.

9.93. The original waste strategy on site consisted of a refuse chute located in the utility tower with a hopper at every access level. The chute did not have the capability to deal with segregated waste i.e. waste and recycling, therefore recycling had to be dealt with using bins located at street level.

9.94. The existing refuse chute is no longer functioning and the existing waste strategy relies on an open air skip and 6 recycling bins in two locations, one near the disused car park entrance and one at the base of the chute. These are both visible from the main approach to the building.

9.95. The proposed strategy will conceal all waste storage within the building. The refuse will be separated into general waste, recycling and compostable waste.

9.96. The original chute will not be used and instead residents will use a small hopper and chute at the entrance lobby where a tri-separator will separate the waste into general, recycling and compostable.

9.97. A total of 15 110L waste, 9 1280L dry recycled and 14 240L compostable bins are proposed on site. 14sqm is also provided for bulky storage.

9.98. LBTHs Waste Policy and Development officer was consulted on the application and advised that LBTH will shortly be adopting new waste storage which the development has the capacity to meet but is not currently catered for in the current proposal. The new standards will be required for all existing and new developments.

9.99. The officer recommended that a condition for further waste details be applied. This has been agreed by the applicant.

9.100. The officer also recommended that the applicants should reconsider the decision to not replace the entire chute system. This can also be investigated through the waste condition mentioned above.

9.101. In summary, it is considered that the scheme generally meets policies SP05 and DM14 however the above conditions will be applied to ensure the scheme is future proofed to meet the new refuse standards.

### *Lighting*

9.102. Presently, the Tower is not well-lit. Originally the tower was lit by mercury vapour lamps in special reflector units integrated into the roof cornice that shone down onto the public realm eliminating the need for lamp posts. However, this type of lighting creates significant light pollution and would not be considered effective by today's standards.

9.103. The proposed lighting seeks to emphasise key features of the building including the entrance, bridges, arrow slit windows, chimneys and the cornice. The proposal also seeks to light the surrounding landscaped area on accordance with secure by design principles.

9.104. No specific details of lighting have been provided in the Design and Access Statement or on plans and as such, details of these will be required by condition. A lighting assessment will also be required.

### *CCTV*

9.105. A complete Internet Protocol CCTV system is also proposed to be installed to provide coverage to all external doorways, walkways, and passages to monitor personnel and vehicular access into the building. Additional cameras would also be installed internally to monitor the interior of these doors, entrances and bike stores etc.

9.106. The cameras are proposed to be full colour, digital HD cameras that are capable in low light conditions. The applicant anticipates that the majority of the cameras will be mounted on the building structure with cabling and containment concealed.

9.107. Given the building is Grade II\* listed, a condition will be requiring details of the amount, position and size of the cameras as well as how they will be fixed to the building.

### **Sustainability**

9.108. CS Policy SP11 in part 6 seeks to maximise energy efficiency of existing housing stock by working with housing providers to ensure regeneration of existing housing stock and redevelopment promotes carbon emissions reductions and is adapted for climate change.

9.109. This theme is reiterated in Policy 29 of the MDD which supports sustainable retrofitting of existing development with provisions for the reduction of carbon emissions.

9.110. A sustainability statement was submitted with the application. Given the building is Grade II\* listed and the proposals are refurbishments, there is a limitation on how the extent to which the building can be retrofitted.

9.111. Within the Design and Access statement, it is stated that it is predicted that the dwellings in Balfron Tower have a carbon footprint of 4-5 times what would be allowable under the prevailing Building Regulations, and a heating demand of 2-3 times the allowable maximum. The current design proposals are predicted to halve the heating demand of the dwellings and reduce the carbon footprint to the minimum standard expected of a new build dwelling.

9.112. The statement states that the following sustainability standards and targets have been adopted by the project:

- Improve the energy efficiency performance of the building to new build standards so that all homes achieve an EPC 'C' rating
- All dwellings to achieve a minimum 'Very Good' rating under BREEAM Domestic refurbishment
- Where possible, improve the water efficiency of each dwelling to new build standards
- No increase in surface water runoff from that of the pre-refurbishment site
- Net gain in biodiversity
- Net gain in urban greening
- Improve the internal living environment of each apartment
- Best practice construction site management procedures
- Target exemplary performance under the Considerate Constructors Scheme.

9.113. The Council welcomes to retrofitting of the building in relation to above mentioned policies SP11 of the adopted Core Strategy and policy DM29 of the Managing Development Document.

### **Flooding**

9.114. The site is located within Flood Zones 2 and 3, at risk of flooding from the tidal River Thames.

9.115. As the application does not propose a change of use or any extensions to the existing building, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

### **Human Rights Considerations**

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

9.117. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair

balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

9.119. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.120. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.121. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

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

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

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

### **CONCLUSIONS**

10.1. The proposed internal and external refurbishments to the Grade II\* Listed Balfon Tower and surrounding landscapes and parking areas would not harm the character, setting or fabric of the host building or the surrounding Balfon Conservation Area, subject to further details which will be required via condition i.e. materials, detailed design etc. The proposals will carefully restore many external parts of the building including the cornice, flues, concrete facades, internal hallways etc. whilst upgrading the internal spaces of the 146 units and communal spaces for modern living.

10.2. All other relevant policies and considerations have been taken into account. Full Planning Permission and Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

**Appendix 1- Consultation Boundary (does not reflect the red line boundary of application)**

