

<b>Committee:</b> Development	<b>Date:</b> 9 <sup>th</sup> March 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	--	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Tim Ross	<b>Ref No:</b> PA/15/01985 & PA/15/01984
	<b>Ward:</b> Bethnal Green

## 1.0 APPLICATION DETAILS

<b>Location:</b>	Railway Arches, 157-170 Malcolm Place, London, E2 0EU
<b>Existing Use:</b>	
<b>Proposal:</b>	Change of use of railway arches to flexible use A1 – A4, B1 and / or B8 and associated external alterations.
<b>Drawings and documents:</b>	14-3624-PL-019F; 14-3624-PL-020F; 14-3624-PL-021F; 14-3624-PL-022F; 14-3624-PL-023F; 14-3624-PL-025 REV.D; 14-3624-PL-037 REV.B; 14-3624-PL-038 REV.B; 14-3624-PL-039 REV.B; 14-3624-PL-041C; 14-3624-PL-042C; 14-3624-PL-043C; 14-3624-PL-044C; 14-3624-PL-045 REV.B; 14-3624-PL-046 REV.B; 14-3624-PL-050 REV.B; 14-3624-PL-051 REV.B; 14-3624-SK-202; 157A-170
	Design and Access Statement, July 2015 Delivery and Servicing Plan. REV C Noise Assessment 1011120-RPT-AS00001 Retail Impact Assessment, Savills July 2015 Soft Marketing Strategy Tenant Management Strategy Boundary Planning Document REV B
<b>Applicant:</b>	Network Rail
<b>Ownership:</b>	Network Rail
<b>Historic Building:</b>	Contains a listed building reference LB932 (Listed Building consent also sought)
<b>Conservation Area:</b>	Located opposite the Bethnal Green Gardens Conservation Area

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has received over 20 objections.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy

(2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.

- 2.3 The proposal is for the redevelopment of 14 railway arches at 157A-170 Malcolm Place, Bethnal Green and is the subject of a planning and listed building consent application.
- 2.4 On balance, taking into account the character of the site and its environs and the site's likely employment potential, it is considered that the change of use of 14 railway arches from A1 B2, D2 and Sui Generis Use Classes, in accordance with the Use Classes Order 2015 to flexible uses A1, A2, A3, A4, B1 and/or B8 will not disproportionately affect local provision of employment floorspace for small enterprises while positively contributing to achievement of the placemaking vision for the area. Retail including A3/A4 uses in this location with a mixed inner London character is not considered to undermine the viability and vitality of adjoining designated town centres. This is in accordance with the principles of the National Planning Policy Framework (2012), policies 2.15, 4.7, 4.8 and 7.1 of the London Plan (2011), policies SP01, SP06 and SP12 of the Core Strategy (2010), and policies DM0, DM1 and DM15 of the Managing Development Document (2013). These policies aim to support the borough's economy, prioritise provision of business floorspace for small enterprises and seek to support the vitality and viability of the borough's town centres.
- 2.5 Subject to conditions, the operation of the proposed uses (specifically the A3/A4 uses) will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2, 7.3 and 7.15 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (2010), and policy DM25 of the Managing Development Document (2013). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.
- 2.6 The proposal is considered to be satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host railway viaduct and the Grade II listed building will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.1, 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM23, DM24 and DM27 of the Managing Development Document (2013). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.
- 2.7 Subject to condition, the proposal will incorporate adequate facilities and measures for the storage and disposal of waste and recyclables in accordance with policy 5.17 of the London Plan (2011), policy SP05 of the Core Strategy (2010), and policy DM14 of the Managing Development Document (2013).
- 2.8 Subject to conditions, with reference to transport matters including access, deliveries, servicing and cycle & disabled parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), and policies DM20 and DM22 of the Managing Development Document (2013). These

policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

- 2.9 Subject to conditions, the development will contribute to reduction of carbon dioxide emissions and incorporate sustainable drainage in accordance with the National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.13 of the London Plan (2011), policies SP04 and SP11 of the Core Strategy (2010), and policies DM13 and DM29 of the Managing Development Document (2013).

### 3.0 RECOMMENDATION

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

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

#### 3.2 Conditions on planning permission

1. Time Limit – 3 years to implement permission (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Further design details: cladding, details and samples (*pre-commencement*)
4. Landscaping, boundary treatments, external lighting and biodiversity enhancements (*pre-commencement*)
5. Demolition and Construction management plan (*pre-commencement*)
6. Scheme of highways improvements (S.278) (*pre-commencement*)
7. No more than 1,091sqm shall be A1, A2, A3 or A4 uses, of which no more than 332sqm shall be A3/A4 use classes (*compliance*)
8. Hours of Operation (*compliance*)
9. No amplified sound audible from nearest residential properties (*compliance*)
10. Details of ventilation: fumes and noise levels (*pre-occupation*)
11. Accessible entrance doors (*pre-commencement*)
12. Contaminated land remediation (*pre-occupation*)
13. Details of refuse (*pre-occupation*)
14. Sustainability (*pre-occupation*)
15. Details of external security measures (*pre-occupation*)
16. Delivery and servicing management plan (*pre-occupation*)
17. Cycle parking (*compliance*)
18. Refuse (*compliance*)

#### 3.3 Informatives on planning permission

None

- 3.4 That the Committee resolve to **GRANT** Listed Building Consent subject to the conditions as set out below.

1. Time Limit.
2. Completion in accordance with approved drawings.
3. Details of External Materials

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

## 4.0 LOCATION AND PROPOSAL DETAILS

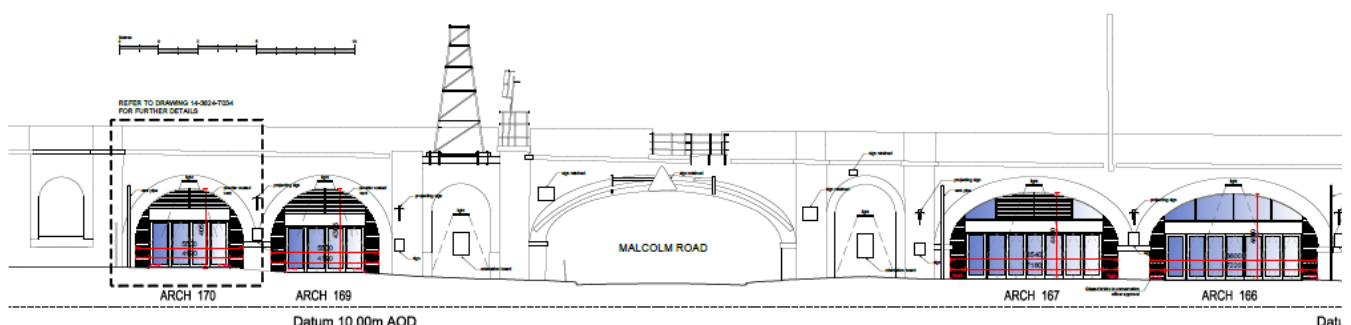
### Site and Surroundings

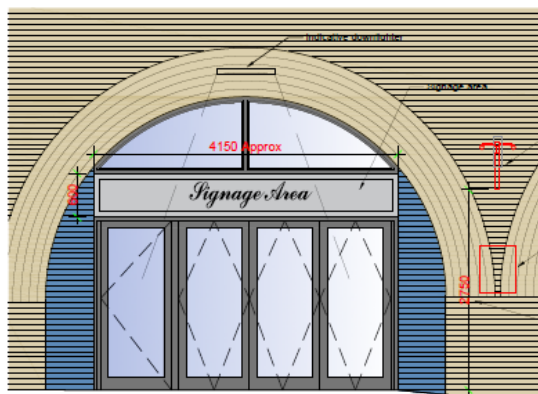
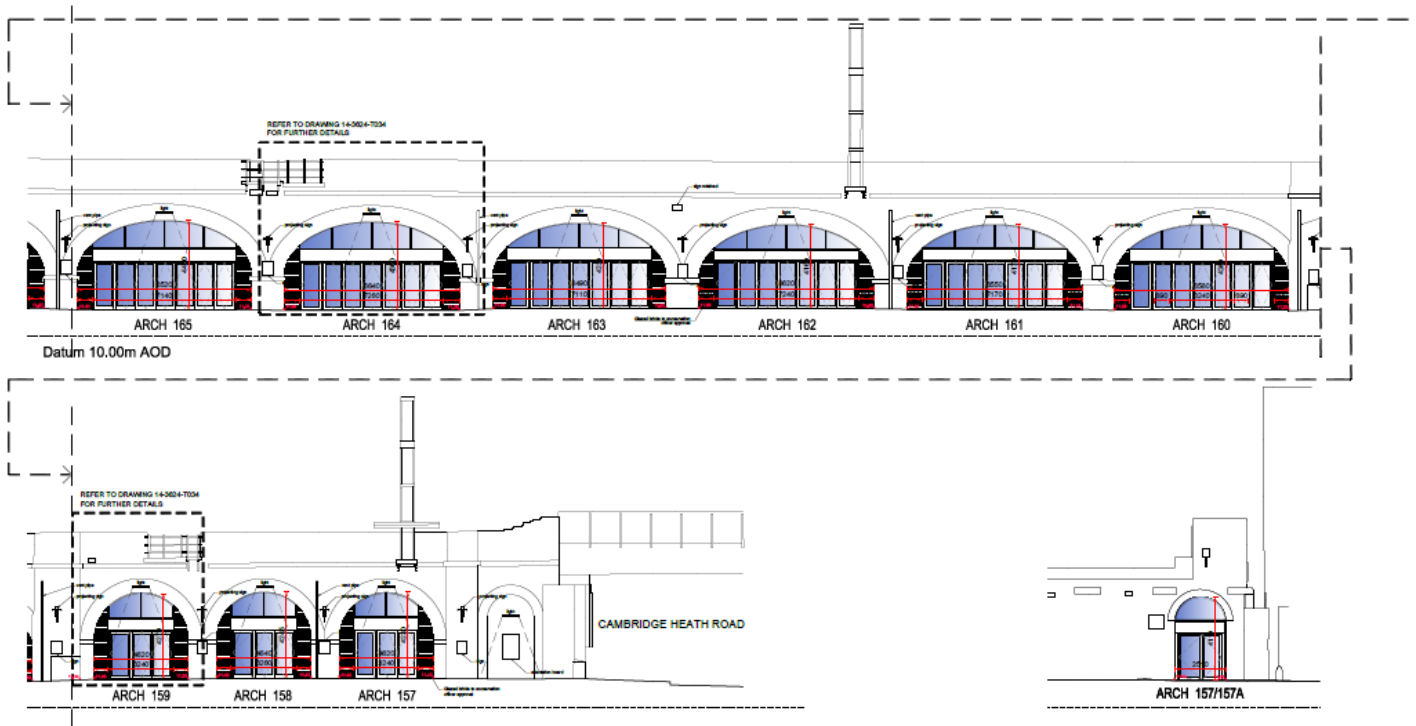
- 4.1 The application site lies on the edge of Bethnal Green District Centre, and approximately 300m south of Bethnal Green underground station and 325m east of Bethnal Green Railway Station. Arches 157A-170 are located within the Grade II listed Eastern Counties Railway London Viaduct traveling west towards London Liverpool Street Railway Station. This is one of the earliest, and longest, examples of a first generation railway structure to survive in Greater London.
- 4.2 The site is bounded by Bethnal Green Gardens to the north, Braintree Street to the east (that alters to Malcolm Road from the viaduct south) and Cambridge Heath Road to the west (A107).
- 4.3 The surrounding area is mixed in character including A1, B2, D1, D2 and sui generis industrial uses, however some residential uses are also present within the surrounding area. The railway arches units are 250 metres from the edge of Bethnal Green's defined Shopping Frontages on Bethnal Green Road.
- 4.4 The application site comprises 14 railway arches totalling 1,710sq.m. At present 8 of these units are occupied by Class B1/B2 employment use (829sq.m). Class A1 retail uses (273 sq.m) occupy 2 units, 2 are Class D2 gym use (279sq.m) and the remaining 2 units are Sui generis
- 4.5 The site does not sit within a flood zone or an archaeology priority area and does not feature any trees within its curtilage. The site has a PTAL rating of 6a indicating an excellent level of public transport accessibility and Malcolm Place is located within controlled parking zone (weekday occupancy for resident or business permit holders only, or 'pay and display at the machine').

### Proposal

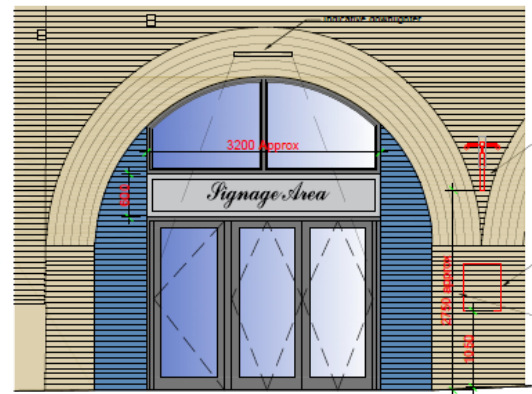
- 4.7 This applicant seeks full planning permission and listed building consent for the conversion of 14 railway arches totalling 1,710sqm of usable floorspace from light industrial and warehousing use (B1c and B8 use class) to flexible restaurant/café or drinking establishment use (use classes A3 and A4) with associated alterations
- 4.8 The existing listed arches will be retained however it is proposed to change the use and provide new front elevations for each arch. The proposal includes alterations to the fascia design, namely the introduction of a glazed brick for the piers and alterations to the stainless steel fascia to ensure there is a uniform appearance across all arches.

*Figure 1 (below) shows the proposed converted arches.*

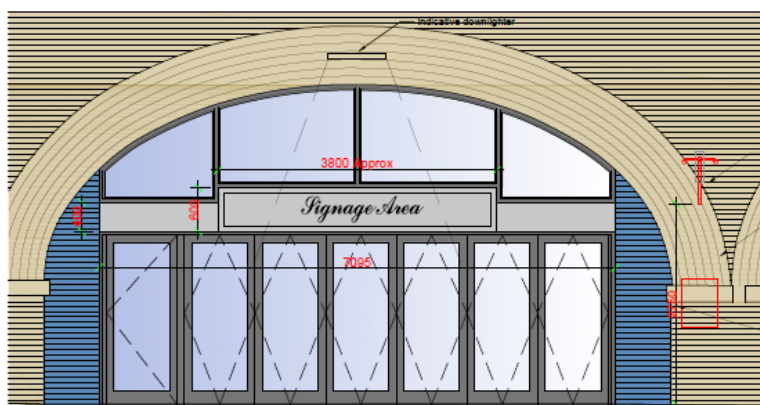




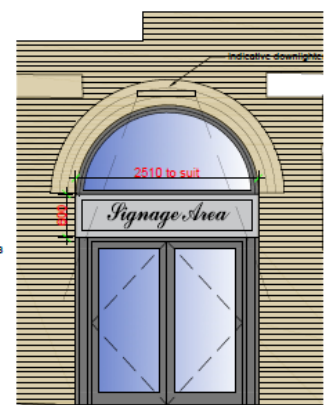
Arch 170 Front Elevation - Scale 1:25  
(Typical to Arches 169 to 170)



Arch 159 Front Elevation - Scale 1:25  
(Typical to Arches 157 to 159)



Arch 164 Front Elevation - Scale 1:25  
(Typical to Arches 160 to 167)



Arch 157/157A Front Elevation - Scale 1:25  
(Cambridge Heath Road)

- 4.10 The applicant has agreed that the proposed development should be subject to planning conditions limiting the total amount of retail space (A1-A4 use classes) to no more than 1,091sqm (equivalent to approximately 7 arches depending on their size).

Of this 1,091sqm no more than 332sqm will be permitted for A3 (restaurant or café) or A4 (drinking establishment) use classes i.e. no more than 2 arches can be a restaurant/ cafe or a pub/ bar. These A3 and A4 uses will only be permitted within the arches nearest to Cambridge Heath Road i.e. arches 157, 157a, 158 – 163.

- 4.11 The remaining arches will be flexible uses for A1 (shops), A2 (professional services), B1 (business) or B8 (storage and distribution). The table below provides a summary of how the proposed uses would be distributed across all the arches. The proposed development excludes any A5 uses (hot food takeaways).

<b>Unit</b>	<b>Proposed flexible use classes</b>	<b>Size (sqm)</b>
Arches 157/ 157A/ 158	A1, A2, A3, A4, B1, or B8	332
Arch 159	A1, A2, A3, A4, B1, or B8	160
Arch 160	A1, A2, A3, A4, B1, or B8	196
Arch 161	A1, A2, A3, A4, B1, or B8	134
Arch 162	A1, A2, A3, A4, B1, or B8	136
Arch 163	A1, A2, A3, A4, B1, or B8	133
Arch 164	A1, A2, B1, or B8	137
Arch 165	A1, A2, B1, or B8	137
Arch 166	A1, A2, B1, or B8	136
Arch 167	A1, A2, B1, or B8	98
Arch 169	A1, A2, B1, or B8	63
Arch 170	A1, A2, B1, or B8	48
<b>Total</b>		<b>1,710</b>
<b><i>N/B - A1-A4 uses will not exceed 1,091sqm across the whole scheme, and there will be no more than 332sqm of A3 and A4 uses combined.</i></b>		

### **Relevant Planning History**

- 4.12 PA/12/01758 & PA/12/01759 - Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking. Site at land adjacent railway viaduct, Mantus Road, London. Registered 16 Aug 2012 (including associated listed building consent)
- 4.13 PA/12/02878 - Use of railway arch for use class B8 (storage and distribution) including the infilling of the area underneath the railway bridge with brick built walls flush with the elevation of the bridge. Railway Arch 171, Hadleigh Street, London. Refused 04 Feb 2013.
- 4.14 PA/12/03257 - Listed Building Consent (S8 P&LBC 1990) Works in connection with use of railway arch for Use Class B8 (storage and distribution), including the infilling of the area underneath the railway bridge with brick built walls flush with the elevation of the bridge. Railway Arch 171, Hadleigh Street, London. Refused 04 Feb 2013.
- 4.15 PA/11/00639 - Change of use from Light Industrial (Use Class B1c) to a Gym (Use Class D2). 9 Malcolm Place, Railway Arch, London. Withdrawn 06/06/2011.
- 4.16 PA/10/00612 - Certificate of Lawful Development Determination as to whether the existing use of the land and premises for the purposes of vehicle repairs is lawful. 10 & 11 Williams Buildings formally 169 - 170 Braintree Street, London E2. Refused 23 Jun 2010.
- 4.17 PA/09/01626 and PA/09/01627 - Erection of five, blocks from three to five storeys with ground floor business space and 29 flats above including private and communal

roof terraces, amenity space, private gardens, refuse stores, cycle stores and three wheelchair accessible parking space. Site at land adjacent railway viaduct, Mantus Road, London. Refused 20 Nov 2009 and associated listed building consent.

## **5.0 POLICY FRAMEWORK**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **5.4 London Plan (Consolidated with Alterations since 2011) 2015**

- 2.9 Inner London
- 2.15 Town centres
- 3.2 Improving health and addressing health inequalities
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 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 assets and archaeology
- 7.15 Reducing noise and improving soundscapes

### **5.5 LBTH Local Plan - 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 (Bethnal Green)

## 5.6 **LBTH Local Plan - Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- 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

## 5.7 **Supplementary Planning Documents**

Bethnal Green Gardens Conservation Area character appraisal and management guidelines

## 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:

### **Historic England**

6.3 Do not consider that it is necessary for this application to be notified to Historic England.

### **Network Rail**

6.4 No comments received.

### **Transport for London**

6.5 No objection on the premise that all construction work that requires Wheel-free (i.e. no trains running) be carried out at night so that it does not disrupt any scheduled train service.

### **LBTH Environmental Health – Contaminated Land**

6.6 EH have no in principle objections to the application however have a verification report shall be produced on completion of the remediation works to demonstrate effective implementation of the remediation strategy prior to occupation of the building’.

### **LBTH Environmental Health – Noise & Vibration**

6.7 No comments received

### **LBTH Transportation and Highways**



6.8 The extent of the ownership of the forecourt was initially disputed but this has now been agreed and the applicant is required to enter into a s278 for highways works (estimated cost £100k). The applicant is also required to formally alter the highway boundary (approximately a 3 month legal process, and cover all costs including legal fees). Conditions also required for a delivery and servicing plan, cycles parking delivery, and demolition and construction management plan

## 7.0 LOCAL REPRESENTATION

7.1 A total of 207 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 1 Supporting: 0
-----------------------------	-------------------------------

No of petition responses:	Objecting: 1 petition of 402 signatures Supporting: 0
---------------------------	--

7.3 The following issues were raised in objection to the proposal:

- Waste and litter
- Employment
- Noise nuisance
- Promoting unhealthy lifestyles
- Undermining the historic character of the area
- Area does not need more fast food takeaways
- Feelings of outrage that would be engendered locally

## 8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Amenity
3. Design and Heritage
4. Waste
5. Highways and Transportation
6. Sustainability
7. Contaminated Land

### Land Use

8.2 The proposed uses are intended to be flexible, whereby a range of different land-uses e.g. A1 (shops), B1 (business) and B8 (storage and distribution) are proposed. Each arch would then have to be used in accordance with one of these use classes. This allows Network Rail more flexibility to find an end user. Flexible uses mean that once a use class is established by an arch being occupied and used in accordance with a permitted use class this becomes its lawful use, and planning permission is required to change the use again unless it can be done under permitted development rules.

## Retail uses

- 8.3 This application is presented to Members on the basis that any permission is subject to planning conditions limiting the amount of floorspace so that A1-A4 use classes (i.e. shops, professional services, restaurants, cafes, and drinking establishments) will not exceed 1,091sqm across the whole scheme, and there will be no more than 332sqm of A3 and A4 uses combined i.e. no more than 2 units will be a pub, bar, restaurant or café.
- 8.4 These retail uses have been limited as the site is not within a designated Town Centre nor is it an edge of town centre location. Local Plan Policy DM1 is clear regarding the need to promote the vitality and viability of the borough's major, district and neighbourhood centres (collectively known as town centres). DM1 states that this is to be achieved by directing restaurants, and pubs to town centres. The proposed development is approximately 250m from Bethnal Green District Centre (a short walk via Cambridge Heath Road), and approximately 415m from both Roman Road West District Centre, and Whitechapel District Centre (the closest part is the Sainsbury's superstore).
- 8.5 DM2 states that "*Development of local shops outside of town centres will only be supported where:*
- a) *there is a demonstrable need that cannot be met within the existing town centre;*
  - b) *they are of an appropriate scale to locality;*
  - c) *they do not affect amenity or detract from the character of the area; and*
  - d) *they do not form part of, or encourage a concentration of uses that would undermine nearby town centres."*
- 8.6 The primacy of town centres for retail uses A1-A4 is established by the National Planning Policy Framework (2012) such that it requires 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 existing centre. The Mayor of London Town Centres Supplementary Planning Guidance (2014) 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 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, particularly evident in the case of drinking establishments, should be considered in the context of the economic benefits arising from the clustering of related activities.
- 8.7 Policy SP01 of the Core Strategy (2010) with objectives SO4 and SO5 seek 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 that contribute to the vibrancy, inclusiveness and economic vitality. 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. Policy DM1 of the Managing Development Document (2013) expands on strategic policy SP01 and, to support the vitality and viability of town centres, directs restaurants and drinking establishments to town centres provided that they do not result in overconcentration and that in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

- 8.8 Policies 2.15 and 4.7 of the London Plan requires 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
  - be easily accessible by public transport.
- 8.9 The application site is located outside of a town centre location, but has many of the characteristics of a town centre or edge of town centre location, for example it is off a main road with high footfall and excellent public transport links. The character of the area is mixed in terms of land-uses including residential use in the immediate vicinity.. Indeed the site sits next to Cambridge Heath Road between two district centres, Bethnal Green and Whitechapel which is evident from the pattern of land use, the amount of footfall and the inner city mixed character of the area.
- 8.10 The proposed development is approximately 250m from Bethnal Green District Centre (a short walk via Cambridge Heath Road), and approximately 415m from both Roman Road West District Centre, and Whitechapel District Centre (the closest part is the Sainsbury's superstore. Surveys were carried out on 28th September 2015 to assess vacancy rates in these town centres. Bethnal Green and Whitechapel have low vacancy rate of 4.84% and 4.73% respectively (compared to London average of 8.8% and LBTH average of 8.7%), and Roman Road is comparable with these averages at 8.77%. As such they are all healthy and viable town centres. To determine whether there is a demonstrable need that cannot be met within the existing town centre it is also necessary to consider future expenditure growth.
- 8.11 Officers commissioned expert retail assessment consultants NLP whose impact figures for all scenarios tested (i.e. the three town centres identified above) suggest the level of trade diversion and impact on Bethnal Green, Roman Road West and Whitechapel is likely to be offset by future expenditure growth between 2015 and 2020. The consultants conclude that *"The residual expenditure growth, over and above the development, should be available to allow existing businesses to increase their turnover efficiency and allow the reoccupation of vacant shops within centres."*
- 8.12 The only major planned investment identified within the three centres is the proposed replacement Sainsbury's store at Whitechapel. The vacancy rate in Whitechapel is relatively low and expenditure growth should be sufficient to support the Sainsbury's investment, taking into account trade diversion to Malcolm Place.
- 8.13 NLP's figures suggest there will be surplus expenditure growth (comparison, convenience and FAB – food and beverage) taking into account the impact of the proposed development at 2020. Unless there are significant pipeline development or commitments that will absorb this growth within Bethnal Green, Roman Road, Whitechapel then it will be difficult to argue there is no need for retail development within the Bethnal Green area.
- 8.14 NPL report that if the Council is minded to approve the planning application then a planning condition is required to restrict the maximum amount of Class A1 to A4 to not more than 1,091 sq.m gross. This has been agreed with the applicant and the any permission would be conditioned accordingly. This is intended to ensure the proposed retail units (use classes A1-A4) are of an appropriate scale to its locality

- 8.15 The impact analysis above focuses on the main designated town centres. However Policy DM2 refers to the negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. NPL consider that “Given the existing mix of uses, these parades are unlikely to be affected by a comparison retail or a food/beverage scheme at Malcolm Place. The impact of a new convenience store on the independent convenience store may be the main concern.” However the physical constraints of arches and that the structure is listed prevents the consolidation of the retail floorspace, meaning the units will be retained for small operators only rather than a ‘local’ convenience supermarket or such like.
- 8.16 The sequential approach to retail provision is unlikely to be a sustainable ground for refusal, because:
- the NPPF and recent legal and Secretary of State decisions indicate the applicant is not required to disaggregate their development proposals, therefore it would not be inappropriate to accommodate the proposals within a number of separate vacant units;
  - there is no evidence to suggest there is a site large enough and available in the same timeframe to accommodate 1,091sq.m of retail uses; and
  - the proposals seek to regenerate railway arches, and these regeneration benefits may be considered to be location specific, therefore other locations would not be suitable to meet the objectives of the proposed development.
- 8.17 Given that Bethnal Green, Whitechapel and Roman Road West town centres are between 250-420m away, and currently have 12%, 9.5%, 12% A3/A4 uses respectively it is not considered that the proposed A3/A4 uses form part of, or encourage a concentration of uses that would undermine nearby town centres.
- 8.18 The proposed shops, café/ restaurant and pub/ bar A3/A4, as well as the business uses mean the customer services offered, activity and footfall generated, and the quality of the public realm has the potential to enhance the area and support the vitality and viability of the nearby designated town centres. Given this, and the location of the site off Cambridge Heath Road - a busy thoroughfare with high footfall, mix of uses in the immediate vicinity, excellent public transport accessibility, the town centre character of adjoining uses and close proximity to the core areas of the Bethnal Green and Roman Road West District Town Centres, it is considered that A3/A4 uses are appropriate in this location.
- 8.19 Nevertheless, to prevent overconcentration of A3 and A4 uses, to support the function of the civic hub and adjoining town centres by provision of a balance of uses generating activity and footfall for longer proportion of a day or week, to respect the scale and intensity of uses in the area, and to protect the amenity of adjoining occupiers and that of the public realm from undue disruption, it is considered that it is necessary to restrict the number of A4 and A3 uses combined to 2 arches at any time or 332sqm which equates to the largest unit or two smaller units.
- 8.20 The proposed development is considered to support the Core Strategy (2010) policy SP12 vision for Bethnal Green to reinforce its role as the retail, commercial and civic hub of the area, making it a place to work, shop and socialise. Three of the 5 priorities identified for the area are relevant to this application:
- to improve the town centre as a place for commerce, retail and small and medium enterprises,
  - to promote a better quality of uses in and along the railway arches, improving their attraction and accessibility, and
  - to reinforce the civic hub in and around Bethnal Green tube station and town centre, encompassing the Museum of Childhood, St John’s Church, York Hall and the historic green spaces.

## Employment uses

- 8.21 While the site does not form part of a designated office or local industrial area, the site currently comprises 14 railway arches totalling 1,710sq.m. At present 8 of these units are Class B1/B2 employment use (829sq.m), 2 are use class A1 retail uses (273sq.m), 2 are Class D2 gym use (279sq.m) and the remaining 2 units are Sui generis.
- 8.22 The London Plan (2011) policy 4.1 seeks 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. More specifically, policy 4.4 requires Local Planning Authorities to adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of industrial and other related uses, including good quality and affordable space. The Council's Core Strategy (2010) policy seeks to maximise and deliver investment in the borough by supporting 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 in each place and at the edge of town centres. Objective SO16 is to support the growth of existing and future businesses in accessible and appropriate locations.
- 8.23 This strategic policy is to be realised through the provisions of policy DM15 of the Managing Development Document (2013) which specifies that development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, accessibility, size and condition. Development should also not adverse impact on or displace existing businesses.
- 8.24 The proposal includes a minimum of 619sqm of employment floorspace (i.e. 1,710sqm minus maximum amount of retail proposed of 1,091sqm). This is a potential loss of circa 200sqm of employment uses, albeit that the retail uses will generate additional jobs. On balance the uplift in the quality of employment accommodation, and that the new units will cater for SMEs which are likely to achieve significantly higher employment densities the proposed development is considered to accord with policy DM15(1).
- 8.25 Pursuant of DM15(3) the new employment floorspace is considered to provide a range of flexible units less than 250sqm and less than 100sqm to meet the needs of Small and Medium Enterprises (SMEs).
- 8.26 Policy DM15(2) states that development which is likely to adversely impact or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs to the business are better met elsewhere. This policy is pertinent as the arches are currently occupied. Officers have worked with the applicant to ensure an effective relocation strategy is in place to accommodate existing occupiers. Network Rail has been in on-going discussions and negotiations with tenants since March 2015. Network Rail has visited each affected occupier to give a brief summary of the refurbishment. Several follow up meetings have occupied to discuss the plans in greater detail and support packages have been offered. The table below sets out the existing businesses and how they have been provided for elsewhere in the borough, typically within alternative arches within the borough, and owned by Network Rail.

Unit	Existing Occupier	Relocation Agreed	Comments
Arches 157/158	MR RAHMAN	Yes – Hadleigh Street	The tenant is vacating in March and has already moved to alternative NR accommodation.
Arch 159	BUBBLES CAR CARE LIMITED	Yes – Hadleigh Street	The tenant has vacated the property.
Arch 160			
Arch 161	TREVOR CELISSE	Yes – Andrews Road	The tenant left the property in January 2016 and has moved to alternative NR accommodation.
Arch 162	ARCH JOINERY LIMITED	Alternative accommodation offered, tenant has decided to rent with private landlord.	The tenant has vacated the property.
Arch 163	MR JAHAN	Yes – temporarily only	The tenant has accepted the offer to relocate to temporary accommodation during the construction period. He will then return at an agreed rent.
Arch 164	JETYRES LIMITED	Yes – Dunbridge Street	The tenant left the property in November 2015 and has moved to alternative NR accommodation.
Arch 165	CROSSFIT LONDON LIMITED	Yes – Cudworth Street	The tenant has agreed to vacate and move to alternative NR accommodation.
Arch 166			
Arch 167	ARCH JOINERY LIMITED	See above (Arch 162)	See above (Arch 162)
Arch 169	TYRE WORLD TRADING LTD	Yes - Hadleigh St Railway Viaduct (adjoining property)	Agreed to rent the adjoining property to the tenant. The tenant will relocate as soon as the adjoining property is ready to move into
Arch 170			

8.27 As such, on balance, taking into account the character of the site and its environs and the site's likely employment potential, it is considered that the change of use of 14 railway arches from A1, D1, B1/B2 and sui generis to an increase in retail uses will not disproportionately affect local provision of employment floorspace for small enterprises while positively contributing to achievement of the placemaking vision for the area. A3/A4 uses in this inner London location with a mixed use character will support rather than undermine the viability and vitality of adjoining designated town centres. This is in accordance with the principles of the National Planning Policy Framework (2012), policies 2.15, 4.7, 4.8 and 7.1 of the London Plan (2011), policies SP01, SP06 and SP12 of the Core Strategy (2010), and policies DM0, DM1, DM2 and DM15 of the Managing Development Document (2013). These policies aim to

support the borough's economy, prioritise provision of business floorspace for SMEs and seek to support the vitality and viability of the borough's town centres.

### **Amenity**

- 8.28 The National Planning Policy Framework identifies sustainable development as the main purpose of the planning system and specifies three main dimensions: the economic, social and environmental. These roles are mutually dependant and should not be undertaken in insolation. Of particular relevance to the protection of amenity as part of sustainable development are Paragraphs 123 and 125 of the NPPF which require planning to:
- avoid adverse impacts on health and quality of life which could arise from noise
  - mitigate and reduce other amenity impacts, including through the use of conditions limit the impact of light pollution on local amenity.
- 8.29 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document (2013). These policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure. Additionally, policy SP01(2c) aims to avoid overconcentration of evening and night time economy uses in areas where they would have a detrimental impact on local people and land uses.
- 8.30 Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.
- 8.31 The proposal at Mantus and Malcolm Road includes 93 residential properties in close proximity which could experience disturbance to their amenity are located immediately to the south of the application site. Excessive noise and smells could emanate from the rear of the arches but this would be controlled by conditions to ensure extraction fans are appropriately located and noise is within acceptable limits. Furthermore A3 and A4 uses will only be located towards Cambridge Heath Road which is busier and away from a large proportion of the residential uses within the vicinity.
- 8.32 The application proposes conversion to A3/A4 use - restaurant/café or drinking establishment. The proposed opening hours are 11am - 11pm Monday Friday, 11am to 1am on Saturdays and 11am to 11pm on Sundays.
- 8.33 While no detailed floor plans showing the number of tables or statements outlining the likely number of patrons were provided with the application. If a high proportion of the units were to be used as an evening drinking establishment be it through creation of one large venue or a few individual ones, a significant disruption could result to adjoining residents through the cumulative comings and goings and customers congregating outside the premises. It is considered that this issue could be resolved through imposition of a condition restricting the number of A4 to a maximum of 332sqm (or two units) and that these uses would be located towards Cambridge Heath Road

- 8.34 Taking into account the patterns of activity in the area it is considered that late night opening hours up to 1am on Saturdays are inappropriate and would result in undue disturbance to adjoining residential occupiers and to the general amenity of the area. This is particularly with regards to noise and disturbance associated with comings and goings. The opening hours of 11pm every day are considered more appropriate. It is also considered that the A3 establishments i.e. cafes could successfully cater to the needs of commuters and open as early as 8am without undue disturbance to adjoining occupiers. Members are advised that a condition should therefore be attached to restrict the opening hours to 8am to 11am every day.
- 8.35 It is also considered expedient to condition the delivery hours to 8am - 6pm Monday to Friday, 8am - 1pm Saturdays with no deliveries on Sundays and Bank Holidays. This is in the interest of the amenity of adjoining occupiers which could be disturbed from noise associated with loading and unloading as well as vehicular movements within the narrow Malcolm Place.
- 8.36 No details of kitchen extract, ventilation systems or servicing plant were provided as part of the application. Full details and an acoustic report should be conditioned. This is to ensure that all noise emanating from mechanical plant or equipment is at least 10dBA below the lowest recorded background noise level at the nearest affected façade [ L90-10dB(A) ]. Extract systems should meet DEFRA guidance and not result in disturbance to residents from unpleasant cooking smells and odours.
- 8.37 Additionally, no music should be audible at any noise sensitive façade at any time - inclusive of different frequencies of music noise. The applicant will also be required to submit a CCTV strategy to reduce the likelihood of disturbance.
- 8.38 Subject to the above recommended conditions the likely resulting impact on amenity of adjoining occupiers is considered not to be uncommon for a busy inner city location.
- 8.39 As such, subject to conditions, the operation of the proposed A3/A4 use will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2, 7.3 and 7.15 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (1010), and policy DM25 of the Managing Development Document (2013). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.

### **Design and Heritage**

- 8.40 When determining applications affecting the setting of Listed Buildings, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, require that special regard should be paid to the desirability of preserving the significance of the heritage asset. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.41 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.



- 8.42 The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which 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. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.43 The Council's Core Strategy (2010) strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. 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.
- 8.44 Policy SP10 is realised through the detailed development management policy DM27 of the Managing Development Document (2013) protecting heritage assets and policy DM24 which aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 8.45 The Victorian elevated railway viaduct which is subject to this application is of some value to the setting of the Bethnal Green Gardens Conservation Area and contains a number of features which will be better exposed by the proposed elevations. Most notably, the new infill frontage is to be of a more lightweight appearance with more glazing. This arrangement accentuates the arches and enhances their contribution to the setting and appearance of the conservation area. Furthermore the brick work of the viaduct will be blast cleaned to accentuate its appearance.
- 8.46 The frontage will consist of bifolding powder-coated aluminium doors spanning the full width of the arch, a stainless steel fascia and high level glazed screen. The bifolding doors will be framed with brick piers. Each archway will contain an internal shutter. A condition will be placed to ensure that the shutter is perforated and does not result in creation of dead frontage. The details were reviewed by the Council's Urban Design Officer who made no adverse comments.
- 8.47 Overall, it is considered that the proposal is of a high quality design and will enhance the setting of the Bethnal Green Gardens Conservation Area and that of the Grade II Listed Viaduct. Moreover the proposal allows the continued use of the listed structures which enables them to be maintained for the benefit of future generations.
- 8.48 Policy 7.3 of the London Plan (2011), SP09 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013) require development to be designed with safety and security in mind. Of relevance to this application are the following requirements: location of entrances in visible, safe and accessible locations, creation of opportunities for natural surveillance and avoidance of the creation of concealments points or areas suffering from lack of clear distinctions between public,

semi-public and private spaces. Security measures should not compromise good design or prevent creation of inclusive environments.

- 8.49 It is considered that the proposed frontage has an acceptable relationship with the streetscene and will not result in any adverse impact on the streetscene with respect to safety or perceived safety. Installation of CCTV and external lighting will be secured by condition to reduce impact from A3/A4 land use and to ensure appropriate appearance of the safety features.
- 8.50 The proposed units are on ground level with no obstructions to access by people with impaired mobility. As such they are considered to comply with the inclusive access policies.
- 8.51 Overall, the proposal is considered to be satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host railway viaduct and preserve the appearance and character of the Bethnal Green Gardens Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.1, 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM23, DM24 and DM27 of the Managing Development Document (2013). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.

#### **Waste**

- 8.52 The proposal does not incorporate dedicated areas for storage of waste and recyclables prior to collection or any waste management arrangements. It is considered that adequate facilities can be provided within each unit and this will be secured by condition. Additionally, as it is considered necessary to ensure that the waste storage arrangements are adequate in perpetuity and that refuse is not left on the public highway, a Waste Management Plan should be secured by condition. The Waste Management Plan should also include provisions for disposal of cooking oils in accordance with Thames Water guidance and provide for installation of fat traps.
- 8.53 As such, subject to condition, the proposal will incorporate adequate facilities and measures for the storage and disposal of waste and recyclables in accordance with policy 5.17 of the London Plan (2011), policy SP05 of the Core Strategy (2010), and policy DM14 of the Managing Development Document (2013).

#### **Highways and Transportation**

- 8.54 Policy 6.3 of the London Plan (2011) and SP09 of the Core Strategy (2010) 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 (2013).
- 8.55 The extent of the ownership of the forecourt/ pavement outside the arches was initially disputed between Network Rail and the Highways Authority but this has now been agreed and the applicant is required to enter into a s278 for highways works (estimated cost £100k). The applicant is also required to formally alter the highway boundary (approximately a 3 month legal process, and cover all costs including legal fees). LBTH Transportation and Highways has confirmed that from highways

perspective, the design proposed for Malcolm Place is workable, subject to the detail being worked out.

- 8.56 Conditions also required for a delivery and servicing plan, cycles parking delivery, and demolition and construction management plan
- 8.57 In line with policy 6.3 of the London Plan (2011) and policy DM22 of the Managing Development Document (2013) development is required to meet and preferably exceed the minimum standards for bicycle parking. For the proposed use 1 cycle space is required per 10 staff and 1 per 20 peak visitors. No general car parking is proposed in line with policy DM22 but the development should incorporate 1 disabled car parking space. These matters can sufficiently addressed by a condition although the applicant has already provided an indicative cycle parking plan demonstrating that this level of cycle parking can be provided.
- 8.58 There are no details provided regarding an assessment of numbers of vehicles expected. The area is subject to a 7.5t weight limit and this will restrict (and possibly increase) the type and frequency of vehicles involved in servicing the development. Arches 169 and 170 are situated in the cul-de-sac section of Malcolm Place and it is stated that these will be serviced from the front as existing. This requires vehicles to either reverse in or out of this section of the road into Braintree Street and whilst this may be the existing situation it is far from ideal as the sightlines at that junction are very poor. As such, full details of servicing areas as well as a Deliveries and Servicing Plan will be secured by condition to ensure safe and efficient operation of the borough's highways system.
- 8.59 As such, subject to conditions, with reference to transport matters including access, deliveries, servicing and cycle & disabled parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), and policies DM20 and DM22 of the Managing Development Document (2013). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

### **Sustainability**

- 8.60 The National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.4 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 seek reductions in carbon dioxide emissions from all development.
- 8.61 As the proposal is for substantial retrofitting it is considered that a Sustainability Scheme should be conditioned to ensure that the Be Lean, Be Clean and Be Green measures are maximised.
- 8.62 Policy 5.13 of the London Plan (2011), policy SP04 of the Core Strategy (2010) and policy DM13 of the Managing Development Document (2013) require development to implement sustainable drainage methods to reduce the stress on the wastewater infrastructure. As the proposal incorporates a large paved forecourt, details of sustainable drainage will be secured by condition.
- 8.63 Subject to conditions, the development will contribute to reduction of carbon dioxide emissions and incorporate sustainable drainage in accordance with the National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.13 of the London Plan (2011), policies SP04 and SP11 of the Core Strategy (2010), and policies DM13 and DM29 of the Managing Development Document (2013)

## **Other issues raised in consultation**

- 8.64 An issue raised in objection which is not material a planning matter is “feelings of outrage that would be engendered locally” while this issue has not been substantiated by the objector in any way, the number of signatures on the petition may suggest a degree of disquiet amongst local people.
- 8.65 The individual objector is an existing occupier at Tyre World who also coordinated the petition. It is understood that Network Rail and Tyre World have been engaged in on-going negotiations regarding the relocation of this business

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4 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.
- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

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

## **11.0 FINANCIAL CONSIDERATIONS**

### Localism Act (amendment to S70(2) of the TCPA 1990)

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) 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.

11.2 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.

11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals which do not create new floorspace and are not residential uses are not liable for Mayoral CIL.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL.

## **12.0 CONCLUSION**

12.1 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building Consent should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

### 13.0 SITE MAP

