

Development Committee

Agenda

Thursday, 25 April 2024 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Kamrul Hussain

Vice Chair:

Councillor Amin Rahman

Members:

Councillor Gulam Kibria Choudhury, Councillor Abdul Mannan, Councillor Faroque Ahmed, Councillor Sabina Akhtar and Councillor Asma Islam

Substitute Members:

Councillor Shafi Ahmed, Councillor Iqbal Hossain, Councillor Bellal Uddin, Councillor Amina Ali, Councillor Asma Begum and Councillor Shahaveer Shubo Hussain

(The quorum for the Committee is 3 voting members)

The deadline for registering to speak is **4pm Tuesday, 23 April 2024**

The deadline for submitting information for the update report is Noon
Wednesday, 24 April 2024

Contact for further enquiries:

Thomas French, Democratic Services,
thomas.french@towerhamlets.gov.uk

Tel: 020 7364 3048

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.
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Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

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Agendas are available on the Modern.Gov, Windows, iPad and Android apps



Scan this QR code to view the electronic agenda



A Guide to Development Committee

The role of the Development Committee is to determine applications for planning/listed/conservation area consent which have triggered over 20 representations (in support or against) and/or that meet certain criteria with regards to size amongst other issues.

The Committee is made up of seven Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Meetings are normally held on a monthly basis and are open to the public to attend.

Objectors to planning applications and applicants may request to speak at the Committee. If you wish to speak on an application, you must contact the Committee Officer listed on the agenda front sheet by 4pm one clear day before the meeting, as shown on the committee timetable. For further information, see the Council's website.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets



Development Committee

Thursday, 25 April 2024

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (PAGES 7 - 8)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 9 - 12)

To confirm as a correct record the minutes of the meetings of the Development Committee held on 30 October and 30 November 2024.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 13 - 14)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Housing and Regeneration along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Housing and Regeneration is delegated authority to



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Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

4. DEFERRED ITEMS

5. PLANNING APPLICATIONS FOR DECISION

5.1 PA/23/02171: 82 Columbia Road, London, E2 7QB (Pages 23 - 46)

Proposal: Proposed single storey rear extension and a new rear garden entrance door from Wellington Row

Recommendation: Grant planning permission with conditions

6. OTHER PLANNING MATTERS

6.1 London Legacy Development Corporation - interim delegation scheme (Pages 49 - 54)

Next Meeting of the Development Committee

Thursday, 30 May 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Linda Walker. Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.37 P.M. ON MONDAY, 30 OCTOBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Kamrul Hussain (Chair)

Councillor Amin Rahman
Councillor Gulam Kibria Choudhury
Councillor Abdul Mannan
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Asma Islam

Officers Present:

Jerry Bell	(Area Planning Manager)
Astrid Patil	(Senior Planning Lawyer)
Sally Frasier	(Team Leader East)
Thomas French	(Democratic Services Officer (Committees))

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests. Councillor Abdul Mannan informed the committee that item 5.1 may be within his own ward.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be

delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and

3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

Nil items

5. PLANNING APPLICATIONS FOR DECISION

6. 59 LOCKESFIELD PLACE PA/22/02454

Updated report was noted.

Jerry Bell introduced the application for erection of a first floor rear extension.

Sally Frasier, case officer, provided a presentation on the application. The Officer's recommendation was to grant planning permission.

At the invitation of the Chair, objections were raised to the committee, highlighting the increased potential for noise, anti-social behaviour, and concerns about restriction of light to residential gardens.

At the invitation of the Chair, the agent for the applicant highlighted how inspections have noted that there would not increase of noise to local residents or significant reduction in sunlight to local residents. The application falls within the council's own local plan.

Further to questions from the Committee, officers, and residents provided more details on the following elements of the application:

- Can concerns about the restriction of the light this application be expanded on? Objectors commented on the restriction of light, which has grown less accessible as developments have increased.
- Have objectors ever reported anti-social behaviour to the police? Objectors stated ongoing anti-social behaviour reports to environment health, and previously to the police.
- Is the application in compliance with the local neighbourhood plan, in regard to the external aesthetic of the extension? Officers stated that it does comply with the local neighbourhood plan on the Isle of Dogs.

Members of the committee discussed the application and moved to the vote.

On a vote of 5 in favour, 2 against and 0 abstentions the Committee, that planning permission is **GRANTED**.

Erection of a first floor rear extension.

Subject to conditions, for the reasons outlined in the committee report

7. OTHER PLANNING MATTERS

Nil Items.

The meeting ended at 19:21

Chair, Councillor Kamrul Hussain
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters


- (1) Officers will introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 <p>Council’s Constitution</p>



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

STANDING ADVICE ON APPLICATIONS FOR DECISION

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. The Chair may reorder the agenda on the night. If you wish to be present for a particular application you should attend from the beginning of the meeting.
- 1.2 The following information and advice applies to all those reports.

2. THIRD PARTY REPRESENTATIONS

- 2.1 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to consider any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.
- 2.2 All representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.3 Any further representations, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Update Report.

3. ADVICE OF DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER

- 3.1 This is general advice to the Committee which will be supplemented by specific advice within the reports and given at the meeting, as appropriate.

Decisions on planning applications

- 3.2 The Committee is required to determine planning applications in Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:
 - the provisions of the Development Plan, so far as material to the application;
 - a post-examination draft neighbourhood development plan, so far as material to the application
 - any local finance considerations, so far as material to the application; and
 - to any other material considerations.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the

Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains policies relevant to the application and there are no other material considerations, the application should be determined in accordance with the Development Plan.

3.4 The Committee has several choices when considering each planning application:

- to grant planning permission unconditionally;
- to grant planning permission with conditions;
- to refuse planning permission or
- to defer the decision for more information (including a site visit).

3.5 If the committee resolve to refuse planning permission, they must provide reasons that are based on evidence, development plan policies and material considerations. The Council may be subject to an award of costs in the event that reasons for refusal cannot be defended at appeal.

The Development Plan and other material considerations

3.6 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:

- The London Plan 2021;
- Tower Hamlets Local Plan 2020;
- The Isle of Dogs Neighbourhood Plan 2021.

3.7 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are relevant to each planning application, and to other material considerations.

3.8 Material considerations are those that are relevant to the use and development of land in the public interest and relevant to the development proposed in the application.

3.9 National Policy as set out in the National Planning Policy Framework 2019 (NPPF) and the Government's online Planning Practice Guidance (PPG) are both material considerations.

3.10 Other material planning considerations may include (but are not limited to):

- the design, size and height of new buildings or extensions;
- the impact of new uses of buildings or of land;
- loss of light and the privacy of neighbours;
- access for disabled people;
- the provision of affordable housing;
- the impact of noise from proposed development;
- the impact of development on public transport, the highway network, parking and road safety;
- effect on heritage assets such as listed buildings and conservation areas;
- environmental impacts.

3.11 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to

take. Applicants and objectors may also want to direct the Committee to other provisions of the Development Plan (or other material considerations) which they believe to be relevant to the application.

- 3.12 The Planning Officer's report summarises statutory consultee responses, non-statutory responses and third party representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations. Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local finance considerations

- 3.13 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration.
- 3.14 The prevailing view is that in some cases Community Infrastructure Levy (CIL) and potential New Homes Bonus payments can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a 'material consideration', it must relate to the planning merits of the development in question.
- 3.15 Accordingly, NHB or CIL receipts will be 'material' to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed buildings and conservation areas

- 3.16 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant **listed building consent** for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.17 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.18 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Trees and the natural environment

- 3.19 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

- 3.20 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

Crime and disorder

- 3.21 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)..”

Mayor of London’s Transport Strategy

- 3.22 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and human rights

- 3.23 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (Equality Act) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.24 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.

- 3.25 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. 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. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 3.26 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. Members 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.

Environmental Impact Assessment

- 3.27 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.28 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.
- 3.29 The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.30 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Other regulatory regimes

- 3.31 Other areas of legislation that cover related aspects of construction, environmental matters or licensable activities do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.

4. RECOMMENDATION

- 4.1 That the Committee notes the advice in this report prior to taking any planning decisions recommended in the attached reports.

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Application for Planning Permission

[click here for case file](#)

Reference	PA/23/02171
Site	82 Columbia Road, London, E2 7QB
Ward	Weavers
Proposal	Proposed single storey rear extension and a new rear garden entrance door from Wellington Row
Summary Recommendation	Grant planning permission with conditions
Applicant	Mr K Sohi
Architect/agent	Mr I Bolt, Hartleys Projects Ltd
Case Officer	David Mason
Key dates	- Application registered as valid on 31/01/2024 - Public consultation finished on 11/03/2024

EXECUTIVE SUMMARY

The application property is an existing two-storey terrace building with retail use at ground floor and basement, and a one-bedroom residential unit above. It is within the Jesus Hospital Estate Conservation Area.

The application proposes a modification to the existing single-storey rear extension at ground floor which would serve the first-floor residential unit as a kitchen and outdoor courtyard space. The proposal would create a larger residential unit (C3) but an overall reduction in the total built form of the building and a reduction in the provision of ground floor retail space (Class E). A revised internal layout for the ground floor shop unit is proposed which maintains access to the basement for storage and the reprovision of a WC and kitchenette.

The rear access to the ground floor from Wellington Row, currently served by a roller shutter into the shop unit, would be replaced with a header arch and timber framed doors, serving as an entrance into the proposed rear courtyard for the residential unit.

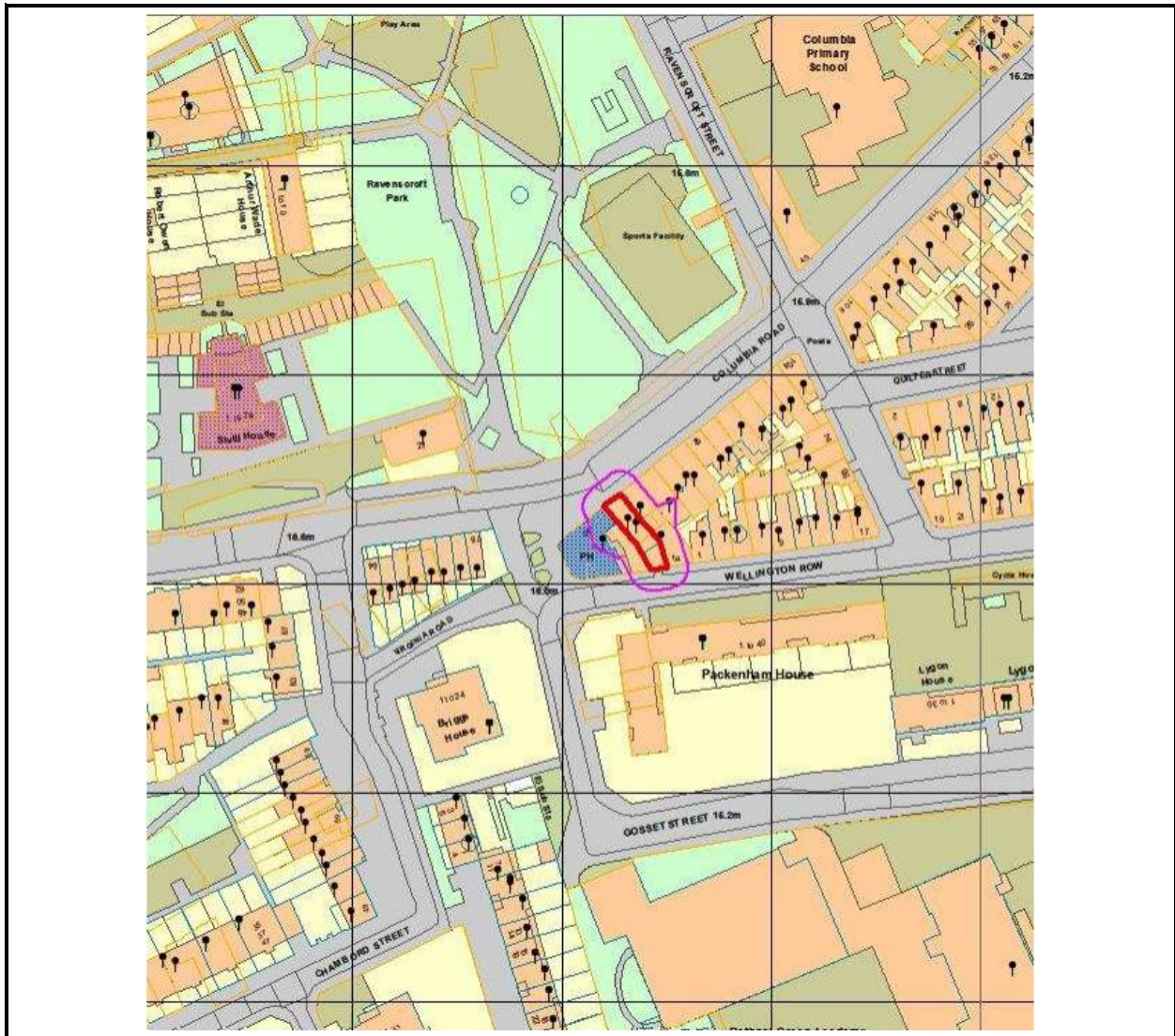
The proposal, by reason of its modest size and sympathetic design, would be in keeping with the scale and character of the Jesus Hospital Estate Conservation Area and the terrace of properties within which it sits.

The proposed reduction in Class E floorspace is considered minimal and would not result in any negative impacts to the vitality of the Columbia Road neighbourhood centre nor the viability and functioning of the shop unit at 82 Columbia Road.








It should also be noted that planning permission for the same scheme has been granted twice previously, in 2014 and 2017. There are now new Development Plan documents in place since the last consent was given, however there have been minimal changes to the policies relating to the key planning considerations for this application.

The proposal is acceptable in planning terms, and approval with conditions is recommended.

SITE PLAN:



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p>Planning Applications Site Map PA/22/02454</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process.</p>	 <p>London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 17 April 2024

1 SITE AND SURROUNDINGS

- 1.1 The application site is a two-storey building with retail at ground floor and residential above. The site fronts Columbia Road to the north and Wellington Row to the south. Its long and narrow form steps down from two storeys at Columbia Road to single storey at the rear. The rear entrance on Wellington Row features uncharacteristic roller shutters to what may have formerly been a garage but is now part of the retail unit.
- 1.2 The retail unit is currently occupied by a Vintage Shop with a cafe, ancillary to the shop in the rear extension, open only on Saturdays and Sundays.
- 1.3 The site is within the Jesus Hospital Estate Conservation Area which is defined by a homogenous layout of low scale streets. Its terraces are generally two storeys high, following the characteristic pattern of London Victorian terraces. Along the Conservation Area's north-western edge lies Columbia Road, formerly the site of the Victorian market building and now a designated Borough Neighbourhood Centre and the site of the popular Sunday flower market. The 19th century parade contains local shopfronts and several light industrial workshops, largely connected with the furniture trade.
- 1.4 Though the site itself is not listed, it is in the direct proximity of the locally listed Bird Cage Public House that greets the corner of Columbia Road and Wellington Row.
- 1.5 The site sits within the Columbia Road Neighbourhood Centre, recognised for its specialist function as a vibrant shopping and leisure destination which attracts visitors to the borough.



Figure 1 – Aerial photograph of the Site, viewing the Columbia Road shopping frontage with the Bird Cage Public House on the corner.



Figure 2 – Aerial photograph of the Site, view from the south along Wellington Row.

2. PROPOSAL

- 2.1 The application seeks planning permission for a proposed ground floor, single storey, rear extension creating a larger residential unit (C3) and a new rear garden entrance door to the property from Wellington Row.
- 2.2 This would result in a revised internal layout to the shop and cafe unit (Class E), reducing its internal floorspace by approximately 31 sqm from 128 sqm to 97sqm (including basement) and would result in an overall reduction to the built form of the building.
- 2.3 The retail unit would occupy space at ground and basement level at the front of the property, the historic footprint of the building, and the single storey rear element would become a kitchen space and small outdoor courtyard to serve the existing first floor flat, replacing the space currently used as a café.
- 2.4 The exterior roller shutter door facing on to Wellington Row is to be replaced with a header arch and timber framed doors, serving as an entrance into the proposed rear courtyard for the residential unit, designed to be in keeping with the character of the existing entrances along Wellington Row.
- 2.5 It is noted that planning permission was granted on the 22nd August 2017 and on 6th November 2014 for a scheme that is largely the same as the proposed, PA/17/01814/NC and PA/14/02511/NC, however these were not decided under the most recently adopted Local Plan.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 BG/91/00063: – Change of use of first floor from storage to a self-contained flat, including erection of a rear extension at first floor level and installation of a new shopfront. **Permitted**, 9th August 1991
- 3.2 FP/91/72242: – Proposed self-containment of upper part, shop improvement, part 2 storey rear extension. **Permitted**, 1st November 1991
- 3.3 BG/92/00039: - Change of use from grocers shop to laundrette. **Permitted**, 24th July 1992
- 3.4 ENF/08/00296: - Unauthorised use of premises as a café on Saturdays. **Case closed as not expedient**, 20th January 2009

Reasons:

- *The cafe, due to the level of seating probably constitutes an A3 use. As such, technically it needs a mixed-use application. However, if most of the seating is removed it can probably continue as it is. Either way, due to the low level of the operation (only open on weekends, etc) it's probably not expedient.*
- *In the absence of an application having been received or likely to be made, it is considered that the current use is not causing demonstrable harm.*

- 3.5 PA/14/00304/R: Rear extension at basement and ground floor, forming a new 1 bedroom self-contained flat. New rear access door from Wellington Row including formation of a new rear lightwell. Alterations to existing Columbia Road shop-front. **Refused**, 16th April 2014

Refused for the following reasons:

- *Inaccuracy of submitted plans*
- *Proposed new shopfront design is out of character with the Columbia Road frontages*
- *The proposed standard of new residential accommodation would have poor lighting levels and outlook, poor quality of outdoor amenity space and an undesirable entrance.*

- 3.6 PA/14/00305/R: New rear entry door. Revised internal layout forming enlarged self-contained flat over ground and first floors. Revised shop front. **Refused**, 22nd April 2014

Refused for the following reasons:

- *Inaccuracy of submitted plans*
- *Proposed new rear access door is out of character with the Conservation Area*
- *The proposed standard of new residential accommodation would have poor lighting levels and outlook, poor quality of outdoor amenity space and an undesirable entrance with no defensible space.*

- 3.7 PA/14/02509: Rear extension at basement and ground floor, forming a new one bedroom self-contained flat. Revised existing shop; new rear access doors; new rear lightwell. **Refused**, 6th November 2014

Refused for the following reasons:

- *Design and materials of the proposed new rear access door is out of character with the Conservation Area.*
- *The proposed standard of new residential accommodation would have poor lighting levels and outlook, poor quality of outdoor amenity space, an undesirable entrance with no defensible space and poor accessibility.*

- 3.8 PA/14/02511/NC: New rear entry door. Revised internal layout forming enlarged self-contained flat over ground and first floor. – **Permitted**, 6th November 2014
- 3.9 PA/17/01814/NC: New rear entry door and creation of external courtyard. Revised internal layout to shop (A1) to enlarge existing residential unit (C3). - **Permitted**, 22nd August 2017.

4. PUBLICITY AND ENGAGEMENT

- 4.1 10 letters were sent to nearby owners/occupiers to notify them of the development proposal on 06/02/2024.
- 4.2 A site notice was displayed in proximity to the site, informing of the development proposals on 19/02/2024.
- 4.3 The application was advertised in the Local Press on 08/02/2024.
- 4.4 23 representations were received in objection. None have been received in support.
- 4.5 The points raised have been summarised below:
- The loss of retail/café floorspace would be detrimental to the vitality of the area.
 - The increase in residential floorspace on the ground floor is out of character with the local area.
 - The proposal would have a negative impact on the Conservation Area.
 - The current shop and café are a key part of the community and work closely with local charities.
 - The café space is a unique space along Columbia Road and a beloved local business. It is one of the few spaces you can sit down in on a Sunday when the flower market is on.
 - The proposal will make the current tenant's business unviable and force them to close.
 - There is concern that the property is being developed for use as an Airbnb property. Airbnb properties are a significant source of antisocial behaviour issues that cause disruption to residents and increase workloads for the local council.
 - The development description is factually inaccurate. The area the planning application relates to is currently used as a cafe and is deemed as such under the current lease. The applicant has stated that there would be no loss of employment, however the cafe currently employs 4 people and the attached shop would be severely affected if not forced to close as a result of the proposal.
 - The submitted plans are inaccurate and do not provide sufficient detail of the proposal.
- 4.6 The material planning considerations raised above are addressed in the main body of this report.

5. CONSULTATION RESPONSES

5.1 The application was referred to the following consultees:

Design and Conservation

The proposals are acceptable in principle as they are considered to not contribute adverse impact on the host building, adjacent properties or the townscape of the wider Conservation Area.

It is recommended that full specifications of new rear access door from Wellington Row are to be provided for full assessment, including lantern and brickwork (header bond) of new arch lintel. It is recommended that new door glazing be 'vacuum' type glazing or slimline glazed units with coloured spacers. Further details of new bi-fold rear doors providing access to new courtyard are also required (aluminium/composite/timber doors would be supported).

5.2 In response to the comments from Design and Conservation, the applicant amended the proposal to include details of the proposed materials and specifications for the works.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan (2021)
- Tower Hamlets Local Plan (2020)

6.3 The key development plan policies relevant to the proposal are:

Land Use:

London Plan – SD6, SD7, SD8
Local Plan – S.TC1, D.TC2

Heritage and Design:

London Plan - D1, D3, D4
Local Plan - S.DH1, S.DH3

Residential Quality:

London Plan – D6
Local Plan – D.H3

Neighbouring Amenity:

London Plan – D3
Local Plan - D.DH8

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (as updated)

- The Jesus Hospital Estate Conservation Area Character Appraisal and Management Guidelines (2009).

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Heritage and Design
- iii. Residential Quality
- iv. Neighbouring Amenity

Land Use

7.2 As set out in Policy S.TC1 of the Tower Hamlets Local Plan (2020), new development must contribute positively to the function, vitality and viability of the borough's town centres and support the role and function of the borough's town centre hierarchy and the provision of town centre uses in line with the principles set out in the policy.

7.3 The site sits within the Columbia Road Neighbourhood Centre and development in this location should support the following functions/roles:

- a) provide a range of shops and services to meet the needs of their local catchments;
- b) support the specialist functions that exist within Redchurch Street and Columbia Road Neighbourhood Centres to continue providing vibrant shopping and leisure destinations which attract visitors to the borough;
- c) ensure development is appropriate to the nature and scale of each individual centre.

7.4 As set out in part 1 of policy D.TC2 of the Tower Hamlets Local Plan (2020), development proposals within the boundaries of the Columbia Road Neighbourhood Centre should:

- a) contribute to achieving a minimum of 60% of ground floor units as A1 (retail) use, and
- b) contribute to the activity and vitality of the town centre by offering space to meet and relax, subject to A1 (retail) units not falling below the threshold set out above

7.5 Additionally, part 7 b of policy D.TC2 states that within Primary Frontages and Boundaries of the Columbia Road Neighbourhood Centre development must ensure that 'any loss of floorspace is of a scale that will not materially alter the nature of the unit, its future viability and the function of the of the host shopping area.'

7.6 It should be noted that with the revision to the Use Class Order in September 2020, the above uses set out in policy D.TC2 are all now considered as Class E floorspace.

7.7 Given that the proposal maintains the original shop unit facing on to Columbia Road, it is considered to still support the Neighbourhood Centre's function and role as a vibrant shopping and leisure destination as the majority of retail floorspace has been retained.

7.8 It is recognised that there would be some loss of Class E floorspace with the rear extension, currently used as a café space, becoming a residential extension; removing a space where people currently meet and relax within the Neighbourhood Centre. This could be seen to conflict with the principle of D.TC2 part 1 b

7.9 However, given that the current unit is only open on Saturdays and Sundays, any loss of meeting space would have minimal impacts in this regard. Consideration should also be given to the ancillary nature of the café space, which forms part of a unit in the E use class, and as such the owner/proprietor could make numerous changes to nature of this space without the requirement for planning permission.

- 7.10 Comments received in objection to the proposal set out that this loss of floorspace would render the current business unviable, however this is not a material planning consideration. This is because the basis for the protection is of the use, and not the specific business within the shop.
- 7.11 When considering the overall impact of the development, there would still be sufficient floorspace to enable the proposal to positively contribute to the vitality and viability of the Columbia Road Neighbourhood Centre. It is considered that the reduction in Class E floorspace by approximately 31sqm from 128sqm to 97 sqm (including basement) will not impact the viability of the shop unit, nor will it impact the vitality of the Columbia Road Neighbourhood Centre and it will not cause the provision of ground floor retail units to drop below 60%.
- 7.12 Furthermore, given the specifics of the site and its access onto both Columbia Road and Wellington Row, the size of ground floor unit is unusually large for this stretch of Columbia Road. The removal of approximately 31sqm, bringing the ground floor area to 75sqm would not result in a unit of markedly different size from the majority of neighbouring units.
- 7.13 Therefore, the proposal is deemed acceptable in terms of land use, as it maintains an appropriately sized retail unit on the ground floor and will therefore not negatively impact the vitality and vibrancy of the Columbia Road Neighbourhood Centre This assessment concurs with that made in both 2014 and 2017.

Heritage and Design

- 7.14 As set out in Local Plan (2020) policy S.DH1, development must positively respond to its context, ensure the architectural language complements and enhances the immediate and wider surroundings and uses high quality design, materials and finishes to ensure buildings are robust, efficient and fit for the life of the development.
- 7.15 Local Plan (2020) policy S.DH3 sets out that development within a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to its special character or appearance.
- 7.16 The only alterations to the building are internal and at the rear, the front elevation along Columbia Road is to remain as is.
- 7.17 At the rear, the single storey extension element is to be reduced in depth to create a small outdoor courtyard in between the newly created kitchen and the boundary wall. This will be hidden from public view by the rear boundary wall and will not compromise the character of the host building that is most readily expressed in its front elevation.
- 7.18 The reduction in overall size of the rear extension is seen to positively contribute to the Conservation Area, as it reduces the dominance of a later extension on the architectural and historic significance of the original building at 82 Columbia Road.
- 7.19 The rear boundary wall, viewed from Wellington Row, currently features an uncharacteristic roller shutter with a projecting box at the top. The proposal is to remove this and to insert timber narrow framed doors set under a semi-raised segmental brickwork header arch to match the existing brick of the boundary wall, in character with the entrances seen along Wellington Row. This would enhance the setting of Wellington Row and positively contribute to the overall character of the Conservation Area.
- 7.20 The proposed timber framed folding doors for the kitchen extension are also considered to be of an appropriate material and architectural quality. They will only be visible from within the newly created courtyard and will therefore have minimal impact on the surrounding context of the Conservation Area.
- 7.21 Therefore, the proposal poses no concerns in terms of heritage and design and complies with the relevant Development Plan policies.



Figure 3 – Existing rear of the site from Wellington Row

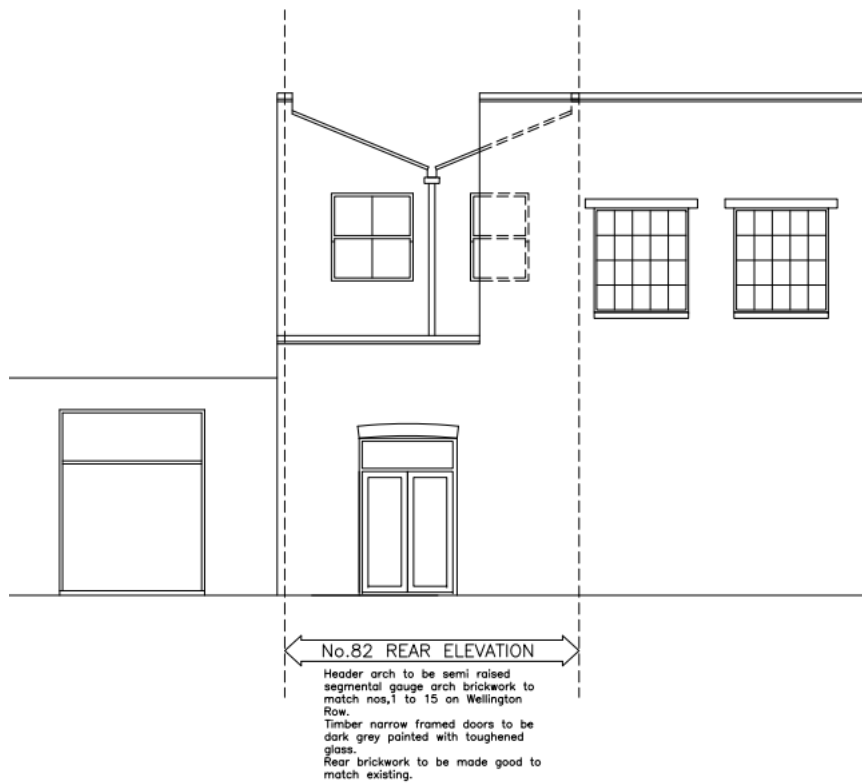


Figure 4 – Proposed rear elevation of the site from Wellington Row

Residential Quality

- 7.22 The proposed development looks to increase the residential floorspace of the first floor flat with the ground floor rear kitchen extension, and provides it with newly created outdoor private space with a rear courtyard.
- 7.23 London Plan D6 policy sets out that housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 7.24 As set out in Local Plan policy D.H3, development must provide a minimum of five square metres of private outdoor space for 1-2 person dwellings.
- 7.25 The current residential unit has no access to private outdoor space, and so the creation of the rear courtyard (of around 10 sqm) to serve the flat is a key improvement in residential quality. The kitchen extension also results in greater overall living area, improving the overall residential quality of the residential unit.
- 7.26 The new kitchen folding doors provide increased access to south facing light. Despite having a restricted outlook due to the boundary wall, they will result in an overall improvement in access to daylight within the property.
- 7.27 The proposal is therefore in accordance with the relevant Development Plan policies regarding residential quality, as it creates key improvements in terms of increased living space and access to private outdoor space.

Neighbouring amenity

- 7.28 Policy D.DH8 of the Local Plan requires new development to protect the residential amenities of the neighbouring occupiers. To this end, developments should not unduly impact upon the privacy, outlook, daylight or sunlight experienced by neighbouring properties and should not lead to any undue sense of enclosure to the occupiers. In addition, developments should not lead to undue noise and disturbance during the operational or construction phases of a development.
- 7.29 The proposal would not materially alter the levels of daylight or sunlight for the neighbouring properties as the proposal results in an overall reduction in built form and projects no higher than existing.
- 7.30 The proposed courtyard space will be overlooked by the windows of one neighbouring property, 1a Wellington Row. The proposed outlook for 1a Wellington Row over the courtyard is considered acceptable, as it will not negatively impact visual amenity and the reduction in roof form will positively impact the outlook from their windows. Any noise generated by residential occupiers of the courtyard would be in keeping with the general residential character of the area.
- 7.31 Any undue noise and disturbance during the the construction phase of the development will be avoided through the securing of a planning condition to safeguard neighbouring amenity that ensures construction takes place in accordance with the Tower Hamlets Code of Construction Practice.
- 7.32 In light of the above, the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers, in compliance with Local Plan policy D.DH8.

8. RECOMMENDATION

8.1 That **planning permission is GRANTED** subject to the following conditions:

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Materials to match.
4. Construction activities mitigation.

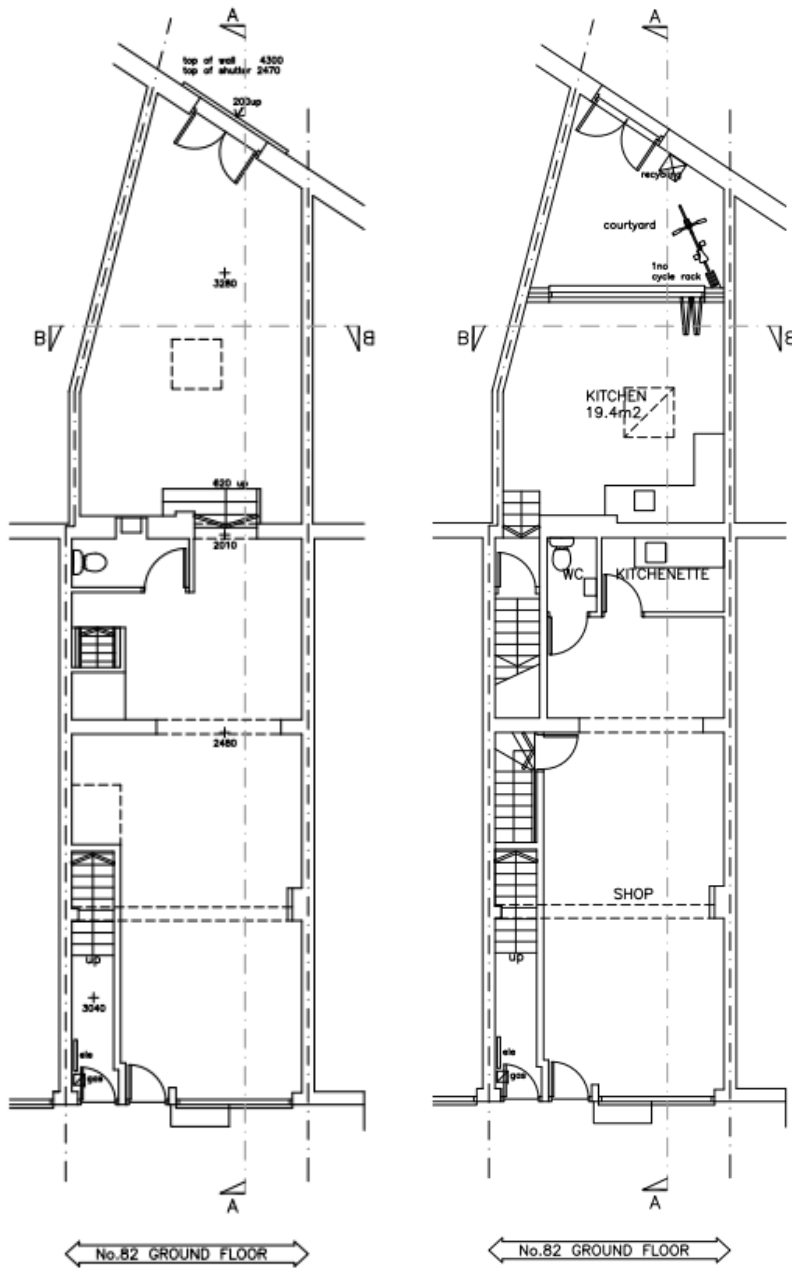
APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

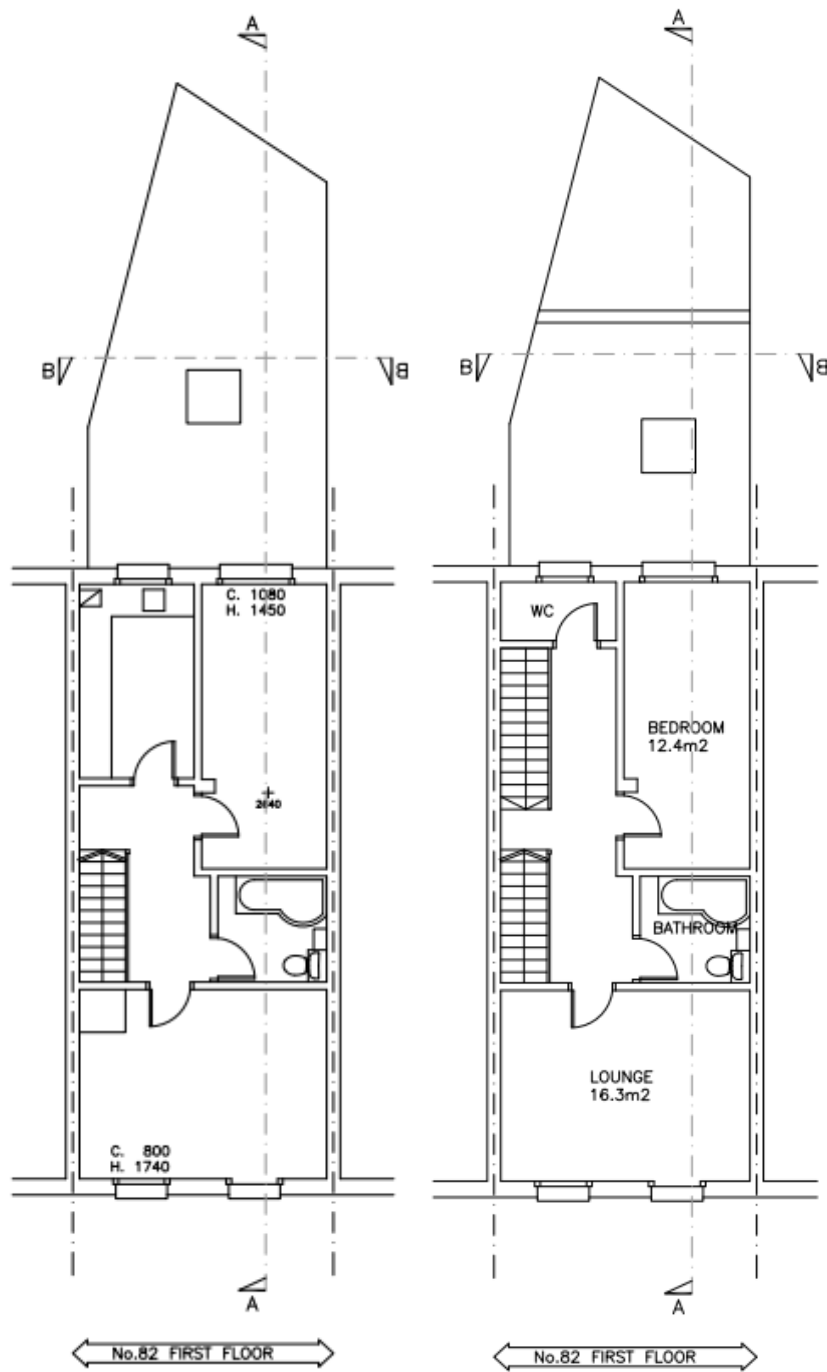
- CR.01.B
- CR.02.G
- CR.04
- CR.05
- Heritage Statement (18/01/2024)

APPENDIX 2

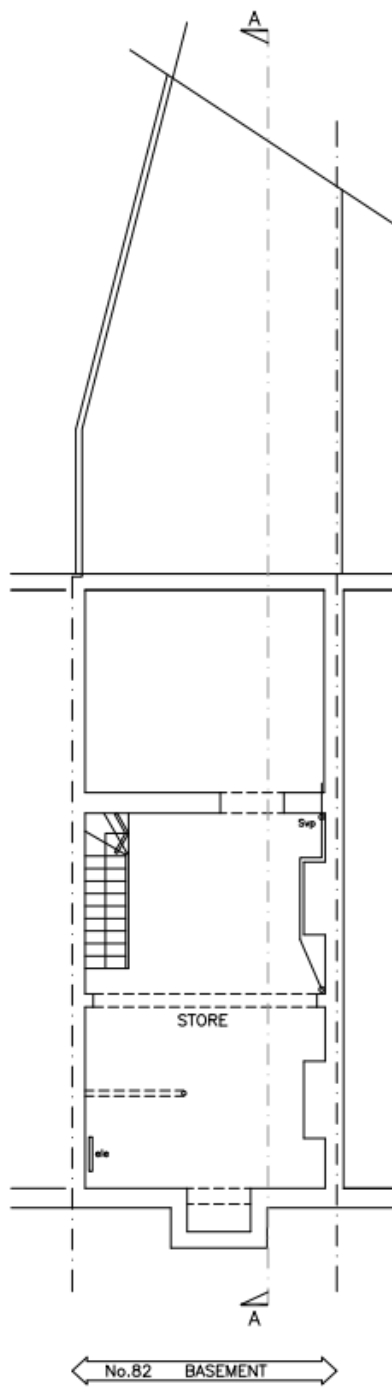
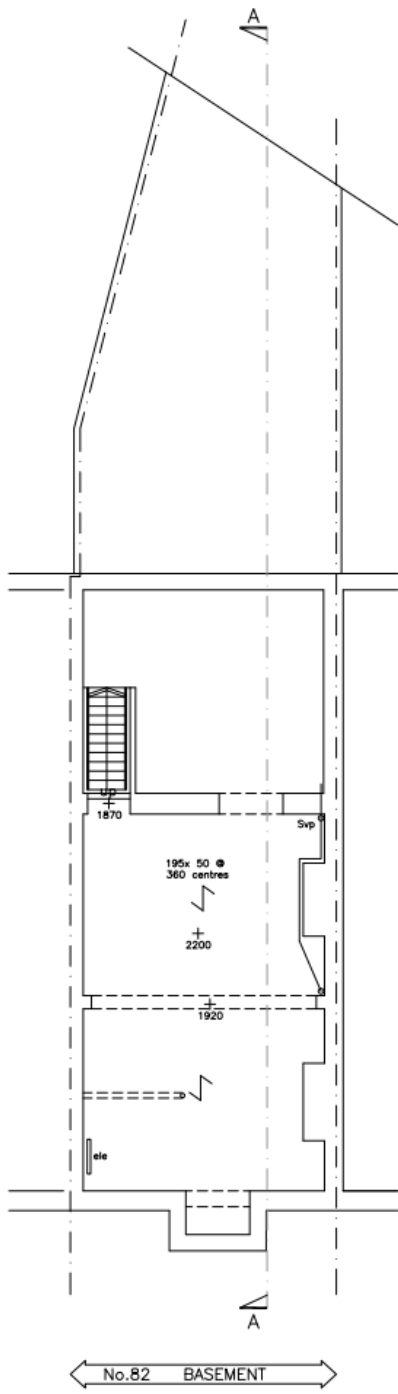
SELECTION OF APPLICATION PLANS AND IMAGES



Existing and proposed ground floor plans



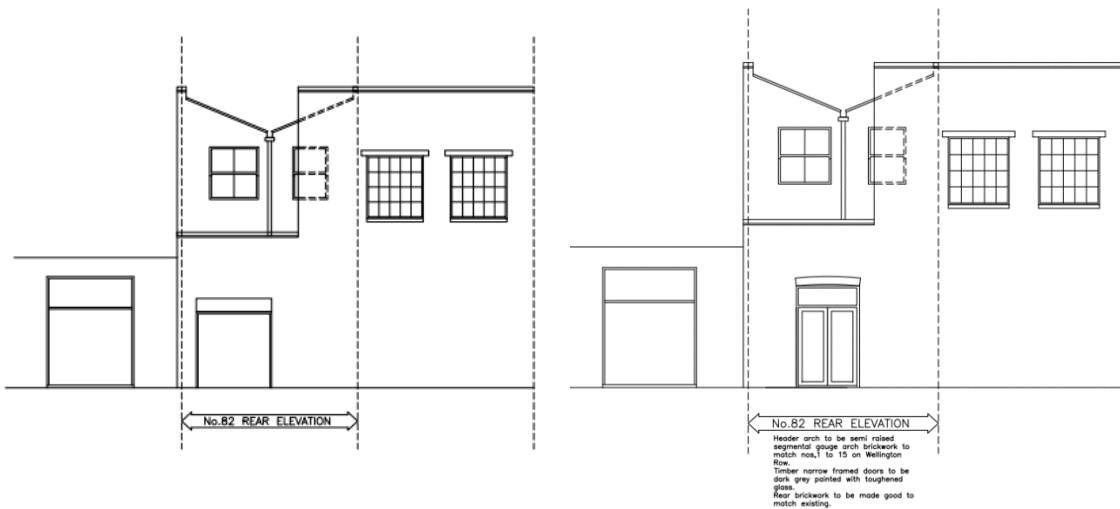
Existing and proposed first floor plans



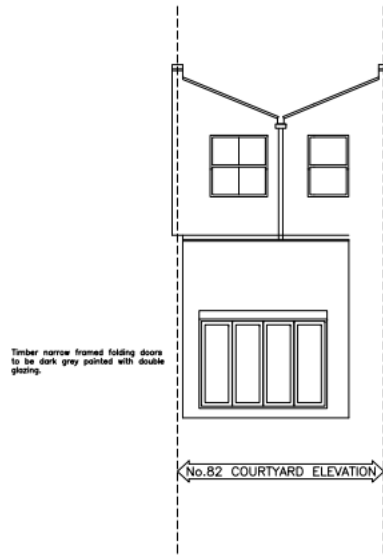
Existing and proposed basement plans



Existing front elevation – no change proposed



Existing and proposed rear elevations



Proposed courtyard elevation

APPENDIX 3

Site Images



Arial view of the site, from the northwest, looking at Columbia Road



Aerial view of the site, from the south, looking at Wellington Row



82 Columbia Road shop front (Vintage Heaven).



Rear of site, from Wellington Row



Shop interior



Café interior



Basement store



Rear extension view from upstairs flat window



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Other Planning Matters

Ref No: See reports attached for each item

Ward(s): See reports attached for each item

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM OTHER
PLANNING MATTERS**


Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

✓

Name and telephone no. of holder:
See individual reports

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 TOWER HAMLETS	DEVELOPMENT COMMITTEE		25 April 2024
	Report of the Corporate Director of Housing and Regeneration	Classification: Unrestricted	
Wards	Bow East and Bromley North Wards		
Title	London Legacy Development Corporation – interim delegation scheme		
Summary Recommendation	<p>To note proposals for an interim scheme of delegation of certain planning functions from the London Legacy Development Corporation.</p> <p>To confirm the Development Committee agrees to determine applications under the delegation scheme and request that the Council confirms the scheme.</p>		
Originating Officer	Paul Buckenham, Head of Development Management		

1. BACKGROUND INFORMATION

- 1.1 The London Legacy Development Corporation (LLDC) is a London Mayoral Development Corporation (MDC) established in 2012 under Section 198 of the Localism Act 2011.
- 1.2 The LLDC's stated remit is to deliver the Olympic Legacy commitments made in the original London 2012 Games bid concerning the physical legacy of the Games, the long-term planning, development, management and maintenance of the Park and its impact on the surrounding area after the London 2012 Games.
- 1.3 The LLDC is the local planning authority for its area with planning powers for local plan making, determining planning applications, appeals and enforcement. transferred under the London Legacy Development Corporation (Planning Functions) Order 2012.
- 1.4 The LLDC planning area in Tower Hamlets, comprises Fish Island, parts of Hackney Wick and Bromley by Bow (See map in Appendix 1). Any planning (or related) application for development within this area is submitted to and determined by the LLDC. Tower Hamlets is a statutory consultee but has no decision-making powers.
- 1.5 In February 2020, the Legacy Corporation's Board agreed that LLDC's town planning powers and functions would return to the four neighbouring boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest, by the end of December 2024.
- 1.6 On 8 September 2022, the Mayor of London formally decided for the purposes of the Localism Act 2011 that from 1 December 2024 LLDC shall cease to exercise its town planning functions and has confirmed to the Secretary of State his intention to return planning powers from the LLDC to the four growth boroughs, with effect from 1 December 2024.
- 1.7 The Mayor of London has confirmed that the LLDC's Town Planning powers will be transferred back to the four London boroughs with effect from 1 December 2024.

- 1.8 To enable the transfer of planning powers from LLDC back to Tower Hamlets, secondary legislation to reverse the transfer of powers under the 2012 Order will be made by Parliament described as a **Statutory Instrument**.
- 1.9 The draft legislation is being prepared by the Department for Levelling Up, Housing and Communities and is expected to be laid before Parliament later this year, in time to come into force before 1 December 2024.
- 1.10 The Mayor of London will also prepare a Statutory Transfer Scheme (STS) under section 216 of the Localism Act 2011. The STS lists the existing rights and liabilities to be transferred, including records of planning decisions, un-determined planning applications, planning enforcement cases, appeals, planning obligation agreements and receipts, Community Infrastructure Levy receipts.
- 1.11 On 25 October 2023 the Mayor in Cabinet agreed to the Statutory Transfer Scheme with the Mayor of London. This was subsequently approved via a Mayoral Decision by the Mayor of London on 12th March 2024 (under MD3256).

2. PROPOSED INTERIM DELEGATION SCHEME (IDS) FOR PLANNING APPLICATIONS

- 2.1 If the Statutory Instrument is confirmed by parliament, the LLDC will cease to be a local planning authority on 1 December 2024. Tower Hamlets, Hackney, Newham and Waltham Forest will resume full planning powers under the Town and Country Planning Act 1990 for the areas within their administrative boundaries.
- 2.2 Growth Borough officers have been working with the LLDC to establish a smooth planning transition process in the period running up to 1 December 2024. Growth borough planning leads and the Director of Planning Policy and Decisions at LLDC agree that it would be expedient that any new planning applications submitted to the Development Corporation in the three month period up to 1 December to be dealt with by the four boroughs and have prepared a draft Memorandum of Understanding.
- 2.3 Section 203 of the Localism, Act 2011 includes a provision for Mayoral Development Corporations to decide with a London Borough Council *for discharge of, or assistance with, planning functions*.
- 2.4 Using the powers in Section 203, an **Interim Delegation Scheme (IDS)** is proposed that would take effect from 1 September until 30 November 2024. The IDS would cover planning and associated applications, planning appeals and enforcement.
- 2.5 Under the IDS any new planning applications submitted to the LLDC during the interim period would be delegated to Tower Hamlets (and the other three growth boroughs) to assess and determine. Any new planning appeals or planning enforcement cases would also be delegated to the growth boroughs.
- 2.6 There are several benefits to this approach:
 - Certainty and continuity for applicants, by avoiding new applications being submitted to the LLDC in the run up to transition and then having to be transferred and re-allocated to staff within the boroughs on 1 December, if not already determined.
 - It would allow the LLDC planning teams to focus their resources on existing on hand cases thereby reducing the number of undetermined planning applications that may otherwise have to be transferred on 1 December.

- The Growth Boroughs will start to influence future planning decisions in the Olympic Legacy area at an earlier stage, prior to formal planning transition.
- The receiving borough would have the benefit of the statutory planning fees.

3. MITIGATION IF THE STATUTORY INSTRUMENT IS DELAYED

- 3.1 DLUHC anticipates that the draft Statutory Instrument (secondary legislation) that revokes the LLDC planning powers will be laid before Parliament in July in time to pass through the through the parliamentary stages and to come into force before the 1 December transition date.
- 3.2 However there is a small risk that the Statutory Instrument may be delayed, for example if parliamentary business is affected by a general election.
- 3.3 In this case there would be the option for delegation scheme to continue to operate from 1 December until such time as the necessary legislation is enacted for the LLDC to cease to be a Local Planning Authority.

4. LBTH GOVERNANCE PROCESS FOR AGREEING THE DELEGATION SCHEME

- 4.1 The decision to receive functions delegated by another authority is set out in Section 7 of Tower Hamlets Constitution as being reserved to the full Council.
- 4.2 Decisions on planning applications are a non-executive function delegated by the Council to the Development and Strategic Development Committees and to officers.
- 4.3 The Director of Planning and Building Control has confirmed their agreement in principle to the IDS and to determine any new applications submitted to the LLDC from 1 September on their behalf, within the scope of established delegated powers.
- 4.4 The purpose of this report is to seek the Strategic Development Committee's agreement in principle to the proposed IDS and the Committee's confirmation that they would determine any relevant applications received under the IDS that fall within their current terms of reference.
- 4.5 Subject to the agreement of both planning committees a report would be presented to the Council meeting on 31 July 2024 to confirm the IDS. The LLDC will also ask their Board to agree the scheme at a meeting in May.
- 4.6 In summary the timetable would be:
 - Report to Development Committee – 25 April 2024;
 - Report to Strategic Development Committee – 14 May 2024;
 - LLDC Board approval – 21 May 2024;
 - Report to Council – 31 July 2024.

5. COMMENTS OF LEGAL SERVICES

- 5.1 The Report details the current arrangements for determining planning applications with the area of the LLDC, part of which includes areas of LBTH. It notes that legislation is pending

which will see the return of statutory planning functions presently exercised by the LLDC to LBTH for those areas of the borough detailed in the Report. This report details the proposals for a handover period to allow a smooth transition of functions from the LLDC to LBTH. Section 203 of the Localism Act 2011 provides the legal basis for this proposal by way of a scheme of delegation from the LLDC to LBTH.

- 5.2 Similar processes are under way with the other LLDC London Boroughs (LB Hackney; LB Newham and LB Waltham Forest).
- 5.3 Whilst this Report does not ask Committee to approve the scheme of delegation (that decision is a matter for full Council), it is appropriate to receive and consider it as one of the consequences of the recommendations of this Report, if approved by full Council, will be that this Committee may be asked to determine planning applications on behalf of the LLDC during the handover period detailed in the Report.

6. RECOMMENDATION

- 7.1 The Development Committee is recommended to:
 - 1. Note the proposals to establish an interim scheme of delegation (IDS) for applications submitted to LLDC to be delegated to Tower Hamlets from 1 September 2024, until planning powers are formally transferred through legislation.
 - 2. Confirm their agreement to determine applications referred to them under the IDS in accordance with the established terms of reference in the Council's constitution.
 - 3. Request that the Council confirms the IDS at the meeting on 31 July 2024.

APPENDIX 1 – LLDC PLANNING AREA AND BOROUGH BOUNDARIES

