

DEVELOPMENT COMMITTEE

Wednesday, 20 June 2018 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Abdul Mukit MBE

Vice Chair : TBA

Councillor Ruhul Amin, Councillor Mufeedah Bustin, Councillor Peter Golds, Councillor Gabriela Salva Macallan, Councillor John Pierce and Councillor Helal Uddin

Substitutes:

Councillor Dipa Das, Councillor Bex White, Councillor Andrew Wood and Councillor Kyrsten Perry

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 18 June 2018**

Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 19 June 2018**

Contact for further enquiries:

Antonella Burgio, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4877

E-mail: zoe.folley@towerhamlets.gov.uk

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

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Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

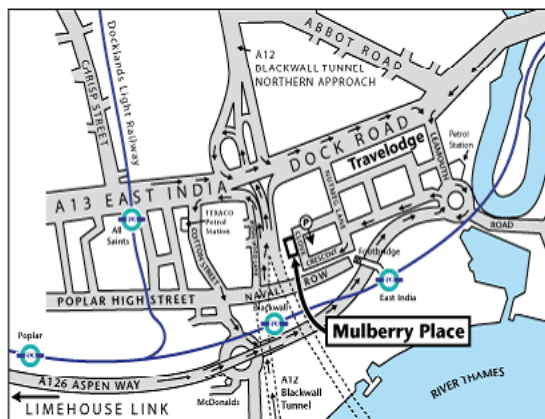
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Access information for the Town Hall, Mulberry Place.



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Fire alarm

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2018/19.

To elect a Vice-Chair for the Committee for 2018/19.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 16)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 18th April 2018.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)

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 Place 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 Place is delegated authority to 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.

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

None

	PAGE NUMBER	WARD(S) AFFECTED
6. DEVELOPMENT COMMITTEE'S TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF FUTURE MEETINGS		
Recommendation	19 - 28	
To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.		
7. PLANNING APPLICATIONS FOR DECISION		
General Information.	29 - 30	
7.1 111-113 Mellish Street, London E14 8PJ (PA/18/00424)	31 - 46	Canary Wharf
Proposal: Retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1).		
Recommendation: That the Committee resolve to REFUSE planning permission.		
7.2 Caspian Wharf 39 - 75 Violet Road, London E3 3FW. (PA/15/01846)	47 - 66	Bromley South
Proposal: Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square		
Recommendation: That the Committee resolve to GRANT planning permission subject to conditions.		
8. OTHER PLANNING MATTERS		
None		

Next Meeting of the Development Committee

Thursday, 19 July 2018 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitiy and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 18 APRIL 2018

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Marc Francis (Chair)
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Sabina Akhtar
Councillor Clare Harrisson (Substitute for Councillor Helal Uddin)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Helal Uddin
Councillor Gulam Kibria Choudhury

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Hoa Vong	– (Planning Officer, Place)
Elizabeth Donnelly	– (Senior Planning Officer, Place)
Amanda Helliwell	– (Legal Services, Governance)
Zoe Folley	– (Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 7th February 2018 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

- 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, Place 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, Place is delegated authority to 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 the meeting guidance.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Entrance To Claire Place Between 46 and 48, Tiller Road, London (PA/17/02781)

Update Report tabled

Jerry Bell (Area Planning Manager (East), Planning Services) introduced the application for the installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place

The Chair then invited registered speakers to address the Committee.

Lee Tanswell, Carolyn Apcar and Councillor Andrew Wood spoke in support of the application. They stated that the road was a private road and that Claire Place had no pedestrian routes. Apart from this entrance, the development was fully enclosed and there would be no need for anyone to enter the development unless they were visiting the properties. The proposal would therefore not harm pedestrian routes. The installation of gates would also help address the many problems with crime and anti-social behaviour as shown by the crime statistics submitted by the supporters. The site tended to encourage such behaviour due to its secluded nature. This was not helped by the lack of CCTV. The Police supported the proposal as a means of reducing crime in the area. The proposals accorded with the Chief Planning Officer's 2017 guidance regarding the role of Planning in crime prevention.

The proposal would also help minimise instances of illegal parking due to the shortage of car parking space and would therefore address the problems with access by emergency vehicles. Many of the residents supported the proposal.

It was also considered that there would be sufficient space for vehicle access on Tiller Road. With regard to this point, the speakers expressed concern about the proposed reason for refusal on this ground, given the number of other developments that had been approved with much shorter crossings between the site entrance and the highway.

In response to questions, the speakers clarified their concerns about the levels of both reported and unreported crime in the area. They highlighted examples of the types of offences committed, particularly during the last three months. They considered that the perception of crime levels was much higher than the statistics suggested. They also explained in further detail that the proposal would help keep the community safe without harming public access given its layout. In terms of its design and appearance, it was felt that the proposal would be barely noticeable from the street as it would in effect form a continuous boundary with that for nearby properties. In terms of the other solutions explored, it was felt that this proposal would provide the most appropriate solution for this particular development.

Hoa Vong (Planning Services) presented the application highlighting the nature of the location and the site itself. He advised that two previous applications had been received for gates at this site in 2007 and 2010. Both applications were refused under delegated authority. The Committee also noted the outcome of the Council's consultation resulting in representations expressing support for the application in view of the levels of crime and anti-social behaviour at the site.

The Committee noted the main planning issues. It was reported that the proposal would restrict access and result in a gated community and therefore be contrary to policy. Further, the scale, finish and design of the gates was considered to be highly imposing and would thus dominate Claire Place and Tiller Road.

In terms of the security issues, Officers considered that erecting gates did not in itself prevent anti-social behaviour. Whilst Officers were mindful of the concerns, it could not be considered, based on the statistics provided by the Police, that the crime levels were above average and that this was an exceptional case. Furthermore, there was no evidence that other solutions had been explored.

The Committee were also advised of the highway concerns relating from the setback between the gates and the back edge of the footway on Tiller Road. As a result, the refuge area would be insufficient to prevent vehicles queuing onto Tiller Road, should more than one vehicle seek simultaneous access to the site.

As a result of these concerns, Officers considered that the application should be refused planning permission.

The Committee asked questions about the possibility of vehicles queuing outside the development given the scale of the development. Officers referred to the Highway Services report who felt that the arrangements were unacceptable. Whilst it was not possible to say for certain whether this scenario would occur, Highways considered it necessary that developments allowed for this. However, it was acknowledged that this issue alone could be dealt with through amending the plans

The Committee also asked questions about the levels of crime in the area, particularly the crime levels for 2018. The Committee also asked questions about the impact on permeability given the entrance did not lead to any other routes and also about the size and appearance of the proposal in the context of the local area.

Officers reported that the most recent figures for 2018 had yet to be collated by the Police. It was felt that the development would merely displace crime to another area, rather than address it and the Council had a duty to have regard to the wider community. It was also emphasized that the proposal would create a segregated community, contrary to the policy.

Councillor John Pierce proposed and Councillor Marc Francis seconded a proposal that the consideration of the application be deferred for the reasons set out below

On a vote of 5 in favour and 1 against the Committee **RESOLVED:**

That the consideration of planning permission at the Entrance To Claire Place Between 46 and 48, Tiller Road, London be **DEFERRED** for the installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place. (PA/17/02781)

The Committee were minded to defer the application for the following reasons:

- To carry out a Committee site visit

For further information about:

- Relevant appeal decisions.
- The Guidance from the Chief Planning Officer issued in 2017 regarding the role of the planning system in relation to crime prevention
- Crime and Anti-Social Behaviour rates during 2018 for the site.

5.2 Bishops Square, Market Street and Lamb Street, London E1 6AD - PA/17/02470 and PA/17/02471

Update report tabled.

Jerry Bell (Area Planning Manager (East), Planning Services) introduced the application for alternations to the existing retail units at Market Street including

the change of use of part of the ground floor with the construction of a new two storey building over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.

The Chair then invited registered speakers to address the Committee.

Margaret Gordon (St George Residents' Association Spitalfields), Susan Kay and Sandra Go (local residents) spoke in objection to the application. They expressed concerns regarding the suitability of the change of use. They also expressed concerns about the scale of the new building in terms of the amenity impact, including daylight, sunlight and noise impacts. The development would block light, overshadow Elder Gardens, and create a sense of enclosure. It was felt that the assessments were inaccurate in respect of these issues. The proposal would also encroach on properties in Spital Square.

They also expressed concerns about conflict between cyclists and pedestrians from the narrowing of Lamb Street, the impact from the deliveries on Lamb Street and that the development could increase opportunities for crime due to the layout.

In response to questions, they expressed concerns about the lack of consultation by the developer in respect of the revised application and about the accuracy of information in terms of the amenity impacts. They also clarified their concerns about the delivery plans in view of the layout of the area.

Jason Dervin, (Applicant's representative) spoke in support of the application. He explained that the applicant's team placed a lot of value on engaging with the community and had sought to engage with the community and heritage groups during the application process. The scheme had been amended to mitigate the visual impact and minimise any impacts in relation to noise, sunlight and daylight and to allow sufficient space for safe movement. Details of the specific changes and the mitigation measures were noted. This included the imposition of restrictions on delivery times. The proposal would deliver a range of public benefits including new jobs. In view of the benefits of the application, the proposal should be granted planning permission

In response to questions, the applicant's architect discussed the quality of the materials, that had been influenced by the local area. The supporters also provided assurances about the engagement with the community over the amendments, about the natures of changes themselves and the tree planting plans. They also explained the planning history for the site including the aims of the masterplan for the area and the consented applications for two storey development at the site.

Elizabeth Donnelly (Planning Services) presented the detailed report explaining the nature of the site located within the Elder Street Conservation Area and the policy designations for the site. Consultation had been carried out resulting in a number of representations in support and objection as well as late representations as listed in the update report. It was also reported that

the applicant had submitted further transport information. Transport for London had confirmed that they were satisfied with the application.

The Committee noted that the scheme had been amended to improve its relationship with the surrounding area and minimise any impacts. The Committee were advised of the key features of the proposal.

Turning to the assessment, it was felt that the proposal including the two storey building was compatible with policy site designations and would not impact on the setting of the Conservation Area. The proposal should enhance the vibrancy of the area and contribute to its character.

The loss of the office floor space would not impact on the level of employment floor space. Therefore it could be considered acceptable in the context of the Preferred Office Location (POL) designation and in this instance could be justified. It was considered that the design of the shop fronts were of a high quality and would relate well to their immediate setting. The removal of the canopy above Market Street would enhance the setting of the listed building and the merits would outweigh the loss of its use as a shelter.

It was also felt that the plans in respect of Lamb Street would ensure a positive relationship between the flow of pedestrians and the cyclists.

Officers were mindful of the issues in respect of the amenity impacts, particularly with regard to loss of light, overshadowing and the noise impacts. As mentioned above, changes had been secured to ensure that the development would not give rise to any significant impacts in relation to these issues. Together with the conditions, this should minimise any harms to amenity.

It should however be noted that the proposal would have a moderate impact on the sunlight received by Elder Gardens. Given the dense urban setting and the benefits of the scheme, Officers did not consider that this impact was significant enough to warrant a refusal.

Officers also explained the cycle parking plans which exceed policy and that it was planned that the existing delivery and servicing arrangements be retained subject to the restrictions on Lamb Street delivery times.

In view of the merits of the application, Officers were recommending that it was granted planning permission.

The Committee asked questions about the daylight and sunlight impacts and overshadowing in respect of Elder Gardens. In response, Officers clarified the extent of the failings in respect of Elder Gardens as set out in the assessment. It was noted that during certain times of the year, the proposal would result in a loss of sunlight that fell below the BRE standards. However, it was considered that overall, the changes to the scheme should improve the relationship and that overall the impacts would be acceptable and accorded with the BRE guidance given the urban setting and that the site fell within the Central Activities Zone.

The Committee also asked questions about the potential for conflict between cyclists and pedestrians due to the proposed narrowing of Lamb Street. In response, Officers described the measures to maximise the movement space available within the development to address the concerns about the original plans. This had involved such measures as the removal of street furniture and amending the paving. It was also felt that the narrowing of the street should itself help slow down the movement of cyclists.

The Committee also asked questions about the proposed change of use and the potential for a further change of use of these units. It was reported that any such changes would require planning consent and that the proposed uses were considered to be consistent with the existing uses in the area and complied with the Council's vision for Spitalfields. The Committee also sought and received clarification about the planning history.

On a vote of 0 in favour of the Officer recommendation, 5 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission and listed building consent.

Accordingly, on a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED**:

That planning permission and listed building consent at Bishops Square, Market Street and Lamb Street, London E1 6AD be **REFUSED** for the removal of the canopy on Market Street; physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units, involving the change of use of part of the ground floor from Class B1 to Class A1; the change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, together with new shopfronts; the construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping (PA/17/02470 and PA/17/02471)

The Committee resolved to refuse the application due to concerns over:

- The amenity impact on Elder Gardens
- The management of the movement of pedestrians and cyclists on Lamb Street

6. OTHER PLANNING MATTERS

None

The meeting ended at 9.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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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.4.8, Development Committee Procedural Rules.

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 announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (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>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

<p>Non-Executive Report of the:</p> <p>Development Committee</p> <p>Wednesday 20th June 2018</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: [Unrestricted]</p>
<p>Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings</p>	

Originating Officer(s)	
Wards affected	[All wards]

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2018/19 for the information of members of the Committee.

Recommendations:

The Committee is recommended to:

To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 23 May 2018.

3.4 In accordance with the programme, meetings are scheduled to take place at 6.30pm.

4. EQUALITIES IMPLICATIONS

4.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 No implications arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 23 May 2018.

7. COMMENTS OF LEGAL SERVICES

7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 23 May 2018

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

- Appendix 1 - Development Committee Terms of Reference and Quorum
- Appendix 2 - Development Committee Membership 2018/2019
- Appendix 3 - Development Committee Meeting Dates 2018/2019

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

- [N/A]

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3.3.7 Development Committee

<p>Membership: Seven (7) Councillors (each political group may appoint up to three (3) substitutes).</p>	
Functions	Delegation of Functions
<p>1. Planning Applications</p> <p>(a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria</p> <p>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres</p> <p>(iii) Retail development with a gross floor space exceeding 5,000 square metres</p> <p>(iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>by completing a legal agreement</p> <p>(b) To consider and determine recommendations from the Corporate Director, Place to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development</p> <p>(c) To consider and determine recommendations from the Corporate Director, Place for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.</p> <p>(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place)</p>	
<p>2. Observations</p> <p>(a) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues</p>	None
<p>3. General</p> <p>(a) To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised)</p>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	
<p>Quorum: Three (3) Members of the Committee</p>	

DEVELOPMENT COMMITTEE
(Seven members of the Council)

<i>Labour Group (6)</i>	<i>Conservative Group (1)</i>	<i>Ungrouped (0)</i>
<p>Councillor M. Abdul Mukit MBE Councillor Gabriela Macallan Councillor Helal Uddin Councillor John Pierce Councillor Mufeedah Bustin Councillor Ruhul Amin</p> <p>Substitutes:- Councillor Bex White Councillor Dipa Das Councillor Kyrsten Perry</p>	<p>Councillor Peter Golds</p> <p>Substitutes:- Councillor Andrew Wood</p>	<p>N/A</p>

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APPENDIX 3

SCHEDULE OF DATES 2018/19

DEVELOPMENT COMMITTEE

- Wednesday, 20th June, 2018
 - Thursday, 19 July, 2018
 - Thursday, 23 August, 2018
- Thursday, 27 September, 2018
- Wednesday, 17 October, 2018
- Wednesday, 14 November, 2018
 - Thursday, 20 December, 2018
 - Thursday, 24 January, 2019
- Wednesday, 13 February, 2019
 - Wednesday, 13 March, 2019
 - Wednesday, 17 April, 2019
 - Wednesday, 22 May, 2019

Meetings are scheduled to take place at 6.30pm.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 7

Committee: Development	Date: 20 th June 2017	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		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 applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 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. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2016
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and the Planning Practice Guidance.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

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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Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, 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.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects 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.
- 3.6 The Equality Act 2010 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 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.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 3.8 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Development Committee	Date: 20 th June 2018	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Directorate of Place	Title: Planning Application
Case Officer: Victoria Olonisaye-Collins	Ref No: PA/18/00424
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location:	111-113 Mellish Street, London E14 8PJ
Existing Use:	Non-Residential Institution falling within Use Class D1 of the Use Classes order.
Proposal:	Retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1)
Drawing and documents:	Site location plan PA/MS_X00 (location plans) PA/MS_X01 (existing plans) PA/MS_X02 (existing elevations, north and east) PA/MS_X03 (existing elevations, south and west) Design Access and Impact Statement revision 00 dated 12 th February 2018 Travel Plan July 2016
Applicant:	Mr Abdul Malik on behalf of the Dockland Community Organisation (DCO)
Ownership:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the retention of a single storey modular buildings for a temporary period for continued use as a community centre (non-residential institution – Class D1). The officers recommendation is to refuse planning permission.
- 2.2. In support of the application the following matters are raised within the application:
- The sites award winning voluntary work
 - The site provides services to the local community these include education, social, recreational, personal development, holiday schemes, youth work and access to national recognised accredited training courses.
 - The sites work with all sections of the community including BME hard to reach groups
 - A list of activities at the centre have been provided

- 2.3. Whilst the above matters in support are noted and some weight has been given to them, if granted this would be the fifth temporary planning permission granted on site. The first temporary use permission granted was in 2005 as a medical centre to allow a short term need to be met, this was further extended in 2008. Following the cessation of the medical centre, two temporary consents have been granted to enable the modular buildings to be used for the current community use. Both uses falling within use class D1 of the Use Classes Order (1987) as amended.
- 2.4. The National Planning Policy Guidance makes it clear that it will '*rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.*' The Council has granted four.
- 2.5. Whilst the site evidently provides facilities which are of benefit to the site, these in themselves are not considered sufficient to allow a further temporary consent. The purpose of granting temporary consents on this site is to enable the sites occupation whilst redevelopment proposals are developed and time for a more permanent location if the need for the use persists.
- 2.6. The existing modular buildings are designed to be temporary in nature and are unsightly in appearance. It is with that in mind, the Council when approving the most recent temporary consent informed the applicant 'The applicant is advised, it is highly unlikely the Council will support any further temporary planning permissions on this site and as such, if a need for the premises remains a more permanent solution should be found'. Unfortunately, this has not occurred and the Council's position remains unchanged.
- 2.7. In relation to consultation. A total of 434 representations were received, 1 in objection (from a local ward councillor), and 433 in support, with a supporting statement from the Council's Capital Delivery Team. The objections can be summarised as concerns over: inaccurate and misleading statement with regards to the use of buildings, stating that the premises is a mosque as opposed to a community centre.
- 2.8. The 433 supporting comments generally state support for the Dockland Community Organisation and the services provided as being an established used for local residents.
- 2.9. Given the level of support for the proposal against officers' recommendation, under the Council's constitution the application is required to be referred to the Council's Development Committee for determination.
- 2.10. Officers are recommending a refusal based on the retention of the modular buildings by reason of design and in accordance with the guidance set out within the National Planning Policy Guidance.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **REFUSE** planning permission for the following reasons:

Reasons for Refusal

1. The further retention of the single storey modular structures on this site, by reason of its scale and appearance with no architectural merit would have a detrimental impact upon the local character and insufficient justification has been provided to outweigh this conflict with policy. The proposal is therefore contrary to the NPPG, policy 7.4 of the London Plan (2016), policy SP10 of the Tower Hamlets Core Strategy (2010) and policies DM24 and

DM25 of the Tower Hamlets Managing Development Document (2013), along with the objectives set out in the National Planning Policy Framework (2012), which state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

3.2. Informatives

1. A copy of the decision notice will be passed to the Councils Enforcement department to determine whether it is expedient to take Enforcement action should the use continue past the period specified within the sites existing temporary consent.

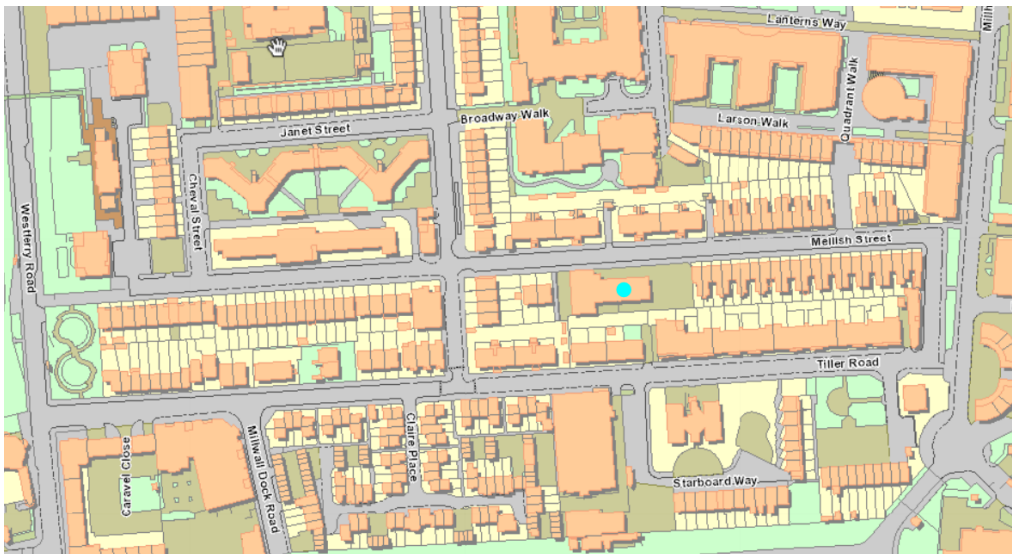
4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The application seeks the retention of the single storey modular buildings for a temporary period for continued non-residential use as D1 (community centre). No physical changes are proposed to the existing buildings. The applicant has indicated that a temporary permission of no more than 18 months would be required to allow for the permanent proposals to be implemented.

Site and Surroundings

- 4.2. The application site is located on Mellish Street and has a PTAL rating of 1b, which is very low. The application site is located within Flood Zones 2 and 3 but is not subject to any further designations.



- 4.3. The application site is located within a predominantly residential area. The site is located close to Westferry Road and Crossharbour DLR stations.



Aerial view showing application site shaded in blue.

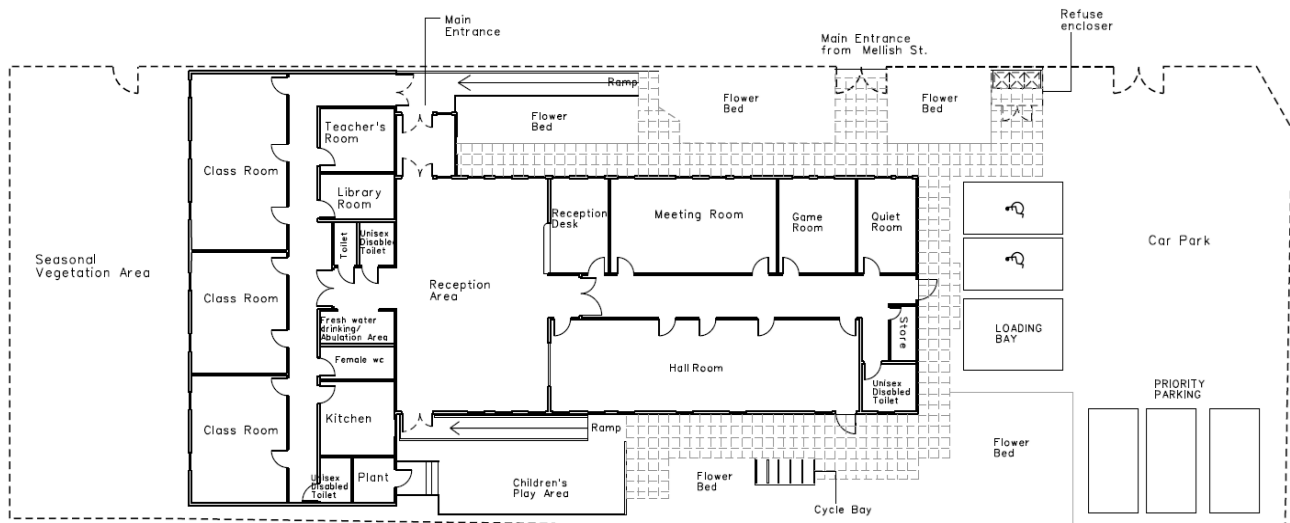
- 4.4. The existing buildings on site are single storey prefabricated buildings with a small carpark to the west of the site. The existing floor plans show the buildings contain multiple classrooms, a reception area, kitchen, bathrooms, a meeting room and hall.



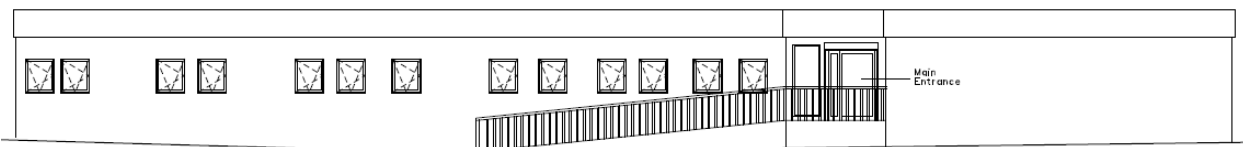
Photograph showing existing building

- 4.5. No internal/external changes are proposed within this application, therefore the current layout and elevations remain as consented previously. These are shown in the following plans.

MELLISH STREET



Plan showing existing internal layout.



EXISTING NORTH ELEVATION
AS BUILT (MELLISH ST)

Plan showing existing north elevation

5. RELEVANT PLANNING HISTORY

5.1. In summary, the site was historically used as a nursery annexe to Seven Mills Primary School. However, following the transfer of the nursery to the main school building (which is located to the north west of the site on Malabar Street) the Council decided to dispose of the site. The intention was to dispose of the site with outline planning permission for residential development, however this strategy was not pursued. In 2005, permission was granted to allow the demolition of the school building to facilitate a single storey health centre. This had permission for a temporary period of... and in the subsequent years a number of applications have come forward to extend the temporary period. The first in 2007 for continued use as a health centre and the more recent (including the current application) for continued D1 non-residential use. The following lists chronologically the relevant planning history with the most recent listed first.

5.2. PA/16/00901 – Approved 14/09/2016 .Expires 23 June 2018.
Retention of the single storey modular building for a temporary period for continued non-residential use as D1. This applications was issued with an informative as part of the decision that states:

The applicant is advised, it is highly unlikely the Council will support any further temporary planning permissions on this site and as such, if a need for the premises remains a more permanent solution should be found.

- 5.3. PA/16/00308 – Withdrawn 10/03/2016
Application for variation of condition no. 1 (temporary consent) and 4 (hours), of planning permission dated 07/06/2013, ref: PA/13/00902. This application was submitted by Canary Wharf College and was withdrawn due to the number of objections.
- 5.4. PA/14/01051 - Approved 23/07/2014
Application for variation of condition no. 4 (hours of operation) and 7(capacity) of planning permission ref: PA/13/00902, dated 07/06/2013 which granted planning permission for the retention of a single storey modular building for a temporary period for continued non-residential use (use class D1) Amendments sought: 4 - Extended hours of 09:00 - 00:30 for a 30 day period during summer 7 - The maximum capacity for the uses extended to enable 160 persons at any one time for special occasions
- 5.5. PA/13/00902 - Approved 07/06/2013
Retention of a single storey modular building for a temporary period for continued non-residential use (use class D1). Conditions 4 (Travel Plan), 5 (Cycle Parking) and 8 (Management Plan) were not discharged. This consent expired on 17/05/2016.
- 5.6. PA/07/02754 - Approved 27/02/2008
Retention of single-storey health centre building for a temporary period of two years. This consent expired on 2nd January 2010.
- 5.7. PA/05/00110 – Approved 20/04/2005
Demolition of former primary school building and replacement with temporary single storey health centre building.
- 5.8. PA/00/01629 – Approved 30/04/2001
In outline, redevelopment by the erection of twelve 3 storey, 4 bedroom terraced houses.

Enforcement history

- 5.1. ENF/15/00273 Breach of condition 3 and 4 of planning permission, ref: PA/14/01051
Officer comment: Relates to condition 3 - There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises. Also relates to condition 4 - The use hereby permitted shall only take place between the hours of 09:00 and 22:00 Mondays to Saturdays, and 9:00 to 17:00 hours on Sundays and Bank Holidays except during Ramadan when extended hours of 9:00 to 00:30hrs are permitted. [Officer comment: the applicant has been sent warning letters advising them to comply with the above mentioned conditions]. The investigation was closed on 14/11/2016.
- 5.2. ENF/13/00559 Breach of condition 7 of PA/13/00902
Officer comment: Related to condition 7 - The maximum capacity for the uses hereby permitted shall be 50 persons at any one time. [Officers' comment: the applicant was advised to amend the conditions and following the grant of planning permission PA/14/01051 dated 23/07/2014 the above mentioned investigation was closed]

6. POLICY FRAMEWORK

- 6.1. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

6.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance

6.3. **The London Plan – Further Alterations 2016**

3.1 Ensuring life chances for all
6.9 Cycling
6.13 Parking
7.4 Local Character

6.4. **Site Designations**

Flood risk zones 2 and 3.

6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP02: Urban Living for Everyone
SP03: Creating healthy and liveable neighbourhoods
SP05: Dealing with Waste
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places

6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM8: Community Infrastructure
DM14: Waste
DM22: Parking
DM24: Place-sensitive design
DM25: Amenity

6.7. **Other Relevant Documents**

The weight given to the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits' and the Draft New London Plan is currently limited given that the documents have not yet been subject to Examination in Public.

7. CONSULTATION RESPONSES

7.1. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2. The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

7.3. Officers requested conditions 5, 6 and 7 of the previous approval under reference PA/16/00901 are imposed on any such permission that may be granted.

Environmental Health Noise and Vibration

7.4. No responses to this application.

Environmental Health Air Quality

7.5. No adverse comments

External Consultees

7.6. None.

Public Representations

7.7. A total of 120 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice posted on 20 March 2018.

7.8. A total of 434 representations were received. In support, the Council received 433 individual letters and 1 supporting statement from the Councils Capital Delivery Team. Against the application the Council received 1 representation from a local ward Councillor raising objections to the information contained within the Design Access + Impact Statement as inaccurate and misleading, by not referring to the sites primary use as a mosque.

7.9. Out of the 434 letters received in support of the proposal, 424 of the letters were received as a pro forma/petition. This is summarised below:

- Support application as regular users of the centre
- Premises as an established community centre.
- The centre has been providing services to the local community for the last 5 years.

7.10. A further 9 individual letters in support were also received. These letters support the work of the organisation in the community.

7.11. A supporting letter was received from the Councils Capital Delivery Team stating the initial feasibility study of the site has been carried out. The study looks at the feasibility of the site to accommodate a four storey building comprising a replacement of community space on the ground floor of 541sq.m, and in the region of 30 flats above.

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

8.1. The applicant seeks to retain the existing temporary buildings for use as D1 community centre for no more than 18 months.

8.2. Policy 3.1 of the London Plan states that proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.

8.3. The Core Strategy, Policy SP03, also supports the provision of high quality social and community facilities. Policy DM8 of the MDD also seeks to ensure that community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.

8.4. Policy DM8 also states that new community facilities will only be supported outside of town centres where they are local in nature and scale and where a local need can be demonstrated. There are no specific policies regarding temporary uses.

- 8.5. The building has had temporary D1 consents, including the most recent granted under PA/16/00901 for a community centre, and previous consents including as a health care facility dating back to 2005. Previous to this, the site was used as a school which is also a D1 land use.
- 8.6. As such, the principle of the proposed D1 use has been established. Therefore, given the site is used as a community use and or/place of worship there are no land use issue as both fall within Use Class D1.

Design

- 8.7. Section 4 of Core Strategy Policy SP10 seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.8. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and Policy 7.4 of the London Plan (2016).
- 8.9. The existing buildings are grey, single storey pre-fabricated buildings which are not proposed as permanent buildings for the site. These buildings have been on site since 2005 and are not adequate permanent structures. Given the scale and appearance of the buildings with no architectural merit, it is considered that the proposed further retention would be detrimental to the appearance of the area.
- 8.10. In support of the application, the applicant has provided the following list of regular events and activities:
- After school supplementary education 5pm – 7pm Monday to Friday
 - Weekend Supplementary education Saturday and Sunday 10am to 1pm
 - Women Book Group/Circle takes place every Monday and Thursday 10am to 1pm
 - Every Saturday Girls Club 11am to 1pm
 - Every Sunday Boys Club 4pm to 7pm
 - Every Sunday Home Work Club 11am to 1pm for Y1 to Y6
 - Every Monday 10am to 12pm NHS Cessation Tobacco Clinic NHS Compass will start Counselling Clinic very soon.
 - Every Tuesday 4.30pm to 6.30pm LBTH Millwall Ward Councillor Surgery
 - Every Friday weekly lecture places place between 1pm to 2pm to empower community
- 8.11. In addition reference is made to the sites award winning voluntary work, services to the local community including education, social, recreational, personal development, holiday schemes, youth work and access to national recognised accredited training courses and the site work with all sections of the community including BME hard to reach groups.
- 8.12. The substantial support for the continued use of the premises are noted, and to some extent outline the importance of the proposed community use and help to demonstrate a local need. However as a material planning consideration they are not considered to be decisive in coming to a recommendation on this application.
- 8.13. Additional temporary consents would result in the site having portacabins since 2005, this is a significant period of temporary consents and further temporary consents can no longer be

justified in line with the guidance set in within the National Planning Policy Guidance. Therefore, given the length of time these temporary buildings with no architectural quality have existed on site, a further consent would have a similar impact as a permanent retention of buildings which would be out of character with surrounding area and with significant impact on visual amenity of surrounding area, contrary to Policy DM25.

Residential amenity

- 8.14. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.15. The surrounding area is largely residential with a mixture of building heights. To the north of the site, on the opposite side of Mellish Street, is a three storey residential block. On either side of the application site are 2 storey typical terrace dwellings. To the south, the residential buildings accessed by Tiller Road, are higher at 4 storeys.
- 8.16. In comparison to the surrounding area, the proposed retained buildings are much lower in height at 1 storey and are not considered to raise concerns regarding overshadowing or increased sense of enclosure. It should also be noted that either side of the buildings are open areas, the west of which is used as open space/vegetation and the west used as temporary car parking. The buildings are located approximately 20m away from the residential properties of Tiller Road.
- 8.17. It is therefore not considered that the proposal will unduly impact surrounding residential amenity through scale, siting or massing.
- 8.18. However, whilst the sites use will continue to remain within Use Class D1, the resulting impact from a community centre use (including prayers) is different from school or health centre uses which tend to operate with less flexibility in terms of hours and number of children/users. With regards to potential noise impacts, it is important to assess the impact and consider whether overall with the imposition of conditions if granted, the resulting impact can be suitably controlled in order to protect residential amenity.
- 8.19. The amenity impacts arising from the development have been considered previously within planning application PA/16/00901. The acceptability is subject to the following conditions which were imposed on the previous application.
- 8.20. - A condition restricting the number of end users to a maximum of 160 persons at any time was agreed and conditioned under PA/16/00901. It is considered that there has not been a material change in circumstances to consider a different restriction on the number of people and as such, a condition is recommended to restrict the number of people to 160 at any given time if granted.
- 8.21. – A condition restriction the proposed hours of operation to: Mondays to Saturdays: 09:00 to 22:00 and 09:00 to 17:00 on Sundays and Bank holidays except during Ramadan when extended hours of 09:00 to 00:30hrs are permitted.
- 8.22. Ramadan is a month within the Islamic Calendar where a greater commitment is shown to perform evening prayers in congregation. The Islamic Calendar is approximately 10 days

shorter than the Gregorian calendar, and as such, Ramadan will vary each year. The approximate days for 2019 and 2020 are listed below.

- 2019 – between 5th May to 4th June
- 2020 – between 23rd April to 23rd May

8.23. With the evening prayer being after sunset, Ramadan in the next few years will continue to fall within some of the longest days of the year and as such, the evening prayers will commence after 10pm.

8.24. As such, if officers were minded to grant planning permission the following hours of operation would have been secured via condition:

- Monday to Friday: 09:00 to 22:00
- Saturday: 09:00 to 22:00
- Sunday and Bank holidays: 09:00 to 17:00
- Ramadan: 09:00 to 00:30.

8.25. It is also considered necessary to re-apply the following noise condition if planning permission was to have been granted. 'There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises.' to further preserve residential amenity.

8.26. In summary, it is considered that the proposal subject to conditions meets policy DM25 which seeks to protect residential amenity.

Transport and Highways

8.27. Policy SP09 of the Core Strategy seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places in their own right, to ensure a strategic, accessible and safe street network across the borough.

8.28. The application site provides 11 off street car parking spaces and 10 cycle spaces. The provision and retention of the cycle spaces will be secured via condition if granted.

8.29. The most recent temporary permission on the site, PA/16/00901, applied three conditions relevant to this. These were:

Condition 5 – Cycle spaces

Condition 6 – Maximum capacity of users

Condition 7– Management Plan

8.30. Following consultation, the Transportation and Highways Team has requested the imposition of conditions 5, 6 and 7 to any permission.

In summary, subject to conditions, the proposal is acceptable in highways terms.

Flood risk

- 8.31. Given the use on site is not changing, and the proposed retained buildings are temporary, it is not considered that the flood risk on site, or to future users and the surrounding area, will increase as a result of the proposal if granted permission.

Other matters raised in consultation

- 8.32. The substantial support for the continued use of the premises are noted, and to some extent outline the importance of the proposed community use and help to demonstrate a local need. However as a material planning consideration they are not considered to be decisive in coming to a recommendation on this application.
- 8.33. The Council's Capital Delivery Team has advised a programme adopted by the Mayor in Cabinet on 30th January 2018 has a budget allocation of £14.2m for 2018-2022 for the sites redevelopment. In terms of a timetable an period from August 2017 to September 2018 has been set aside for design development and pre-application discussions. A submission of a planning application is targeted for September 2018 and a start on site in mid 2019.
- 8.34. These dates are noted, however there is no guarantee this would be adhered to and there is no guarantee planning permission will be granted. As such, with the level of uncertainty, officers give this little material weight in the consideration of this application.

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 Conventions 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 the 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's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (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 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. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

EQUALITIES

- 9.9. The Equality Act 2010 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-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 9.11. Should planning permission be refused and the use cease, there is a possibility some of the many activities highlighted above cease for a temporary or permanent period. Given some of these activities are targeted to BME and hard to reach groups as well as other protected characteristics listed above, regard has to be had to their need under the Act listed above.
- 9.12. In this case, the needs of the community have been considered within the main body of the application and in coming to a recommendation. The grant or refusal of planning permission does not itself determine whether these activities take place, these are at the discretion of the applicant. Furthermore, these activities do not provide sufficient justification for a temporary use, if the need persists a permanent consent should be sought and for the reasons outlined above a permanent use, by virtue of the temporary nature of the existing buildings is not acceptable to the Council.
- 9.13. As such, which the protected characteristics have been noted, these are not considered sufficient to out-weigh planning policy and guidance.

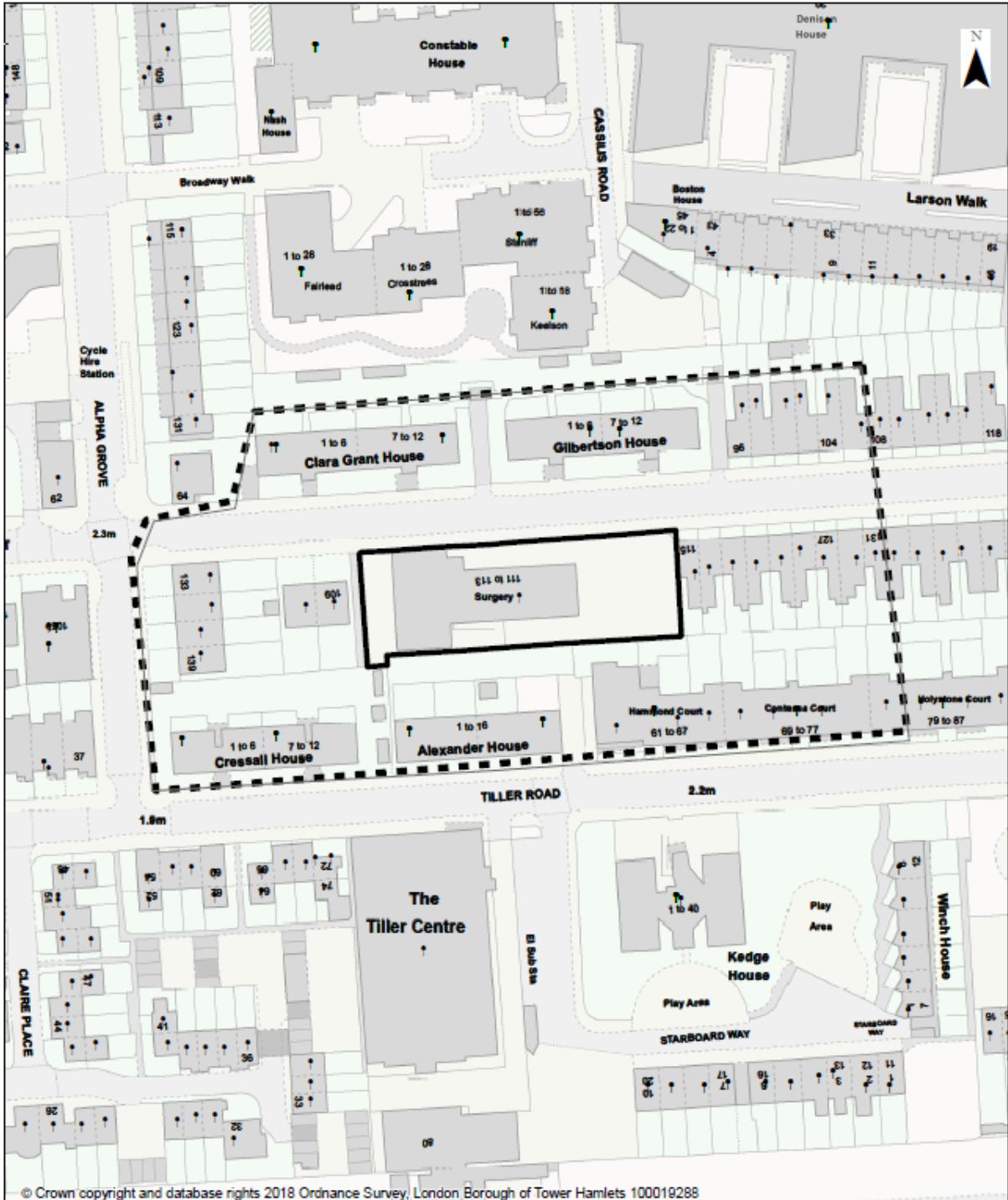
FINANCIAL CONSIDERATIONS

- 9.14. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.
- 9.15. The proposed development is not of sufficient size to require a S106 legal agreement

CONCLUSION

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reason set out in RECOMMENDATION section of this report.

Appendix 1: Site plan



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- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

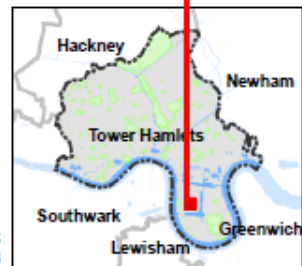
Scale @ 1:1,030
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/18/00424

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.



GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 05/06/2018



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Agenda Item 7.2

Committee: Development	Date: 20 th June 2018	Classification: Unrestricted	Agenda Item Number: 7.2
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Report of: Directorate of Place	Title: Applications for Planning Permission
Case Officer: Kevin Crilly	Ref No: PA/15/01846
	Ward: Bromley South

1.0 APPLICATION DETAILS

Location:	Caspian Wharf 39 - 75 Violet Road, London E3 3FW.
Existing Use:	Residential (Class C3)
Proposal:	Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square
Drawings and documents:	SZ.0919-7700A, KMW_1616_AP024 KMW_1616_AP025, KMW_1616_AP022 KMW_1616_AP006, KMW_1616_AP023 KMW_1616_AP005, 4D_1729_PL_100, 4D_1729_PL_200, 4D-1729-AP000 B 4D_1729_AP026B, 4D_1729_AP007B 4D_1729_AP000 D
Applicant:	Berkeley Homes (North East London Ltd)
Ownership:	Berkeley Homes (North East London Ltd)
Historic Building:	None
Conservation Area:	Adjacent to Limehouse Cut Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (MALP 2016) as well as the National Planning Policy Framework.
- 2.2 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey Square. Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square

and Bow Enterprise Park, the removal of the unauthorised pedestrian gates at the entrance to Ligurian Walk and the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.

- 2.4 The main material planning considerations for members to consider are; whether the proposed works would provide appropriate improvements to the security of the site whilst not creating a gated community; or compromising on public access to the canalside walkway and the wider Limehouse Cut which is contrary to national, regional and local planning policies.
- 2.5 Officers accept that a number of residents have expressed concerns about the anti-social behaviour levels within the Caspian wharf development; following discussions with the applicant the proposal has been revised and offers improved security through the addition of gates to Voysey Square whilst improving public access through the addition of a gate between Voysey Square and the neighbouring Bow Enterprise Development and removing the gates to Ligurian Walk to improve public access along the canal and to the blue ribbon network.

3.0 RECOMMENDATION

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

Conditions

Compliance conditions

1. Permission valid for 3 years;
2. Development in accordance with approved plans;

Prior to commencement conditions

3. Access Strategy, including hours each of the gates are open during daylight hours

3.1 Informative

That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey Square. Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square and Bow Enterprise Park, the removal of the pedestrian gates at the entrance to Ligurian Walk and the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.
- 4.2 The proposed entrance gates to Voysey Square and Seven Seas Garden would measure 8.3m in width and 3m in height. Both sets of gates will be set back 6 metres from the highway.



Figure 1 – Gates to Seven Sea Gardens

- 4.3 Vehicular access will be through a double gate opening inwards and pedestrian access will be through two single gates either side of the vehicular gate.

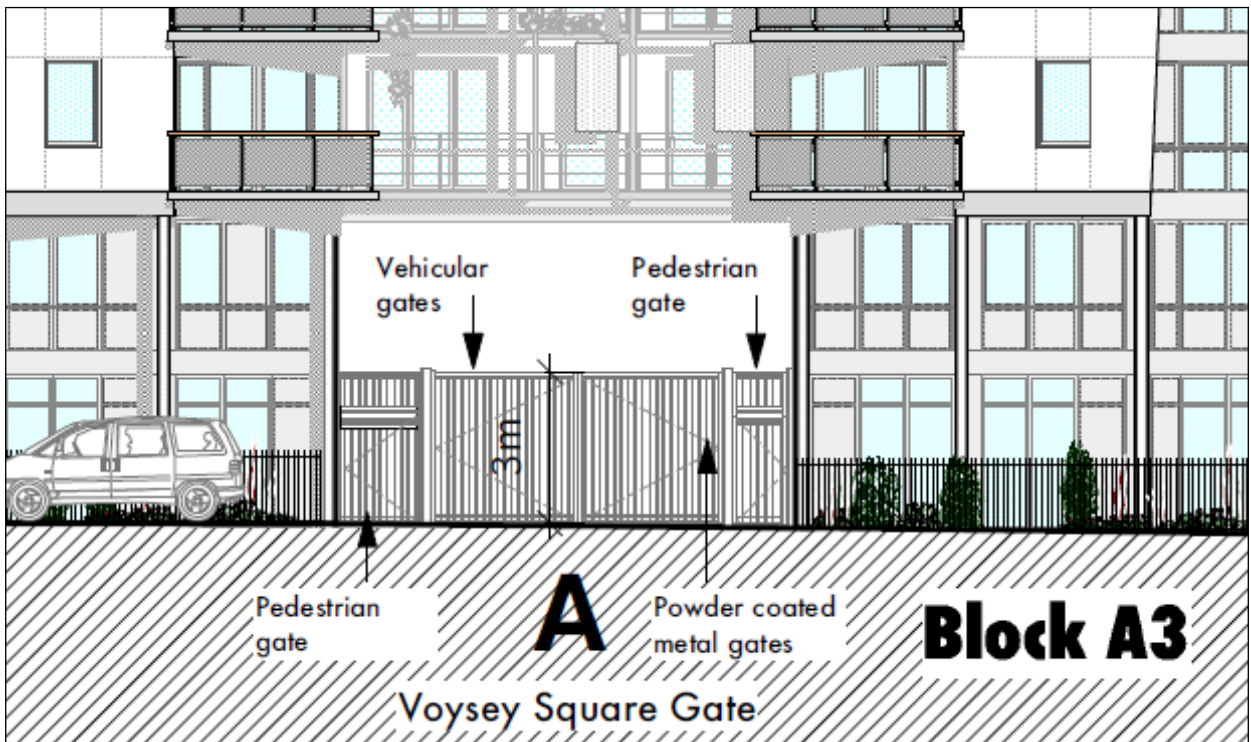


Figure 2 – Gates to Voysey Square

- 4.4 The proposal has been revised since submission to include the removal of the pedestrian gates to Ligurian Walk and to provide pedestrian access through the site from the Bow Enterprise Development and from Voysey Square to Seven Sea Gardens.

Site and Surroundings

- 4.5 The application relates to the Caspian Wharf development, which is a mixed use development with commercial units located at ground floor along Violet Road and residential units located above and also enclosing the two residential squares at Seven Seas Gardens and Voysey Square.
- 4.6 The Caspian Wharf development on the eastern side of Violet Road benefits from two vehicular and pedestrian entrances facing on to Violet Road. This includes the gate proposed under this application, which is the main vehicle access point and also the set of gates directly opposite Yeo Street which is an emergency vehicle access point. In addition a further canalside walkway access point is available to the south of the Caspian Wharf site along the canalside path (Ligurian Walk) which currently has unauthorised gated access. From officers investigations it appears these pedestrian gates are open on occasions during the day however there does not appear to be a consistent closing/opening time for these gates and there have been numerous occasions where it has been noted that these gates have been closed during the day. In addition, the gating of the emergency vehicle access point is also contrary to Schedule L of the Section 106 Agreement which forms part of the original planning permission for the site (PA/05/01647 and varied under PA/08/01763) which clearly demonstrate on 'plan 2' that the gates are to be permanently removed.
- 4.7 The application site is not located in close proximity to any listed buildings; however, the site does lie to the north of the Limehouse Cut Conservation Area with the southern boundary of the Caspian Wharf development and the canalside walkway being located on the boundary of this conservation area.

Planning History

- 4.8 There is a vast amount of planning history for the application site; however, the most relevant has been detailed below:
- 4.9 Caspian Wharf development site is effectively divided into two separate planning permissions for a) Sites A and B; and b) Sites C and D and following permissions are relevant.

Site A and B

- 4.10 PA/05/01647 (Parent Permission) for Site A and B - planning permission was first granted on 03/05/2007 for the redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing. This permission was implemented.
- 4.11 PA/07/03049 (Varied Permission) – The planning permission PA/05/01647 was subsequently varied by this permission which was approved 30/05/08.

The amendments secured by this permission related to changes to the wording of the conditions which identified triggers for Site A and B. The application required a new permission to be issued and therefore PA/07/03049 is the varied permission for Sites A and B.

- 4.12 PA/11/00097 (Implemented Permission) – The Planning permission PA/07/3049 was further varied by this permission which was approved 21/07/11.

This permission secured minor amendments to the parent permission and therefore required a new planning permission to be issued and therefore becomes the Implemented Permission for Sites A and B.

Sites C and D

4.13 PA/07/2706 (Parent Permission) – Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 142 residential units, Class A1,A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing was granted on 18/07/2008

4.14 PA/07/2762 (Varied Permission) - Planning permission was granted on 29/08/2008 for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (32.2 metres) for mixed uses purposes including 191 residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, children's play area, landscaping, access and servicing.

This was a similar proposal to PA07/02706 however included semi private amenity areas within PA/05/01647 scheme to include basement parking for the proposal.

4.15 PA/08/01763 (Implemented Permission) – The planning permission PA/07/02762 was subsequently varied by this permission which was approved 29/01/2009.

The Implemented Permission altered access to the basement to allow affordable housing to be delivered at earlier phase however in general, the proposal was identical to PA/07/2762

4.16 The Section 106 Agreement for this permission is relevant which secured the obligation to remove gates along Violet Road frontage shown on the approved plans.

4.17 PA/14/02934 - Retrospective application for the erection of entry gates between block A1 and A2, fronting Violet Road. Withdrawn 23/02/2015

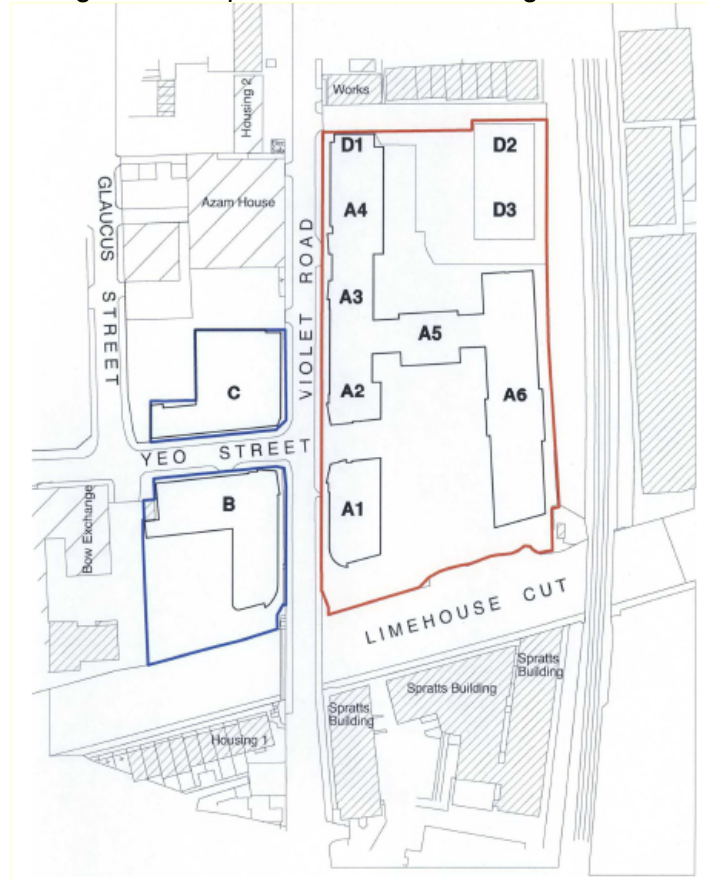
4.18 PA/14/01762 & PA/14/02059 - Erection of entry gates at the main vehicular access fronting Violet Road.

Presented to Development Committee on 17/12/2014

On a vote of six in favour of this proposal and one against, the Committee *were minded to defer the application for further information on the enforcement action and investigation in respect of the canal side access and the unlawful gates within the development and also for consultation with the applicant about other alternatives measures to minimise anti-social behaviour within the Caspian Wharf development site.*

4.19 Figures 3 below details the sites and blocks referred to in the site history above

Figure 3. Caspian Wharf site showing blocks.



5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance (NPPG)

5.3 London Plan (2016)

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 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
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

5.4 **Tower Hamlets Core Strategy 2010**

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

5.5 **Managing Development Document 2013**

- DM12 - Water spaces
- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

5.6 **Supplementary Planning Documents**

Limehouse Cut Conservation Area Character Appraisal

5.7 **Emerging Policy**

The weight given to the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits', the Draft New London Plan and the Draft National Planning Policy Framework is currently limited given that the documents have not yet been subject to Examination in Public.

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:

LBTH Transportation & Highways

6.3 The applicant has submitted a revised application. This includes changes to the proposed vehicle gates and cycle storage. The gates are now sufficiently set back to allow a vehicle to sit fully off the public highway and are acceptable.

6.4 It is proposed that there is no loss of cycle parking over the consented scheme and 190 spaces are proposed. It appears that cycle theft is still being reported and although the gating may reduce this the thefts are taking place from the existing cycle stores. The applicant has not proposed any further security measures to prevent this

6.5 It would appear that the applicant is still proposing to cut off public access to the canalside side. In terms of permeability this should be resisted and the public should continue to be allowed access to the canalside rather than this area being made a private amenity.

6.6 Officer comment: *The application has been amended to remove the pedestrian gates to Ligurian Walk. Full details of the cycle and waste storage including 1:20 drawings of cycle stands will be secured by condition*

Crime Prevention Officer

- 6.7 The Metropolitan Police welcome the addition of further gates at Voysey Square but cannot support the removal of the pedestrian gates adjacent to the canal and Gym.
- 6.8 Removal of the pedestrian gates in this isolated aspect of the development will undermine the developments successful security strategy which has delivered a 50% reduction in reported crime over the last two years.
- 6.9 The lack of any alternative to the removal of these pedestrian gates will place staff, local business and homes under enhanced risk of crime and disorder. With no alternative mitigation offered to reassure police or residents that this location will not become a crime generator once the changes have been made.
- 6.10 Officer comment: The objections of the crime prevention officer are acknowledged however no evidence has been provided which identify this development as being a particularly high crime area. Officers are of the view that the introduction of gates as a method of crime prevention should only be employed in exceptional circumstances where the benefits of creating a secure environment outweigh the harm from creating a gated development, restricting access to the blue ribbon network and reducing permeability.

Canal and River Trust

- 6.11 No objections to the application

7.0 LOCAL REPRESENTATION

- 7.1 A total of 705 neighbours letters were sent to neighbours and interested parties.
- 7.2 Since the submission of the application in July 2015 a number of amendments have been made to the proposal following discussions between Council officers and the applicant. The consultation responses have been separated into two sections to acknowledge the changes to the proposed scheme and the different issues that have arose as a result of these changes.
- 7.3 The number of representations received in response to notification and publicity of initial version of the application in July 2015 is as follows:
- | | |
|-----------------------------|-------------------------------------|
| No of individual responses: | letters: 30 letters of support |
| | 1 letter in objection |
| | Petition: 175 signatures in support |
- 7.4 The following comments were raised in relation to supporting the proposal:
- The installation of an entrance gate will prevent anti-social behaviour and enhance the security of the flats. Examples of ASB include; people making excessive noise (particularly late at night), garage and bike theft and gangs hanging around
 - The undercroft and immediately surrounding roads suffer from congestion with cars blocking the main entrance and restricting access to the basement parking. Many of these individuals are uncooperative toward residents. This

action has resulted in accidents caused by illegally parked cars and dangerous car movements.

- The proposed gates will improve the amenity of the site and will make the area quieter in general
- The proposed gates will improve the safety of the area and also the safety of young children using the play area
- The installation of the gates will improve the flora and fauna and improve the wildlife habitats
- The introduction of gates to Voysey Square will improve security for cars and bicycles within the development.

7.5 The revised proposal included improved access between Bow Enterprise Park, improved access between Voysey Square and Seven Seas Gardens and the removal of the pedestrian gates to Ligurian Walk

7.6 The number of representations received in response to notification and publicity of initial version of the application in February 2018 are as follows:

No of individual responses:	Letter: 18 letters in objection 1 letter in support
-----------------------------	--

7.7 The following comments were raised in objection to the proposal:

- Removing the pedestrian gates will greatly increase anti-social behaviour.
- There are many other examples of gated developments within the borough and along the canalside.
- It seems unnecessarily inconvenient for users of the underground car park who will now have to open the Voysey Square gates as well as the existing car park gates.
- Integration with the wider community and public access is fine, but as a resident, that should not be at the expense of my safety around the estate.
- Part of this proposal is to remove the pedestrian gates at Ligurian Walk. I am opposed to this as it would allow unrestricted access to the Caspian Wharf estate. It would render the gates at Seven Sea Gardens meaningless as there would be unrestricted access via Ligurian Walk.
- There are significant number of other developments in the close neighbourhood that can enjoy 24 hrs gated protection incl. the council's newly built own estate at Watts Grove which includes a publicly financed playground that the general public don't have access to.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Design
2. Transportation
3. Amenity
4. Conclusion

Design

- 8.2 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.3 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.4 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.5 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore, policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.6 Entrance gates such as those proposed within this application would not be considered good placemaking or urban design and would not be considered an enhancement to the character and setting of the property or the wider streetscene. However, given the gates would be set back 6m from the street frontage, and improved pedestrian access is proposed both from the neighbouring Bow Enterprise Development and along the Canal at Ligurian Walk the addition of the vehicle gates is considered by officers to be acceptable from a design perspective in this instance.

Accessibility/Permeability

- 8.7 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.8 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 sets out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27

states that development should protect and improve existing access points to the blue ribbon network.

- 8.9 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.10 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.11 The photograph below shows the existing gates to Seven Seas Gardens which would be retained and set back 6m from the street.



Existing gates to Seven Seas Gardens

- 8.12 The proposed application would restrict access to the site through the installation of gates to Voysey Square and the retention of the gates to Seven Seas Gardens. This is generally not supported by Local Plan policy and would be considered poor urban design. However, the application proposes to create improved access between the neighbouring Bow Enterprise residential development and Caspian Wharf as well as between Voysey Square and Seven Seas gardens, and additionally improving the public access along the canalside at Ligurian Walk. Given the improvements to the

access proposed throughout the site, it is officer's view that on balance, the addition of gates to the Violet Road entrances would be acceptable in this instance.

- 8.13 The photograph below shows the entrance to Voysey Square. The application proposes installing both vehicle and pedestrian gates to this entrance which will provide improved secure access to Voysey Square residential properties and to the car park



Entrance to Voysey Square

Secure by Design

- 8.14 The application has been submitted to address concerns raised by residents that unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site.
- 8.15 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.16 Policy 7.3 of the London Plan (2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.17 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.

- 8.18 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.19 The development as proposed has been designed following extensive discussions between officers and the applicant and seeks to improve security for residents by limiting access to the car park entrance within Voysey Square whilst also limiting the barriers to movement and comply with Development Management policy DM23 by providing public access to the canal side and the blue ribbon network and improve connections between Caspian Wharf and the neighbouring development at Bow Enterprise Park.
- 8.20 The photograph below shows the unauthorised pedestrian gates to Ligurian Walk which are proposed to be removed as part of this application to improve public access to the canal side and the blue ribbon network.



Unauthorised pedestrian gates to Ligurian Walk

- 8.21 It is acknowledged that a number of residents from within Caspian Wharf have objected to the removal of the pedestrian gates adjacent to the canal on Ligurian Walk primarily due to concerns over anti-social behaviour. Whilst these concerns are noted it is officers view that the presence of on-site security and a 24 hour concierge service as well as CCTV in this area would be sufficient to manage any anti-social concerns. Furthermore, the addition of the vehicular gates to Voyesy Square would improve security and limit access to the car park. It is noted from the crime log submitted with the application (Appendix 1) that a significant number of the logged incidents involved access to this car park area.
- 8.22 Whilst the anti-social behaviour and crime concerns of residents are acknowledged it is necessary to balance these concerns against the original intentions for the site and the wider public access in particularly along the canal side and to the blue ribbon network. As can be seen from the image in figure 4 and 5, which are taken from the original landscape strategy for the site, Whilst there is no direct route through to the remainder of the canalside, the intention for this area along Ligurian Walk was to

provide enhanced amenity space which would be open and accessible to the public. The removal of the unauthorised pedestrian gates would create a more open and welcoming access to this space. It is officer's view that this compromise would go some way to achieving this vision and would in part counter balance the barriers created by the addition of the vehicular gates to the two entrances to the development on Violet Road.



Figure 4 – Landscape Plan- Ligurian Walk – Canal side

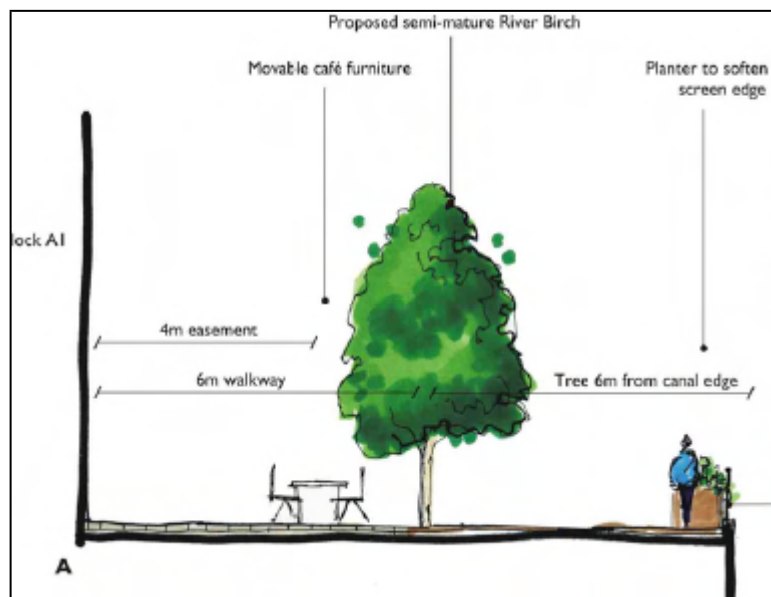


Figure 5 – Section A-A1 - Ligurian Walk – Canal side section

- 8.23 Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining an unrestricted public access route through the Caspian Wharf development to the canalside walkway and beyond.
- 8.24 Considering the above, officers conclude that, on balance, the erection of the vehicular gates to the Violet Road entrances, the removal of the unauthorised gates along Ligurian Walk and the creation of access between the Bow Enterprise Development and Caspian Wharf would both improve security for residents of the

development whilst providing improved access for members of the public to the blue ribbon network and to the canal side walkway.

Amenity

- 8.25 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.26 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.28 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.29 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.30 It is noted that the proposed gate to Voysey Square will be directly below and adjacent to habitable rooms. Given that the undercroft is currently used for vehicular and pedestrian access in the existing situation, introducing a gate in this location is unlikely to cause a significant detrimental impact on neighbouring amenity.
- 8.31 It is not thought that the removal of the pedestrian gates to Ligurian Walk would cause a significant detrimental impact on neighbouring amenity given this would be adjacent to the existing ground floor gym and not directly adjacent to any ground floor residential units.

Highways and Transportation

- 8.32 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.34 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.

- 8.35 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.36 The proposed gates are sited on private highway within the Caspian Wharf development which is set back from the boundary with the public highway. LBTH Highways and Transportation department have not objected to the proposal as there is sufficient set back from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. It is considered that the proposal accords with policy on both safety and capacity grounds.

Conclusion

- 8.37 Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Caspian Wharf development. The addition of the vehicle gates to Voysey Square will improve security and limit access to the car park and cycle storage in this area. The concerns from residents with regards anti-social behaviour and the removal of the gates to Ligurian Walk is also acknowledged however it is officers view that these concerns can be managed through the existing CCTV, security, and the 24hr concierge that is existing and is outweighed by the benefits of opening this area to the public and improving access to the blue ribbon network and the canal side.

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.

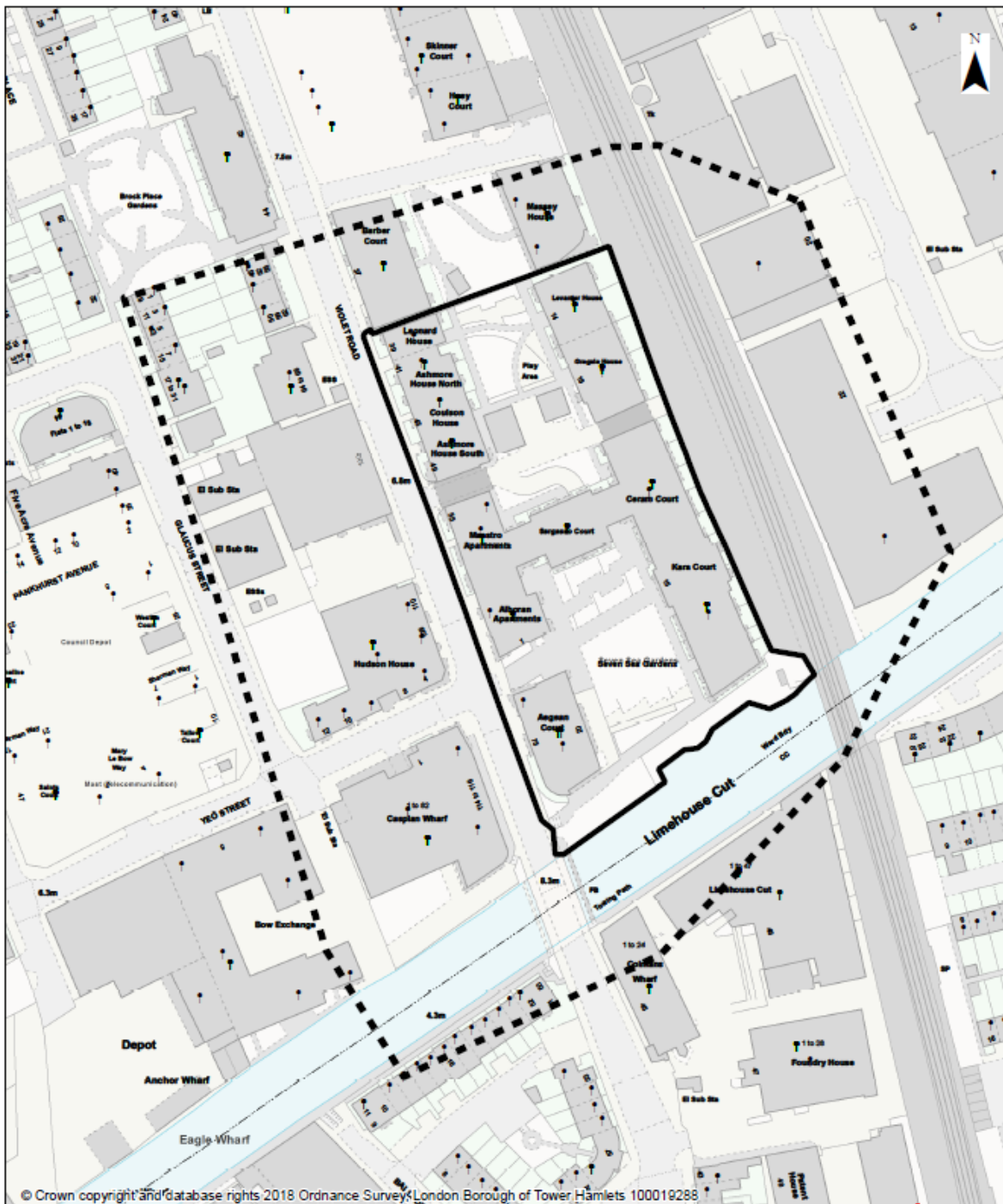
10.0 EQUALITIES ACT CONSIDERATIONS

- 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.
- 10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

11.0 CONCLUSION

- 11.1 All relevant policies and considerations have been taken into account. Planning Permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report

12.0 SITE MAP



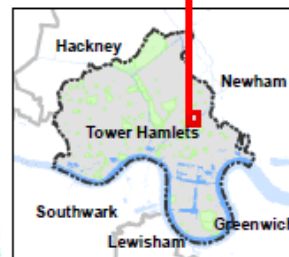
-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,436
 20 10 0 20 40 60 Meters

Planning Application Site Map PA/15/01846

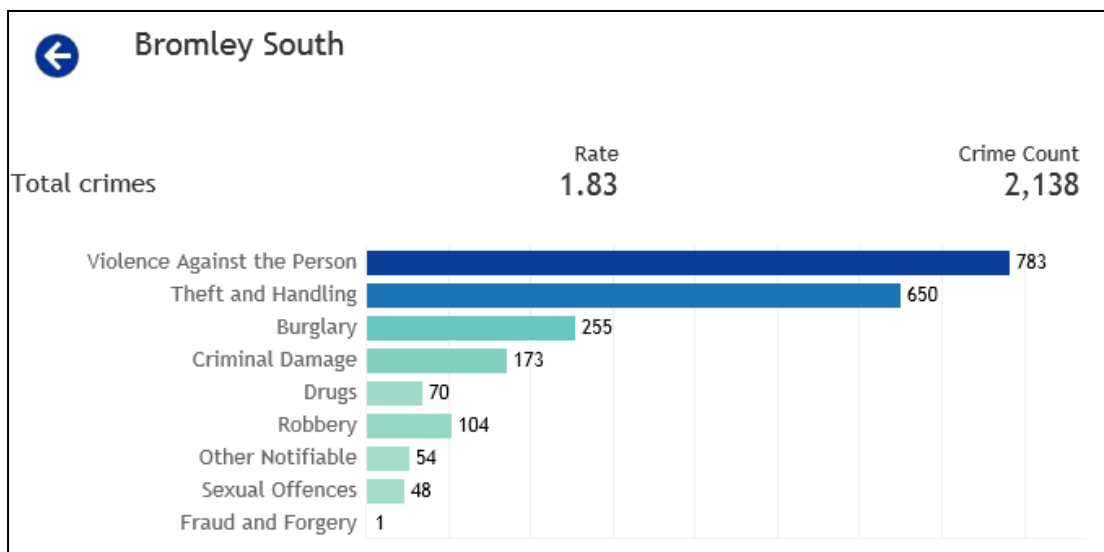
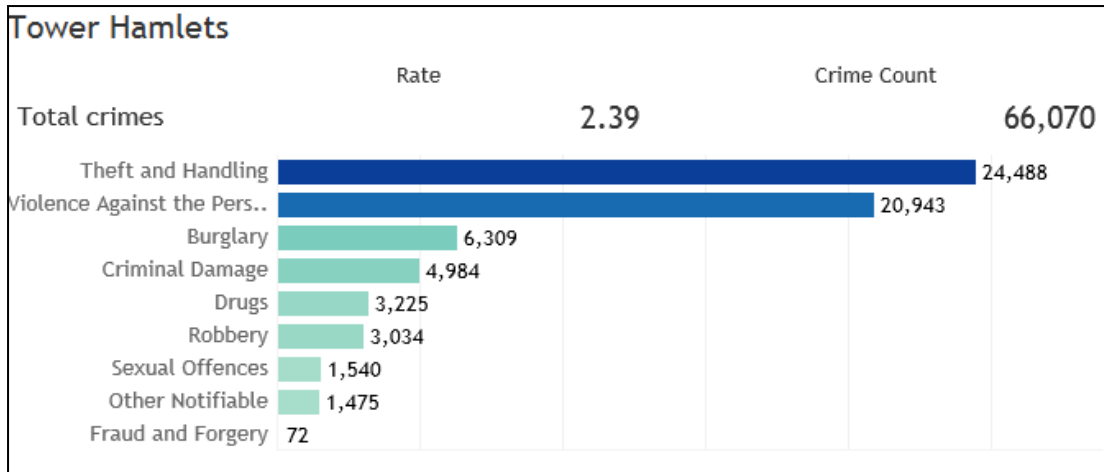
This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.


 GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 06/06/2018



Appendix 1 – Crime Figures

Total Crime rate April 2016 – April 2018



Recorded crime for Caspian Wharf in particular

Total Crimes from 2017 - 2018 = 9

1 x Residential burglary

2x Criminal damage

1 x Public order

3x malicious communications

1 x Domestic incident

Total Crimes from 2016 - 2017 = 18

2 x Sexual assault female

1 x Actual Bodily Harm

1x Common Assault

3 x Commercial Burglary

1 x Criminal damage

7 x Theft of or theft from a motor vehicle

1 x Theft of cycle

1 x malicious communications