

DEVELOPMENT COMMITTEE

Thursday, 14 May 2015 at 7.00 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

UPDATE REPORT

This meeting is open to the public to attend.

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Update Report

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Agenda Item 7.2

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

14th May 2015

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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| Agenda item no | Reference no | Location | Proposal / Title |
|----------------|----------------------------|--|--|
| 5.1 | PA/14/02753 PA/14/02754 | The Forge, 397 & 411 Westferry Road, London, E14 3AE | Planning permission and Listed Building Consent is sought for change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking. |
| 6.1 | PA/14/02366 | Bethnal Green Gardens, Cambridge Heath Road | Change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities. |

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| 6.4 | PA/15/00044 | 144-146 Commercial Street, London, E1 6NU | <p>A new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit</p> <p>Construction of four storey rear extension to facilitate new stair case</p> <p>Reconfiguration of window arrangement at the rear</p> <p>Refurbishment of the front façade</p> <p>Installation of a green roof</p> <p>Internal reconfiguration consisting of:</p> <p>Relocation of residential stair case</p> <p>Conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level.</p> |
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| Agenda Item number: | 5.1 |
| Reference numbers: | PA/14/02753 & PA/14/02754 |
| Location: | The Forge, 397 & 411 Westferry Road, London, E14 3AE |
| Proposal: | <p>Planning permission and Listed Building Consent is sought for change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.</p> |

1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Four representations have been received since the publication of the deferred item report. Two of these are in support of the proposal and include a letter from the applicant and the other two object to the proposal. It should be noted that one of the representees who objected has already previously objected.
- 1.2 Most of the issues raised in the additional representations have been raised previously and are addressed in the officers' report. The applicant's letter attempted to clarify a few further issues that were raised at committee.
- 1.3 A further clarification was offered by the applicant with regards to the position of the various units within the Forge as the best possible arrangement in terms of maximising the light received to all of the units. If the interchangeable unit and two offices were on the other side then the amount of light received by the offices to the rear would be much lower than the current arrangement.
- 1.4 The applicant also outlined that there is no advantage to be gained by the retail unit from being on the north western side of the building in terms of additional visibility of signage for the unit.
- 1.5 The applicant draws the Council's attention to a recent Planning Appeal by Tesco Stores Limited. Attached to the appeal decision that grants permission, the Inspector has imposed a condition that limits the size of the delivery vehicles.

Officer Comments

- 1.6 In terms of the position of the units within the Forge the impact on light levels at the rear offices by swapping the retail unit and interchangeable is noted. It is also considered that there would be no additional visibility gained for the retail unit by being on the north western side.
- 1.7 Although the applicant has been able to find an example of a condition that restricts the size of delivery vehicles it is still the view of the Council that a condition of this type is not enforceable as it is a Highways matter. The National Planning Policy Guidance states that conditions cannot be imposed outside of the application site. There are however ways that the size of delivery can be restricted. The submitted Service Management Plan would be conditioned to be implemented which includes the details of the restriction to the size of delivery vehicles to no more than 8 metres in length. Members should also note that there would be a further restriction of the size of delivery vehicles from the parking bays on either side of the loading bay, outlined in the deferred item report.

2.0 LOCAL FINANCE CONSIDERATIONS

- 2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended by the Localism Act) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 2.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 2.3 In this context "grants" might include New Homes Bonus. This application would not attract a any New Homes Bonus.
- 2.4 Local finance considerations are capable of being material planning considerations when determining planning applications or planning appeals.
- 2.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £39, 749
- 2.6 This application is also subject to the Tower Hamlets Community Infrastructure Levy, which came into force for application determined from 1 April 2015.

This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Councils adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £0.

3.0 RECOMMENDATION

3.1 Officers' original recommendation to GRANT planning permission remains unchanged.

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| Agenda Item number: | 6.1 |
| Reference number: | PA/14/02366 |
| Location: | Bethnal Green Gardens, Cambridge Heath Road |
| Proposal: | Change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities. |

1.0 ADDITIONAL REPRESENTATIONS

3.1 Five additional letters of objection and a petition in objection with 166 signatures were received since publication of the committee report.

3.2 All of the issues raised in the additional objection letters and petition have been raised previously and are addressed in the officers' report.

2.0 RECOMMENDATION

2.1 Officers' original recommendation to GRANT planning permission remains unchanged.

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| Agenda Item number: | 6.4 |
| Reference number: | PA/15/00044 |
| Location: | 144-146 Commercial Street, London, E1 6NU |
| Proposal: | <p>A new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit Construction of four storey rear extension to facilitate new stair case Reconfiguration of window arrangement at the rear Refurbishment of the front façade Installation of a green roof</p> <p>Internal reconfiguration consisting of: Relocation of residential stair case Conversion of existing 2 x 1 bed flats to 2 x 2 bed flats at first and second floor level.</p> |

1.0 Addition of section on Local Finance Considerations

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

Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context "grants" might include New Homes Bonus.

These are material planning considerations when determining planning applications or planning appeals.

As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £3710.00.

This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with

the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £21,200.00.

The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,279 in the first year and a total payment of £7676.00 over 6 years.

2.0 RECOMMENDATION

2.1 Officers' original recommendation to GRANT planning permission remains unchanged.

