

# Development Committee

## Agenda

**Monday, 30 October 2023 at 6.30 p.m.**  
**Council Chamber - Town Hall, Whitechapel**

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

**Chair:**

Councillor Kamrul Hussain

**Vice Chair:**

Councillor Amin Rahman

**Members:**

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

**Substitute Members:**

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

**(The quorum for the Committee is 3 voting members)**

The deadline for registering to speak is **4pm Thursday, 26 October 2023**

The deadline for submitting information for the update report is Noon  
**Friday, 27 October 2023**

**Contact for further enquiries:**

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

Tel: 020 7364 3048

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

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



## Public Information

### Viewing or Participating in Committee Meetings

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

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

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

### Electronic agendas reports and minutes.

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

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



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## **A Guide to Development Committee**

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

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

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

### **Public Engagement**

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

# London Borough of Tower Hamlets



## Development Committee

Monday, 30 October 2023

6.30 p.m.

### APOLOGIES FOR ABSENCE

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

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

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 4 SEPTEMBER 2023.

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

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director 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.

**4. DEFERRED ITEMS**

**5. PLANNING APPLICATIONS FOR DECISION**

**6. 59 Lockesfield Place PA/22/02454**

**7. OTHER PLANNING MATTERS**

**Next Meeting of the Development Committee**

Thursday, 30 November 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

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

### **(i) Disclosable Pecuniary Interests (DPI)**

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

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

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

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

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

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

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

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

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

### **Guidance on Predetermination and Bias**

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

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

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

**Further Advice** contact: Janet Fasan, Divisional Director Legal and Monitoring Officer Tel: 0207 364 4800.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

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

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



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 18:30 ON MONDAY, 4 SEPTEMBER 2023**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present:**

Councillor Kamrul Hussain (Chair)  
Councillor Amin Rahman (Vice-Chair)  
Councillor Gulam Kibria Choudhury  
Councillor Abdul Mannan  
Councillor Faroque Ahmed  
Councillor Shahaveer Shubo Hussain

**Apologies:**

Councillor Sabina Akhtar  
Councillor Asma Islam

**Officers Present:**

Paul Buckenham	(Head of Development Management, Planning and Building Control, Place)
Astrid Patil	(Senior Planning Lawyer)
Gareth Gwynne	(Area Planning Manager (West) Planning and Building Control, Place)
Simon Westmorland	(Team Leader West)
Adam Hussain	(Planning Officer, Planning & Building Control)
Thomas French	(Democratic Services Officer (Committees))

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

There were no declarations of disclosable pecuniary interests.

**2. MINUTES OF THE PREVIOUS MEETING(S)**

None.

**3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.

2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

#### **4. DEFERRED ITEMS**

Nil items.

#### **5. PLANNING APPLICATIONS FOR DECISION**

##### **5.1 5th floor, 34 Westferry Circus, London, E14 8RR PA/23/00513**

This item was withdrawn at the request of planning officers.

##### **5.2 Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA PA/23/00719/PA/23/00720**

Update report was noted.

Paul Buckenham, Development Manager, introduced the application for provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

Adam Hussain, Planning Officer, provided a presentation on the application. The Officer's recommendation was to grant planning permission.

At the invitation of the Chair, objections were raised to the committee, highlighting the noise that would be generated by an outside space and the impact of increased footfall to the local area.

At the invitation of the Chair, the agent for the applicant highlighted how the proposals will allow for accessibility elements to be installed, greater environmental impact within the building and allow for an increase of use to benefit to the community that Rich Mix serves.

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

- What is the proposed amount of footfall predicted in the venue? The applicant confirmed that the aim is the return to the pre-covid levels of around 150,000 – 170,000 attendees annually. The proposals will help allow the Rich Mix to get back to those levels.
- How will the applicant allow for noise to be controlled when attendees visit and leave the venue? The applicant confirmed that there is a robust noise management plan in place to deal with visitors and noise.
- What noise levels have been experienced by residents and what action did the council take? Residents outlined the noise that has been experienced, including the air conditioning unit. Residents contacted the council and was supported by planning officers and environmental health, but it took effort to get concerns taken seriously.
- How confident are officers with the mitigation of the impact of noise from the venue? Officers confirmed that they are happy with the noise report and assessment that was submitted with the application, the noise report submitted by objectors was considered when making the officer recommendation. Noise Officers outlined the process around obtaining the noise levels and how this informs the officer recommendation.
- The Rich Mix has previous non-compliance with planning conditions, how does the applicant justify this? The applicant stated that the issues raised were 10 years ago and have been addressed and are not an issue for this application.

Members of the committee requested a site visit to understand the impact of noise and increased footfall. Members also requested an in-depth noise assessment. Officers advised that a site visit could be arranged if members voted to defer the application but stated that officers have provided an appropriately in depth noise report.

On a vote of 5 in favour, 0 against and 1 abstention the Committee agreed to defer the application, pending a site visit.

## **6. OTHER PLANNING MATTERS**

Nil Item.

The meeting ended at 19:21

Chair, Councillor Kamrul Hussain  
Development Committee

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## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

### Guidance for Development Committee/Strategic Development Committee Meetings.

#### Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.  Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul> 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](http://www.towerhamlets.gov.uk/committee) under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

**What can be circulated?**

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

**How will the applications be considered?**

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



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

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

**How can I find out about a decision?**

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

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

<p><b>Deadlines.</b>                  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 <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B.</li> <li>• Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7).</li> </ul>	 <p>Council’s Constitution</p>



## DEVELOPMENT COMMITTEE

### Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

#### STANDING ADVICE ON APPLICATIONS FOR DECISION

##### 1. INTRODUCTION

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

##### 2. THIRD PARTY REPRESENTATIONS

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

##### 3. ADVICE OF DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER

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

##### **Decisions on planning applications**

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

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

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

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

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

### **The Development Plan and other material considerations**

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

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

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

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

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

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

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

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



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

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

#### **Local finance considerations**

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

#### **Listed buildings and conservation areas**

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

#### **Trees and the natural environment**

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

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

### **Crime and disorder**

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

### **Mayor of London’s Transport Strategy**

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

### **Equalities and human rights**

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

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

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

- 3.25 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 3.26 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **Environmental Impact Assessment**

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

## **Other regulatory regimes**

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

## **4. RECOMMENDATION**

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

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## Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/22/02454
<b>Site</b>	59 Lockesfield Place, London, E14 3AJ
<b>Ward</b>	Island Gardens
<b>Proposal</b>	Erection of a first floor rear extension.
<b>Summary Recommendation</b>	Grant planning permission with conditions
<b>Applicant</b>	Mr R Patel
<b>Architect/agent</b>	Mr A Rahman, A786 Studio
<b>Case Officer</b>	Sally Fraser
<b>Key dates</b>	- Application registered as valid on 22/11/2022 - Public consultation finished on 27/12/2022

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## EXECUTIVE SUMMARY

The application property is an existing, registered small House of Multiple Occupation (use class C4), with 5 bedrooms and 5 occupants. The application proposes the erection of a first-floor rear extension, which would sit on top of an existing ground floor rear extension.

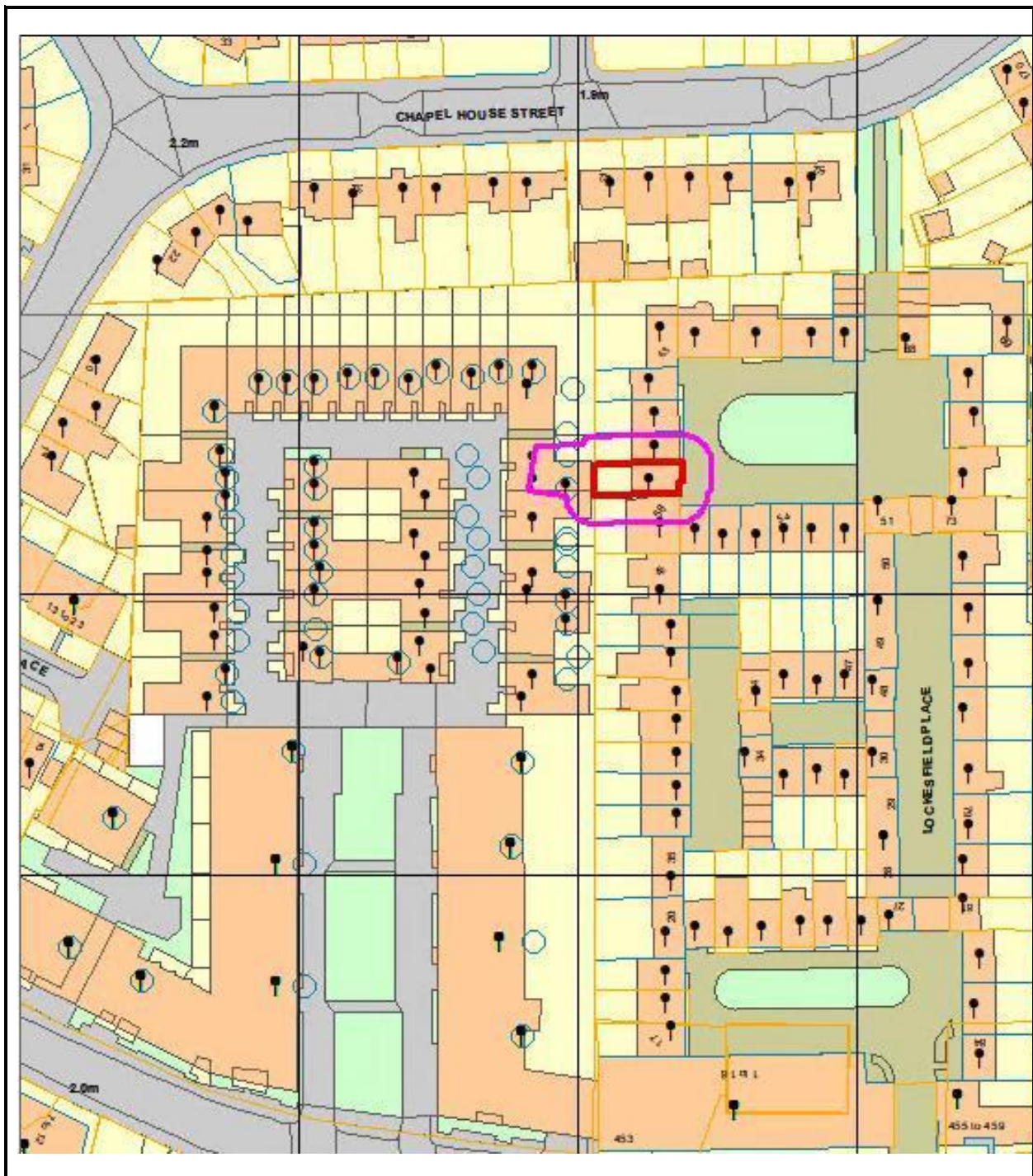
No additional bedrooms or occupants are proposed; the extension would facilitate additional floorspace within the first floor rear bedroom.

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

The proposal, by reason of its modest size and relationship with the neighbouring sites, would not result in any undue loss of light to or outlook from the neighbouring windows, nor any undue sense of enclosure to the neighbouring occupiers, from their homes or gardens.

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

**SITE PLAN:**



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings

**Planning Applications Site  
Map  
PA/22/02454**

This site map displays the  
Planning Application Site  
Boundary and the extent of the  
Scale: 50m grid squares



**TOWER HAMLETS** London  
Borough of Tower Hamlets

Date: 20 October 2023



# 1 SITE AND SURROUNDINGS

- 1.1 The Site contains a two storey mid-terrace property, with a recently constructed single storey rear extension. The property is used as a 'small HMO' (use class C4), with 5 occupants. The property has held an HMO Licence for a number of years and the current Licence expires in June 2025.
- 1.2 The Site forms part of the wider 'Lockesfield Place' estate, which comprises of modest terraced properties, developed in the late 1980s. Adjoining the site to the south lies number 58 Lockesfield Place and, to the north, number 60 Lockesfield Place. To the west of the site lies the recently constructed 'Island Point' residential development.
- 1.3 The site does not lie within a conservation area and the property is neither listed nor locally listed. The Chapel House Conservation Area lies some 30m to the north.



Figure 1 – Aerial photograph of the Site, with the subject and adjoining properties numbered



Figure 2 – Aerial photograph of the Site

## 2. PROPOSAL

- 2.1 The applicant seeks permission for the erection of a first floor rear extension.
- 2.2 The proposed extension would be 3m deep and 2.7m wide with a flat roof, in brick to match the existing house.
- 2.3 The extension would provide additional floorspace for the first-floor rear bedroom.
- 2.4 The proposal is an amendment to the scheme proposed within application PA/20/01092, which was refused by the LPA and dismissed at appeal in 2021. Application PA/20/01092 is referenced in the main body of this report as the 'Appeal Scheme'. A selection of drawings of the Appeal Scheme is at Appendix 3 and the appeal Decision is at Appendix 4.

## 3. RELEVANT PLANNING HISTORY

### Application site

- 3.1 PA/20/01092: Erection of a two storey rear extension. **Refused** 30/07/2020, for the following reasons:
  - *The first-floor extension by reason of its location, size and design, would be excessively bulky and discordant addition which would be out of scale with the host dwelling and out of character with the row of properties in which the application site sits;*
  - *The first-floor rear extension, by reason of its size, bulk and location, would result in significant and unacceptable loss of sunlight to and outlook from number 60 Lockesfield Place and an unacceptable sense of enclosure to the occupiers, as experienced from their home and garden*

The decision of the LPA was appealed on 20/10/2020, and the appeal was **dismissed** on 31/08/2021 (ref: APP/E5900/D/20/3261628); for the following reason:

- *The proposal would have an unacceptable impact on the living conditions of the occupiers of number 60 with regard to outlook and sense of enclosure*

- 3.2 PA/20/00257: Proposed single storey ground floor rear extension. Permitted, 02/04/2020.
- 3.3 PA/08/00206: Certificate of lawfulness for a proposed erection of a rear conservatory. Permitted, 02/04/2008.

### Neighbouring properties

- 3.4 PA.19/01763 (65 Lockesfield Place): Erection of a two storey rear extension. Permitted, 25/10/2019.
- 3.5 PA/19/02791 (64 Lockesfield Place): Erection of a two storey rear extension. Permitted, 14/02/2020.
- 3.6 PA/19/00543 (73 Lockesfield Place): Proposed ground and first floor rear extension. Permitted 16/07/2020.
- 3.7 PA/17/03127 (81 Lockesfield Place): Proposed ground and part first floor rear extension. Permitted, 15/06/2018.
- 3.8 PA/20/00632 (22 Lockesfield Place): Proposed double storey rear extension. Permitted, 18/05/2020.



3.9 PA/20/01773 (26 Lockesfield Place): Proposed double storey rear extension. Permitted, 19/10/2020.

#### 4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the Council sent out consultation letters to 7 neighbouring owners and occupiers.

4.2 A total of 20 letters of objection and 4 letters of support were received in response.

4.3 The issues raised in objection can be summarised as follows:

- Overdevelopment/ overbearing
- Reduction in sunlight/ daylight
- Privacy/ overlooking
- Sense of enclosure
- Noise and disturbance
- The estate wasn't built for HMO properties/ the property is currently used as an HMO for students
- Family homes are needed in Tower Hamlets/ loss of a large single-family home
- Pressure on parking
- Pressure on infrastructure
- Anti-social behaviour
- Pressure on recycling and refuse collection

4.4 The material planning considerations raised above are addressed in the main body of this report.

#### 5. CONSULTATION RESPONSES

5.1 None

#### 6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

- The London Plan (2021)
- Tower Hamlets Local Plan (2020)
- Isle of Dogs Neighbourhood Plan (2021)

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

**Design (layout, townscape, appearance, massing)**

London Plan - D1, D3, D4

Local Plan - S.DH1

**Neighbouring Amenity (privacy, outlook, daylight and sunlight, noise, construction impacts)**

- 6.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2021)
  - National Planning Practice Guidance (as updated)

## 7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
  - ii. Design and Heritage
  - iii. Neighbour Amenity

### Land Use

- 7.2 The property is currently used as a registered, small House in Multiple Occupation (hereafter HMO), with 5 occupants in 5 bedrooms. The property has been used as such for a number of years. The submitted floorplans indicate that the proposed extension would serve to provide additional space within the first floor back bedroom. It would not facilitate any additional HMO rooms and as such the property would remain a small HMO (use class C4).
- 7.3 As such, the proposal raises no land use issues.

### Design and Appearance

- 7.4 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form in its site and context; and represent good urban design by providing coherent building lines, roof lines and setbacks, complement streetscape rhythm and ensure optimal plot coverages to avoid over-development.
- 7.5 The first floor rear extension proposed within the Appeal Scheme was to be 3m deep, 3.2m wide and was to be set in from the side boundaries of the site by around 1.2m, with a subordinate hipped roof.

*At appeal, the Inspector stated that ‘the rear of the site has very limited public visibility, meaning that the visual impact of the extension would be contained and limited. The first floor rear extension would not be of excessive footprint or scale in comparison with the host dwelling and the bulk of the extension could be reasonably accommodated within the rear garden as a result of its depth and positioning’.*

- 7.6 The proposed first floor rear extension would have the same depth as that of the appeal scheme- 3m. The proposal differs from the ‘appeal scheme’ in the following ways:
- The provision of a flat rather than a hipped roof, which would match the height of the eaves level of the main roof
  - A reduction in width to 2.7m

- 7.7 As reflected in the appeal Decision and given the further reduced bulk, the extension is of appropriate scale, bulk and footprint, not appearing excessive in size in relation to the host property or garden. While the proposed flat roof is not reflective of the style of the main roof, the removal of the hipped roof reduces the visual dominance of the extension and the top of the extension would sit neatly at the main roof eaves line, not interfering with the main roof. In addition, the proposal would not be highly visible from the public realm. The extension would be constructed in materials to match the existing house and the window size and design

matches the other windows in the elevation. The images below indicate the existing and proposed first floor plans.

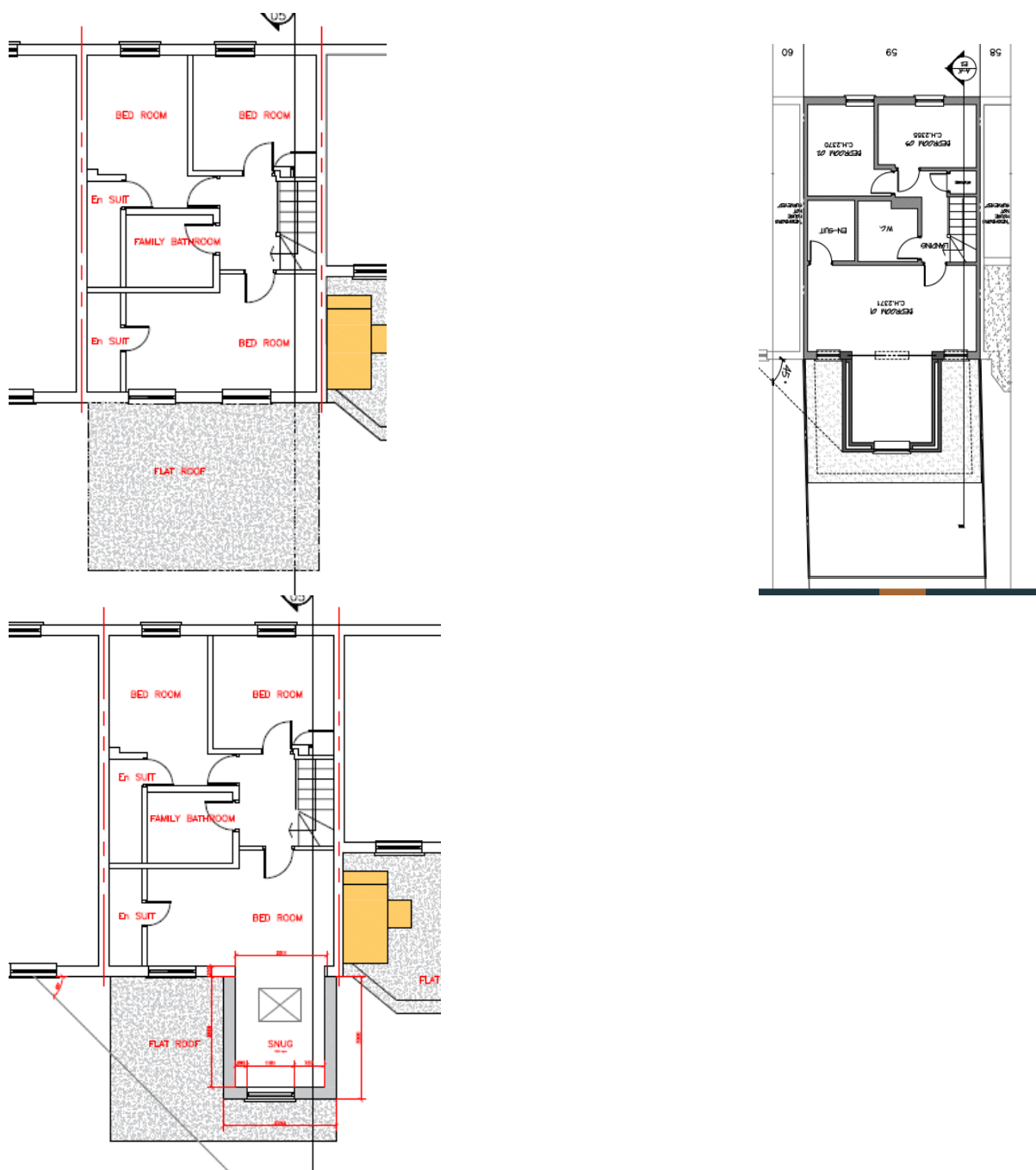


Figure 3 – Existing (left) and Proposed (right) first floor plans

- 7.8 It is also noted that a number of first floor rear extensions of a scale and bulk similar to that proposed, have been recently approved and constructed within the wider Lockesfield Place estate. The associated planning applications are referenced within the 'History' section above.
- 7.9 The proposal is of acceptable scale, bulk and design, in compliance with Local Plan policy S.DH1.

**Neighbouring residential amenity**

- 7.10 Policy D.DH8 of the Local Plan requires new development to protect the residential amenities of the neighbouring occupiers. To this end, developments should not unduly impact upon the privacy, outlook, daylight or sunlight experienced by neighbouring properties and should not lead to any undue sense of enclosure to the occupiers. In addition, developments should not

lead to undue noise and disturbance during the operational or construction phases of a development.

7.11 The first floor rear extension within the Appeal Scheme was to be 3m deep and 3.2m wide and was to be set in from the shared boundaries with number 60 to the north and number 58 to the south, by 1.2m. The appeal Decision stated the following with respect to the impact of the development on 'living conditions':

- *The rear of the terrace at and around the appeal site already feels enclosed given the close proximity of the three storey Island Point development and its associated lower structures which sit close to the rear boundaries on Lockesfield Place.*
- *The first-floor part of the extension would rather loom over the rear elevation and garden area of No.60 as a result of its positioning only a short distance from its southern boundary. The impact would combine with the sense of enclosure which already exists as a result of the Island Point development, to lead to a significant increase in sense of enclosure for the occupiers of No.60 above the existing baseline.*
- *The sense of enclosure would be felt from the rear patio doors, from where occupants would also suffer loss of outlook. It would also be felt from within the garden area, and these impacts would significantly detract from the occupants enjoyment of their home. I afford this matter significant weight.*
- *The proposal would have an unacceptable impact on the living conditions of the occupiers of No.60 with regard to outlook and sense of enclosure.*
- *It would conflict with the requirements of Policy D.DH8 (parts 1.a and 1.b) of the THLP which amongst other things requires that development is required to at a minimum protect the extent of the amenity of existing buildings and their occupants. It states that development must avoid an unacceptable increase in the sense of enclosure and ensure existing habitable rooms have an acceptable outlook.*

7.12 The proposed scheme differs from the Appeal Scheme in that the extension would be setback some 2.8m from the northern shared boundary line with number 60; and would sit on the shared boundary line with number 58 to the south.

7.13 In relation to the impact of the proposal on the occupiers of number 60 to the north- the distance between the extension and the shared boundary and the reduction in height of the extension would ensure that there would be no undue sense of enclosure to the occupiers, as experienced from their home or garden. In the same way, outlook from the rear windows would be preserved and the daylight and sunlight impacts would be less than those found to be acceptable within the Appeal Scheme, and acceptable. There would be no windows within the extension that would directly face the rear garden or windows at number 60 and as such there would be no undue loss of privacy to the occupiers.

7.14 In relation to the impact of the development on the occupiers of number 58 to the south- the first floor rear building line of number 58 is, as existing, set back from the rear building line of the subject property by around 2.5m. In relation to light and outlook, number 58 lies due south of the proposed extension and there would, as such, be no undue loss of sunlight to that property or garden. The first floor window that sits closest to the shared boundary at number 58 is already obstructed by an existing air conditioning structure that sits on the flat roof of the ground floor extension; and by the existing shared party wall itself. The adjoining window to the south serves a bathroom and is, as such, non-habitable. Given the modest size of the proposed extension and its relationship with the windows at number 58, there would be no undue loss of light to, or outlook from, any rearward facing window at that property.

7.15 The extension would sit due north of the garden of number 58 and the rear garden of number 58, while modest in depth, is relatively wide. Given these factors and given the modest size of the extension, it is considered that there would be no undue overshadowing to the garden of number 58 and no undue sense of enclosure experienced by the occupiers, from their home or garden.

- 7.16 In relation to the Island Point development to the west, the proposal would have no greater impact on these properties than the Appeal Scheme. Given the distance between the proposed extension and the Island Point development, there would be no undue loss of light to or outlook from the rear windows, nor would there be any undue sense of enclosure to the occupiers.
- 7.17 Demolition and construction activities are likely to cause some short term noise and disturbance to the neighbouring occupiers, including additional traffic generation and dust. A condition outlining maximum hours of work and noise emissions is recommended, to ensure that these impacts are mitigated and minimised.
- 7.18 The concerns raised in relation to use of the property as an HMO- including noise, disturbance, antisocial behaviour and pressure on services and infrastructure- are noted. However, this application proposes no change of use of the property and in addition, no additional bedrooms or occupants are proposed. As such, it cannot be considered that the proposal would give rise to any additional, unacceptable impacts in this regard.
- 7.19 In light of the above, the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers, in compliance with Local Plan policy D.DH8.

### **Human Rights & Equalities**

- 7.20 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.21 There will be short term impacts of the construction which are acknowledged, but given their short term implications, these are not considered to raise any human rights or equalities implications. The development does provide a number of benefits such as delivering much needed housing in the borough as well as a monetary contribution towards the delivery of affordable housing in the borough.
- 7.22 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

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

### Compliance

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

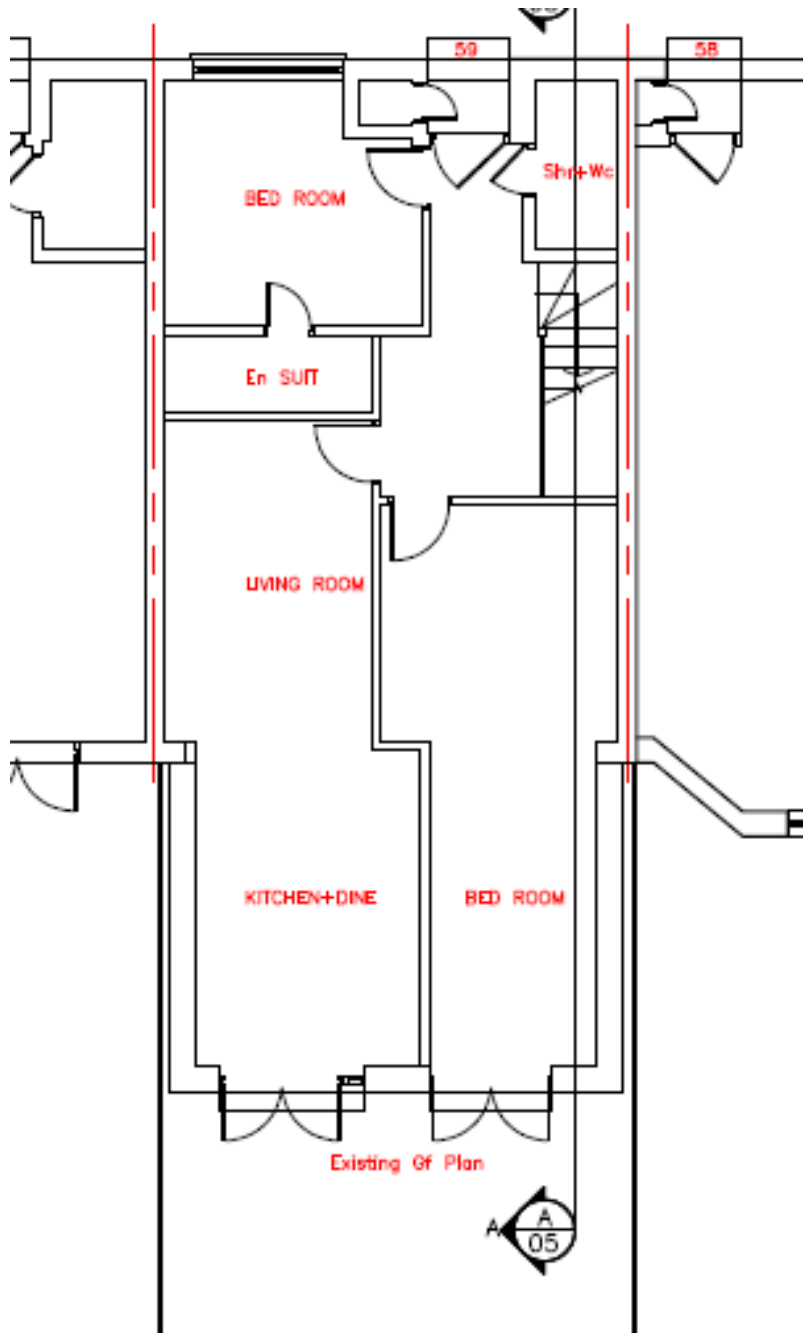
## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

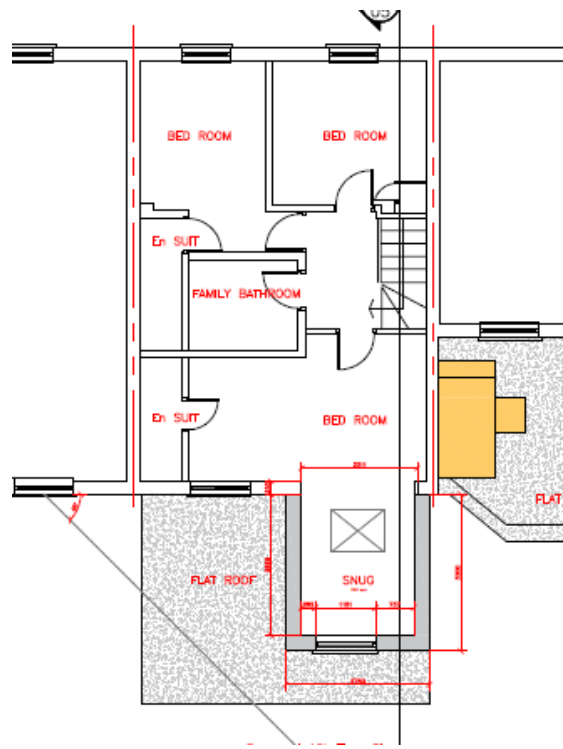
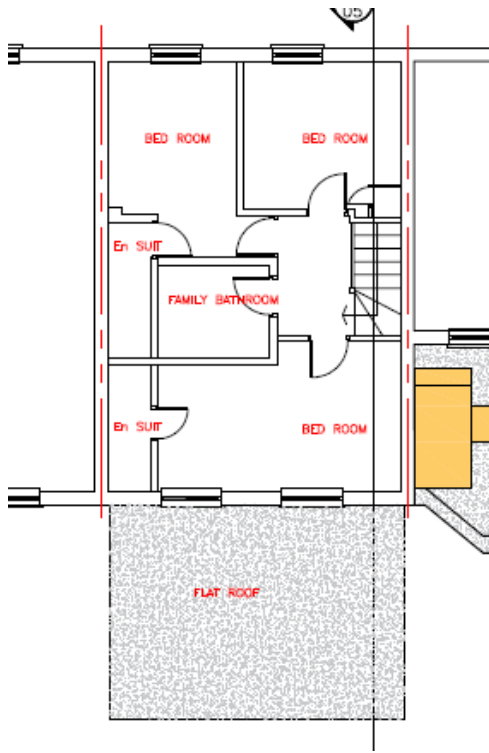
- Planning, Design & Access Statement dated November 2022
- Block and Site Plan dated March 14
- A3.1 dated 14/02/2023
- A3.2
- A3.3
- A3.4
- A3.5
- A3.6
- A3.7
- A3.8 dated 27/06/2023

## APPENDIX 2

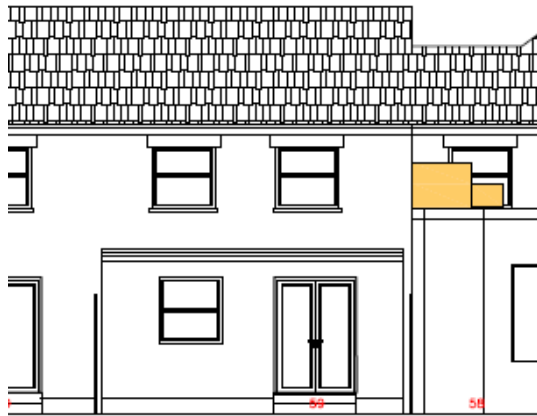
### SELECTION OF APPLICATION PLANS AND IMAGES



Existing ground floor plan – no change proposed.

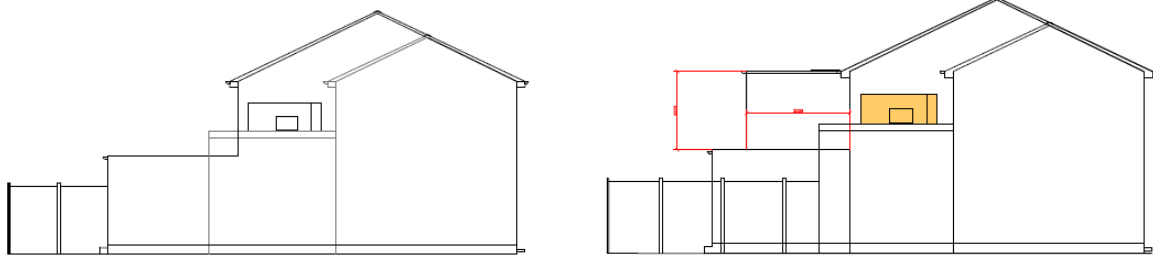


**Existing and proposed first floor plans**



**Existing and proposed rear elevations**

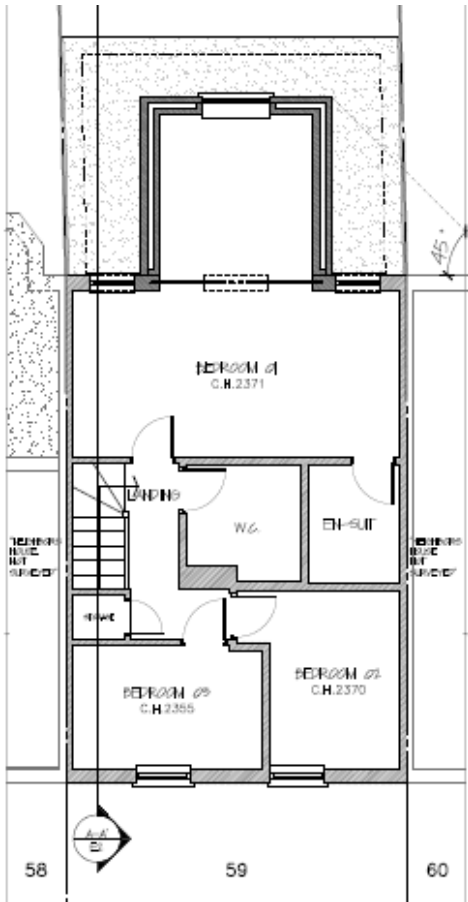




**Existing and proposed side elevations**

# APPENDIX 3

## APPEAL SCHEME DRAWINGS : PA/20/01092



Appeal Scheme: proposed first floor plan



Appeal Scheme: proposed rear elevation

## **APPENDIX 4**

APPEAL DECISION : PA/20/01092



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### **Appeal Decision**

Site visit made on 27 July 2021

**by T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> August 2021

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**Appeal Ref: APP/E5900/D/20/3261628**

**59 Lockesfield Place, London E14 3AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Rakesh Patel against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/20/01092, dated 29 May 2020, was refused by notice dated 30 July 2020.
  - The development proposed is a double storey rear extension.
- 

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matters**

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form however adequately describes the proposal and I have determined the appeal on that basis.
3. The London Plan (2021) was adopted during the course of the appeal. Both parties were afforded the opportunity to comment on its implications for this proposal. I have determined the appeal solely on the basis of the relevant policies at the time of the decision.

#### **Main Issues**

4. The first main issue is the effect of the first floor of the rear extension on the character and appearance of the host dwelling and area. The second is the effect of the first-floor rear extension on the living conditions of the occupiers of 60 Lockesfield Place (No.60) with particular regard to sunlight, outlook and sense of enclosure.

#### **Reasons**

##### *Character and appearance*

5. The appeal property is a two-storey terraced dwelling set within Lockesfield Place, which is a modern residential development set to the north of Westferry Road.
6. The first-floor extension would be set to the rear of the dwelling and while the rear of the terrace is reasonably undisturbed by additions at first floor level, the rear of the appeal site has very limited public visibility meaning that the visual impact of the extension would be contained and limited.

7. It would incorporate a hipped pitched roof, the ridgeline of which would be set well down from the main ridgeline. It would also be set in from the shared boundaries with the adjoining properties to the north and south.
8. The first-floor rear extension itself would not be of excessive footprint or scale in comparison to the host dwelling. The bulk of the extension could be reasonably accommodated within the rear garden as a result of its depth and positioning.
9. Therefore, I conclude on this issue that the first-floor extension would not have a detrimental impact on the character and appearance of the host dwelling and area. The proposal would not therefore conflict with Policy S.DH1 of the Tower Hamlets Local Plan (2020) (THLP) which amongst other things seeks high quality design, requiring that development must be of an appropriate scale, height, mass, bulk and form in its site and context.

*Living conditions*

10. As required by the explanation text to Policy D.DH8 of the THLP a daylight and sunlight assessment is included within the evidence to model the effect of the extension in terms of its impact. In terms of sunlight, the worst affected window would be the double doors on the rear elevation of No.60.
11. The results indicate that the worst affected window at No. 60 would receive less than 0.8 times its former sunlight hours during the summer and winter period. However, the window would not receive less than 25% of annual probable sunlight hours (APSH) or less than 5% of annual probable sunlight hours between 21 September and 21 March (WPSH). This would be the case only by very small margins with an APSH of 27.26% and WPSH of 5.37%. Nonetheless, the guidance<sup>1</sup> therefore indicates that the room that this window serves should still receive enough sunlight.
12. I cannot therefore conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of No.60 with regard to sunlight. The proposal would therefore comply with part 1.d of Policy D.DH8 of the THLP.
13. The rear of the terrace at and around the appeal site already feels enclosed given the close proximity of the three storey Island Point development and its associated lower structures which sit close to the rear boundaries on Lockesfield Place.
14. The first-floor part of the extension would rather loom over the rear elevation and garden area of No.60 as a result of its positioning only a short distance from its southern boundary. The impact would combine with the pre-existing sense of enclosure which already exists as a result of the Island Point development, to lead to a significant increase in sense of enclosure for the occupiers of No.60 above the existing baseline.
15. This sense of enclosure would be felt from the rear patio doors, from where occupants would also suffer loss of outlook. It would also be felt from within the garden area, and these impacts would significantly detract from the occupant's enjoyment of their home. I afford this matter significant weight.

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<sup>1</sup> SITE LAYOUT PLANNING FOR DAYLIGHT AND SUNLIGHT – A guide to good practice – Paul Littlefair – bre trust.

16. I therefore conclude on this matter that it is within this regard that the proposal would have an unacceptable impact on the living conditions of the occupiers of No.60 with regard to outlook and sense of enclosure.
17. It would conflict with the requirements of Policy D.DH8 (parts 1.a and 1.b) of the THLP which amongst other things requires that development is required to at a minimum protect the extent of the amenity of existing buildings and their occupants. It states development must avoid an unacceptable increase in the sense of enclosure and ensure existing habitable rooms have an acceptable outlook.

**Other Matters**

18. I note that it is stated the first-floor extension would not conflict with the 45-degree rule, although this acts as guidance only and does not on its own indicate that a proposal can be deemed acceptable. I therefore afford this matter limited weight.
19. Other developments on Lockesfield Place that have been approved and have included a first-floor extension have been brought to my attention. However, they all appear to be on other parts of the development and they do not therefore exactly replicate the circumstances including the existing built environment at and around the appeal site. I therefore afford these examples limited weight in terms of providing any justification for the proposal.

**Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan, with which it would fail to accord. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*TJ Burnham*

INSPECTOR



# APPENDIX 5

## SITE IMAGES

