



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 14 December 2011 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Helal Uddin Councillor Marc Francis	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 14 December 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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 Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 16th November 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

4. RECOMMENDATIONS

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **13 - 14**

The deadline for requesting to speak at this meeting is **4pm Monday 12th December 2011.**

6. DEFERRED ITEMS

Nil Items. **15 - 16**

7. PLANNING APPLICATIONS FOR DECISION **17 - 18**

7 .1 Old Ford Lock, 51 Dace Road, London (PA/11/01263) **19 - 30** **Bow East**

8. OTHER PLANNING MATTERS **31 - 32**

8 .1 Appeals Report **33 - 44**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 16 NOVEMBER 2011

COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

Members Present:

Councillor Helal Abbas (Chair)

Councillor Craig Aston
Councillor Helal Uddin
Councillor Kosru Uddin
Councillor Marc Francis
Councillor Md. Maium Miah

Other Councillors Present:

Councillor Zara Davis

Officers Present:

Pete Smith	– Development Control Manager, Development and Renewal
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Shiria Khatun.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Md. Maium Miah	7.2	Personal	Ward Member.
Helal Uddin	7.2	Prejudicial	Council

			representative - Board of East End Homes
Kosru Uddin	7.4	Personal	Ward Member.
Marc Francis	7.4	Personal	Had received correspondence from interested parties.
Helal Abbas	7.4	Personal	Had received correspondence from interested parties.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 19th October 2011 be agreed as a correct record and signed by the Chair subject to the inclusion of Councillor Zara Davis in the list of Members present.

4. RECOMMENDATIONS

The Committee **RESOLVED** 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, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Regents Wharf, Wharf Place, London E2 9BD (PA/11/00834)

Update Report Tabled.

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Regents Wharf, Wharf Place, London E2 9BD.

The Chair then invited registered speakers to address the meeting.

Graham Hindley spoke in objection as a resident and Chair of the Regents Wharf Residents Association. He objected over the loss of car parking spaces. The spaces to be removed were not disused as suggested in the report. The reduced manoeuvring space fell short of policy requirements. The proposal also contravened the occupiers lease agreement granting them the right to park in the basement. The steel steps would be noisy and out of keeping with the canal setting. The gaps in the building would create security issues. The drawings were inaccurate. There was no evidence that Conservation Area Consent had been sought. The external windows would be out of keeping with the Conservation Area.

Furthermore, Building Control had yet to approve the plans in respect of ventilation. There was no evidence that British Waterways had looked at the scheme. The scheme contradicted policy and with 37 objections should be refused.

In reply to questions, Mr Hindley clarified his concerns over the car park. The plans would restrict the area used for turning and therefore would hinder manoeuvring. It also was unclear where the planned new parking spaces would be located.

Nader Sarabadani spoke in support of the application. In terms of land use, the proposal complied with policy. The alterations would improve and fit in with the area. The concerns around the steel steps had been taken on board and they had been designed to prevent noise and fit in. The car park was underused and the issues around the leaseholders agreement fell outside the remit of the planning considerations. There would be adequate space for turning in the basement car park. In considering the Appeal, the Inspectorate did not consider that car parking was an issue. Flooding wasn't an issue due to the flats position. The Applicant planned to add new storage bins to accommodate the development.

Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report. Mr Murrell explained the site location and nature of the surrounding area. He explained the key features of the conversion including: the external windows replacing the ventilation grills, the steel staircase, the

access arrangements and amenity space by the canal. In relation to the loss of parking spaces, Officers were of the view that they were underused and the site had good public transport links. There was a condition requiring the car parks layout to be provided. In terms of the Conservation Area, the impact was felt to be acceptable given the changes were minimal and it was in keeping with the area. Mr Murrell referred to the Appeal decision for the similar scheme refused in 2010 (attached to the report). Following the revisions, only one matter remained an issue. The revised scheme sought to address this.

The other key planning issues concerned amenity and highways and on all these grounds the scheme was acceptable complied with policy and should be granted.

The Committee then raised questions regarding: the adequacy of the revised manoeuvring room in the car park, the policy permitting basement conversions, the impact on access to neighbouring flats and whether the flat would receive adequate natural light.

Mr Murrell referred to the proposed car park layout. The bays to be converted were currently underused and had already been sectioned off. The condition regarding its layout was to ensure it was safe on highway safety grounds. Due to the design, the flat would have clear outlooks over the canal and therefore provide a good standard of amenity. The windows were of an adequate size allowing sufficient levels of natural light. The leaseholder arrangements were separate from the planning matters. Officers did not consider there would be any impact on access to other units.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for erection of a new one bedroom dwelling within part of the basement parking area subject to conditions.
2. That the Corporate Director of Development & Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the matters set out in the circulated report.

7.2 Land at North-west corner of Chapel House Street and Westferry Road, London, E14 (PA/11/01796)

Update Report Tabled.

Councillor Helal Uddin left the meeting at 7:30pm.

Update Report Tabled.

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Land at North-west corner of Chapel House Street and Westferry Road, London, E14.

The Chair then invited registered speakers to address the meeting.

Councillor Zara Davis spoke against the application. The scheme was out of keeping with the nearby Conservation Area. She considered it inappropriate to build a 3 storey building on its fringes given it was 2 storey in nature. It therefore undermined Council policy regarding the Conservation Area stressing the importance of its character and uniformity. Alongside this, the materials were out of keeping with the area. The design was poor. There would be overlooking and a loss of privacy to properties in Westferry Street and Chappell Street. The developers report showed that neighbouring properties would have much of their light blocked. There would be a loss of light to habitable rooms and a kitchen of nearby properties.

Members then asked questions of Councillor Davis. She considered that, whilst the site did not fall within the Conservation Area, any new development on its fringes should be respectful of its character. This scheme given its height was out of keeping with it. Other nearby developments had been sympathetic to the area.

Steve Inkpen (Applicant' Agent) spoke in support of the application. The scheme complied with policy in terms of overlooking and loss of privacy. The scheme would provide high quality homes and help meet housing targets. There would be adequate amenity space. This included retaining the mature trees with the exception of one. However it was planned to replant this via condition. The scheme would also be sustainable, environmentally friendly and be car free. It would make best use of an underused site and improve the area.

Members then asked questions about the affordable housing percentage. In reply Mr Inkpen referred to the fact that this development was part of a wider regeneration project and that other developments would provide additional social housing. He considered that the scheme offered the best mix of housing due to the site constraints.

Benson Olaseni (Deputy Team Leader, Planning Services) presented the detailed report. He drew attention to the outcome of the consultation and the issues raised in representation. He explained the site and surrounding area including the plans regarding the trees. The main planning matters were land use, housing, design, amenity and transport impacts.

In terms of land use and amenity, the scheme was considered acceptable and complied with policy. The site had no current or historic designation as a formal child play area or a car park and was underused. It was also proposed to re - landscape the outdoor area.

The design and materials matched the area. The height of 3 stories fitted in with the area not exceeding surrounding heights.

In terms of daylight, whilst there would be some loss of light, the levels of light to neighbouring properties was considered acceptable. The design and distance between the buildings would protect privacy and prevent overlooking.

There were also conditions controlling construction noise and a Section 106 agreement preventing future occupiers from applying for on street parking spaces.

In conclusion, the scheme would provide much needed housing and make best use of the site with no significant impact on the area

Members then asked questions about the impact on traffic and the receipt of representations from the Mosque opposite. Questions were also raised about the threshold for affordable housing, the density assessment and the weight that should be put on the nearby conservation area.

Mr Olaseni responded that Highways had considered the scheme and had concluded that there were no traffic implications. He also referred to the scope of the consultation that covered the Mosque. All representations received were listed in the report.

In terms of the density calculation, the lower figure in the report included the outdoor amenity area. It was important to take this amenity space into account when considering the scheme. Overall, it was considered that the density was acceptable given the positive benefits and lack of adverse impacts.

The scheme was one of a number of new developments in the area. It was anticipated that these schemes would provide additional social housing. The scheme would blend in well with the surrounding properties situated outside the conservation area. Therefore should be considered on these grounds.

On a vote of 2 in favour, 1 against and 2 abstentions the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the erection of three storey building to provide 8 self contained residential units (5 x 1 bed, 2 x 2 bed and 1 x 3 bed) together with cycle parking, private amenity space and improvements to existing public open space subject to the imposition of conditions and informatives.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the circulated report.

7.3 Sotherby Lodge, Sewardstone Road, London , (E2 9JQ PA/11/01592 & PA/11/01593)

Councillor Helal Uddin returned to the meeting at 8:05pm for the remaining items of business.

Councillor Kosru Uddin left the meeting at 8:05pm.

Pete Smith (Development Control Manager, Planning Services) presented the report regarding Sotherby Lodge, Sewardstone Road, London. The application was to extend the time limit attached to the previously granted planning permission and conservation area consent for the site. Mr Smith explained the nature of the proposal in relation to the surrounding area. He also explained the outcome of the consultation and the concerns raised. It was important to note that the scheme had already been approved in principle. However it was necessary to reconsider this in light of any policy changes that may have occurred since then.

In terms of land use, the continued use of residential remained acceptable. Mr Smith also explained the housing tenure mix including 35% affordable housing in accordance with policy. The height, scale and design remained policy compliant. The site possessed a good Public Transport Level Rating. The scheme would complement and enhance the character of the area. Subject to a Section 106 agreement permission should be granted.

In reply, reference was made to the entrance to Victoria Park. Members sought assurances that the scheme would protect this. Members also queried the suitability of the density given the site's position in the Conservation Area.

In terms of density, Officers explained that, whilst the scheme exceeded the range for the site, this needed to be balanced against the overall benefits. For instance, the proposal would be car free, would provide adequate private amenity space with no signs of overdevelopment. On these grounds, the scheme was appropriate in terms of density and would make the best use of the site.

Due to its design and the orientation of the buildings, the impact on neighbouring properties would be minimal. In terms of the Conservation Area, the application adequately addressed any concerns. The issues around this subject had not substantially changed since the permission was originally approved. Officers noted the need to protect the entrance to Victoria Park and felt that through the condition the application would secure this.

On a vote of 3 in favour, 1 against and 1 abstention the Committee **RESOLVED**

1. That planning permission be **GRANTED** for Conservation Area Consent for the demolition of the existing 3 storey building and Full Planning Permission for the erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom) subject to:
2. All parties, including all mortgagees, with an interest in the site entering into a deed under s106 and/or s106A of the Town and Country Planning Act 1990 to transfer the planning obligations imposed in connection with the original permission to the new permission PA/11/01592, such deed to be to the satisfaction of the Assistant Chief Executive (Legal Services) and to secure the following:

- a) 35% Affordable Housing
 - b) Car Free Agreement
 - c) Education contribution £61,710
 - d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal (as secured with Permission PA/08/00153)
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement as indicated above.
 4. That, if by 16th February 2012, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts
 5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission and conservation area consent to secure the matters set out in the circulated report.

7.4 40-50 Southern Grove, London E3 4PX (PA/11/01919)

Update Report Tabled.

Pete Smith (Development Control Manager, Planning Services) presented the report regarding 40-50 Southern Grove, London.

Members were advised that this agenda item should have appeared on the 'Other Planning Matters' part of the agenda. This was because the Council owned the property and therefore the application had to be referred to the Secretary of State for a decision, Members role was to make a recommendation whether or not they would be minded to grant consent.

The application sought conservation area consent to demolish the Southern Grove Lodge extension, a building within the Tower Hamlets Cemetery Conservation Area. The demolition was required to facilitate the provision of a new premises for the Beatrice Tate School, a special needs school. The demolition would make available additional teaching space to accommodate the increase in pupil numbers at the school.

Officers had carefully considered the merits of removing the building and felt that this was necessary given the substantial public benefits. A heritage assessment had also been carried out and this supported the findings of the report.

In reply to Members, Officers clarified the position of the boiler house attached to the main part of the building. Due to the lodge's location, it was appropriate to apply for Conservation Area consent for its removal.

Members also noted the subject buildings historical merit and questioned whether it could be retained when redeveloped. In response, Officers emphasised the major constraints of the site. (For example, the site was lacking a vehicle drop off/ pick up space for pupils which was a paramount safety issue). It also required additional specialist facilities so that it was fit for purpose. The plans would make available room for such facilities.

Members also felt that the demolition required careful handling. It was therefore requested that, where possible, the materials removed be kept on site for reuse when the building was redeveloped. Accordingly, Councillor Marc Francis proposed an additional condition agreed by the Committee that an approved plan of demolition be submitted covering the removal and retention of materials from the existing buildings and the making good of the lodge.

On a unanimous vote the Committee **RESOLVED**

1. That the application for the demolition of all existing buildings to the south of the Victorian Southern Grove Lodge be referred to the Secretary of State with the recommendation that the Council would be minded to grant Conservation Consent subject to conditions and informatives set out in the circulated report AND the additional condition agreed by the Committee requiring a plan of demolition to be submitted covering the retention of materials from the existing buildings and the making good of the lodge.

8. OTHER PLANNING MATTERS

8.1 Planning Appeals Report

Pete Smith, (Development Control Manager) presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

On a unanimous vote, the Committee **RESOLVED**

That that details and outcomes of the appeals as set out in the report be noted.

The meeting ended at 8.50 p.m.

Chair, Councillor Helal Abbas
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 14 th December 2011	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Development	Date: 14 th December 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		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 ASSISTANT CHIEF EXECUTIVE (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 adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 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:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, 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 Agenda Item 5.

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Development Committee	Date: 14 th December 2011	Classification: Unrestricted	Agenda Item No: 7.1
Report Corporate Director of Development and Renewal Case Officer: Mandip Dhillon		of:	Title: Planning Application for Decision Ref No: PA/11/01263 Ward(s): Bow East

1. APPLICATION DETAILS

Location: Old Ford Lock, 51 Dace Road, London
Existing Use: Pedestrian footpath alongside Old Ford Lock
Proposal: The Installation of a 25m temporary lattice mast, complete with 12 antennas and four dish antennas, associated radio equipment cabinets within a secure compound, for a period not exceeding 12 months from 1st January 2012 to 31st December 2012.

Drawing No's: Drawing Numbers:
100rev G, 101 rev G, 102 rev G, 103 rev G and 802 rev A.

Documents:
Design and Access Statement Cell Ref 81987,
Impact Statement,
Health and Mobile Phone Base Stations dated March 2010,
General Background Information on Radio Network Development for
Planning Applications ref: v1.doc 20091116,
Pre-Application Consultation dated 14th April 2011,
Site Specific Supplementary Information Site Ref No. 1345/016/81931,
London Olympics 2012 Old Ford Lock Temp Mast Macro RF
Justification dated March 2011,
London Olympics 2012 Olympics Park Planned Temporary Macro Site
dated 7th July 2011,
Discounted Site Report External Olympic Stadium Capacity Coverage,
Photographic Aerial Survey prepared by arts-group.co.uk ref 10539,
Aboricultural Survey dated March 2011,
Tree Survey Report prepared by net;
Olympic Park Telecommunications Statement; and
Site Requirement Appraisal dated November 2011.

Applicant: Vodafone UK
Owner: British Waterways
Historic Building: None.

Conservation Area: Fish Island Conservation Area

Other designations: Application site is within a Flood Protection Area and an area of Archaeological Importance or Potential.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower

Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

1. The proposal facilitates the temporary need arising for telecommunications systems whilst keeping the environmental impacts to a minimum. The application is considered to have considered and demonstrated the provision of mast sharing and the Council is satisfied that there are no other solutions available to facilitate this installation. As such, the proposal is in line with saved policy DEV10 of the Unitary Development Plan 1998, policy U3 of the Interim Planning Guidance 2007, policy SP10 of the Core Strategy September 2010 and National Planning Guidance contained in PPG8.
2. The proposal is only considered to be acceptable because it is a proposal for the temporary installation of equipment with the site conditions being reinstated by the 31st December 2012. The temporary telecommunications equipment are considered to be acceptable under exceptional circumstances, as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and SO2 of the Core Strategy adopted 2010.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to the imposition of the following conditions and informatives.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

Conditions

1. This permission shall be for a limited period only, commencing 1st January 2012 expiring on 31st December 2012. On or before the expiration date the telecommunications equipment shall be discontinued and all associated structures/fixtures removed no later than 31st December 2012 at which time the site shall be re-instated.
2. Compliance with plans and documents
3. Lattice tower to be finished in a green colour
4. Tree protection plan to be implemented in accordance with details submitted
5. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal seeks the installation of temporary telecommunications mast to facilitate the telecommunications needs associated with the London Olympic Games of 2012. Consent is sought for the installation of a mast for a temporary period of 12 months, from January 1st 2012 to 31st December 2012. This 12 month period includes the installation period and demounting of the telecommunications mast and the applicants have advised that as such the mast would be on site for less than 12 months.
- 4.2 The temporary mast would measure 25metres in height. The structure would be a temporary lattice mast contained within a fenced off area. The antenna would facilitate 12 antennas and

four dish antennas at high level. At ground floor level, an area of 52 square metres will be fenced off by a 1.8 metre high chainlink fence.

Site and Surroundings

- 4.3 The application site lies to the west of Old Ford Lock. The sites western boundary abuts the rear of 51 Dace Road, the north, south and east of the site are bound by the towpath of the Old Ford Lock. The land itself forms part of the towpath which runs alongside the waterway and is currently a vacant area of hardstanding. The application site itself is a rectangular parcel of land covering an area of 52 square metres.
- 4.4 There are principally commercial uses located directly around the application site. The residential development at the Iron Works is located to the southwest of the application site.
- 4.5 The application site lies in an area of Archaeological Importance and a Flood Protection Area. The site is also within the Fish Island Conservation Area. There are no listed buildings within the vicinity of the site. To the west of the application site lie 4 trees covered by Tree Preservation Orders.

Planning History

- 4.6 There is no relevant planning history for this site.

Adjoining Site- Land adjacent to H Forman and Son, Stour Road, London

- 4.7 PA/11/00737 - Proposal for Temporary building for the position of a corporate hospitality venue associated with the London 2012 Olympic and Paralympic games- This application was recommended for approval at the LTGDC committee on 10th November 2011. The application will now be referred back to the GLA for the Stage 2 referral prior to a final decision being issued.

Swan Wharf, Dace Road, London

- 4.8 PA/11/00481 - Temporary change of use from Class B1/B8 industrial to sui generis hospitality venue including erection of temporary structures - This application was approved at the LTGDC committee on 8th September 2011.

5. 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:

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV8	Protection of views
	DEV10	Telecommunications
	DEV14	Tree Preservation Orders
	DEV27	Small Scale Proposals
	DEV46	Riverside, Canalside, Docks and Other Water Areas

Core Strategy (2010)

Strategic Objectives:	SO2	Maximising the Olympic Legacy
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S012	Creating a Green and Blue Grid
S013	Creating a Green and Blue Grid
S022	Creating Distinct and Durable Places
S023	Creating Distinct and Durable Places

Spatial Policies:	SP04	Creating a Green and Blue Grid
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero Carbon Borough
	SP12	Delivering Placemaking

Interim Planning Guidance for the purposes of Development Control (October 2007)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV20	Capacity of Utility Infrastructure
	CON2	Conservation Areas
	CON5	Protection and Management of Important Views
	U3	Telecommunications

Supplementary Planning Guidance/Documents

Fish Island Conservation Area Management Appraisal, 2009

Spatial Development Strategy for Greater London (London Plan) 2011

Policies:	2.4	The 2012 Games and their Legacy
	7.4	Local Character
	7.5	Public Realm
	7.8	Heritage Assets

Government Planning Policy Guidance/Statements

NPPF	Draft National Planning Policy Framework
PPS1	Delivering Sustainable Development
PPG8	Telecommunications
PPS15	Planning and the Historic Environment

Community Plan The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Olympic Joint Planning Authorities Team

6.2 No comments received to date.

London Thames Gateway Development Corporation

6.3 No comments received to date.

LBTH Arboricultural Officer

6.4 The engineering solution is adequate and given that the trees are proposed to be retained in

accordance with the information provided, no objection raised.

(Officer Comment: Conditions to secure the protection of the trees in accordance with the details submitted.)

LBTH Design

- 6.5 Objections have been raised to the scale of the proposal and its impact on the setting of the conservation area.

(Officer comment: The design and merits of the proposal are considered in full below.)

British Waterways

- 6.6 No objection raised.

English Heritage Archaeology

- 6.7 There is no need to undertake archaeological investigations as the proposals have no impact upon heritage assets of archaeological interest. No objection.

7. LOCAL REPRESENTATION

- 7.1 A site notice was displayed at the application site and the application was advertised in East End Life.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 23 Against: 23 In Support: 0

Objections

- 7.2 Land Use

- Whilst submitted as temporary, it is envisaged that the proposal will be retained permanently.

(Officer comment: British Waterways have confirmed that only a temporary licence would be issued and that it is not intended to issue a permanent/extended licence for this proposal. A condition will also be imposed requiring the removal of the Mast and all associated equipment on December 31st 2012.)

- Congestion in this part of the Lock due to other proposals such as drop off point for water boat and the hospitality venue proposed.

(Officer Comment: It is not considered that the current application will unduly lead to overcrowding on the lock.)

- As the mast relates to the Olympics, it should be located within the Park.

(Officer comment: Officers have been advised that due to the levels of demand which is anticipated at the time of the Olympics, different locations are required to serve the Park. This proposal serves the edge of the Park and the majority of masts serving the Olympics are located within the Park itself. Further details of the consented infrastructure and the search area are provided below in the Material Planning Considerations section.)

- 7.3 Design

-The Proposal is not suitable in a conservation area.

-Mast at 25metres in height is incongruous in the conservation area.

-Mast at this height will destroy views of and from the Lock side.

(Officer Comment: These points will be discussed within the Material Planning

Considerations.)

7.4 Amenity

- Health risks

(Officer comment: Health implications are a material planning consideration in the determination of a telecommunications application. An ICNIRP certificate has been submitted alongside this application in accordance with Government Guidelines regarding the health safeguards of proposed telecommunication masts.)

- Impact upon trees

(Officer Comment: No works are proposed to the adjoining Trees, a Tree Protection Plan has also been submitted to safeguard the trees during the installation of the mast and during its removal.)

7.5 Biodiversity

- Impact upon local wildlife

(Officer Comment: The proposal is located on an area of existing hardstanding. The proposal does not seek to remove any vegetation or the adjoining trees, as such it is not considered that these temporary works will impact upon local biodiversity.)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The application has been fully reconsidered against all relevant policies under the following report headings:

- 8.2
1. Telecommunications
 2. Land Use
 3. Design
 4. Other

Telecommunications

Central Government Guidance

8.3 Central Government Guidance governing telecommunications development is contained within PPG 8, which was published in August 2001. The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Guidance also confirms that the Government has a responsibility for protecting public health. In order to minimise visual intrusion, the Government attaches considerable importance to keeping down the numbers of masts and the sharing of masts is strongly encouraged. It stresses however, that authorities need to consider the cumulative impact upon the environment.

8.4 The Guidance states that authorities and operators should use sympathetic design and camouflage to minimise the impact of the development.

8.5 The Guidance confirms that health impact represents, in principle, a material planning consideration. However, the Guidance states that it is the Government's firm view that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile base station meets the ICNIRP guidelines, it should not be necessary for a local planning authority, in processing an application for planning permission to consider further the health aspects and concerns.

8.6 The Supporting Guidance refers to the general precautionary approach to such development (advocated by the Stewart Report) but states that local planning authorities should not implement their own precautionary policies (by way of imposing a ban or moratorium on new telecommunications development).

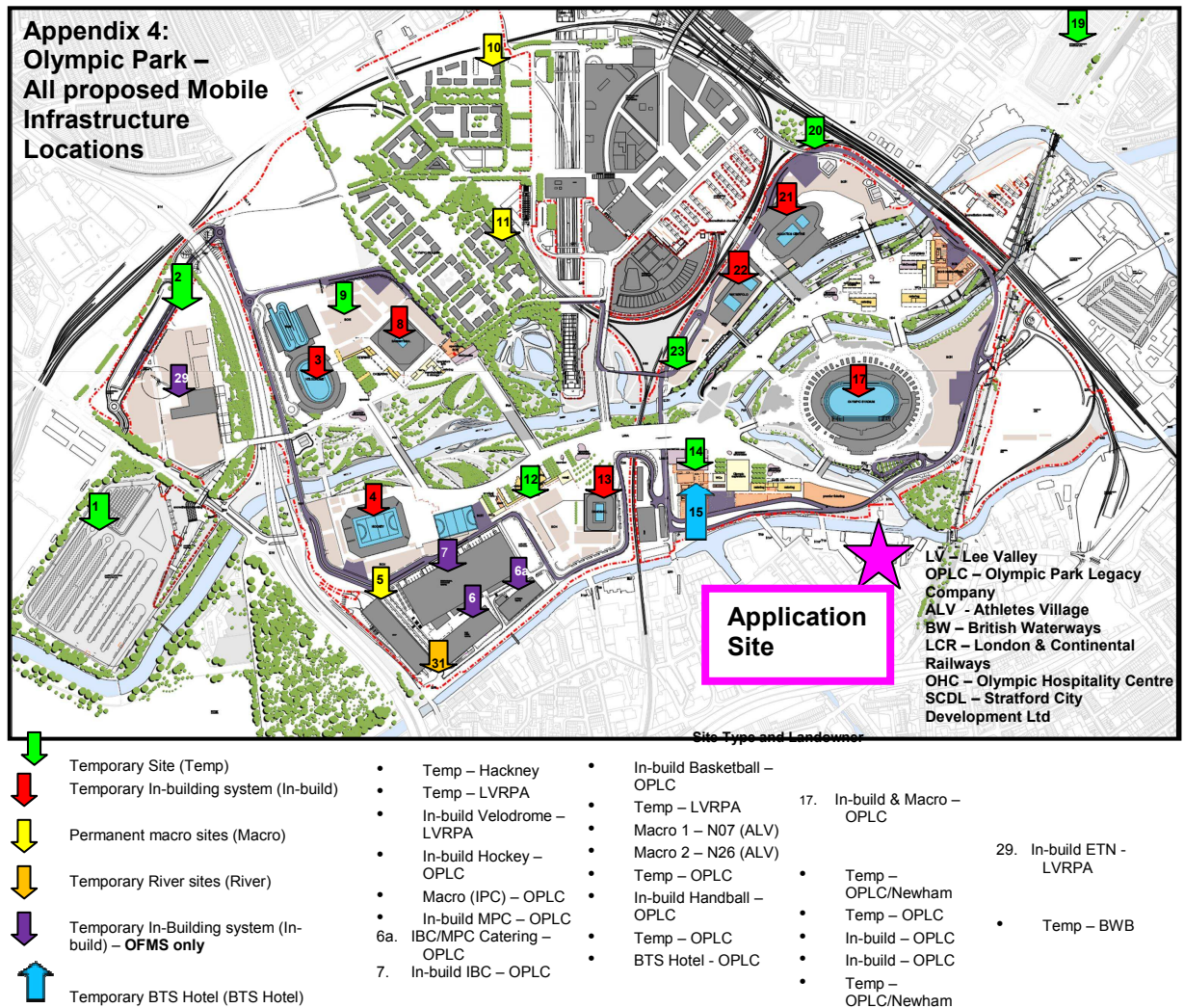
Local Planning Policy

- 8.7 Policy U3 of the IPG 2007 states that the Council will only grant planning permission for telecommunications equipment where consideration has been given to minimising harm to local amenity, the local community and the environment.

Land Use

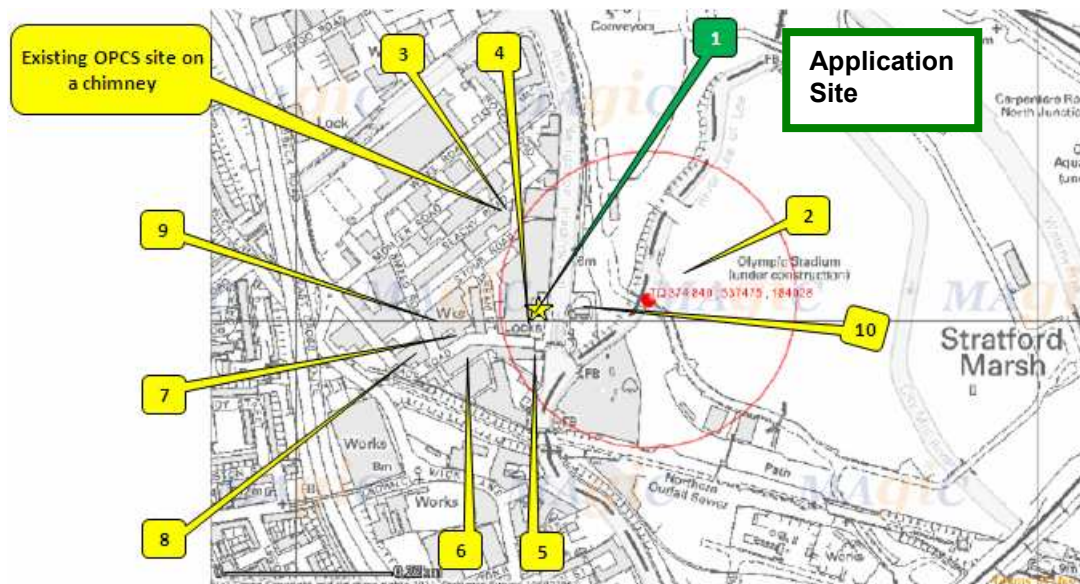
- 8.8 The application seeks the temporary change of use of the site for a period of 12 months to provide a temporary lattice mast, associated radio equipment cabinets and chainlink fencing.
- 8.9 Policy 2.4 of London Plan 2011 requires the borough to encourage the promotion of the Olympic Park and venues as an international visitor destinations.
- 8.10 Strategic Objective SO2 of the Core Strategy 2010 seeks to ensure that Tower Hamlets supports the activities and sporting events and opportunities associated with the London Olympic Games.
- 8.11 The provision of this temporary mast seeks to facilitate the need for additional telecommunications requirements during the duration of the Olympic and Paralympics Games.
- 8.12 National planning guidance in PPG8 encourages the sharing of masts and sites to minimise the cumulative impact upon the environment. The applicant has undertaken a full assessment of the site and surrounding area and has confirmed that there is no other satisfactory and feasible option open to the various telecommunications operators other than the proposed installation. The assessment undertaken accords with the requirements of national guidance contained within PPG8 and local planning policies DEV10 of the Unitary Development Plan 1998 and U3 of the IPG 2007.
- 8.13 Plan 1 below shows the location of the proposed (consented) mobile phone infrastructure in and around the Olympic Park and the surrounding area which generally shows an even distribution. The area within the vicinity of the application site will have limited telecommunications coverage and is required to meet the demands for the duration of the Games.

Plan 1 – Proposed Mobile Infrastructure Locations



8.14 Plan 2 below shows the area within which the applicants have undertaken a search of existing sites and masts, in accordance with national and local guidance. The search area is determined by the area of coverage that the mast is required to serve. Within the search area, there are limited existing buildings on the western side of Old Ford Lock which were considered suitable. On the eastern side of Old Ford Lock, the provision of existing telecommunications equipment on the Olympic stadium and the location of the hospitality area has restricted possible locations for the provision of a mast within the defined search area. There is only one existing mast within the search area which is located on the Rutland Print Chimney on Stour Road. This site has been discounted because the existing Chimney is too small to facilitate the quantity of additional telecommunication equipment required (See map below- Existing OPCS site on a Chimney).

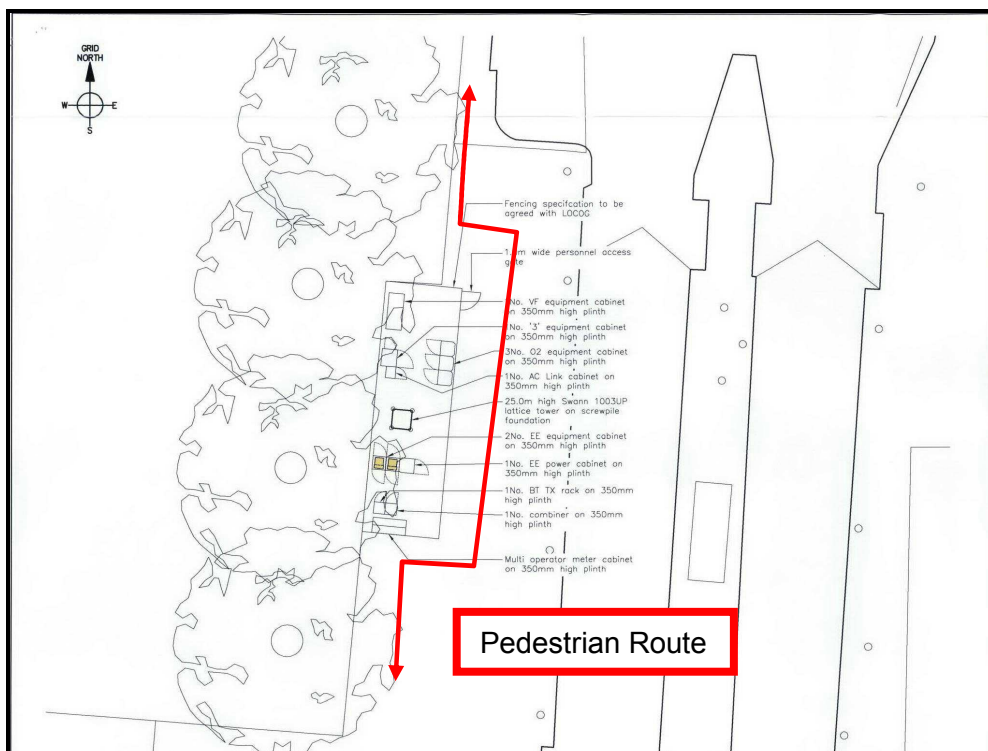
Plan 2 - Map of Search Area and All Sites Considered.



8.15 The application is located on an existing area of hardstanding which form part of the towpath alongside the Old Ford Lock. Saved policy DEV46 of the Unitary Development Plan 1998 states that development which has an adverse impact on the water environment will be resisted, including public access (accessibility) to the waterways.

8.16 The application seeks the temporary use of 52square metres of the site. The proposal will not result in the closure of the pedestrian footpath which runs alongside the Old Ford Lock. The diagram below shows the location at ground floor level of the proposed telecommunications fencing. The existing footpath along this stretch measures some 10.5m in width. This will be reduced to 6 metres with the temporary installation of the telecommunications mast and associated cabinets and equipment. The retention of the north south pedestrian route are shown on Plan 3 below.

Plan 3 - Proposed Site Layout Plan



- 8.17 The proposal is not considered to restrict pedestrian movement along the Old Ford Lock footpath, with clear pathways retained for safe and comfortable use on foot and for bicycles.
- 8.18 Given the very special circumstances of temporarily structure to provide the additional telecommunications requirement during the Olympic Games, the exceptional circumstances justify permission for the temporary change of use of the site, provided that the land is reverted back to its original use and state after the temporary planning permission expires.
- 8.19 The proposal is only considered to be acceptable in land use terms because it is a proposal for temporary use and for a temporary period which will reinstate the site in December 2012. The temporary use of the site is considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic and Paralympics Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and objectives of SO2 of the Core Strategy 2010.

Design

- 8.20 Good design is central to the objectives of national, regional and local planning policy. Policy DEV1 of the UDP; objectives SO20, SO21, SO22, SO23 and policy SP10 of the Councils Core Strategy 2010 and IPG policy DEV2 provide guidance on design of new developments and specify a number criterion aimed at achieving good design.
- 8.21 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.22 The site is located within the Fish Island Conservation Area. In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. PPS5 provides additional advice on the approach to development in Conservation Areas.
- 8.23 National guidance is carried through to the local level in saved policy DEV27 of the Unitary Development Plan 1998, policy CON2 of the Interim Planning Guidance 2007, which re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design. In addition policy DEV46 seeks to protect and promote waterways for their contribution to the character of the borough and as important open areas.
- 8.24 The provision of this 25 metre high lattice mast and associated equipment contained at ground level within a secure fenced area measuring 52 square metres is not considered to preserve or enhance the character and appearance of the Fish Island Conservation Area or the waterway.
- 8.25 However, the proposed works are temporary in nature. Whilst it is not considered that they preserve or enhance the character and appearance of the conservation area, the works do not impact upon the accessibility of the waterway and pedestrian thoroughfare. The proposals are linked to a wholly exceptional, once in a lifetime event and given the temporary nature of the works and as they are fully reversible, it is considered that the principle of the proposals is acceptable, subject to the imposition of suitable conditions for their removal and the reinstatement of the site back to its original condition.
- 8.26 The proposal is only considered to be acceptable because it is a proposal for the temporary installation of telecommunications equipment and for a temporary period which will reinstate the site in December 2012. The temporary equipment and mast are considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic and Paralympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan

2011 and SO2 of the Core Strategy adopted 2010.

Others

Mast Sharing

- 8.27 The application seeks to facilitate mast sharing by the 5 major telecommunication operators. As such, the Council do not envisage any further applications being proposed to accommodate further telecommunications equipment within the search area identified above.

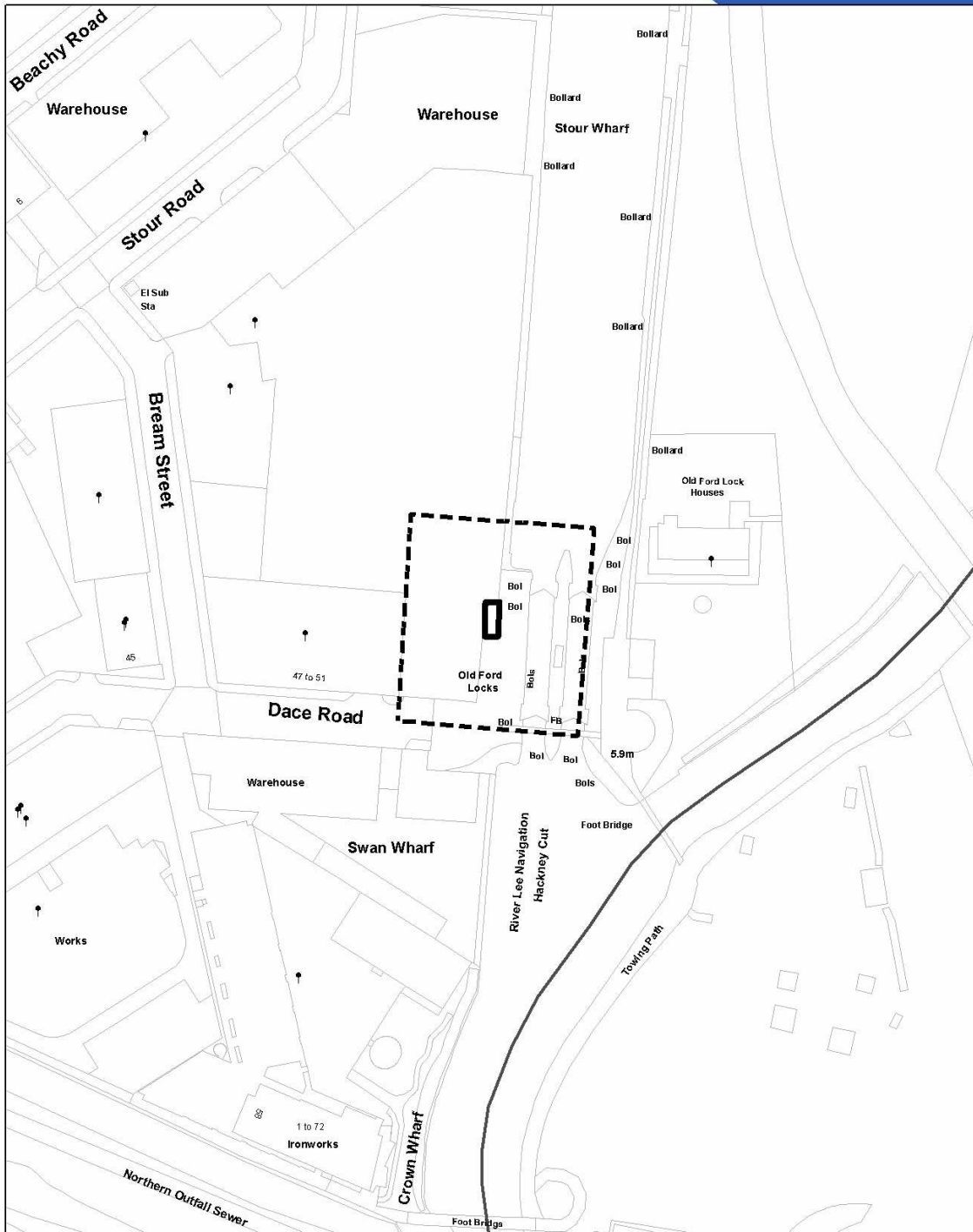
Biodiversity and Trees

- 8.28 All trees adjoining the application site, which are protected by a Tree Preservation Order, are proposed to be retained. A Tree Protection Plan has also been submitted to ensure all works mitigate any impact upon the trees during installation and removal from the site. The Council is satisfied that the proposed works will not detrimentally impact upon the adjoining trees, especially as the works will be removed and the site re-instated in December 2012. The application accords with policy DEV13 of the Interim Planning Guidance 2007 and policy SP10 of the Core Strategy 2010.
- 8.29 The application does not propose to remove any existing vegetation at the application site or the adjoining trees. The works are also temporary and the site is proposed to be reinstated in December 2012. It is not considered that the works, of a temporary nature will impact upon local biodiversity. The application accords with policy DEV46 of the Unitary Development Plan 1998, DEV7 of the Interim Planning Guidance 2007 and policy SP10 of the Core Strategy 2010.

9.0 Conclusions

All other relevant policies and considerations have been taken into account. Temporary planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	0 30 m

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8

Committee: Development	Date: 14 th December 2011	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
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 matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

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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Agenda Item 8.1

Committee: Development	Date: 14 December 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/10/02722 and PA/10/02723
Site:	Units 116 and Units 110, 120, and 122 Cavell Street, London, E1 2JA
Development:	Formalisation of a change of use to non residential institution (Use Class D1) – as a college.
Decision:	REFUSE (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	ALLOWED (with conditions)

- 3.2 The background to these cases was that the appellant had changed the use of

various parts of these units to educational use without the necessary planning permissions and these applications were submitted in an attempt to regularise the situation. The previous use of the accommodation would have been a mixture of B1 uses.

- 3.3 The primary issue for consideration in this appeal was whether the proposed loss of the existing employment floorspace was justified.
- 3.4 The Planning Inspector recognised that the accommodation, whilst not ideal for B1 Use could be of sufficient worth to provide local businesses to set up small and medium enterprises to the benefit of local people and the local economy. He acknowledged the Council's evidence that SMEs make a significant contribution to the local economy with 70% of Class B1 accommodation employing fewer than 10 people. He concluded that the loss of this floorspace could seriously undermine the relevant policies to the disadvantage of local economy
- 3.5 He recognised that the college use generated some employment (37 or so full time equivalent jobs) and during the Hearing there was much debate about likely job densities between B1 uses and educational uses. The Inspector referred to recent Ministerial Statements "Planning for Growth" which suggests that educational uses can form part of the growth agenda and he specifically referred to students (both from abroad and from the UK) as being an important stimulant to the local economy.
- 3.6 In terms of assessing the loss, the Inspector recognised the policy requirement to properly market the existing property for a reasonable period of time to determine the level of demand for existing B1 floorspace and he acknowledged that no marketing had been carried out prior to the occupation of the educational use. He commended the Council's approach which he considered rightly focused on the protection to foster current and potential employment, but was sufficiently flexible to manage changes to surplus office accommodation. He was satisfied that there were no convincing reasons why a full marketing of the property should not have taken place prior to the commencement of the educational use.
- 3.7 He was keen to minimise disruption to staff and students and to allow the current use to continue for a temporary period whilst marketing of the units takes place. The Planning Inspector also suggested that a temporary planning permission would also give the operator (in tandem) time to look for suitable alternative premises.
- 3.8 Whilst the Council's position was supported by the Planning Inspector, it is disappointing that he imposed conditions in an attempt to deal with the lack of marketing evidence – requiring the operator to carry this out retrospectively. The problem with this approach will be that it is difficult to market the site for SME uses whilst the property is in an alternative use (potentially up until 2014).

Application No:	PA/11/00432
Site:	Unit 6 Bow Exchange, 5 Yeo Street, London E3 3QP
Site:	Appeal against the refusal of a Lawful Development Certificate in respect of an existing educational use.
Council Decision:	REFUSE (delegated decision)

Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.9 The main issue in this case was whether sufficient evidence had been submitted by the appellant to confirm that the use had been in continual existence for a period in excess of 10 years. Without going into the detail of the case, the Inspector was far from satisfied with the evidence submitted and agreed with the Council that a Certificate to render the use lawful could not be issued. The appeal was DISMISSED.

3.10 The only option open to the operator is to apply for planning permission (retrospectively) in the normal way. Planning Enforcement are involved in this case and if a planning application is not submitted in the near future, it would be open to the Council to instigate planning enforcement proceedings, if it is considered expedient to do so.

Application No: PA/11/00282
Site: 218 Old Ford Road, London E2 9PT
Development: Erection of a roof extension to form a new 2 bedroom flat.
Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.11 The main issues in this case was the impact of the development on the character and appearance of the Victoria Park Conservation Area.

3.12 The Planning Inspector found the terrace (within with the appeal property forms part) to be attractive and whilst there were certain differences in architectural detailing, the terrace had a strong element of conformity. He concluded that the proposed extension would upset the rhythm and general conformity of the terrace and found that the extension would clearly have been out of keeping with its neighbours. He also considered that the additional floor (especially when viewed from the rear, would have been oppressive for neighbours, resulting in an unacceptable feeling of increased enclosure

3.13 The appeal was DISMISSED.

Application No: PA/11/01182
Site: 12 Greatorex Street, London E1 5NF
Development: Appeal against refusal of planning permission to discharge a planning condition relating to details of bicycle storage.
Council Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision ALLOWED (Costs awarded against the Council)

3.14 In this case, the Council had previously refused planning permission to discharge a planning condition relating to bicycle storage. The Council's stated approach to bicycle storage requires the provision of "Sheffield Stands" and this application proposed an alternative approach not supported by Council guidance. The issue was therefore whether the alternative approach was acceptable.

- 3.15 The reason why the Council seeks the provision of “Sheffield Stands” is that the provision proposed by the appellant would not have been suited to those who are mobility impaired. The Council raised concern that these racks would remain unused (especially with the difficulty in getting a bicycle in place and secure it to the rack).
- 3.16 The Inspector concluded in this case that as the space is very limited, the appellant was correct in identifying alternative methods of providing bicycle storage facilities and that the Council had been too inflexible to require the standard “Sheffield Stand” approach.
- 3.17 The appeal was ALLOWED.
- 3.18 In terms of the cost award, the Planning Inspector concluded that the Council had been unreasonable in refusing planning permission for the alternative bicycle storage arrangement. He concluded that the Council had been too inflexible and whilst he acknowledged that promotion of “Sheffield Stands” was a reasonable starting point, the approach to be adopted needed to take into account the limitations of the site. The Council’s preference for a particular approach to bicycle storage did not per se, justify refusal of an alternative approach.
- 3.19 This outcome indicates the need to be flexible when dealing with detailed proposals, especially when alternative approaches may be possible, albeit not ideal in terms of the Council’s detailed guidelines.

Application No:	PA/11/01527
Site:	117-119 Devons Road, E3 3QX
Development:	Part demolition, part redevelopment of site to provide second floor accommodation as two residential units, a ground floor extension to existing tyre shop and the provision of additional tyre storage.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	DISMISSED

- 3.20 The main issue with this appeal was the impact of the proposed extension on the Devons Road street scene. The proposed extension across the Victorian period unit and a later addition would have been in the form of a mansard type roof, set back by about 1 metre from the front wall. The Inspector considered that the existing relationship was uncomfortable and crucially, he concluded that the mansard across both properties would have drawn attention to the current mismatch. He felt that the roof extension would have been seen as an unsympathetic and obtrusive addition to a terrace that has already suffered from an insensitive horizontal extension
- 3.21 The appeal was DISMISSED.

Application No:	PA/11/01451
Site:	97-99 Whitechapel High Street, London, E1 7RA
Development:	Appeal against a condition to limit the

	period of advertisement consent with the sign being removed after the period.
Council Decision:	REFUSE (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.22 The issue was whether the condition which limited the period of advertisement consent was necessary, reasonable and relevant to advertisement control.

3.23 The Planning Inspector noted that the site is unkempt and vacant and acknowledged that the approved advertisement consent would screen the site from Whitechapel High Street. He also recognised that the Council might want to re-appraise the merits of the advertisement, but concluded that it would still have the ability to consider the amenity and public safety impacts and to challenge the retention of the advertisement at a later date without the need for a further condition.

3.24 The appeal was ALLOWED.

Application No:	PA/10/02229
Site:	254 Hackney Road London, E2 7SJ
Development:	First floor conservatory in connection with the use of the first floor as a restaurant (linked to the existing ground floor restaurant use) with also a proposed awning to Horatio Street.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.25 The main issue in this case was the impact of the proposals when viewed alongside the desire to preserve or enhance the character and appearance of the conservation area. The property has a single storey projection (fronting Hackney Road) and the proposal involved the erection of a conservatory on top of this flat roof

3.26 The Planning Inspector considered that the single storey forward projection to the street was an important part of the character of the conservation area and would have formed a particularly prominent addition to the building. The Inspector was less concerned about the principle of the first floor restaurant use, as noise transmission could be controlled through the use of conditions. He was more concerned about the proposed awning, which lacked detail. He was not prepared to accept the principle of the awning without proper detail having been submitted.

3.27 The appeal was DISMISSED.

Application No:	PA/11/00491
Site:	246 Bow Road, London E3 3AP
Development:	Change of use from D1 to a mix of D1 and A5 uses with the installation of an extract duct to the side elevation
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS

Inspector's Decision**DISMISSED**

3.28 The main issue in this case was the impact of the proposed extract duct on the street scene and the living conditions of neighbouring residents.

3.29 This building is a two storey property, currently in use as the Bow Muslim Cultural Centre, close to the junction of the A12 and Bow Road (A11). The Inspector noted that the site is located in an urbanised area, with the scale of its surroundings diminishing the presence of the building.

3.30 The Planning Inspector was satisfied that the proposed flue would have been only visible from limited locations and concluded that the impact on the street scheme would have been negligible. He was also satisfied that with the distance from neighbouring windows, local residents would not have experienced a loss of outlook. He also concluded that potential noise nuisance could be controlled through the use of conditions.

3.31 The appeal was therefore ALLOWED

Application No:	PA/11/00148
Site:	127-129 Roman Road, London, E2 0QN
Development:	Retention of a single storey storage building.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.32 The primary issue in this case was the impact of the development on the character and appearance of the Globe Road Conservation Area. The storage building is constructed using uPVC and plastic cladding (off white colour) and the Inspector considered these materials to be striking and unwelcome. He also concluded that the size of the building, extending full width across the appeal site draws attention to the incongruous nature of the development

3.33 The appeal was DISMISSED and the Council's Planning Enforcement team are now taking steps to ensure that the structure is removed.

Application No:	PA/11/00149
Site:	145 Three Colts Street, London, E14 8AP
Development:	The construction of a 6m x 6m x2.4 metre high smoking shelter to the rear of the property
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.34 The main issue in this case was the impact of the development on the character and appearance of the Narrow Street Conservation Area.

3.35 The appeal premises is "The Canopy" which is a former public house which lies to the periphery of the conservation area, close to the river frontage. The Inspector concluded that the proposed structure, with a modern construction and glazing panes would have borne little relationship to the existing building in

terms of design and materials

- 3.36 The Inspector was also concerned about the size of the structure and the likelihood of greater intensity of use into the evening, which he concluded was detrimental to the amenities of neighbours through additional noise nuisance during unsociable hours
- 3.37 The appeal was DISMISSED and the Council's Planning Enforcement team are now taking steps to remove the offending structures for the rear yard area.

Application No:	PA/11/01469
Site:	189 – 193 Whitechapel Road, London E1 1DN
Development:	Continued display of temporary advertisement.
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.38 The main issue in this case was whether the hoarding respects the character and appearance of the Whitechapel Market Conservation Area. The hoarding is located across the frontage of a vacant site between 2 and 4 storey buildings
- 3.39 The Planning Inspector made specific reference to the historic buildings found within Whitechapel Road. He found the advertisement hoarding to be particularly visible and dominant and concluded that in view of its size and prominence, the hoarding appeared as an incongruous and intrusive feature in relation to neighbouring buildings and the conservation area
- 3.40 The appeal was DISMISSED and the Council's Planning Enforcement team are now taking steps to seek to remove the offending hoarding.

Application No:	PA/11/00478
Site:	51 Grove Road, London E3 4PE
Development:	Various extensions to the property (involving replacement of existing coach house)
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.41 The Inspector noted in this case, the high quality two storey Victorian terraces found in the Clinton Road Conservation Area and considered the main issue to be whether the extensions preserved or enhanced that character. Whilst she accepted that the proposed extensions would have had a similar scale (above ground) to the extension to be removed, she concluded that the extensions would have been of a very different form and appearance to the retained villa property and surrounding buildings.
- 3.42 The appeal was DISMISSED

Application No:	PA/10/02779
Site:	25 St Paul's Way, London E3 4AG
Development:	Redevelopment of former public house with a 10 storey block of flats

	(9x1 bed, 4x2 bed and 5x3 bed) with a roof top garden
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	DISMISSED

3.43 The main issues associated with this appeal were as follows

- The effect of the development on the character and appearance of the area,
- Whether the proposals adequately demonstrate a reduction in CO2 level and
- Whether the proposed development would make adequate provision of affordable housing

3.44 This site has been previously been associated with a grant of planning permission for a six storey building. The Planning Inspector considered that the proposed 10 storey building would have been overly prominent within its setting to the detriment to views towards the site. He also concluded that the proposed development would have had an unacceptable impact on the openness of Metropolitan Open Land. He was also concerned about the choice of materials (terracotta and dark grey coloured cladding).

3.45 The Planning Inspector was not satisfied that the appellant had properly assessed energy emission levels and was not prepared to condition such measures as part of a grant of planning permission.

3.46 Finally, The Planning Inspector was not satisfied that sufficient details had been submitted to confirm that affordable housing would be delivered as part of the proposed development

3.47 The appeal was DISMISSED.

Application No:	PA/11/000762
Site:	Urban bar, 176 Whitechapel Road, London, E1 1BJ
Development:	Display of a 48 sheet advert hoarding
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	DISMISSED

3.48 The main issue in this case was the effect of the hoarding on the visual amenities of the area and the character and appearance of the London Hospital Conservation Area. The planning Inspector concluded that the hoarding (at second floor level) appeared disproportionately large compared to the remainder of the elevation. She was also concerned that the hoarding obscured architectural detailing.

3.49 The appeal was DISMISSED and the Council’s Planning Enforcement team are now taking steps to seek to remove the offending hoarding.

Application No:	PA/10/02840
Site:	82-84 Brick Lane, London E1 6RL
Development:	Display of a fascia sign (writing only)

Council Decision:	illuminated)
Appeal Method:	REFUSE – (Delegated Decision)
Inspector's Decision	WRITTEN REPRESENTATIONS
	ALLOWED

3.50 The issue in this case was the effect of the fascia sign on the character and appearance of the Brick Lane/Fournier Street Conservation Area. The Planning Inspector was satisfied that the fascia sign fits over a fascia board and was not clear as to the Council's reasons as to why the sign was inappropriate in terms of its size. She did not think that the Council had adequately demonstrated the harm to the conservation area character and the appearance of neighbouring heritage assets

3.51 The appeal was ALLOWED.

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application Nos:	PA/11/02094
Sites:	61-67 Cahir Street, E14
Development:	Erection of three storey rear extension, roof extensions and dormers and conversion of the 4 existing town houses to 4x2 bed and 4x3 bed flats
Council Decision:	Refuse (delegated decision)
Start Dates	21 November 2011
Appeal Method	WRITTEN REPRESENTATIONS

4.2 Back in September 2011 the Council was successful on appeal in respect of an alternative proposal for this site. The Council was successful on grounds of the loss of family accommodation and the poor standards of external amenity space to support the proposed units.

4.3 The Council has recently refused an alternative form of development on similar grounds – loss of family sized units and lack of amenity space for proposed family units. The appellant has requested that the appeal be heard by way of a Hearing, although officers have requested that the Planning Inspectorate deal with the appeal by way of written representations

Application No:	PA/11/02094
Sites:	596 Roman Road, London, E3 2RW
Development:	Erection of a rear extension at first floor level, a new second floor and mansard roof extension in connection with the use of the property as a retail shop at 6 residential units (3x1 bed, 2x2 bed and 1x3 bed) bed flats.
Council Decision:	Refuse (delegated decision)
Start Date	1 April 2011
Appeal Method	WRITTEN REPRESENTATIONS

4.4 Planning permission was refused in the case on grounds of loss of retail

floorspace within a core shopping area, the design of the proposed extensions failing to preserve or enhance the character and appearance of the Roman Road Market Conservation Area and on grounds of poor residential floorspace standards, poor internal layout and lack of amenity space.

Application No: PA/11/01708
Site: 71A Fairfield Road, London
Development: External alterations in connection with the conversion of property into 8 flats (3x1 bed and 5x2 bed)
Council Decision: Refuse (delegated decision)
Start Date: 2 November 2011
Appeal Method: WRITTEN REPRESENTATION

- 4.5 This site has had an extensive planning history – with previous enforcement action and a previous appeal (with a previous case for retention and alteration of the property and use as 8 flats). The scheme the subject of this appeal does not satisfactorily address the Planning Inspector’s previous concerns. Planning permission for this revised scheme was refused on grounds of lack of family units and the adequacy of internal space and lack of outlook to some of the units, resulting in a poor standard of accommodation.

Application No: PA/11/00641
Site: 88 Waterman Way, London E1W 2QW
Development: Erection of a proposed side and rear extension and new basement accommodation
Council Decision: Refuse (delegated decision)
Start Date: 11 November 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.6 Planning permission was refused in this case on grounds excessive scale bulk and mass of extension, upsetting the symmetry of the existing terrace. The refusal also referred to the loss of garden amenity space, with the remaining garden space being inadequate for the needs to existing occupants of the property. There was also concern about the impact of the development in terms of outlook and an increased sense of enclosure

Application No: PA/11/02013
Site: Flat 5, Arcadia Court, 45 Old Castle Street, London E1 7NY
Development: Installation of uPVC window frames
Council Decision: Refuse (Delegated Decision)
Start Date: 16 March 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.7 Planning permission was refused in this case on grounds that the replacement windows fail to preserve or enhance the character and appearance of the Wentworth Street Conservation Area.

Application No: PA/11/01506
Site: 408 Hackney Road, London,, E2 7AP
Development: Refurbishment and re-development of vacant public house comprising the erection of a part three part five

storey building to provide a nine flats (2 studio/bedsit; 3x2 bed and 3x4 bedrooms) plus conversion and creation of 145.4 square meters of office floor space.

Council Decision:

Refuse (delegated decision)

Start Date

4 November 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.8 This application was refused on ground of poor design, failing to respect the architectural detailing of the host building and failing to preserve or enhance the character and appearance of the Hackney Road Conservation Area. Further reasons for refusal related to inadequate refuse storage arrangements and loss of amenity to a neighbouring property.

Application No:

PA/11/01890

Site:

24 Marshfield Street, London E14 3HQ

Development:

Retention and alteration of the existing full-width single storey rear extension with new rendered facade.

Council Decision:

Refuse (delegated decision)

Start Date

14 November 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.9 This application was refused on grounds of inappropriate design and amenity impacts to the neighbouring 23 Marshfield Street through loss of light and outlook as well as increased enclosure.

Application No:

PA/11/02150

Site:

45 Roman Road, London, E2 0HU

Development:

Conversion of existing building into four residential flats (for single persons 4x1 bed) and erection of new mansard roof.

Council Decision:

Refuse (delegated decision)

Start Date

11 November 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.10 The reason for refusal related to the loss of an existing family sized unit and the failure to provide a suitable mix of accommodation, with heavy reliance on non family occupation. Further reasons for refusal related to poor standard of accommodation (especially flat sizes) and inadequate cycle storage facilities.

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