

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 12 SEPTEMBER 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Anwar Khan (Vice-Chair)
Councillor Tim Archer
Councillor Judith Gardiner
Councillor Kosru Uddin
Councillor Gulam Robbani

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Adrian Walker	– (Planning Officer, Development and Renewal)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

1. APOLOGIES FOR ABSENCE

Apologies for lateness were received on behalf on Councillor Anwar Khan.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

However Councillors Helal Abbas, Kosru Uddin, Tim Archer, Gulam Robbani and Judith Gardiner declared an interest in agenda item 7.3, Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/01647) and item 7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607). This was on the basis that the

Councillors had received correspondence and had spoken to interested parties for and against the applications. Councillor Judith Gardiner also declared that she knew the applicant for item 7.3.

Councillor Anwar Khan declared an interest in agenda item 7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607). This was on the basis that the Councillor was a frequent visitor of the area.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14th August 2013 be agreed as a correct record and signed by the Chair.

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

7. PLANNING APPLICATIONS FOR DECISION

7.1 15-19 Rigden Street (PA/13/00188)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 15 -19 Rigden Street for the provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide

new balconies.

The Chair invited registered speakers to address the Committee.

Silviya Barrett spoke in objection to the scheme as a local resident of the surrounding area. She referred to the letters of objections and petitions against with 26 signatures in total. She considered that the design and scale of the proposal was out of keeping with the Lansbury Conservation Area and the surrounding buildings that were mainly 2-3 stories in height. She objected to the impact on amenity in terms of loss of sunlight and overshadowing. She objected to the impact on traffic congestion and the lack of parking spaces in the area to accommodate the scheme. She commented that a ward Councillor also had concerns about the application. There was a lack of consultation by the Council with local residents. As a result, Officers did not fully understand the views of residents.

Steve Conlay spoke in support of the scheme. He reported on the amendments to the scheme, scaled down from two additional storeys to one. He considered that the height was acceptable given the modest size of the additional storey. There would be a s106 agreement to secure a car and permit free development. The proposed units would make a positive contribution to the street scene as per similar redevelopments near the host building. Mr Conlay explained the position of the balconies at the front and the size of the proposed windows. He did not consider that the balconies would overlook any gardens or would unduly affect amenity due the modest nature of the proposal.

Mary O'Shaughnessy (Planning Officer) presented the detailed report. She explained the application including the site location, the character of the surrounding area and the Conservation Area. The scheme had been subject to statutory consultation and the main issues raised in objection concerned the design, highways and amenity.

It was considered that the scheme, as amended, was in keeping with the host building and the area given the varied character of the area. It was also considered that the impact on amenity was acceptable due to the scale of the additional storey and the separation distances. Highway Services were satisfied with the proposal. Officers were recommending that the application should be granted permission.

In reply to Members, Officers clarified the location of the balconies near 21 and 23 Rigden Street. The separation distances at that point exceeded the requirements in policy which should prevent any adverse overlooking or impact on sunlight/daylight.

Questions were also asked about the increase in windows. Officers considered that the impact from which on amenity should be consummate to what already existed given the windows were generally in the same position as those on the lower floors. Therefore, Officers were not concerned about this.

Officers also reported that the policy on incremental development was now in place in the Development Plan. However, this did not apply in this instance as the scheme did not propose any affordable housing in accordance with policy. It was proposed that an area of secure car parking would be incorporated into the community open space. Full details would need to be secured by condition.

On a vote of 4 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission (PA/13/00188) at 15-19 Rigden Street London be **GRANTED** for the provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies subject to:
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 Committee report.

Councillor Anwar Khan did not vote on this item having not been present from the beginning of the item.

7.2 429B Roman Road, London, E3 5LX (PA/13/01392)

Jerry Bell (Applications Team Leader) introduced the report at 429B Roman Road, London, E3 5LX (PA/13/01392) regarding the change of use of 4sq meters of estate agent (A2 Use Class) to mini cab call centre use (sui generis) at ground floor level.

Shahara Ali-Hempstead (Planning Officer) presented the detailed report. She explained the site and surrounds that was mainly mixed in character. The scheme complied with policy in terms of land use given that the proposed activities were broadly similar to an Office type use (A2/B1) and compatible with the area and its general commercial usage.

The application had been subject to consultation resulting in 4 letters of objection and a petition with 121 signatures against. Officers had imposed conditions to address any concerns. This included a restriction on the use of the mini cab operation as a control room only with no facilities on site for drivers waiting or for taxis to pick up waiting customers; restrictions on the hours of operation; and a ban on external flashing lights and external signage or advertising.

Subject to these conditions, Officers were recommending that the planning permission be granted.

In reply to questions about the risk of taxis waiting in the streets, adding to congestion, it was reported that Highway Services were satisfied with the proposal subject to the conditions. It was also noted that the Controlled Parking Zone operated until early evening in the area that should minimise

any such problems with vehicles waiting.

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

1. That planning permission (PA/13/01392) at Site at 429B Roman Road, London, E3 5LX, London be **GRANTED** for change of use of 4sq meters of estate agent (A2 Use Class) to mini cab call centre use (sui generis) at ground floor level subject to:
2. That the Corporate Director Development & Renewal is delegated power to impose conditions on the planning permission to secure the matters set out in the Committee report.

Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.3 Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/01647)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB for the variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, (PA/13/00116) for the change of use of existing light industrial units to a secondary school offering vocational courses for 14-19 year olds.

The Chair invited registered speakers to address the Committee.

Councillor Shiria Khatun spoke in objection to the proposal. Councillor Khatun expressed concern about the lack of consultation with local residents. Many of which only found out about the application and this meeting very recently due to non-receipt of a letter from the Council and as they did not receive the East End Life newspaper.

It was proposed to transfer many students from across the Borough to the new school. A major concern was the additional pressure that this would place on local transport that was already overstretched, especially at peak times, and the impact this would have on local residents in using these services. There was already a café nearby. Councillor Khatun expressed concern about increased anti social behaviour (asb) from congestion from the proposal, given the high levels of asb in the area.

In response to Members, Councillor Khatun considered that there was a lack of consultation by the applicant and confusion about the proposals. The Councillor questioned the exact scope of their consultation as the information provided about this was inconsistent. It was evident that some areas hadn't been canvassed at all. In addition, the Councillor confirmed that she did not

personally receive a letter from the Council about the scheme, as a local resident. The residents main concern was the number of students. Councillor Khatun requested that it be reduced to 280.

Eddie Stride spoke in support of the scheme. He explained the purpose of the scheme to help disadvantaged young people to find employment. The current Free School had a capacity of 486 learners. It was therefore necessary for the new school to accommodate this number to find all students a place. It was expected that most of the students would walk to the school and there would be staggered start and finish times for pupils to minimise the impact in the peak hour on the highway.

The applicant had held discussions at pre and post application stage with the objectors and had canvassed all of the surrounding area and left leaflets for the blocs where entry was not possible. Mr Stride reported on the measures to minimise asb. However, he considered that this was rarely a problem at City Gateway facilities. In fact, the evidence showed that such problems usually decreased where their projects were based.

In response to Members, Mr Stride explained that the current lease for their existing Free School accommodation was about to expire. The response from the community to the proposals was very positive and City Gateway regularly engaged with the community to seek feedback and address and issues. Mr Stride also explained the range of the course offered and the expected footfall from the social enterprise units, that would mainly attract local residents. There was a frequent turnover of learners. Many of which would attend courses off site. There were also internal areas where pupils could enter. Such steps should prevent students congregating outside the site. Mr Stride also explained the security arrangements to address any nuisance behaviour should it occur.

Mary O'Shaughnessy (Planning Officer) presented the detailed report. Ms O'Shaughnessy reminded Members that the principle of the development had already been approved (at the May 2013 meeting of the Committee). Therefore, the purpose of this application was to consider the variation only to condition 5 (regarding pupil numbers) and 6 of the planning permission (regarding the hours of operation). Ms O'Shaughnessy explained the scope of the consultation including letters, a site note and an advert in the East End Life newspaper. The application was before the Committee as it sought to vary the conditions agreed by the Committee not due to the number of representations. The applicant was requesting the changes as they found that the current conditions were overly restrictive in view of the needs of the school.

In response to Members, Officers explained the outcome of the transport assessment. This showed that a substantial number of journeys to the school would be by foot as well as by public transport. In addition, there would be staggered start/finishing times, as highlighted by the speaker and many of the students would be attending courses elsewhere. Such factors should minimise the number of pupils using public transport at any one time.

The applicant had attended a meeting with Transport for London (TfL) and the Planning Officer where there was much discussion about the impact on the transport system. TfL were now satisfied with the suggested capacity of 490, given the staggered operational hours, as this would ensure that the students would generally be travelling outside peak times.

It was also reported that the Student Management Plan would be secured by condition to manage the entrances and exists to the school.

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

1. That application (PA/13/01647) at Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB be **GRANTED** for the variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, reference PA/13/00116 for the "Change of use of existing light industrial units (Use Class B1) (numbers 24, 26, 28, 30 and 32) to a secondary school (Use Class D1) offering vocational courses for 14-19 year olds."
 - Variation of Condition 5 (Student Numbers) to limit the maximum number of students on site to 490.
 - Variation of Condition 6 (Hours of Operation) staggering the arrival time of staff and students as follows:
 - Teachers and staff - 07:00 - 23:00
 - 14 - 16 year old students - 09:30 - 15:00
 - 16 - 19 year old students - 10:00 - 15:30
 - Social enterprise units - 10:00 - 18:00
2. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.

7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 85 - 87 New Road, London, E1 1HH for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets and seating for the existing restaurant at 87 New Road. It was noted that the Officers recommendation was for refusal.

The Chair invited registered speakers to address the Committee.

In view of the non attendance of the objectors registered to speak, the Chair invited Khalid Bashir to speak in support of the application

Khalid Bashir explained the nature of the business. He reported that the business contributed positively to the local economy. The purpose of the application was to extend the seating area and provide a waiting area. This should help minimise any noise and disturbance from customers outside the shop. He referred to similar conversions in the area for A3 restaurant use. These included cooking facilities and this application was not proposing this.

The applicant had carried out a survey of commercial uses trading in and off New Road. According to these findings, only 11% were A3 uses with only 5 restaurants contrary to the Officers' survey in the report that suggested that this figure was much higher, 33%.

In response to Members, Mr Bashir explained the plans to link the two units internally and that the adjacent shop had been vacant for approximately 6 months. It was proposed to provide about 25-30 new seats in that unit. It was not proposed to make any alterations to the front of the unit.

Adrian Walker (Planning Officer) presented the detailed report. Mr Walker explained in detail the application. He explained the scope and the outcome of the local consultation resulting in 1 letter in objection, a petition in objection with 21 signatures and 3 supporting petitions with 114 signatures.

One of the main issues for consideration was the loss of a retail unit. Officers considered that this was acceptable due to the number of retail units in the Whitechapel District Centre.

A key issue however, was whether the proposal would lead to an over-concentration of A3 units in the area. In view of this, Officers had also carried out a survey of the commercial units in the area (100 metres along the New Road from the premises). The results showed that there was an over concentration of A3/A5 restaurant/takeaways near the shop (33%) in excess of the threshold for such uses in policy.

Officers explained the method used for their survey and their concerns with the applicants own survey as it covered a much wider area and excluded a large restaurant.

Officers highlighted the negative impact on amenity of a proliferation of restaurants uses. It was also reported that number of similar applications for conversion had been refused on the grounds of over concentration in recent years.

As a result, Officers were recommending that the scheme be refused as it would add to the proliferation of A3 uses on the New Road.

In response, Members noted the benefits of the proposal in supporting the local economy and bringing a vacant unit back in to use. Such enterprises should be encouraged in the current economic climate. Members also questioned whether there was, in practice, an overconcentration of such uses along the New Road having visited the site. Members also considered that

there was a lack of a clear policy on this matter and that the application was modest in nature given it primarily sought to extend the seating area.

On a vote of 1 in support of the Officer recommendation to refuse planning permission, 4 against, and 1 abstention the Committee **RESOLVED**:

1. That the Officer recommendation to refuse planning permission (PA/13/01607) at 85 - 87 New Road, London, E1 1HH be **NOT ACCEPTED** for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.

The Committee were minded to approve the scheme due to the following reasons:

- That the shop at 85 New Road was currently vacant and the loss of the A1 retail use was considered acceptable.
- The Committee were not convinced by the evidence that there was an over-concentration of restaurant uses in the area.
- The lack of clear policy guidance in relation to over – concentration of a specific use in an area.

In accordance with the Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for approval and conditions on the application.

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Tim Archer, Judith Gardiner, Kosru Uddin and Gulam Robbani)

8. OTHER PLANNING MATTERS

8.1 11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE (PA/11/2306)

Benson Olaseni (Planning Officer) presented the report regarding 11-31 Toynbee Street and 65-67 Commercial Street, for the demolition of the existing commercial buildings on site and redevelopment to provide a ground plus part two, part three and part four storey building comprising commercial units at ground, 19 residential units on upper floors and other works incidental to the application.

Mr Olaseni explained the poor condition of the existing buildings and the quality of the replacements. English Heritage were satisfied with the proposal. It was considered that the regeneration benefits outweighed any loss when assessed against the relevant criteria in policy.

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

That application (PA/11/2306) at 11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE for the demolition of the existing commercial buildings on site and redevelopment to provide a ground plus part two, part three, part four storey building comprising 5 commercial units at ground for flexible A1/A2/B1 use, 1 commercial unit at ground for flexible A1/A2/A3/B1 use and 19 residential units on upper floors and other works incidental to the application (5 x 1 bed, 11 x 2 bed, 2 x 3 bed and 1 x 4 bed) be **REFERRED** to the Secretary of State with the recommendation that the council would be minded to grant Conservation Area Consent subject to conditions set out in the Committee report.

8.2 Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/13/01581)

Paul Buckenham (Planning Officer) presented the application (PA/13/01581) at Poplar Baths, 170 East India Dock Road, London E14 0EH for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths and surrounding buildings.

Mr Buckenham explained the application and the need to seek approval of the works at this stage to accommodate the timetable for the wider scheme. Mr Buckenham explained the level of the local consultation. No letters of representations had been received. English Heritage and the Council's Conservation and Design Officer supported the scheme given that it would preserve the special architectural and historic interest of the listed building.

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

That application (PA/13/01581) at Poplar Baths, 170 East India Dock Road, London E14 0EH for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths and surrounding buildings be **REFERRED** to the Secretary of State for Communities and Local Government with the recommendation that the council would be minded to grant Conservation Area Consent subject to conditions set out in the Committee report.

9. PLANNING APPEALS REPORT

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 10.10 p.m.

Chair, Councillor Helal Abbas
Development Committee