

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 12 MARCH 2014

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Judith Gardiner
Councillor Tim Archer
Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed (Substitute for
Councillor Kosru Uddin)

Other Councillors Present:

None.

Apologies:

Councillor Kosru Uddin, Councillor Gulam Robbani and Councillor Harun Miah

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning, Directorate, Law Probity and Governance)
Angelina Eke	– (Development Control Planner, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)
Adrian Walker	– (Planning Officer, Development and Renewal)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 12th February 2014 be agreed as a correct record and signed by the Chair.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

Nil items.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Units 24 - 32 (even) Mastmaker Road, London, E14 9UB (PA/13/02773)

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) drew attention to the update report regarding the publication of the National Planning Practice Guidance and the commencement of the public consultation on the Draft further alterations to the London Plan 2014.

Whilst they should be given some weight, the changes did not introduce any further material considerations or alter the nature of the recommendations.

Mr Buckenham introduced the item regarding Units 24 - 32 (even) Mastmaker Road to vary Condition 6 (hours of operation) relating to applications PA/13/01647 and PA/13/00116 which allowed a change of use to provide a secondary school offering a range of vocational subjects.

Angelina Eke (Planning Officer) presented the report. The Committee were advised of the proposals to extend the hours for staff at the site to 06:30 to 23:00 and to extend the hours of the Social Enterprise units.

The Applicant was seeking these changes to meet the demands of the service

users and the needs of the community. The applicant had carried out a marketing exercise and considered that, based on this, there was a need for the proposal. The changes should also improve the sustainability of the businesses. The Committee noted the outcome of the local consultation. There had been 4 letters of objection, 1 petition in objection with 33 signatures. The nature of the concerns were explained. It was also reported that since agenda publication, 48 letters of support had been submitted (as detailed in the update).

The material planning issues concerned amenity and highway impact. It was noted that the LBTH Environmental Health Team and the Crime Prevention Officer had no objections to the proposal.

The Applicant was also committed to restricting use of the car park on site after hours and updating the Travel Plan to reflect the proposals.

Overall, Officers did not consider that the proposal would cause any undue impacts. Therefore, the application should be granted planning permission.

Members sought assurances on the plans to restrict use of the car park after hours to protect residential amenity, particularly from the noise. Officers drew attention to the comments of LBTH Highways as set out in the report. Nevertheless, the Committee could add a condition to ensure the closure of the car park after hours.

It was also discussed whether the opening hours of the gym/sports hall should be restricted to 07:00 to allow staff time to arrive on site and to open up at 06:30. It was considered very likely that if granted, that the staff would arrive before 06:30 to open up the facility in breach of the condition.

As a result of these issues, Councillor Tim Archer proposed an amendment to the application to restrict use of the car park at the site and to restrict the opening hours of the gym to 07:00. The amendments were seconded by Councillor Khales Uddin Ahmed. On a vote of 4 in favour, and 1 against, the Committee agreed these changes.

Members asked about the incidents of Anti-Social Behaviour (ASB) at the site. In response, Officers referred to the comments of the Crime and Prevention Officer. There was no evidence to suggest that the proposal would increase ASB or any known incidences of ASB directly relating to this site.

It was confirmed that the 48 letters of support (referred to in the update) were pro-forma letters. With the permission of the Chair, these were circulated to the Committee. Members questioned the number from local residents and the number of standard letters. The Chair requested that this should be made clear in reports. Officers confirmed that the majority were from local residents.

Some Members questioned the need for the application at this time given that the facilities had only recently opened. It was considered that the proposals should ideally have been sought as part of the original application. Whilst supportive of the application, this approach could be perceived as incremental

development.

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

That planning permission (PA/13/02773) at Units 24 - 32 (even) Mastmaker Road, London, E14 9UB be **GRANTED** to vary condition 6 (hours of operation) attached to planning permission dated 15/10/2013 ref: PA/13/01647, which varied conditions 5 and 6 of the planning permission dated 10/07/2013 ref: PA/13/00116 which allowed a change of use of the existing light industrial units to a secondary school (Use Class D1) offering a range of vocational subjects for 14-19 year olds SUBJECT to the conditions and informatives set out in the Committee report and the following amendments:

- Opening Hours of the Gym/Sports Hall

To be amended to Monday to Friday **07:00** to 22:00 (with Saturday to Sunday 08:00 to 20:00)

- Restrictions on the use of the car park at the site outside core hours.

The approved hours are set out in full below:

Teachers & staff

- Mondays to Saturdays - 6.30 - 23:00 hours

14 - 16 year old students

- 09:30 - 15:00 (as approved under PA/13/01647)
- 16 - 19 year old students - 10:00 - 15:30 (as approved under PA/13/01647)

Nursery/Family Centre

- Monday to Friday - 07:00 - 20:00 hours
- Saturdays 08:00 - 18:00 hours

Café/Restaurant use

- Mondays to Fridays - 07:30 - 22:00
- Saturdays - 10:00 – 22:00 hours
- Sundays - 10:00 – 21:00 hours

Gym/Sports Hall

- Mondays to Fridays - **07:00** - 22:00
- Saturdays and Sundays – 08:00 – 20:00 hours

6.2 93 New Road, London, E1 1HH (PA/13/02318)

Update Report Tabled.

Paul Buckenham (Development Manager) introduced the application regarding 93 New Road for change of use to an A3 restaurant.

The Chair invited registered speakers to address the Committee.

Mohammed Sultan Haydar spoke in objection to the application. Mr Haydar considered that the proposal should be rejected given the overconcentration of restaurants in the area. He drew attention to the impact of such premises on residents in terms of noise disturbance and parking stress. The proposal would add to these problems and further ruin residents quality of life. He noted the decision to refuse the similar applications and considered that this application should also be rejected.

Mukith Uddin spoke in opposition to the application as a local resident. He also expressed concern at the high number of restaurants locally and the impact of these premises on amenity in terms of nuisance behaviour, increased pollution, in view of the number of children in the area and problems with vermin. This additional restaurant would worsen these problems.

Whilst the applicant had taken on board many of their concerns, no real consideration had been given to the full impact on local residents. He considered that he had contacted the Enforcement Team about breaches in the planning permission for a unit on New Road. However, no action had been taken. The application should be refused as the activities from the proposal would worsen the existing problems.

Note: The Applicant had been invited to address the Committee in accordance with the Development Committee Procedural Rules. However, had declined this offer.

Adrian Walker (Planning Officer) presented the detailed report. He explained the site location, the surrounding area that was mixed in nature, the proposed layout of the premises, the flue and the outcome of the local consultation. To which 4 letters of objection had been received regarding the potential for noise, litter and air pollution from the proposal. He addressed the main issues for consideration including the justification for the loss of the A1 use and the plans for the flue which would preserve the character of the surrounding area.

A key issue for consideration was the issue of over proliferation of A3 uses in the area and the impact of this on residents. Officers drew attention to the decision made by the Committee regarding 85 New Road on 11th October 2013, where Members considered that there was a lack of evidence to suggest that there was an over concentration of A3 uses in the area. Officers also drew attention to the recent survey completed since that decision. This showed that if granted, the number of A3 uses would increase by only a small percentage.

Members were also reminded that there was no specific guidance in planning policy for defining what might constitute overconcentration. Therefore, it was necessary to base this decision on the evidence.

In view of the above, Officers did not consider the proposal would result in an over concentration of A3 units in the area and affect amenity given the nature of the restaurant use. Therefore, Officers were recommending that the application be granted.

In response, Members expressed concern about the impact of the existing A3 uses on the local environment. A Member objected to the amount of smoke and odours from such premises. Given this, and the concerns expressed by the objectors, it was feared that the application could worsen this. Members also noted the decision to refuse the previous applications and asked whether the problems around Anti-Social Behaviour had been taken into account. Members also asked about the separation distances between the unit and other restaurants.

Officers confirmed that Environmental Health were satisfied with the plans, particularly for the flue. Officers emphasised the decision to grant 85 New Road and the similarities with this application in terms of evidence. Therefore, based on this and the lack of policy guidance, Officers considered that the application would not result in overconcentration and that the proposal was acceptable. Officers also confirmed the nature of the uses in the surrounding units. The issue of ASB had fully been taken into account. There was no evidence to suggest that a well managed restaurant use should lead to such problems.

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

That the Officer recommendation to grant planning permission (PA/13/02318) at 93 New Road, London, E1 1HH be **NOT ACCEPTED** for proposed change of use from a retail shop A1 into a restaurant A3 subject to conditions.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Overconcentration of A3 restaurant uses in the area.
- Impact of the proposal on residential amenity in terms of increased noise and disturbance and Anti-Social Behaviour arising from the activities based on the evidence of local residents.

In accordance with 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 refusal and the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Rajib Ahmed, Khaled Uddin Ahmed, Judith Gardiner and Tim Archer).

7. OTHER PLANNING MATTERS

Nil Items.

The meeting ended at 8.15 p.m.

Chair, Councillor Helal Abbas
Development Committee