

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 9 APRIL 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 Khaled Uddin Ahmed
Councillor Tim Archer
Councillor Gulam Robbani
Councillor Harun Miah
Councillor Rajib Ahmed (Substitute for
Councillor Kosru Uddin)

Other Councillors Present:

Councillor Joshua Peck

Apologies:

Councillor Kosru Uddin

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Robert Lancaster	– (Planning Officer, Development and Renewal)
Elaine Bell	– (Legal Advisor, Directorate, Law, Probity and Governance)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

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 March 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

5.1 Coborn Arms, 6-10 Coborn Road, London, E3 2DA (PA/13/02287)

Paul Buckenham (Development Manager, Development and Renewal) introduced the item to extend the premises at Coborn Arms, 6-10 Coborn Road, London.

The Chair advised that, in view of the changes to the application, that public speaking would be allowed on this item. The Chair then invited registered speakers to address the Committee.

Roy Sully spoke in objection to the application. He considered that the proposed extension, despite the amendments, would still expand the premises and therefore worsen the existing problems in terms of noise and anti-social behaviour from the comings and goings. Therefore would affect residential amenity. There had been a lack of proper consultation with residents about the proposal aside from the consultation meeting. The aims of the initiative could be achieved within the existing parameters.

Shirley Day spoke in objection the application. She described the character of the area that was mainly residential in nature and family orientated. The community enjoyed having a local public house that was in keeping with the area. It should remain so, rather than be converted to a 'town centre' style public house to protect residential amenity. She expressed concern at the prospect of families and children having to walk past this extended public house. In response to Members, Ms Day considered that the plans would put additional pressure on the outside forecourt and therefore disturb residents.

Councillor Joshua Peck also spoke in objection. He objected to the impact the increase in customers and coming and going would have on neighbours, especially as their bedrooms were very near the premises. Despite the changes, the plans would still increase the size of the premises and its customer base by a significant percent and therefore worsen the existing amenity impact. Councillor Peck requested that the Committee confirm their previous decision to refuse the application.

Steve Gallagher (Applicant's Agent) spoke in support of the scheme. Mr Gallagher explained the business case for the plans. The premises was a well managed public house with no history of nuisance. He outlined the key features of the revised proposal, including the new dining area at the rear, to keep the public house itself local at heart. The new customer base would mostly be customers of the restaurant. So the plans were unlikely to increase anti-social behaviour. In reply to Members, he confirmed that there were no plans to expand the outside forecourt. He disagreed that the extension would result in disturbance due to the nature of the plans and new customer base.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. Mr Lanoszka reminded the Committee that Members previously considered the application at its February 2014 meeting where Members were minded to refuse the application due to the concerns over the impact on the proposal on local amenity. Since that time, the applicant had met with residents and had amended the scheme to address the concerns. Mr Lanoszka described in detail these amendments and the outcome of the further round of local consultation on the proposal. Officers considered that the amendments were a significant improvement to the scheme and considered that any impacts would be minor in nature. The Officers recommendation remained to grant planning permission. However, should Members be minded to refuse the scheme, Members were directed to consider the draft reasons for refusal set out in the Committee report, drafted by Officers in light of the February 2014 meeting.

On a vote of 2 in favour of the Officer recommendation to approve planning permission and 3 against, it was resolved that the recommendation not be accepted.

On a vote of 3 in favour to refuse planning permission and 2 against the Committee **RESOLVED**:

That planning permission at Coborn Arms, 6-10 Coborn Road, London, E3 2DA (PA/13/02287) be **REFUSED** for the erection of single storey side extension to existing kitchen at rear with new extract system; partial demolition of existing side extension at rear and erection of new extension to form new orangery dining area and herb garden; erection of single storey side/rear extension to existing bar; installation of new air-conditioning units and condensers onto existing flat roof for the following reasons

The proposed extension to the public house would result in an increase in late evening noise, disturbance and general activity within the forecourt and in the vicinity of the premises and thus lead to an unacceptably harmful effect on the

living conditions and amenity of the adjoining residential occupiers. This would be contrary to the general principles of the National Planning Policy Framework (2012), policy 7.15 of the London Plan (2011), policy SP03(2B) of the Core Strategy (2010), and policies DM8 and DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future building occupants, as well as the amenity of the surrounding public realm.

Councillor Khales Uddin Ahmed did not vote on this application having not been present at the previous Committee meeting where the item was considered.

5.2 375 Cable Street, London, E1 0AH (PA/13/02251)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the item regarding 375 Cable Street to extend the opening hours of the premises.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. Mr Lanoszka reminded the Committee that Members previously considered the application at its February 2014 meeting with an Officer recommendation to refuse the planning permission. At that meeting, Members were minded to approve the application.

Mr Lanoszka drew attention to the evidence from the Shadwell Safer Neighbourhood Team as detailed in the update report about youths loitering outside the premises. Despite the concerns, the Police had no formal records of incidents being reported. Nevertheless, the Police were also of the view that the residents would experience an increase in litter, youths congregating, minor ASB and nuisance at later hours that would affect the residents quality of life. The evidence from the Council's Anti-Social Behaviour Team about drug taking in the vicinity was inconclusive.

Members were also reminded of the nature of the objectors. The main concern was that the premises already harmed residential amenity. The plans would worsen these problems. The surrounding area was mainly residential contrary to the setting of most other take-ways in the Borough.

Officers also highlighted the planning history to the case. In particular, the Planning Inspector's decision to restrict the opening hours as at present to protect amenity. This was a material planning consideration and should be given significant weight.

In view of the above, the Officer recommendation remained to refuse planning permission. However, should Members be minded to approve the scheme, Members were directed to impose the condition set out in report.

In response to Members, Officers confirmed the response of Eastend Homes stating that they were aware of and supported the residents concerns. Officers also explained in further detail the Inspector's decision requiring that the opening hours be restricted as at present. The Inspector considered that this was an essential condition. Any decision contrary to this could be open to challenge.

Mr Lanoszka also confirmed the position regarding the waste bins outside the shop, given the discussion about this at the last meeting. He explained the source of their evidence showing the presence of such bins and when the photographs were taken. He also highlighted the contents of the complaints log (as mentioned in the report). Officers could not confirm that the material directly related to activities from the premises due to the generic nature of the evidence. Any incidences of non-compliance with the existing planning conditions would be investigated by relevant Council Officers.

A Member commented that the proposed closing hours were similar to those of other takeaways. Therefore, was minded to look favourable on this application. It was also acknowledged that the evidence regarding crime in the vicinity was inconclusive.

On a vote of 2 in favour of the Officer recommendation to refuse planning permission and 4 against, it was resolved that the recommendation not be accepted.

On a vote of 4 in favour to approve planning permission and 2 against the Committee **RESOLVED**:

That planning permission at 375 Cable Street, London, E1 0AH (PA/13/02251) be **GRANTED** for the variation of condition 3 of planning permission granted by the Secretary of State for Communities and Local Government on 30th March 2011, reference APP/E5900/A/10/2141935/NWF, LBTH reference PA/07/03290, to allow opening hours from 9am - 10pm Sunday to Thursday and 9am - 11pm Fridays and Saturdays SUBJECT to the following condition:

The premises shall be closed to customers outside the following times: 09:00 to 22:00 Sunday to Thursday; and 09:00 to 23:00 on Fridays and Saturdays.

Councillor Khaled Uddin Ahmed did not vote on this application having not been present at the previous Committee meeting where the item was considered.

5.3 93 New Road, London, E1 1HH (PA/13/02318)

Councillor Haran Miah left the meeting before the consideration of this item.

Update Report tabled.

Paul Buckenham (Development Manager Development and Renewal) introduced the item at 93 New Road, London for the proposed change of use from a retail shop A1 into a restaurant A3.

Adrian Walker (Planning Officer, Development and Renewal) presented the report. Mr Walker reminded the Committee that Members previously considered the application at its March 2014 meeting with an Officer recommendation to grant planning permission. At that meeting, Members were minded to refuse the application due to concerns over the over concentration of restaurant uses in the area having regard to residential amenity.

The Committee were also reminded of their recent decision on a similar application at 85 New Road where Members decided to approve that scheme. It was considered that there was a lack of evidence of an over concentration of such uses in the area in view of the lack of policy tests for determining this.

It was reported that consistency in decision making was a material planning consideration.

There had been no major policy changes since the earlier decision.

Officers considered that the inference from the Committee was that this additional restaurant would be 'one too many' in area at which the levels of overconcentration would become unacceptable.

It should also be noted that this decision would be a material consideration in considering future restaurant proposals along New Road.

The Officers recommendation remained to grant planning permission. However, should Members be minded to refuse the scheme, Members were directed to considered the draft reasons for refusal set out in the Committee report, drafted in light of the March 2014 meeting.

On a vote of 1 in favour of the Officer recommendation to approve planning permission and 4 against, it was resolved that the recommendation not be accepted.

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

That planning permission at 93 New Road, London, E1 1HH (PA/13/02318) be **REFUSED** for the proposed change of use from a retail shop A1 into a restaurant A3 and Installation of extract flue at rear for the following reason:

The proposed restaurant would add to the proliferation this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going and Anti-Social Behaviour arising from the

activities based on the evidence of local residents. The proposal is therefore contrary to the objectives of policies SP01(2c) of the adopted Core Strategy (2010) and policy DM1(4) of the adopted Managing Development (2013).

Councillor Gulam Robbani did not vote on this item having not been present at the previous meeting when the item was discussed.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Wood Wharf, Preston's Road E14 (PA/13/02974)

Update Report Tabled.

Paul Buckenham (Development Manager Development and Renewal) introduced the report regarding Wood Wharf, Preston's Road for a temporary change of use.

Robert Lancaster (Planning Officer, Development and Renewal) presented the report. He explained the site location, the nature of the proposals including the controls in the management plan and the condition around the hours of use amongst other issues. The application was recommended for approval.

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

That planning permission at Wood Wharf, Preston's Road E14 (PA/13/02974) be **GRANTED** for the temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2,400 sq.m of Class A3 (restaurants and cafes) and A4 (drinking establishments) floor space (including food markets) and sui generis (theatre, outdoor exhibition/sporting uses (falling outside of Class D1) and ancillary uses to comprise no more than 14,999 sq.m of enclosed floor space; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a limited period until 28th February 2016 SUBJECT to conditions and informatives and S106 Obligations set out in the Committee Report.

7. OTHER PLANNING MATTERS

Nil Items.

The meeting ended at 8.40 p.m.

Chair, Councillor Helal Abbas
Development Committee