

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 14 MAY 2015

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis
Councillor Chris Chapman
Councillor Andrew Cregan (Substitute for Councillor Shiria Khatun)

Other Councillors Present:

None.

Apologies:

Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Brett McAllister	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Deputy Team Leader, Planning Services, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Gerard McCormack	– (Planning Enforcement Team Leader, Development and Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

Whilst not declaring a pecuniary interest in the item, Councillor Marc Francis declared that he would not sit on the Committee for the consideration of item 6.2, 418 Roman Road, London, E3 5LU (PA/15/00095).

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9th April 2015 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 and meeting guidance.

5. DEFERRED ITEMS

5.1 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal that had been deferred at the 11th March 2015 meeting of the Committee by Members for a site visit.

Brett McAllister, (Planning Officer, Development and Renewal) presented the report reminding Members of the proposal and representations received since the March meeting including correspondence from a ward Councillor. He also addressed the issues raised at the site visit and drew attention to the additional conditions proposed by the LBTH Conservation Officer to address

the issues. The Conservation Officer was present to reassure Members about the impact on the grade 11 listed building.

The scheme would bring the building back into an active use without harming the special features of the building or the viability of the Town Centre. Officers were therefore recommending that the scheme was granted permission.

In response to questions about the delivery plans, Officers highlighted the measures in the Management Plan to restrict the size of vehicles. Furthermore, in contrast with the nearby store, there would be parking bays adjacent to the loading bay subject to fines. This should also deter large vehicle from overlapping onto adjacent bays

In response to a question about the impact on the character of the building, it was accepted that any changes to the building would have some impact on the building. However, it was felt that subject to careful conditioning, that the impact would be acceptable and would have no adverse impact on the special qualities of the building. Given the purpose of the scheme and the site constraints, it was difficult to see how the scheme could be designed in any other way.

A Member did not accept the need for the new opening given the harm this would case to the building.

Regarding the impact on the Town Centre, it noted that at the request of Officers, a sequential assessment had been carried out and independently assessed (noting that the first application was refused due concerns over the impact on the Town Centre). The assessment showed that there was a demonstrable need for a retail unit in this area and that it could not be provided in the Town Centre. Accordingly, the scheme complied with Council planning policy on town centres.

Planning Permission

On a vote of 1 in favour of the Officer recommendation to grant planning permission and 2 against, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant planning permission at The Forge, 397 & 411 Westferry Road, London, E14 3AE be **NOT ACCEPTED** for change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1); change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses; use of the remainder of the ground floor as office use split into 3 units (Use Class B1a); the provision of 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a) and internal and external changes and maintenance to the Forge to facilitate the change of use

to retail convenience store (The full description of the proposal is set out in the Committee report).

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

- The impact of the scheme on the historic fabric of the Forge building.
- The impact on the viability of the neighbouring Town Centre.

Listed Building Consent.

On a vote of 1 in favour of the Officer recommendation to grant listed building consent and 2 against, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the listed building consent be not accepted and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent at The Forge, 397 & 411 Westferry Road, London, E14 3AE be **NOT ACCEPTED**.

The Committee were minded to refuse the listed building consent due to concerns over:

The impact of the scheme on the historic fabric of the listed building, particularly resulting from the creation of the new external opening.

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.

Councillor Andrew Cregan did not participate in this item having spoken in objection to the item as a registered speaker at the 11th March 2015 Committee meeting when the application was last considered.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Bethnal Green Gardens, Cambridge Heath Road (PA/14/02366)

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application. The Chair then invited registered speakers to address the Committee.

Tom Ridge spoke in objection to the proposal stating that he was representing the many residents who had objected to the scheme and had signed the petition. He considered that the existing building at the site was an important heritage asset and needed to be protected. However, the proposals would

harm the special features of the building given the proposed removal of the teak benches, ceramic tiles, the kiosk and the introduction of unsightly shutters harming the appearance of the building. The 20th Century Society and other parties had raised concerns about the impact of the plans.

He also objected to the loss of the public shelter given it was the only one of its type in the area. The scheme should be rejected or the building should be reopened in its original form as a kiosk. In response to questions, he considered that there was a lack of information about certain aspects of the scheme such as the security shutters. He considered that the reopening of the building as a kiosk should naturally reduce any anti-social behaviour in the area. He also commented on the strength of local feeling regarding the loss of the public shelter. The Chair also commented on the problems with nuisance behaviour in the park and that one way of addressing this may be to reactivate this building.

Stephen Murray (Head of Arts and Events, LBTH) spoke in support of the scheme. The plans would bring back the disused building into use, should help address ASB in the area by activating the area and improve the viability of the commercial enterprise. There was no evidence that due to the issues, that the shelter was well used by the public. The design of the scheme was sympathetic to the area having been amended in response to comments from the LBTH Conservation Officer. Whilst the plans would introduce steel shutters, they had been carefully designed to minimise their visual impact. The measures to ensure this were explained and that they were necessary to prevent vandalism.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the detailed report explaining the site location, the history of the building that was considered to be an undesignated heritage asset. However, the building had fallen into disrepair and attracted nuisance behaviour in recent years

Consultation had been carried out and the outcome of this was explained as set out in the committee report.

The scheme bore a close resemblance to the previously consented permission that had lapsed in 2014 and the Council's Cabinet had approved the terms of the lease in 2014.

It was considered that the proposed land use was acceptable and the scheme was financially viable following testing.

The changes to the building would be minimal and be sympathetic to the building. The extent of the works were explained, including the materials, layout and outdoor seating area. The loss of public seating would be kept to a minimum and café seating for customers would be provided. There was also a significant number of public benches through the park. It was noted that concerns had been raised about the installation of security shutters. However it was felt that given the design measures, that the impact would be minimal.

The impact on amenity would also be acceptable given the hours of operation

and separation distances. This had not been raised as an issue in consultation. Environmental Health had no objections to the scheme.

Overall, the proposal would provide a viable café whilst safeguarding the important aspects and openness of the building. Officers were recommending that the planning permission was granted.

In response to questions, Officers explained the need for the work at the rear of the building to create a wheelchair assessable toilet. Given that that this was a secondary wall (that would not harm the primary park facing element) and the benefits of these plans, it was felt that the work was necessary and acceptable.

It was also reported that the issues around the removal of the ceramic tiles and teak benches should be given limited weight as they were internal features. The removal of these features did not need planning permission as the building was not listed and their removal would be necessary to facilitate the scheme and would cause minimal harm. Whilst the loss of the bench in the middle area was regretful, retaining it would prevent any meaningful indoor café space from being created.

Members asked whether the ceramic tiles and the teak benches could be reused within the scheme or elsewhere within the gardens. Accordingly Councillor Marc Francis proposed an additional condition requiring the reuse of the teak benches and internal ceramic tiles within the scheme and this was agreed.

The plans also involved internal changes to create a storage area. However, given that this would facilitate the preservation of the external appearance it was felt that this could be justified.

Whilst the Crime and Prevention Officer had not been consulted, it was understood that that the site lent itself to ASB and attracted rough sleepers due to the secluded nature of the area. As the plans would remove such spaces, it should discourage such problems.

In response to further questions, officers explained the shortcoming with the alternative 'pop' up café option in terms of viability as set out in the report given the limited nature of the service. It would also warrant major changes to the building.

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

1. That planning permission at Bethnal Green Gardens, Cambridge Heath Road be **GRANTED** for change of use to a café with associated alterations including the installation of new glazing, security shutters, kitchen with extract system and toilet facilities(PA/14/02366).
2. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions to secure the matters set out in the Committee report and the additional

condition regarding the reuse of the teak benches and the internal ceramic tiles within the scheme.

3. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

6.2 418 Roman Road, London, E3 5LU (PA/15/00095)

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application.

The Chair then invited registered speakers to address the Committee.

Councillor Joshua Peck spoke in objection stating that he was representing the Roman Road Business and Residents Association. He objected to the proposed reduction in retail space, as this would seriously harm the viability of the retail unit and ultimately that of the Roman Road Town Centre. He considered that the viability of the Town Centre was already at risk due the number of other similar proposals. This scheme would worsen this problem. Therefore the scheme should be refused and existing retail unit should be retained.

In particular, he objected to the proposed width of the retail unit; that meant that it would be unusable for many uses and that a large part of the new retail space would be a basement. He also considered that that the proposal conflicted with Council policy that sought to maintain and increase retail space in the Roman Road area.

In response to questions, he expressed concern about the quality of the residential unit given the site constraints and the poor quality amenity space. He made further reference to the adjacent shop, that due to a similar conversion, could now only be used as an office space and that the residential unit hadn't been sold. Should the current owner move on, then the unit would be difficult to lease. There was a shortage of good quality retail units in Roman Road.

Robert Webster (Applicant's Agent) spoke in support of the application stating that it was a family owned business and the current owners fully intended to stay there. He read out a letter from the applicant explaining this. He considered that the current business could be easily accommodated in the reduced retail unit due to the use of modern technology. So it would remain a viable business unit. The size of the current unit was in fact surplus to requirements.

He also explained the need for the residential unit and that the practice of reducing the width of retail units to accommodate residential space was common practice in the area.

In response to questions, he explained that the proposal retail unit would still be larger than many other units on Roman Road and that it was in a secondary location outside the market.

He also responded to questions about the need for the new entrance, the quality of the residential accommodation, that the plans would mirror the adjacent property, make better use of the rear of the site and improve the viability of the unit. The plans complied with policy. The applicant would financially benefit from the scheme.

Gerard McCormack, (Planning Officer, Development and Renewal) presented the detailed report explaining the site location and that a number of the nearby retail units had been altered in a similar way resulting in a reduction in retail space, in some instances to around 30sq. Given this the proposal (retaining 77 sq. of retail space) compared favourably to this and Officers were confident that the retail unit would remain viable, despite the lack of specific policy tests for this. Furthermore, the present occupants have expressed a commitment to carry on running the retail unit.

Consultation had been carried out and the outcome of this was explained as set out in the committee report.

The proposed external changes would be in keeping with the neighbouring properties including the new Mansard Roof and the revised shop front. Permission for a similar scheme already benefit from planning permission.

The plans also involved the amendments to the shop front to facilitate access to the residential unit. The quality of which was considered acceptable and would increase the housing supply.

Given the merits of the scheme, Officers were recommending that planning permission be granted.

In response to questions from Councillors about the policy support for the proposal, it was explained that given the proposed size of the retail unit, the similarities with the adjacent permission and also the long term nature of the occupancy, that it would be challenging to sustain a reason for refusal on the impact on the viability of the retail unit. Furthermore, according to the Planning Inspector in assessing a recent appeal, there was no commercial evidence that a smaller unit (in that case 50sqm) would be less attractive to potential users , noting that the shop in question was already let.

Whilst there was no specific benchmarks in policy for assessing the viability of a retail unit based on floor space, Officers felt that should the unit become available, it would remain marketable and would attract commercial interest (if permission was granted) especially with the added benefit of the good quality storage space. It was required that the public areas of the unit complied with the Disability Discrimination Act (under building regulation). The type of adaptations that could be supported were noted.

Despite these assurances, some Members expressed doubt that the retail store would remain viable noting the number of similar conversion in the area and also expressed concerns about the quality of the residential unit.

With the permission of the Chair, Councillor Peck asked questions of Officers about use of neighbouring retail units. In response, Officers expressed confidence that these units could accommodate businesses, for example A1 or A2 uses. These would constitute lawful business and would provide a commercial frontage.

On a vote of 0 in favour of the Officer recommendation to grant planning permission and 2 against and 1 abstention, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 2 in favour of this recommendation, 0 against and 1 abstention, it was **RESOLVED**:

That the Officer recommendation to grant planning permission at 418 Roman Road, London, E3 5LU be **NOT ACCEPTED** for the creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; new shopfront; extension of the basement; erection of a mansard roof extension (PA/15/00095)

The Committee were minded to refuse the scheme due to concerns that the reduced retail space would undermine the viability of the retail unit and the nearby Roman Road Town Centre.

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.

6.3 221 Jubilee Street, London E1 3BS (PA/15/00116)

Application withdrawn from the agenda to check the authenticity of some of the representations.

6.4 144-146 Commercial Street, London, E1 6NU (PA/15/00044)

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application.

The Chair then invited registered speakers to address the Committee.

David Donahue spoke in objection to the proposal representing the owners of the adjacent public house. They considered that the tavern was a significant

heritage asset and the most important in the area. In view of this, they objected that the proposal, given its bland design would harm the fabric of the historic building with little benefit. They also objected to the impact of the proposed staircase on the restaurant, loss of amenity to that property and nuisance from the ventilation system. The report overlooked these issues. The application should be rejected or deferred for a site visit to assess the impact of the proposal on the surrounding area. Note: Another objector had registered to speak. However the second speaker declined to take up this spot at the meeting.

David Donahue (Applicant's Agent) spoke in support of the application. He described that the scheme, including the staircase had been redesigned to minimise the impact on the public house. The plans would protect views of the of the public house and aimed to make better use of the layout by providing a separate entrance to the residential unit. The applicant had carefully considered the objections and had worked with Officers in addressing the issues. Overall, the applicant considered that the scheme was acceptable and should be granted planning permission.

Shahara Ali-Hempstead (Planning Officer, Development and Renewal) presented the detailed report explaining the site location in the Conservation Area, the existing use and the proximity to the adjacent public tavern.

Consultation on the proposal had been carried out. The issues arising from this were explained along with the key features of the scheme itself.

The proposed extension would sit comfortably behind the existing parapet rising only 45sqm above the parapet edge. The stairwell at the rear had been reduced in height to minimise the impact on amenity. Conditions had been secured including details of a green roof. Overall it was considered that the proposal would preserve the setting of the surrounding area. The proposals overcame the previous reasons for refusal. Therefore, Officers were recommending that the planning permission should be granted.

In response to Councillors questions about the appearance of the proposal, Officers described the proposed materials, including metal cladding and glazing at the front elevation. It was felt that the contemporary design would work well with the area. There was a condition requiring that samples of the materials be submitted for approval.

In response to questions about the impact on the area, it was confirmed that the proposal as amended would preserve the setting of the Commercial Tavern public house including long views from the south along Commercial Street. In view of this, Officers did not consider that images of the long distance views needed to be included in the presentation, but those submitted with the application were circulated to the Committee on request.

In response, Members requested that additional images showing the impact of the scheme on the surrounding area be provided including long range views.

In response to further questions, Officers clarified the previous reasons for refusal arising from the impact of the two storey projection on visual amenity (amongst other issues). The proposal, due to the reduction in height made possible by the more contemporary design, would have significantly less impact.

Officers also explained the plans to remove the ventilation system, the waste collections plans, (given the lack of space for a storage area due to the amendments), and that the proposal would have no direct impact on the highway. Therefore, Transport for London hadn't been consulted. It was also noted that details of the cycle storage arrangements would be secured by condition.

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

That planning permission at 144-146 Commercial Street, London, E1 6NU be **DEFERRED** for a new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit; construction of four storey rear extension to facilitate new stair case; reconfiguration of window arrangement at the rear; refurbishment of the front façade and installation of a green roof to enable a SITE VISIT to be held to explore the impact of the scheme on the building and surrounding area (PA/15/00044).

7. OTHER PLANNING MATTERS

7.1 Flat 1, Shiplake House, Arnold Circus, London, E2 7JR (PA/15/00515)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application explaining the need for the application to be referred to the Government Office, as the Council cannot determine its own applications for listed building consent. The Committee took the report as read and on a unanimous vote, the Committee **RESOLVED:**

That application at Flat 1, Shiplake House, Arnold Circus, London, E2 7JR for listed building consent for change of use from office (Use Class B1) to single 3 bed residential dwelling (Use Class C3) and associated internal works to facilitate the residential use be **REFERRED** to the Government Office for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the Committee report. (PA/15/00515)

The meeting ended at 9.30 p.m.

Chair, Councillor Sirajul Islam
Development Committee