

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 27 APRIL 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Sabina Akhtar  
Councillor Rajib Ahmed  
Councillor Suluk Ahmed  
Councillor Gulam Kibria Choudhury  
Councillor Andrew Cregan (Substitute for Councillor Shiria Khatun)  
Councillor Julia Dockerill (Substitute for Councillor Chris Chapman)

**Other Councillors Present:**

None

**Apologies:**

Councillor Shiria Khatun  
Councillor Chris Chapman

**Officers Present:**

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Marc Francis declared a personal interest in agenda item 5.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489) as he had received representations from interested parties.

**2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6<sup>th</sup> April 2016 be agreed as a correct record and signed by the Chair subject to the deletion of Councillor Sabina Akhtar from the list of Members present at the meeting.

### **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 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)**

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the change of use of the public house (A4) to a mixed public house / hotel use (sui generis) with the erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms.

It was noted that the Committee previously considered the application on 6<sup>th</sup> April 2016 with an Officer recommendation to approve the application. Nevertheless, Members resolved not to accept the application for the following four reasons:

- The potential loss of the public house as a result of a change to a sui generis use.
- Lack of wheelchair accessible bedrooms.
- Insufficient information on the servicing requirements of the scheme and the potential detrimental impact this will have on the surrounding street network.

- Impact to the character and appearance of the building and surrounding conservation area resulting from the construction of the proposed extension and resultant loss of the roof terrace.

Officers had since assessed these reasons and their findings were set out in the Committee report.

Beth Eite, (Planning Services Development and Renewal) presented the detailed report reminding Members of the site location showing images of the site. Since the last meeting, Officer had drafted three detailed reasons for refusal (based around the first three concerns detailed above). However, in relation to the fourth reason, Officer had not prepared a reason for this as Officers did not consider that it could be defended at appeal given the modest nature of the external changes amongst other matters.

The Officers recommendation remained to grant the application. However if Members were minded to refuse the application, the three reasons in the Committee report were recommended.

In response, a Member asked about the reason for excluding the fourth reason put forward by the Committee (at the last meeting). The Member remained concerned that the alterations could harm the character and the appearance of the building and the area. In responding, Officers confirmed that they did not consider that the impact would be that significant given as mentioned above, the modest nature of the plans (that would be subject to a condition requiring that the materials match the existing building), and that the terrace was a of little heritage value.

Members also asked if the building could be listed to preserve the character of the building, given the Committee's concerns around this issue. Officers, in response, reminded Members that whilst it was not a listed building, it was an Asset of Community Value offering the building a degree of protection. Members could request, under a separate process, that the building was listed and the process for adding the building to the list of locally listed buildings and that for statutory listed buildings was explained.

Members also sought assurances about the quality of the proposed hotel accommodation, in particularly whether the rooms would be large enough. Officers replied that whilst they were relatively small, they were no restrictions in policy on hotel room size. Therefore a reason based on this issue would be very difficult to defend at appeal.

In summary, it was noted that there had been a lengthy discussion on the application at the last meeting. At which Members voiced a number of concerns that would have provided the applicant with a good understanding of their issues with the scheme. The Chair also added that whilst the plans were an improvement on the previous application, Members remained concerned about the potential loss of the public house from the application. The Chair also commented that he supported the omission of the fourth suggested reason (regarding the impact of the external alternations) for the reasons set out in the 27<sup>th</sup> April Committee report.

On a vote of 0 in favour of the Officer recommendation and 4 against the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reasons set out in the 27<sup>th</sup> April 2016 Committee report and on a vote of 4 in favour and 0 against, it was **RESOLVED**:

1. That planning permission at Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE be **REFUSED** for the change of use from public house (A4) to a mixed public house / hotel use (sui generis). Erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms (PA/15/02489) for the following reasons as set out in the Committee report.

#### Loss of the public house

2. As a result of the potential for noise and disturbance to the occupiers of the hotel the proposed inclusion of 11 hotel bedrooms above the public house would threaten the vitality and viability of the existing Duke of Wellington Pub which therefore fails to protect its function as community infrastructure. As such the proposal would be contrary to policy SP01 of the Core Strategy 2010, and policies DM2 and DM8 of the Managing Development Document (2013), policy 3.1(b) of the London Plan 2015, National Planning Policy Framework (2010) and the National Planning Policy Guidance.

#### Servicing

3. Insufficient information has been provided with the application to demonstrate that the development would not have a detrimental impact upon the surrounding street network through the servicing requirements generated by the proposal, contrary to policies SP09 of the Core Strategy 2010 and DM20 of the Managing Development Document 2013 which seeks to ensure that new development does not have an adverse impact upon the safety and capacity of the road network.

#### Wheelchair accessible rooms

4. The application fails to provide any wheelchair accessible bedrooms contrary to policy 4.5 of the London Plan 2015 which seeks to ensure that developments contribute to providing a suitable choice and range of accommodation for all visitors to London by including a minimum of 10% of new hotel rooms as wheelchair accessible.

## 5.2 42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435)

Paul Buckenham presented the two linked applications for retrospective planning permission/ advertisement consent for the retention of an ATM

(Cash Machine) with illuminated features. The Committee previously considered the application at its last meeting on 6<sup>th</sup> April 2016, resolving not to accept the Officer recommendation to grant the application due to concerns regarding:

- Impact of the scheme on residential amenity in terms of noise and disturbance from use of the cash machine and the illuminated sign.
- That the proposal would increase anti-social behaviour in the area.
- The safety and security of the cash machine users.

Whilst Officers considered that the impact of the application would be negligible, Officers had prepared three detailed reasons for refusal – consisting of two reasons for the planning permission and one reason for the advertisement consent. In relation to the latter, it was noted that the Council, were restricted to considering the effects on amenity and public safety only. The proposed reasons were set out in the latest Committee report.

The Officer recommendation remained to grant the application. However, should the Committee decide to refuse the scheme, the suggested reasons for refusal in the Committee report were recommended

On a vote of 0 favour of the Officer recommendation, 3 against and 1 abstention, the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reasons set out in the 27<sup>th</sup> April 2016 Committee report and on a vote of 3 in favour, 0 against and 1 abstention, it was **RESOLVED**:

1. That planning permission and advertisement consent be **REFUSED** at 42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435), for:
  - PA/15/03434  
Retrospective planning application for the retention of an ATM (Cash Machine).
  - PA/15/03435  
Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

For the following reasons as set out in the Committee report:

#### Planning Permission.

#### 2. Residential Amenity Implications

The retention of the ATM, by reasons of its luminance and noise generated by its users, would unacceptably impact upon the amenity of surrounding residents and building occupiers. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013), which

seek to ensure that development safeguards the amenity of surrounding existing and future residents and building occupiers.

3. Anti-Social Behaviour and Safety and Security of Users

The retention of the ATM, by reasons of its siting and lack of coverage by CCTV, would result in a development which could compromise its user's safety and security and lead to an increase in anti-social behaviour. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM23 in the Managing Development Document (2013), which seek to ensure that development improves and safeguards safety and security.

4. Advertisement consent.

The retention of the advertisement associated with the ATM, by reason of its luminance during the hours of darkness, would unacceptably impact upon the amenities of the surrounding residents contrary to policy DM23 of the Managing Development Document 2013.

## 6. PLANNING APPLICATIONS FOR DECISION

### 6.1 42B Kenilworth Road, E3 5RJ (PA/15/03217)

Application withdrawn from the agenda by the applicant.

### 6.2 Phoenix School, 49 Bow Road, London E3 2AD PA/16/00161

Paul Buckenham introduced the listed building application for the conversion of two existing non-original bin stores into use as a Food Technology Classroom with support kitchen area. The Committee were reminded that the Council's scheme of delegation required that, where the Council was applying for works to a listed building that it owns, the application must be brought before the Committee for determination.

It was also noted that the majority of the proposed works had previously been considered acceptable within a Listed Building Consent application approved by the Committee on 16 December 2015 (PA/15/02445). This application proposed a slightly different internal layout and would be considered in conjunction with the application received for non material amendments to the planning application granted in December 2015 that was pending determination.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. He explained the proposed floor plans, the parts of the site that would be affected by the application involving the conversion of the bin stores that were a modern addition to the building. It was emphasised that no historic features would be affected by the proposal. Historic England and the

Borough's Listed Building Officer had raised no objections. No representations in objection had been received.

In response to a Member, it was explained that the plans had been carefully designed to ensure that they would not adversely affect the school's activities.

On a unanimous vote, it was **RESOLVED**:

That Listed Building Consent be **GRANTED** at Phoenix School, 49 Bow Road, London E3 2AD for the Conversion of two existing non-original bin stores into use as a Food Technology Classroom with support kitchen area. Works include; removal of existing timber panels and double doors, removal of a non-original non load bearing blockwork wall, new vent openings through retained side doors, fitting new external windows and doors within existing structural openings, alterations to the existing drainage to suit kitchen requirements, new internal plasterboard partition wall, new wall, floor and ceiling finishes, new light fittings and extract ventilation (PA/16/00161) subject to the conditions set out on the Committee report.

## 7. OTHER PLANNING MATTERS

None.

The meeting ended at 7.45 p.m.

Chair, Councillor Marc Francis  
Development Committee