

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 5.40 P.M. ON WEDNESDAY, 8 JUNE 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 Andrew Cregan (Item 8.2 onwards)
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury (items 1-8.1)
Councillor Chris Chapman

Other Councillors Present:

Councillor Peter Golds

Apologies:

Councillor John Pierce

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Team Leader, Planning Services, Development and Renewal)
Esha Banwait	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. ELECTION OF VICE CHAIR OF THE COMMITTEE FOR 2016/17

It was proposed by Councillor Marc Francis and **RESOLVED**

That Councillor Andrew Cregan be elected Vice-Chair of the Development Committee for the Municipal Year 2016/2017

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Sabina Akhtar declared a personal interest in agenda item 8.1 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526) as she had received phone calls from interested parties on the application.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 27th April 2016 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 AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, MEMBERSHIP AND MEETING DATES

RESOLVED

That the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings be noted as set out in Appendices 1, 2 and 3 to the report.

7. DEFERRED ITEMS

None.

8. PLANNING APPLICATIONS FOR DECISION

8.1 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for variation of conditions for planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floor residential use details thereafter. Variation of condition 5 was to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries to take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays. Variation of conditions 8 and 10 was to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays.

The Chair then invited registered speakers to address the Committee.

Jim McKinney and Dr Shanti Velmurugan (local residents) spoke in objection to the application. They objected to the impact on the highway network and highway safety given the poor quality access arrangements, the scale of the operation, the existing highway issues and the proximity of the site to a nursery. The Planning Inspectorate had previously refused a similar application due to the concerns about the impact on the highway. The proposal would add to the existing problems, resulting in further incidences of vehicles reversing from the tunnel onto the busy highway, forklift truck activity and loading and unloading of large items on the highway due to the use of the site as a cash and carry and not as a retail store. No transport assessment had been submitted. So it was only possible to assess the impact on the day to day evidence.

The speakers also expressed concern about noise disturbance from the use of the court yard and continued use of the forklift trucks given the proximity of the site to residential properties. The proposals would add to the existing problems in this regard, so, steps should be taken to prevent this. The Planning Inspectorate (when considering the earlier plans) was of the view the proposals would have a significant effect on amenity.

In response to Members, they clarified their concerns about the lack of an adequate transport assessment, the use of the premises as a cash and carry intensifying the impacts, the impact on highway safety given the proximity to the school and ambulance bays, the existing impact on amenity and the lack of a retail assessment to quantify the commercial benefits. They also discussed their concerns about unauthorised parking and servicing on Beaumont Grove giving examples of the type of problems experienced.

Sebastian Charles (Applicants Agent) spoke in support of the application. He highlighted the business case for the application to make the business more

competitive given the number of nearby retail stores opening for longer hours. He also explained some of the steps that the business had been taken (since the Appeal decision) to mitigate the impact on the area, which included the relocation of the wholesale business off site (ensuring HGVs no longer visited the site) and the provision of a public car park.

He also stated that the premises had an excellent track record in terms of highway safety and gave his thoughts on the cause of the parking problems in the area.

In response to Members questions, he stated that the premises had previously been operating 7 days a week to maintain its competitiveness in view of the changing nature of the area. He further explained the measures to mitigate the impact on the highway and noise disturbance. The applicant would take all reasonable steps to minimise the impact. He felt that the right balance had been struck between increasing the competitiveness of the premises and preserving highway safety.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the detailed report explaining the site location and the proximity of the nearest residential properties. He also explained the nature of the existing site use and its key features including the access arrangements and the proposed hours that were in line with other retail stores in the area.

He drew attention to the outcome of the consultation. Concern had been raised about harm to amenity from the premises and highway safety issues. However, it should be noted that, since the previous application, the area had been designated as a Town Centre location in policy. There would also be a range of measures to minimise the impact of the application that went above and beyond those attached to the previous application, including additional highway safety measures (as detailed in the update report) and measures to safeguard amenity on Sunday.

In view of the merits of the application, Officers were recommending that it be granted.

Members asked questions/sought reassurances about:

- The potential impact of the scheme on the highway and the lack of an adequate transport assessment.
- The concerns about unauthorised parking and loading/unloading on the highway
- The Planning Inspectorates' views on the scheme and how the concerns, particularly about the impact of the Sunday trading and noise and disturbance had been addressed
- Enforceability of the conditions, particularly the restrictions on use of the yard.
- The measures to prevent the operation of a cash and carry at the site.
- Recent enforcement activity

Officers responded to each question. It was explained that given the limited scale of the proposal, it would have been excessive to have requested the submission of a full transport assessment. TfL and the Council's Highway Service had raised no objections about the application. The application included conditions preventing servicing and deliveries on Sundays. There would also be restrictions on the use of the warehouse as a cash and carry and a condition that a highway safety scheme be submitted (as set out in the update report). Steps would be taken to enforce these conditions. If minded to approve the application, the Committee could strengthen these conditions. Officer had recently visited the site and could confirm that the business operated as a retail store.

Officers also explained the role of Highway Services in enforcing the highway restrictions to prevent unauthorised parking and use of the highway. It was unlikely that the proposal would add to this.

Officers also gave a brief overview of the recent enforcement action and what this covered.

In summary, the Chair commented that in many ways he was sympathetic to the applicants case given the efforts to minimise disturbance from the business, the commercial reasons for the application and the opening up of the car park to the public. However, he remained concerned about the potential increase in vehicle activity, the impact from use of the forklift truck in the courtyard and the impact on amenity particularly on Sundays. He also felt that the applicant should continue to engage with the community to address the issues.

On a vote of 2 in favour and 3 against the Officer recommendation, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Sabina Akhtar seconded a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 3 in favour, 2 against it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 216 - 218 Mile End Road, London, E1 4LJ for:

- Variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floor residential use, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1."
- Variation of condition 5 is to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to

Sundays. Deliveries to take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays.

- Variation of conditions 8 and 10 is to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. (reference PA/15/01526)

The Committee were minded to refuse the application due to the potential adverse impact of the proposal on the highway and residential amenity.

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 vote on this item having not been present the consideration of the item.

8.2 188 Westferry Road, London, E14 3RY (PA/15/03392)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the planning application for the construction of new entranceway and balcony and the application for advertisement consent for installation of fascia signs: Front gate, Internal gate and 3x Rear elevation by helipad. (There would be a separate vote on each application).

The Chair then invited registered speakers to address the Committee.

John Callaghan, Trevor Bush (local residents) and Councillor Peter Golds spoke in objection to the application (for 6 minutes in total). They expressed concern about the redevelopment of the car parking area and overlooking from the parking spaces given the close proximity of the residential units. They also expressed concerned about damage to landscaping from any screening for this area. They also objected to the impact of the proposal on residential amenity in terms of increased noise disturbance and air pollution, (adding to the existing problems) especially as the plans naturally implied that there would an intensification of use . Due to these issues, the London Plan discouraged the siting of a helipad near an urban area. In response to questions, they commented on the impact that the helipad had on the area, citing examples of helicopters hovering near residential dwellings, generating continuous noise and pollution. There were about 3-4 flights per day. In response to further questions, they expressed concern about the lack of consideration to the car parking issues and that the plans would encourage greater use of the site.

Nick Cox, the applicant's agent, spoke in support of the proposals. He provided reassurances about the limited scale of the scheme, due amongst other things the fact that only a small number of helicopters in use met the

criteria for landing at the site. He also explained that he was happy to close down the area identified on the plans as a car park and that the purpose of the new signage was merely to present a more professional image and that the new ramp would provide disabled access. He also gave an overview of the regulations and arrangements in place for controlling activity at the site. In response to questions, he repeated that the applicant had no intention of developing the car parking area and he was happy to shut this off. He also offered reassurances on the amenity impact of the application.

Nasser Farooq (Team Leader, Development and Renewal) gave a presentation on both the planning and the advertisement consent application for the site. He explained the site location, the surrounding area, the key features of the proposals and those parts of the application that did not need planning permission. It was also explained that the use of the site as a heliport had been established given it exceeded 10 years continued use.

Consultation had been carried out including consultation with statutory bodies. Given the number of helicopter movements, the National Air Traffic Services Ltd were of the opinion that the helipad did not require a license. Details of the responses were set out in the report.

Overall, it was considered that the plans would not result in any undue impact in terms of the environment or public safety, so, should be granted.

In response to questions about the monitoring arrangements, it was confirmed that should the helicopter movements exceed 10 movements per day, the helipad would need to be licenced by National Air Traffic service Ltd.. In the event that there was a major intensification of use, the Council would consider whether this was an intensification of the established use that might require planning permission in its own right and take any action necessary.

Officers also answered questions about the car parking area identified on the drawings.

When asked about whether there was a lawful development certificate for the use, Officers advised that there was not, but it would be at the volition of the developer. In this case, given the history, Officers are satisfied that the use has been established and that it would not be expedient to enforce.

Given the concerns around use of the car parking spaces, Councillor Marc Francis moved and Councillor Chris Chapman seconded an additional condition preventing parking within the car parking spaces identified on the site plans. On a vote of 4 in favour, this was agreed.

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

1. That the planning permission be **GRANTED** at 188 Westferry Road, London, E14 3RY for the construction of new entranceway and balcony(reference PA/15/03392)
2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters in the Committee report and the additional condition agreed by the Committee regarding the prevention of parking within the car parking spaces identified on the site plans.

8.3 188 Westferry Road, London, E14 3RY (PA/15/03393)

Update report tabled.

For the details of the presentation and discussion, see above item.

On a vote of 2 in favour 2 against and 1 abstention with the Chair exercising a casting vote to approve the application, the Committee **RESOLVED**:

1. That the advertisement consent be **GRANTED** at 188 Westferry Road, London, E14 3RY for the Installation of 5 fascia signs, Front gate (0.4 x 1.4 metres); Internal gate (1.7 x 0.7 metres); 3x Rear elevation by helipad (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres) (PA/15/03393)
2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report

8.4 34-41 Folgate Street, London, E1 6BX (PA/16/00065)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the refurbishment and reconfiguration of existing use B1(a) Office, with rear extension to provide additional office floorspace, new roof to refurbished courtyard and formation of new use class A1 unit, fronting Folgate Street alterations to elevations.

Esha Banwait, (Planning Officer, Development and Renewal) presented the detailed report, explaining the application site surrounding area and the shortcoming with the existing office layout at the site. The Committee were advised of the key features of the scheme including the layout and the proposed façade. It was required that details of the proposed materials be submitted prior to implementation. The Committee also noted the proposed height and massing and its relationship with the surrounding context.

It was noted that concern had been raised about the impact on neighbouring amenity including loss of light to properties and overlooking. Given the modest size of the new windows and that that the design itself should prevent overlooking amongst other matters, Officers did not consider that the

neighbouring properties would be unduly effected given the dense urban setting.

The Committee also noted details of the cycle parking, and outcome of the highways, transportation and servicing assessment.

In view of the merits of the application, Officers were recommending that it be granted.

In response to the presentation, Members drew attention to the comments from the historic societies in the report regarding the appearance of the proposal. In view of the comments, reassurances were sought that the material chosen and colour of the brickwork, would be in keeping with the surrounding area. Officers reported that, prior to selecting the materials a site visit would be undertaken to physically match the proposed material with surrounding properties to ensure they were appropriate. Officers would take on board the comments of the Committee and would work to ensure that suitable materials were chosen. It was also noted that the Borough's Conservation Officer considered that the new façade would be modern yet would be more in keeping with the historic context .

In response to questions about the proposed coffee shop, Officers felt that it would complement the office use. Furthermore, the proposal complied with policy given the Central Activity Zone location. However, to minimise its impact, conditions would be imposed on the permission, restricting the coffee shops opening hours, to ensure the area retained its residential character over the weekend.

Regarding overlooking, it was noted that the applicant had agreed to incorporate within the plans external overlooking mitigation to preserve the outlook of the nearby properties (as set out in the update report).

On a vote of 4 in favour 0 against and 1 abstention, the Committee **RESOLVED:**

1. That the planning permission be **GRANTED** at 34-41 Folgate Street, London, E1 6BX for the refurbishment and reconfiguration of existing use B1(a) Office, with rear extension to provide additional office floorspace, new roof to refurbished courtyard and formation of new use class A1 unit, fronting Folgate Street alterations to elevations(PA/16/00065) subject to:
2. The prior completion of a legal agreement to secure the planning obligations in the Committee report and conditions set out in the report.

9. OTHER PLANNING MATTERS

None.

The meeting ended at 8.20 p.m.

Chair, Councillor Marc Francis
Development Committee