

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 3 AUGUST 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Piotr Lanoszka	(Planning Officer, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Sabina Akhtar declared a personal interest in agenda item 5.1, 216-218 Mile End Road London E1 4JL (E1 4JL) as she 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 8 June 2016 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

5.1 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526)

Update report tabled.

The Chair reported that the Council had received requests for speaking on the application from objectors and the applicant with regards to the updated information. The Council's Development Procedure rules did not permit further public speaker on deferred items so the Chair had refused this request.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for variation of conditions to extend the hours of operation of the shop and allow the rear yard to be used as a customer car park. He reminded the Committee that at its previous meeting on 8th June 2016, Members were minded to refuse the application due to concerns over the adverse impact on the highway and amenity. The report now before the Committee considered the reasons for refusal and whether these were likely to be sustainable in the event of an appeal.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. The Committee were reminded of the site location, views of the vehicle access tunnel and details of the application itself. There had been one change to the application since it was previously considered by the Committee in June in respect of the opening hours for the rear yard. It was now proposed that the yard be in use between the hours of 10:00 - 16:00 on Sundays (opening 1 hour later). In addition since the June meeting, the applicant had submitted additional information, as set out in the updated

Committee report and update, including fuller details of a traffic management system, the business case for the development to meet local demand amongst other matters. The Committee also noted images of the store and the applicant's other premises at Hackney allowing the company to relocate the warehouse element out of the shop.

A further round of consultation had been carried out on the revised proposals. In response, the Council had received an additional petition in objection that had been signed by residents of Louisa Street and also one petition in support of the application. No one had withdrawn their objection.

Officers have examined the Committee's proposed reasons for refusal and their comments on the strengths of the reasons were out in the Committee report. The Officers recommendations remained unchanged to grant permission. But should the Committee be minded to refuse the application, they were directed to the suggested reasons for refusal in the updated Committee report.

In response to the presentation, the Committee questioned whether, in view of the concerns raised at the previous meeting about the impact on amenity, that the proposed change would adequately address these concerns. Officers responded that Officers did not in the first instance consider that the proposal would have any major adverse impacts, but the proposed revised opening hour for the yard should go some way to addressing the Committee concerns. It was down to Members to decide how much weight they should place on this additional step.

Members also requested that the proposed highways measures, including the proposed warning light system, be explained in further detail. Members also asked about the impact from forklift truck activity and the measures to minimise this.

Officers reported that the highway measures included a range of solutions to mitigate the highway impact. Details of the proposed measures were set out in the Committee report and the June update, including restrictions limiting the impact from forklift truck activity. If approved, the applicant would work with TfL and LBTH Highways to develop these measures and they would be secured by condition.

A Member questioned if the plans could result in an over intensification of the site in light of the perceived enforcement issues (with regard to the unauthorised storage of goods, vehicle activity at the site). Officers advised that the Council's Enforcement team would investigate any breaches in the planning condition. Enforcement of the planning permission was a separate matter and the Committee should only consider the material planning matters relevant to this application. It was also noted that there would be a condition restricting the storage of goods. Furthermore, it would be matter for the Health and Safety Executive to take steps to ensure that the storage arrangements complied with the HSE regulations.

Members also asked about the nature of the previous scheme and the reasons for refusal at appeal in 2003. It was questioned whether the concerns had adequately been addressed especially those around the use of the rear yard. In responding Officers explained the differences between this and the previously refused scheme in terms of the proposed opening hours. The circumstances had changed since the appeal.

On a vote of 3 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 216 - 218 Mile End Road, London, E1 4LJ for

Application 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 floors into 2 x 2 bedroom flats, 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 10:00 - 16:00 on Sundays.

[Amended proposal: Rear yard to be in use between the hours of 10:00 - 16:00 on Sundays (opening 1 hour later)] (PA/15/01526)

Subject to:

2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the 8th June 2016 Committee report and the additional conditions in the update report regarding use of the rear yard and the submission of a highway safety scheme
3. Any other conditions considered necessary by the Corporate Director Development & Renewal.

(Note Councillors Andrew Cregan and John Pierce did not vote on this application having not be present for the consideration of the application at the June 2016 Committee meeting)

6. PLANNING APPLICATIONS FOR DECISION

6.1 43 Thomas Road, London, E14 7EB (PA/16/00993)

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings including new third floor, change of use at Ground Floor from A5 (takeaways) to C3 (residential).

Nasser Farooq (Planning Services Team Leader, Development and Renewal) presented a detailed presentation of the application. The Committee noted the site's location on the corner of Burgess Street and Thomas Road. The Committee also noted the planning history of the site including details of the previously refused applications and the reasons for this. They also noted the proposed layout of the scheme. The scheme would be of a good quality design. All of the proposed units would meet the residential space standards save for one unit. However this would be offset by the fact that it would be provided with a generous amount of amenity space. Representations had been received both in support and against the application which were explained. There would be conditions to preserve the amenity of the future occupants. Given the merits of the application, Officers were recommending that the planning permission was granted.

In response, the Committee stressed the need for images of the application to be included in the Committee reports. Members also asked about the sustainability measures in view of the Energy Efficiency Team's comments. The Committee wished to understand what exactly would be provided. A Member also asked about the quantity of information supplied in support of such measures given the reasons for refusing the previous scheme.

Members also questioned whether the development complied with the Lifetime homes standards. The Committee also asked about the loss of the A3/5 use, overlooking into properties, the separation distances, height of the mansard roof, and the servicing arrangements

Officers confirmed that application included energy efficiency measures and complied with the relevant requirements for minor developments given the site constraints. In relation to the energy statement, Officers anticipated that this would involve the completion of a feasibility study to ascertain what measures could be incorporated within the application.

The proposal included one Lifetime Homes unit on site. The applicant had expressed a commitment to provide a disabled parking bay close to the site and given the size of the scheme, it was not considered reasonable to require details of the proposed bay before determining the application. However information on the feasibility of which would be secured by condition.

The premises currently operated as an A5 style take away use and at some stage prior to this, functioned as a restaurant and a public house use. There had been no objections to the loss of the public house use. The plans had been amended to address the reasons for refusing the previous application. It was also confirmed that there would be a requirement for amenity screening and there would be adequate separation distances between buildings.

Officers were mindful of the issues around the vehicle turning circle. However, it was required that a full servicing and delivery plan be submitted. Overall, Officers felt that the proposal would have a lesser impact on the highway.

Officers also confirmed the height of the mansard roof.

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

1. That planning permission be **GRANTED** at 43 Thomas Road, London, E14 7EB for the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings including new third floor. Change of use at Ground Floor from A5 (takeaways) to C3 (residential). (PA/16/00993)
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

6.2 Bonner Mile End Primary School, Building 1, 2C Ropery Street, London, E3 4QE (PA/16/01106)

Jerry Bell introduced the application for the demolition of a section of internal wall including the introduction of a new archway.

Nasser Farooq (Planning Services Team Leader, Development and Renewal) presented the detailed report. He advised that no objections to the application had been received. However, the Council's scheme of delegation required that where the Council was applying for works to a listed building that it owned, the application must be brought before the Committee to determine

The Committee were advised of the application site, the position of the protected buildings and their listed status. They noted the main features of the proposal and the benefits of the proposal to provide access between an existing playground and new play area.

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

That the Listed Building Consent be **GRANTED** at 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526) subject to the conditions as set out in the Committee report

6.3 OTHER PLANNING MATTERS

None

The meeting ended at 8.10 p.m.

Chair, Councillor Marc Francis
Development Committee