

# DEVELOPMENT COMMITTEE

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**Wednesday, 3 August 2016 at 7.00 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**Members:**

Chair: Councillor Marc Francis  
Vice Chair : Councillor Andrew Cregan  
Councillor Sabina Akhtar, Councillor John Pierce, Councillor Suluk Ahmed, Councillor  
Gulam Kibria Choudhury and Councillor Chris Chapman

**Substitutes:**

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor  
Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood and Councillor Julia  
Dockerill

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 1 August 2016**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 2 August  
2016**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
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Web: <http://www.towerhamlets.gov.uk/committee>

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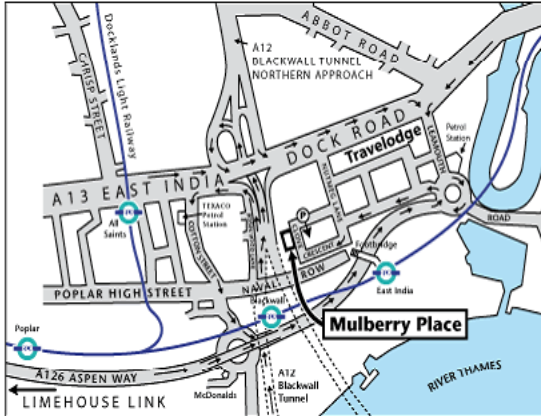
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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 8 June 2016

### **3. RECOMMENDATIONS**

To RESOLVE 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 (Pages 15 - 16)**

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

		<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>5.</b>	<b>DEFERRED ITEMS</b>	<b>17 - 18</b>	
<b>5.1</b>	<b>216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526)</b>	<b>19 - 42</b>	<b>St Dunstan's</b>

Proposal:

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)]

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to carry over all of the obligations attached to the original planning permission, taking account of the revised conditions, conditions and informatives on the planning permission as set out in the Committee report.

<b>6.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>43 - 44</b>	
<b>6 .1</b>	<b>43 Thomas Road, London, E14 7EB (PA/16/00993)</b>	<b>45 - 60</b>	<b>Mile End</b>

Proposal:

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).

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions.

<b>6 .2</b>	<b>Bonner Mile End Primary School, Building 1, 2C Ropery Street, London, E3 4QE (PA/16/01106)</b>	<b>61 - 66</b>	<b>Mile End</b>
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Proposal:

Demolition of a section of internal wall including the introduction of a new archway.

Recommendation:

That the Committee grant Listed Building Consent

## **7. OTHER PLANNING MATTERS**

No items

### **Next Meeting of the Development Committee**

Wednesday, 31 August 2016 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Melanie Clay Corporate Director of Law Probitiy and Governance and Monitoring Officer,  
Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**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 27<sup>th</sup> 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

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

**How will the applications be considered?**

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:  
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

**How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 <p>Council’s Constitution</p>

# Agenda Item 5

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
8 <sup>th</sup> June 2016	(PA/15/01526)	216 - 218 Mile End Road, London,	<p>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."</p> <p>Variation of condition 5 is to extend the hours of operation of the shop</p>	The Committee were minded to refuse the application due to the potential adverse impact of the proposal on the highway and residential amenity.

**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:  
See Individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See Individual reports

			<p>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.</p> <p>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.</p>	
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**3. CONSIDERATION OF DEFERRED ITEMS**

3.1 The following deferred application is for consideration by the Committee. The original reports along with any update reports are attached.

216 - 218 Mile End Road, London

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

**4. PUBLIC SPEAKING**

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

**5. RECOMMENDATION**

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.



# Agenda Item 5.1

<b>Committee:</b> Development	<b>Date:</b> 3 August 2016	<b>Classification:</b> Unrestricted
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka		<b>Ref No:</b> PA/15/01526
		<b>Ward:</b> St Dunstons

## 1. APPLICATION DETAILS

**Location:** 216 - 218 Mile End Road, London, E1 4LJ

**Existing Use:** Retail

**Proposal:** 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)]

**Drawings and documents:** Cover letter by Rahims, dated 28/04/2015; Site Location Plan; and Transport Statement by Royal HaskoningDHV, ref 9Y0528, dated January 2015, incorporating drawing ref 9Y0528-P-01 rev P2.

**Applicant and owner:** Rahim Brothers Ltd

**Historic Building:** None

**Conservation Area:** Stepney Green

## **2. BACKGROUND**

- 2.1 An application for variation of conditions relating to the operation of a medium sized retail shop located within the Stepney Green Neighbourhood Centre to allow longer operating hours during the week, as well as Sunday opening and provision of customer car parking at rear was considered by the Development Committee at their meeting on 8<sup>th</sup> June 2016. The officer recommendation was to grant planning permission with conditions.
- 2.2 The Committee resolved not to accept the officer recommendation to grant permission, resolved that permission should be refused and indicated the following reasons for refusal:
- Adverse highway impacts;
  - Adverse amenity impacts.
- 2.3 This report considers the reasons for refusal in the context of the officer's original assessment of the application and whether these are likely to be sustainable in the event of an appeal.

## **3. ADDITIONAL INFORMATION**

- 3.1 The applicant has amended the proposal with respect of the Sunday opening hours for the rear yard. The yard is now open for customer parking one hours later: between the hours of 10:00 – 16:00.
- 3.2 Following the June Development Committee, the applicant has also submitted a number of documents which are listed below:
- a) An extract from Wikipedia, the free online encyclopaedia for entry 'British Bangladeshi';
  - b) Schedule of the dates of purchase of Louisa Street properties backing onto Rahim's yard;
  - c) St Dunstan's Ward Profile by LBTH Corporate Research Unit (May 2014);
  - d) Schedule comparing prices and product availability between Rahims and Co-op (June 2016);
  - e) 'Development Committee Issues' supporting statement ref CSA22.06.16;
  - f) Schedule showing opening hours of other retail premises in the vicinity;
  - g) Copy of consultation letter sent to neighbours, dated 06/07/2015;
  - h) Copy of consultation letter sent to Louisa Street residents, dated 01/07/2015;
  - i) Stifford entre Stepney Green Fair brochure with Rahims logo among supporters;
  - j) Letter from Old Palace Primary School thanking for contributions towards a fund raising event;
  - k) Specification of a traffic management system with annotated photographs;
  - l) Summary of the proposal, dated 20/07/2016;
  - m) Correspondence with Thames Water regarding sewer repairs on Mile End Road; and
  - n) Letter setting out the case for the proposal, dated 20/07/2016.
- 3.3 The submitted documents will be addressed in the update report along with any further consultation responses received.

## **4. COMMITTEE REASONS FOR REFUSAL**

### **Amenity**

- 4.1 While the majority of retail premises in the vicinity of the site are open until later in the evening and on Sundays, these premises front onto main roads and do not poses substantial rear yards with ancillary warehouses in very close proximity to residential

accommodation. The site's circumstances are unique and while the longer opening hours of the retail unit fronting onto Mile End Road, and Sunday opening, would not cause significant disturbance given the background noise and activity on Mile End Road, the significantly intensified use of the rear yard and the introduction of activity on Sundays have potential to result in noise disturbance to adjoining residents. This disturbance would likely be significantly greater than from the use of the yard for employees' and residents' parking as currently permitted. It is evident from the consultation responses that the current operation of the premises, in breach of condition, has significantly affected the living conditions of adjoining residents.

- 4.2 This disturbance to the amenity of adjoining residents would not necessarily be outweighed by the likely economic benefits of the proposal. Members are entitled to place more weight on safeguarding residential amenity, in particular given the unique characteristics of the application site as a retail premises.
- 4.3 As such, a refusal reason on amenity grounds is considered to be defensible on appeal.

### **Highways**

- 4.4 The rear yard is accessed through a narrow /tunnel from Beaumont Grove. The tunnel's width does not allow vehicles to pass in both directions often leading to vehicles backing up on Beaumont Grove or having to reverse if another vehicle is already in the tunnel. There are also limited visibility splays where the tunnel meets the footway of Beaumont Grove, meaning that vehicles exiting the site have limited visibility of pedestrians.
- 4.5 While the vehicular access through the tunnel is historic with planning permission for servicing, deliveries and resident and employee parking, the introduction of customer parking is likely to result in a significant increase in vehicular movements. Customers are also likely to be less familiar with the particular challenges of accessing the site and might be less aware of the highway safety risks involved. While certain measures such as signs advising that the car park is full, or alerting vehicles and pedestrians to the presence of a car within the tunnel could have some effect in reducing the threat to safety, this is unlikely to be eliminated completely given the lack of adequate sightlines and lack of passing spaces and refuges. Given that a 'car park full' sign would have to be operated manually, questions are also raised about the effectiveness of such an arrangement.
- 4.6 Provision of customer car parking spaces is also not conducive to the policy objective of promoting sustainable transport and it is likely that creating an expectation of availability of customer car parking would lead to a general increase in parking stress in the vicinity. Vehicles waiting for a free parking spot or to access the car park through the tunnel would also impede the smooth flow of traffic given that there would not be a waiting area provided or safeguarded on the adjoining highways. This obstruction can have a particular impact on smooth traffic flow and highway safety given the close proximity of the site to the junction of Beaumont Grove and Mile End Road which forms part of the strategic road network and which carries a significant number of bus routes and a cycle superhighway.
- 4.7 These highway impacts would not necessarily be outweighed by the likely economic benefits of the proposal. Members are entitled to place more weight on safeguarding the safe and efficient operation of the transport network, in particular given the substandard vehicular access to the customer car park.
- 4.8 As such, a refusal reason on highway grounds is considered to be defensible on appeal.

## 5. IMPLICATIONS OF REFUSING PLANNING PERMISSION

- 5.1 The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so.
- 5.2 In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.
- 5.3 If planning permission is refused, there are a number of routes that the applicant could pursue:
- 5.4 Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.
- 5.5 To pursue an alternative scheme. The applicant could commence pre-application discussions on an amended scheme that seeks to address the reasons for refusal and submit a fresh planning application..

### **Financial implications - award of costs**

- 5.6 In dealing with appeals, all parties, including the Local Planning Authority, are expected to behave reasonably to support an efficient and timely process, for example in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
- 5.7 Unreasonable behaviour in the context of an application for an award of costs may be either:
- procedural – relating to the process; or
  - substantive – relating to the issues arising from the merits of the appeal.
- 5.8 An example of the former might be failing to keep to the requirements of an appeal timetable to submit statements of case or other evidence. An example of the latter might be taking a decision which could be described as unreasonable in the context of all of the evidence available to the decision maker. It is this latter aspect that the Committee members in their role as decision makers need to be mindful of.

## 6. RECOMMENDATION

- 6.1 The officer recommendation to **GRANT** planning permission remains unchanged.
- 6.2 However if members are minded to **REFUSE** planning permission the following reasons are recommended:

### ***Amenity***

- (i) The proposed variation of conditions would result in a significant increase in the activity within the rear yard resulting in noise disturbance and unacceptably harming the living conditions and amenity of the adjoining residents. This would be contrary to the principles of the National Planning Policy Framework (2012), policy 7.15 of the London Plan (2011 with subsequent alterations), policy SP03 of the Core Strategy (2010), and policy DM25 of the Managing Development Document (2013).

### **Highways**

- (ii) The proposed variation of conditions would result in a significant intensification in the use of the Beaumont Grove access tunnel resulting in unacceptable highway safety implications, congestion and adverse impact on the smooth flow of traffic on Beaumont Grove & at the junction of Beaumont Grove and Mile End Road. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 6.3 and 6.13 of the London Plan (2011 with subsequent alterations), policy SP09 of the Core Strategy (2010), and policies DM20 and DM22 of the Managing Development Document (2013).

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<b>Committee:</b> Development	<b>Date:</b> 8 June 2016	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/15/01526
	<b>Ward:</b> St Dunstans

## 1.0 APPLICATION DETAILS

**Location:** 216 - 218 Mile End Road, London, E1 4LJ

**Existing Use:** Retail

**Proposal:** 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 9:00 - 16:00 on Sundays.

**Drawings and documents:** Cover letter by Rahims, dated 28/04/2015; Site Location Plan; and Transport Statement by Royal HaskoningDHV, ref 9Y0528, dated January 2015, incorporating drawing ref 9Y0528-P-01 rev P2.

**Applicant and owner:** Rahim Brothers Ltd

**Historic Building:** None

**Conservation Area:** Stepney Green

## 2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for variation of conditions relating to the operation of a medium sized retail shop located within the Stepney Green Neighbourhood Centre. The variation of conditions would allow longer operating hours during the week, as well as Sunday opening and provision of customer car parking at rear. Officers recommend approval of planning permission.
- 2.2 The main planning issue raised by this application that the Committee must consider is whether the proposed extension of opening hours and customer use of the rear yard for car parking would result in an increase in disturbance and whether this would have an unacceptable impact on the amenity of local residents. The second significant issue is the transportation and highways impact of the proposal. In reaching a decision Members should balance any possible adverse amenity & highway impacts arising from the proposal against benefits which the proposal could bring to the local economy and the viability and vitality of the Stepney Green Neighbourhood Centre.
- 2.3 Whilst the proposed extension of hours and use of the rear yard for parking could result in increased disturbance to adjoining residents, Officers consider that an appropriate balance would be struck between safeguarding residential amenity and economic & town centre benefits which the proposal can bring. The policy objectives of promoting sustainable transport modes would not be significantly prejudiced.
- 2.4 Overall, subject to recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and be in accordance with the provisions of the Development Plan. There are no other material considerations which would indicate that it should be refused.

## 3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement to carry over all of the obligations attached to the original planning permission, taking account of the revised conditions.
- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.6 Conditions:
- a) The rear yard to be laid out in accordance with drawing 9Y0528-P-01 rev P2. Delivery & servicing and waste store areas to be retained in perpetuity. No vehicles shall be parked within the access tunnel to Beaumont Grove or within any circulation or delivery & servicing areas.
- b) Hours of operation of 9:00 - 21:00 Mondays to Sundays.



- c) Deliveries & servicing to take place between 10:00 – 18:00 Mondays to Saturdays. No deliveries & servicing on Sundays. No use of fork lift trucks on Sundays.
- d) Rear yard to be used 9:00 – 21:00 Mondays to Saturdays and 9:00 – 16:00 on Sundays.
- e) Rear yard not to contain more than 8 parked cars at any time.
- f) Restriction on use of the rear yard warehouse either independently or semi independently as a cash and carry warehouse.
- g) Any other conditions considered necessary by the Corporate Director Development & Renewal.

#### **4.0 PROPOSAL AND LOCATION DETAILS**

##### **Site and Surroundings**

- 4.1 The application relates to medium sized retail unit located on the southern side of Mile End Road. The site consists of a retail shop fronting onto Mile End Road, located within the Stepney Green Neighbourhood Town Centre, and a rear yard and warehouse located further south and accessed through a long and narrow undercroft/tunnel off Beaumont Grove.
- 4.2 The site is located within the Stepney Green Conservation Area but is not listed. The nearest listed buildings are the Grade II listed terraces on the southern side of Louisa Street and the northern side of Maria Terrace, as well as at 26 Beaumont Grove and at 133-139 Mile End Road.
- 4.3 Mile End Road is a busy thoroughfare forming part of the Transport of London Road Network while Beaumont Road is a local LBTH adopted highway. Cycle Superhighway 2 as well as a number of bus routes run along Mile End Road. The Stepney Green London Underground Station is within 100m walking distance.
- 4.4 The nearest residential properties are located within the upper floors of the terraces on the southern side of Mile End Road, within terraces on both sides of Louisa Street and Louisa Garden - to the south of the site, as well as on both sides of Beaumont Grove - to the east.
- 4.5 There is a large number of retail, restaurant and hot-food take-away establishments within the shopping parade on the southern side of Mile End Road as well as further to the east, on the northern side of Mile End Road. To the south east, on the western side of Beaumont Grove are the Alice Model Nursery School and the Stepney Community Centre.

##### **Proposal & Background**

- 4.6 The application seeks 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.
- 4.7 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 would

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

- 4.8 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. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible. Vehicles would be able to enter and exit the site in forward gear.
- 4.9 The applicant argues that it is necessary to provide customer car parking as the shop sells bulky foodstuffs which, due to their size, must be transported in a car or van i.e. 20 litre drums of oil, 27kg boxes of meat and 25kg bags of onions.
- 4.10 In 2010, the applicant (Rahim Brothers) acquired premises at Atlas Wharf, Berkshire Road in Hackney allowing the company to relocate the warehousing and delivery element out of the Mile End Road site. According to the applicant, large goods vehicles are no longer used to supply the Mile End Road premises, with deliveries carried out by small vans. According to the applicant, this has also resulted in a decrease in traffic movements associated with the premises.
- 4.11 Contrary to planning conditions, the premises have, for a number of years, already been operating 7 days a week, between 9am and 9pm, and with a customer car park at rear with six marked up spaces and up to 12 parked vehicles, depending on delivery activity. This planning application seeks to regularise these breaches of planning control.

### **Planning History**

- 4.12 Planning permission, ref ST/96/00059, **granted** 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.*

- 4.13 Permission was granted subject to conditions and a s106 agreement. The conditions relevant to this application are outlined below:
- Condition 5 restricts the hours of operation of all the retail and warehouse uses in the buildings and the rear yard to 8.00am to 8.00pm Monday to Saturdays and at no other time.
  - Condition 6 requires retention of residential car parking spaces.
  - Condition 8 prohibits the use of the rear yard by customers of the retail and ancillary warehouse uses.
  - Condition 9 prohibits the use of the rear yard either independently or semi-independents as a cash and carry warehouse.
  - Condition 10 restricts the use of the rear yard area for circulation space and parking space for the owner and his employees (save as required by con. 6).

- Condition 12 prohibits the parking of vehicles within the access tunnel/undercroft to Beaumont Grove.
  - Condition 13 required approval of details of vehicle sizes using the access tunnel in Beaumont Grove.
- 4.14 Conditions 5, 8, 9 and 13 were imposed to safeguard the amenities of adjacent residents, whilst conditions 9, 10 and 13 were also imposed to prevent obstruction of adjoining streets and to ensure adequate manoeuvring space was provided.
- 4.15 The S106 agreement reiterates the requirements of the conditions while adding a restriction on the expansion and change of use of any retail, ancillary or rear yard areas. The agreement also includes a prohibition on change of use from retail to a cash and carry warehouse.
- 4.16 S73 variation of condition application, ref PA/03/0003, **refused** on 12/06/2003, for:
- Amendment of planning permission dated 4th February 1998, reference TH12674/ST/96/59 to enable business to operate on Sundays between 10.00 am and 6.00 pm and to allow customer parking at rear of premises.*
- 4.17 The application was refused for the following reason:
- 1) *The proposed variation to allow extended opening hours seven days a week, would adversely impact upon and affect the amenity of nearby residents, by reason of noise, additional traffic movements and congestion, contrary to UDP policies ST6, DEV 1 and DEV 2.*
  - 2) *The proposed variation would lead to intensification in the use of the site and additional noise generation which is likely to adversely affect local resident's amenities, contrary to UDP policies DEV50 and HSG15.*
- 4.18 An appeal against the refusal of the application was dismissed by the Planning Inspectorate.
- Other historical planning applications:
- 4.19 Planning application, ref PA/08/00916, **refused** on 08/07/2008, for:
- Erection of mansard roof to existing 3 storey property fronting Mile End Road and erection of single storey rear extension at first floor level. Creation of 8 new housing units.*
- 4.20 Planning application, ref PA/08/00917, **refused** on 08/07/2008, for:
- Construction of part four, part five storey block to provide 13 x 2 bedroom flats and 1 x 3 bedroom flat with parking.  
Refused on 08/07/2008*
- Planning Enforcement
- 4.21 Planning enforcement investigations ref ENF/09/00394 and ENF/16/00086
- Breach of condition 5 (opening hours) of planning permission ST/96/00059 and noncompliance with Breach of Condition Notice dated 07/01/1999 and Section 106.*

## **5.0 POLICY FRAMEWORK**

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012  
Planning Policy Guidance 2014 with subsequent alterations

### **5.3 London Plan 2015**

- 2.15 - Town Centres
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 6.3 - Assessing effects of development on transport capacity
- 6.13 - Parking
- 7.15 - Reducing noise and enhancing soundscapes

### **5.4 Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places

### **5.5 Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM25 - Amenity

## **6.0 CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application. The responses are summarised below.

### **Transport for London**

6.3 No objection.

### **LBTH – Transportation & Highways**

6.4 No objection.

### **LBTH Environmental Health – Noise & Vibration**

6.5 No objection in principle but recommends that the opening hours on Sunday start from 10am or 11am and restricted to 5 or 6pm.

## 7.0 LOCAL REPRESENTATION

### Public consultation

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 215 letters sent to occupiers of neighbouring properties, a press advert published in East End Life and site notices displayed outside the application site.
- 7.2 78 responses were received, 32 in objection and 46 in support or raising no objection.
- 7.3 The objectors have raised the following issues:
- Retail customers and delivery vehicles parking on adjoining highways, often in breach of highway restrictions; blocking vehicular access to adjoining properties and blocking residential on-street parking bays & ambulance bays outside Stepney Community Centre.
  - Traffic congestion & hazard to vehicles, cyclists and pedestrians caused by unauthorised parking & loading/unloading from adjoining highways and use of forklift on adjoining highways.
  - Use of the undercroft/access tunnel by vehicles posing a safety hazard, in particular due to lack of adequate visibility splays.
  - The unit being used as a wholesale cash and carry warehouse rather than as retail, contrary to planning conditions and S106 agreement.
  - Lack of need & demand for extended opening hours.
  - Inadequacy of the submitted Transport Statement.
  - Increase in litter.
  - Damage to road surface of adjoining streets caused by vehicles.
  - Changes would result in intensification and enlargement of the business.
  - Increased noise disturbance from the use of the rear yard and in general from deliveries and servicing.
  - Increased air pollution resulting from traffic increases, in particular affecting children.
  - Increased traffic resulting from creation of customer car parking spaces and from increase to opening hours.
  - Currently used forklift being noisy and posing a threat to pedestrians.
  - Past history of ineffectual enforcement of parking restriction and planning conditions at the site.

- 7.4 A number of objectors have also provided photographic and video evidence of vehicles blocking access to the adjoining estate, parked or loading in breach of highway restrictions and of a forklift being used on Beaumont Grove.
- 7.5 The issues raised in support include:
- Proposals being positive for the local area.
  - Provision of convenient parking for customers.
  - Reduced demand for on-street car parking, freeing up parking for residents.
  - Sunday opening would allow shopping when customers are off work.
  - Trading hours would be more in line with those in the locality.

#### Applicant's consultation

- 7.6 Together with the application documents, the applicant has also submitted a petition in support with 267 signatures as well as letters from Mayor John Biggs, Cllr Mahbub Alam and Cllr Ayas Miah.
- 7.7 The letter from Mayor Biggs, issued at the time when Mr Biggs was a London Assembly Member, states that the proposal is a sensitive issue for local residents because of the amount of on-street car parking and fears of noise nuisance. Mayor Biggs considers that the main nuisance is caused by people consuming meals in their cars, often with engines running and then discarding waste onto the pavement and that this is predominantly not a problem attributable to the applicants; before they moved their wholesale operation elsewhere there was also a problem with bulk deliveries and commercial customers but this has largely ended now.
- 7.8 The letter from Mayor Biggs shows qualified support, stating that the proposal should be subject to public consultation but that it is a reasonable idea provided that:
- Car parking would be for customer cars only
  - Customers would arrive and depart quietly
  - Engines would be switched off
  - The yard would not be used for retail
  - There would be no deliveries on Sundays
  - Car park should be used on Sundays from, say, 10am until say 5pm
- 7.9 Cllr Alam writes in support, stating that the management of Rahim's have taken measures to reduce the impact of the store, that most families who visit the store do their shopping on weekend and that residential amenity must be balanced with the fact that local businesses also require support, especially during difficult trading periods. Cllr Alam suggest that this could be on a trial basis initially, made permanent with the improvement of relations with local residents.
- 7.10 Cllr Miah writes in support of use of the rear yard for customer parking on Sundays, stating that the car park is already used from Monday to Saturday and that local customers would be benefited by the parking facility. Cllr Miah also states that local residents would not be affected if the car park is restricted to day time only.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for an application to be made to develop land without compliance with conditions previously attached or to grant planning permission subject to conditions that differ from those previously imposed. S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted and that the effect of granting an application under S73 is a new planning permission. As such, in determination of a S73 application, the principle of the development is not revisited and the only consideration is the impact of the proposed changes.
- 8.2 In accordance with the tests set out within paragraph 206 of the National Planning Framework, planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.3 The proposal is to extend the hours of operation of the retail unit from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries would take place between 10:00 - 18:00 Mondays to Saturdays; there would be no deliveries on Sundays. The rear yard would be used as a customer car park rather than as an employees' and residents' car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible.
- 8.4 The main planning issue raised by this application that the Committee must consider is whether the proposed extension of opening hours and customer use of the rear yard for car parking would result in an increase in disturbance and whether this would have an unacceptable impact on the amenity of local residents. The second significant issue is the transportation and highways impact of the proposal. In reaching a decision Members should balance any possible adverse amenity & highway impacts arising from the proposal against benefits which the proposal could bring to the local economy and the viability and vitality of the Stepney Green Neighbourhood Centre.
- 8.5 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.

### **Economy and Town Centre Issues**

- 8.6 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support growth. The NPPF also recognises the importance of town centres and requires local planning authorities to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality, promoting competitive town centres that provide customer choice and a diverse retail offer.
- 8.7 The London Plan and the Council's Core Strategy strategic objective S016 and policy SP06 seek to support the growth of existing and future businesses in accessible and

appropriate locations. Policy SP06 seeks to maximise and deliver investment and job creation in the borough by ensuring that job opportunities are provided in each place in, and at the edge of, town centres.

- 8.8 In line with the London Plan town centre policies, policy SP01 and strategic objective S04 of the Core Strategy seek to create a hierarchy of interconnected, vibrant and inclusive town centres serving as mixed use hubs for retail, commercial, leisure, civic and residential. Policy SP01 seeks to maintain, focus and increase the supply of town centre activity and floorspace across the borough to meet identified demand and to support town centres as vibrant economic hubs.
- 8.9 The proposal relates to a medium sized store within the Stepney Green Neighbourhood Town Centre. While it is not possible to quantify the economic and employment benefits of the proposed variation of opening hours and the introduction of customer parking, it is considered likely that the proposed changes would lead to an increase in the turnover of the business and thus could result in increased local employment. Additional staff could also be hired to allow the store to operate on Sundays. This would result in economic benefits.
- 8.10 The retail parade within which the store is sited contains a variety of retail, restaurant and take-away units. A Co-operative Supermarket and further retail, restaurant and take-away units are located further east, on the opposite side of Mile End Road, within the town centre. Most of the nearby commercial units are open until late during the week and on Sundays. For instance, the Co-operative Supermarket, which is of a similar size, is open 6am to 11pm, 7 days a week. The proposed opening hours would be more closely aligned with the opening hours of other commercial premises within the town centre, making the retail unit more competitive and contributing to the viability and vitality of the Neighbourhood Centre by increasing and improving the retail offer.
- 8.11 The provision of car parking for customers would also increase the attractiveness of the retail unit and the town centre as a shopping destination and could facilitate linked shopping trips to other businesses within the town centre.
- 8.12 Overall, the proposed changes are considered likely to result in economic benefits, including larger turnover, increased employment and increased viability and vitality of the Stepney Green Neighbourhood Centre, in line with the aforementioned policies.

### **Amenity**

- 8.13 According to paragraph 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution which could adversely affect surrounding existing development. Of particular relevance is paragraph 123 of the NPPF which specifies that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
  - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
  - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established.



- 8.14 Policy 7.15 of the London Plan acknowledges that reducing noise pollution and protecting good soundscape quality contributes to improving quality of life, and consequently requires development proposals to seek to reduce noise by minimising the existing and potential adverse impact of noise. The Core Strategy policy SP03 seeks to address the impact of noise pollution in the Borough while policy DM25 of the Managing Development Document specifies that development should not create unacceptable levels of noise.
- 8.15 The nearest residential properties are located within the upper floors of the terraces on the southern side of Mile End Road, within terraces on both sides of Louisa Street and Louisa Garden -to the south of the site, as well as on both sides of Beaumont Grove - to the east.
- 8.16 There are a large number of retail, restaurant and hot-food take-away establishments within the shopping parade on the southern side of Mile End Road as well as further to the east, on the northern side of Mile End Road. To the south east, on the western side of Beaumont Grove are the Alice Model Nursery School and the Stepney Community Centre.
- 8.17 The store's current opening hours, as specified by planning conditions and the S106 agreement, are 8:00 to 20:00 Mondays to Saturdays with no opening on Sundays.
- 8.18 The applicant has previously sought to extend the opening hours to 8:00 to 22:00 Mondays to Saturdays and 09:00 to 21:00 on Sundays, however planning permission ref PA/03/00003 has been refused by the Council on amenity grounds with an appeal subsequently dismissed by the Planning Inspector on 23/10/2003. The Inspector noted that the extension of trading hours would include activities in the rear service yard such as the movement of delivery vehicles, use of fork lift trucks and work by employees unloading and moving goods - these activities would be likely to generate noise and disturbance. The Inspector also noted that the impact associated with the premises would be particularly significant because the service yard would be likely to be in regular use and because the houses in Louisa Street are generally sheltered from the traffic noise of Mile End Road.
- 8.19 The current proposal takes account of the Council's and the Planning Inspector's concern about the noise generated by the rear yard activities and proposes to restrict such activities. The application proposes to extend the hours of operation of the retail unit from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries would take place between 10:00 - 18:00 Mondays to Saturdays; no deliveries would take place on Sundays. The rear yard would be used as a customer car park rather than as an employees' and residents' car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible.
- 8.20 The proposed hours of operation of the retail unit of 9:00 to 21:00 Mondays to Sundays would not be out of place in the Stepney Green Neighbourhood Centre, a busy local town centre located along a major thoroughfare. Nonetheless, as the Planning Inspector noted, the soundscape of the rear yard is sheltered from the traffic noise of Mile End Road – there is also limited noise audible from the other commercial premises on the southern side of Mile End Road making the residents more sensitive to further noise disturbance. While offering some respite in the morning, with operations starting 1 hour later, the extension by 1 hour in the evening would cause some disturbance to adjoining residential occupiers, however, this would not be significant Monday to Saturday and generally acceptable for a town centre

location. Opening until 21:00 would not infringe significantly onto residents' expectation of quieter and more peaceful evenings.

- 8.21 On Sundays, the potential for disturbance would be much more significant, given that no operations are currently allowed. The opening of the retail unit fronting onto Mile End Road between 9:00 and 21:00 does not raise concern as the activity would be focused in the Mile End Frontage, within the town centre. The opening hours would be in line with those of other businesses in the centre and would not give rise to undue adverse amenity impact. Nonetheless, the increased opening hours would also lead to an increase in activity within the rear yard which has potential to give rise to unacceptable disturbance. The applicant proposes to address this additional disturbance by restricting the hours of use of the rear yard to 9:00 - 16:00 on Sundays and by ensuring that no deliveries & servicing would take place on Sundays. Officers also consider it necessary to prohibit the use of fork lift trucks on Sundays.
- 8.22 The proposed restrictions would limit the noisy activities within the rear yard reducing the potential for disturbance. While local residents have legitimate expectations of enjoying quieter periods and a more peaceful living environment on Sundays, the proposed restrictions are considered to strike an appropriate balance in limiting the extent of adverse amenity impact while contributing to economic and town centre benefits.
- 8.23 The change in use of the rear yard from employees' & residents' car parking and a delivery & servicing area to a customer car park and a delivery & servicing area would result in an increase in the use of the rear yard, with additional activities such as loading of shopping into cars but also a likely significant increase in the number of vehicular movements. This would result in an increase in the disturbance to the adjoining residential occupiers, however, subject to the restrictions in the use of the rear yard on Sundays, the proposed changes are considered to be acceptable on balance.
- 8.24 Overall, on balance, the proposed variations to the conditions are considered to be acceptable and in accordance with the aforementioned planning policies. While the changes would give rise to additional disturbance during the day and introduce further disturbance on Sundays, the restrictions placed on the use of the rear yard would reduce the amenity impact to an acceptable level. The proposed operating hours would not be out of place in a town centre location and the changes overall would contribute to the local economy, employment and vitality & viability of the Stepney Green Neighbourhood Centre.

### **Transportation & Highways**

- 8.25 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development Document. Furthermore, policy 6.13 of the London Plan and policy DM22 of the Managing Development Document set car parking standards for residential and retail uses. In accordance with the Planning and Compulsory Purchase Act 2004, the London Plan standards take precedence as they have been adopted more recently than the standards set out in the Managing Development Document. Policy 6.13 states that the Mayor of London wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

- 8.26 In addition, paragraph 40 of the NPPF stipulates that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.
- 8.27 The application site includes a rear yard the use of which is currently restricted to car parking for residents & employees and as a delivery & servicing area. However, for a number of years, in breach of conditions, this yard has also been used for customer parking with 6 marked bays and up to 12 vehicles parked within the yard, subject to delivery & servicing activity.
- 8.28 The rear yard is accessed through a narrow undercroft/tunnel from Beaumont Grove. The tunnel's width does not allow vehicles to pass in both directions often leading to vehicles backing up on Beaumont Grove or having to reverse if another vehicle is already in the tunnel. There are also limited visibility splays where the tunnel meets the footway of Beaumont Grove, meaning that vehicles exiting the site have limited visibility of pedestrians. Nonetheless, vehicular access through the tunnel is historic with planning permission for servicing, deliveries and resident and employee parking. Customer parking also took place over a number of years, although this has been unauthorised.
- 8.29 The current parking standard for locations with good public transport accessibility (PTAL 4) is less than 1 space per residential unit and 1 space for 20-30sqm of gross floorspace in food stores of up to 2500sqm. The site houses 4 residential units and a retail store of approximately 580sqm gross floorspace. No residential parking spaces would be provided with 8 spaces for customers and space for deliveries by a 4.6t light van. The 8 spaces amount to 1 space per 72.5sqm which is significantly less than the maximum specified by London Plan standards.
- 8.30 The applicant argues that the parking spaces would be used mostly for collection of bulky goods from the store and not for parking per se. This has potential to result in a more intensive use of the spaces and an increased number of journeys compared to regular parking spaces.
- 8.31 A basic Transport Statement has been submitted by the applicant, arguing that the level of vehicular traffic generated by the site has decreased following the opening of the Hackney Wick store, however, only limited traffic surveys have been carried out to demonstrate this. A tracking diagram has also been provided showing a van using the rear loading area, entering and leaving the site in forward gear.
- 8.32 The Council's Highways & Transportation Section raises no objection to the proposals. Transport for London also raises no objection.
- 8.33 A significant number of objectors to the application have raised the issue of traffic congestion & hazard to vehicles, cyclists and pedestrians caused by unauthorised parking & loading/unloading from adjoining highways and use of forklift on adjoining highways. These issues are predominantly parking & highway enforcement issues and are not likely to be amplified by the proposal. It should be noted that TFL have installed a 24m long parking bay and a 33m long loading bay on Mile End Road, in front of the Mile End Road entrance to the store. This may lead to a reduction in unauthorised parking & loading from LBTH highways of Beaumont Grove and Louisa Street. The provision for customer parking on site may also lead to an overall reduction in parking stress in the vicinity, although it is not possible to estimate how much of the current stress results from operation of the store.

- 8.34 While the proposal would result in an increase in car journeys because residential and employee spaces generate fewer journeys than retail car parking spaces, given that no new land would be allocated to car parking, that the store is within a town centre, and that the number of spaces would be limited and within London Plan parking standard, the proposed changes to the use of the rear yard parking area are considered to be acceptable from the highways and transportation perspective and would not significantly prejudice the policy aims of promoting sustainable modes of transport. While the visibility is limited, the use of the tunnel by an increased number of vehicles would not pose an unacceptable risk to highway & pedestrian safety. Overall, the proposal is considered to comply with the aforementioned planning policies.

### **Human Rights Considerations**

- 8.35 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.36 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as a local planning authority.

- 8.37 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

### **Equalities Act Considerations**

- 8.38 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Other**

8.39 The proposed changes would have no effect on the character & appearance of the Stepney Green Conservation Area.

8.40 The setting of the nearby listed building would not be affected.

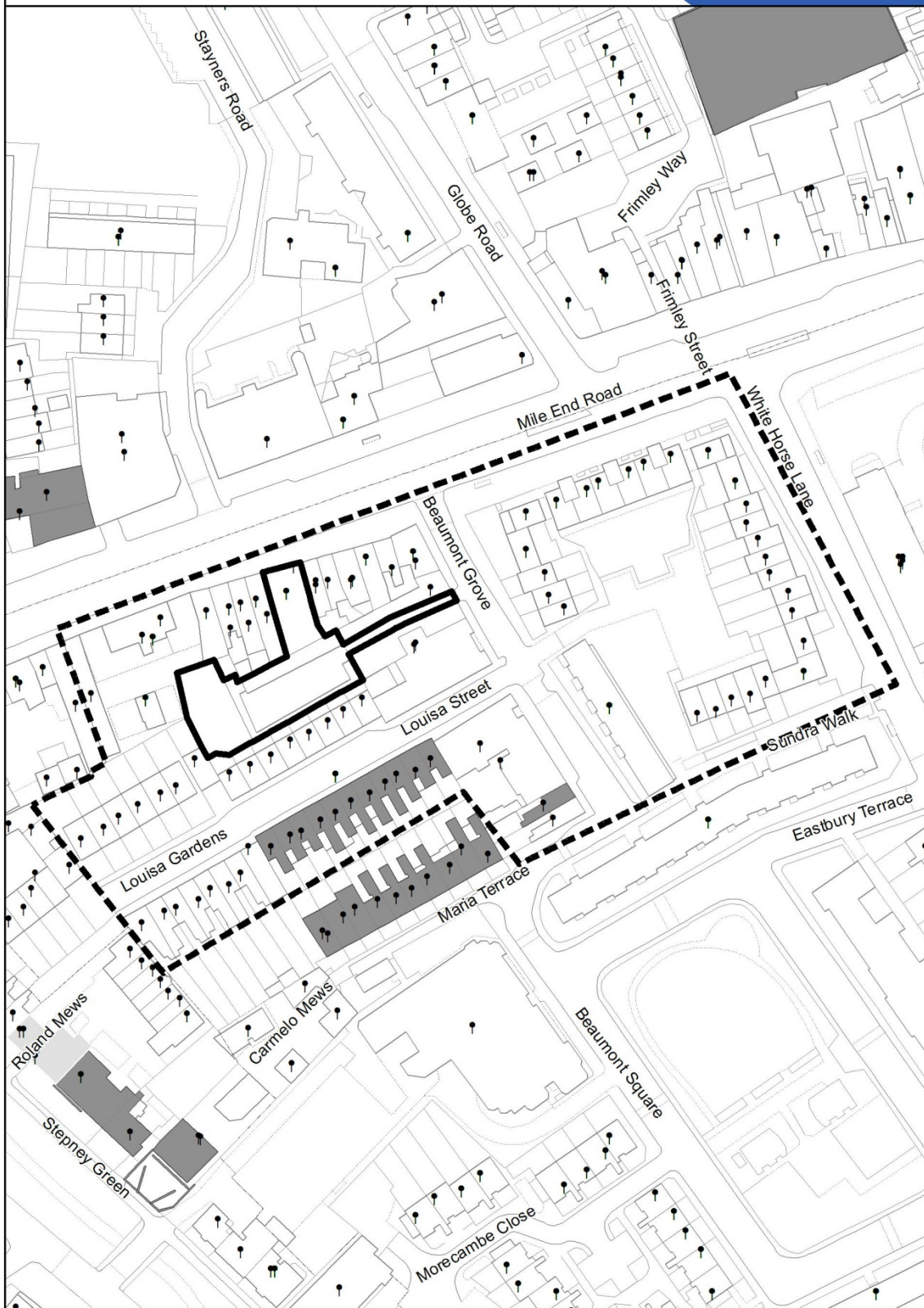
8.41 The increase in vehicle movements is unlikely to materially impact local air pollution.






**9.0 CONCLUSION**

9.1 All other relevant policies and considerations have been taken into account. It is recommended that permission should be GRANTED.

**10.0 SITE MAP**

10.1 Please refer to the next page of this report.



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0                      40 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

**8<sup>th</sup> June 2016**

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**INDEX**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
8.1	PA/15/01526	216 - 218 Mile End Road, London, E1 4LJ	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
8.2 and 8.3	PA/15/03392 & PA/15/03393	188 Westferry Road, London E14 3RY	1) Construction of new entranceway and balcony; and 2) Installation of 5 fascia signs: - Front gate; - Internal gate; - 3x Rear elevation.
8.4	PA/16/00065	35-41 Folgate Court, London	Refurbishment and reconfiguration of existing Use Class 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 and alterations to elevations.



<b>Agenda Item number: 8.1</b>
<b>Reference number: PA/15/01526</b>
<b>Location: 216 - 218 Mile End Road, London, E1 4LJ</b>
<b>Proposal: 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</b>

## **1.0 S106 Agreement and Conditions**

1.1 Following further discussions with the applicant, in the interest of procedural robustness and in accordance with CIL Regulations 2010 (as amended) and Planning Policy Guidance, the S106 legal agreement (to carry over all of the obligations attached to the original planning permission) is no longer considered necessary as all of the matters secured through the agreement can be adequately dealt with by conditions. In accordance with guidance, this also results in removal of any duplication between conditions and the S106 agreement.

1.2 As such, Paragraphs 3.2 and 3.4 of the Recommendation section of the main report shall be omitted, and the following additional condition added to Paragraph 3.6:

- a) Restriction on use of the rear yard for the storage of goods, as a retail area ancillary to the main retail unit or as a cash and carry warehouse or a use ancillary to the same.

1.3 Following further discussions with the Council's Highways & Transportation Officers, it is recommended that a further condition is necessary to address traffic safety. This condition is to require submission of a highway safety scheme including but not limited to provision of warning lights to alert vehicles and pedestrians to the presence of any vehicles which are within the access tunnel. This would reduce the risk to the pedestrians posed by the limited visibility by giving a warning that a vehicle is in the tunnel or about to emerge from it, and reduce instances where vehicles meet head on in the tunnel, requiring one to reverse out.

1.4 As such, an additional condition shall be inserted in Paragraph 3.6:

- a) Submission of a highway safety scheme.

## **2.0 RECOMMENDATION**

2.1 Officers' original recommendation to GRANT planning permission remains unchanged.



# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 3 August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
See Individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See Individual reports

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Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Development Committee	<b>Date:</b> 3 <sup>rd</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Christina Gawne	<b>Ref No:</b> PA/16/00993
	<b>Ward:</b> Mile End

## 1. APPLICATION DETAILS

<b>Location:</b>	43 Thomas Road, London, E14 7EB
<b>Existing Use:</b>	A5 takeaways at ground floor with residential on the upper floors. A small tyre yard (sui generis) also operates on site, to the north of the existing building.
<b>Proposal:</b>	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).
<b>Drawing and documents:</b>	Design and Access Statement rev 05 – 18/04/2016 Construction Logistic Plan rev 00 – 11/04/2016 Regulations Compliance Report Predicted Energy Assessments Servicing Plan rev 00 08/04/2016 PP_03_15_05_001 rev 05 PP_03_15_05_002 rev 05 PP_03_15_05_003 rev 05 PP_03_15_05_004 rev 05 PP_03_15_05_005 rev 05 PP_03_15_05_006 rev 05 PP_03_15_05_007 rev 06 PP_03_15_05_008 rev 05 PP_03_15_05_009 rev 05 PP_03_15_05_010 rev 05 PP_03_15_05_011 rev 05 PP_03_15_05_012 rev 05 PP_03_15_05_013 rev 05 PP_03_15_05_014 rev 05 PP_03_15_05_015 rev 05 PP_03_15_05_016 rev 05 PP_03_15_05_28 rev 05 PP_03_15__29 PP_03_15__30 PP_03_15__31
<b>Applicant:</b>	Mr Antony Grech

<b>Ownership:</b>	Mr Antony Grech
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	NA

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the redevelopment of the existing building at 43 Thomas Road to provide 8 new residential units. The proposal includes the retention and extension of the existing facades along with a new third floor.
- 2.2. A total of 29 representations were received in objection to this proposal, 1 as a single objection and 28 signatures on a petition. The objections can be summarised as concerns over: overcrowding, parking, and detrimental impact on neighbouring properties.
- 2.3. Officers believe that the proposal is acceptable for the following reasons:
- High quality design
  - Appropriate proposed land use, removal of the current inappropriate tyre yard
  - High quality residential standards
  - Appropriate scale, setting and massing, no unreasonable effects on neighbouring properties

## 3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3. **Conditions**
1. Three year time limit
  2. Development to be built in accordance with approved plans
  3. Details of waste storage
  4. Details/samples of materials, including boundary treatments and screening between amenity areas
  5. Final Construction Management/Logistics Plan
  6. Renewable energy technology statement
  7. Ground floor internal stairwell window obscurely glazed
  8. Car free s106 agreement
  9. Details of Disabled Parking Bay
  10. Servicing and delivery plan, including waste strategy

### 13. Landscaping strategy

## 4. PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1. The application site is located on the corner of Burgess Street and Thomas Road. And has a PTAL rating of 3.
- 4.2. The site is occupied by a two storey former public house (The Galloway Arms) and is of Victorian construction. The building has undergone conversions and the ground floor is now occupied by an A3/A5 (café/takeaway) use with residential on the first floor.
- 4.3. The building effectively has two frontages, one on Burgess Street and the other on Thomas Road. The existing building has a prominent corner location and designed with a double height ground floor and heavy cornicing detail to the roof.
- 4.4. A narrow passage and yard runs between the building and a four/five storey residential building on Burgess Street to the north. The yard is currently used for vehicle servicing and tyre repairs. The site immediately to the west is an end of terrace two storey dwelling. There are modern industrial and warehousing units on the opposite side of Thomas Road to the south.

### Proposal

- 4.5. The proposal involves the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings, including a new third floor.
- 4.6. The Change of use at Ground Floor from A5 (takeaways) to C3 (residential).

## 5. RELEVANT PLANNING HISTORY

- 5.1. PA/04/01721 - Withdrawn  
Construction of a three storey side extension (along Burgess Street) to the existing building, to provide 3no. two bedroom flats with rear garden.
- 5.2. PA/05/00658 - Permit  
Erection of a three storey rear extension to the existing building and creation of an additional floor to the existing building, retention of existing A3 (cafe) at ground floor level and residential development comprising 1 x three bedroom flat, 2 x two bedroom flats and 1 x one bedroom flat at ground, first and second floor level.
- 5.3. PA/11/02653 - Appeal dismissed  
Retrospective application for the subdivision of the premises and change of use from restaurant and café (Use Class A3) to restaurant and café (Use Class A3) and hot food takeaway (Use Class A5) and installation of extraction system.

*Reason for refusal: The hot food takeaway use would have a detrimental impact on the quiet residential character of the surrounding area and would adversely impact on the amenity of local residents.*

- 5.4. PA/15/03117 - Refused  
Redevelopment of site by the erection of a four storey building to provide nine residential units and a A2 space for financial and professional services.

Reasons for refusal:

1. Proposed A2 (financial and professional services) at ground floor and basement level considered inappropriate given the site's location which is outside a town centre.
2. Proposed design is considered inappropriate by reasons of its design, scale, bulk and appearance. The proposed four storeys would appear incongruous within the surrounds given the existing building reads as two levels and the neighbouring terraces on Thomas road are two storeys.
3. The proposed design would result in poor residential amenity for existing and future residential occupiers. The proposed extended height and footprint would result in sense of enclosure and loss of light for neighbouring occupiers at No. 41 Thomas Road, and the proposed lightwells would not adequately provide sunlight and daylight to basement level habitable rooms and the ground amenity space fronting Burgess Street is inappropriate as it would likely be used as defensible space rather than a private amenity space.
4. Insufficient transport details i.e. cycle spaces for the residential component, commercial servicing and easily accessible car parking for the wheelchair unit.
5. Insufficient information to show the proposal would meet sustainability requirements.

## **6. POLICY FRAMEWORK**

- 6.1. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

6.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)  
National Planning Practice Guidance (March 2014)

6.3. **The London Plan – Further Alterations 2016**

3.3 Increasing housing supply  
3.5 Quality and design of housing developments  
5.1 Climate change mitigation  
5.17 Waste capacity  
6.9 Cycling  
6.13 Parking  
7.4 Local Character

6.4. **Site Designations**

No relevant designations.

6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP01: Refocusing on our Town Centres  
SP02: Urban Living for Everyone  
SP03: Creating healthy and liveable neighbourhoods  
SP05: Dealing with Waste  
SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating Distinct and Durable Places  
SP11: Working towards a zero-carbon borough

#### 6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development with the Town Centre Hierarchy  
DM3: Delivering Homes  
DM4: Housing standards and amenity space  
DM14: Waste  
DM22: Parking  
DM24: Place-sensitive design  
DM25: Amenity  
DM29: Achieving a zero-carbon borough and addressing climate change

#### 6.7. **Other Relevant Documents**

None.

### **7. CONSULTATION RESPONSES**

7.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2. The following were consulted regarding the application:

#### **Internal Consultees**

##### **Highways and Transportation**

7.3. Car parking

Require a section 106 'permit' free agreement for this development as it is located in Moderate PTAL area (PTAL 3). However, according to our on-street car parking data, Thomas Road has parking occupancy of 71% and 111% during weekdays and night time respectively. This exceeds the 80% level, which we consider to be 'stressed'.

The applicant has stated that a Disabled Parking bay can be supplied on Thomas Road within 13 meters of distance from the entrance of the lifetime home unit; however this has to be agreed in principle with the parking development team before the applicant is granted. The applicant is required to contact Parking Development Team to get this agreed in principle and attached the agreement with the planning application.

7.4. Servicing

The turning circle appears to be very tight. Therefore, Transport and Highways would expect waste management team to comment on the Servicing Plan, to ensure refuse vehicle can manoeuvre safely.

7.5. Cycle parking

The proposed cycle storage appears to be very small. The applicant is required to provide dimensions of the cycle store and the design specification of the proposed cycle stands, to ensure proposed cycle store is safe and accessible. Transport and

Highways cannot support this application until this information is provided and agreed by Transport and Highways.

7.6. Construction Logistic Plan

A draft construction logistic plan has been submitted, which is welcomed. A final CLP will be required as condition once the main contractor has been appointed and will need to be submitted and approved prior to any works taking place. Special attention must be given to the St. Pauls School located along the proposed route. Therefore, the contractor will be required to avoid any delivery during school opening and closing hours.

**Energy Efficiency Unit**

7.7. The proposals are seeking to reduce energy use and CO2 emissions through fabric improvements to the building and efficient individual boilers. As this is a minor development scheme which is constrained in its ability to reduce emissions through the re-use of existing structure, the current proposals are considered to be acceptable in energy efficiency requirements.

7.8. Policy SP11 of the core strategy seeks for all developments to integrate renewable energy technologies where feasible. I haven't seen anything in the proposals relating to energy renewable energy technologies and the applicant should investigate integrating such technologies, in particular the applicant should investigate the use of photovoltaic panels or solar thermal panels.

7.9. I have been unable to locate a roof plan so am assuming that the roof is suitable for incorporating renewable energy technologies. Should the application be granted consent, it is recommended that a condition requiring the integration of renewable energy technologies where feasible should be incorporated. If you require the wording for the Condition please let me know.

**Waste**

No response.

**External Consultees**

7.10. None.

**Public Representations**

7.11. A total of 124 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice and press notice.

7.12. 2 objections were received from one objector and 1 petition in objection with 29 signatories was also received.

**Summary of the objections received**

7.13. Do not want application to go ahead



- 7.14. Detrimental impact on neighbouring properties due to personal circumstances
- 7.15. Application would impact on use of neighbouring alleyway
- 7.16. Petition comments stated either 'overcrowding', 'negative impact on parking', 'wish A3/A5 to remain' or 'noise'.

## **8. MATERIAL PLANNING CONSIDERATIONS**

### **Land Use**

- 8.1. Policy SP01 of the Core Strategy sets out the town centre hierarchy of which the application site does not sit within any.
- 8.2. The application seeks to increase the residential use on site at all floors. This would result in the loss of the existing A3/A5 use on the ground floor.
- 8.3. The principle of the intensification of the residential use of the site is generally acceptable given the existing use, surrounding uses and the general thrust of the Council's policies which promote the delivery of new homes i.e. policy DM 3.
- 8.4. In summary, residential uses on site are supported. The loss of the A/3A5 unit is not considered detrimental or contrary to policy given that the site is not in a Town Centre or edge of Town Centre location.

### **Design**

- 8.5. The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment.*'
- 8.6. Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.7. Section 4 of Core Strategy Policy SP10 seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.8. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and policy 7.4 of the London Plan (2015).
- 8.9. The existing building on site is a two storey former Victorian styled pub with generous floor to ceiling heights. The building has heavy cornicing detail to the roof and sits in a prominent corner position with large windows at ground and first floor. The building is brick with render treatment at ground floor and it is considered that the existing building contributes positively to the street scene which is characterised by a mixture of residential developments and heavy industrial uses and warehouses.

- 8.10. The proposal seeks to retain the existing building described above with extensions further along Burgess Road and on the roof to create a third floor to create a larger building for the 8 proposed residential units. The mansard roof extension will only add approximately 1.2m in height to the existing building due to the generous existing floor to ceiling heights which will be altered internally. The extensions along Burgess Road would add another 100m<sup>2</sup> on the ground floor, with the building stepping in at the rear (i.e. only 85m at 2nd floor).
- 8.11. The proposed materials are to match the existing including brick and white render, timber windows and a slate mansard roof. This is considered acceptable and will be secured via condition. Details of the external railings and boundary treatments will also be secured within the materials condition.
- 8.12. Details including lintel heights and cornicing on the existing building have been extended onto the proposed extensions to ensure the new elements of the building are in keeping. The proposed windows and doors match the location and size of the existing and appropriately only 1 terrace amenity space fronts Burgess Street. This is an inset balcony with a small railing and lintel detailing.
- 8.13. There are no flank windows fronting the neighbouring development at Burgess Street and there are 5 windows fronting the elevation of the neighbouring terrace beginning at 41 Thomas Road, three at 2nd floor and two at 1st floor. This elevation is largely bare, with mostly brickwork to mitigate overlooking issues.
- 8.14. The mansard roof has been appropriately set back from the main elevations of the building and with a limited height increase of 1.2m; the proposed development is considered an appropriate scale. The neighbouring development at Burgess Street is much higher at 15.31m, approximately 1.5 floors higher than the proposed.
- 8.15. In summary, it is therefore considered that the proposed scheme relates well to the character of the area and the retention of the existing facades is welcomed.

### Residential Amenity

- 8.16. Policy DM4 states that all housing developments should have adequate provision of internal space in order to provide an appropriate living environment. The following presents the required internal GIA and amenity areas required by Policy DM4:

	Type	Required GIA (sq m)	Proposed GIA (sq m)	Required amenity space (sq m)	Proposed amenity space (sq m)
Flat 1	3b/4p	74	74	8	8.71 + 8.12 of defensible
Flat 2	1b/2p	50	50.65	5	14.35
Flat 3	1b/2p	50	53.99	5	20.32 + 8.5m of defensible space
Flat 4	1b/2p	50	50.09	5	5.12
Flat 5	1b/2p	50	54.71	5	5.47
Flat 6	2b/4p	70	68.59	8	18.39
Flat 7	2b/3p	61	62.2	7	23.35
Flat 8	3b/4p	74	75.31	8	15.41

- 8.17. The above shows that all proposed units meet the requirements except for Flat 6, however given this unit is provided with 18.39m<sup>2</sup> of amenity space the small shortfall in GIA is considered acceptable.
- 8.18. It is noted that a window at ground floor within the communal staircase would look into the private amenity space of Flat 1. A condition will be secured to ensure that this window is obscurely glazed. Other screens between and around amenity spaces will also be secured via condition.
- 8.19. Each unit also shows the required amounts of storage space as required by the recent FALP amendments.
- 8.20. In relation to the dwelling mix, Policy DM3 (7) of the Managing Development Document (2013) states that development should provide a balance of housing types, including family homes, in accordance with the following table:

Tenure	1-bed %	2-bed %	3-bed %	4+ bed %
Market Sector	50	30	20	

- 8.21. The proposal includes 50% 1 beds (4 units) and 25% of both 2 beds (2 units) 3 beds (2 units). This is broadly in line with the above target and is acceptable for a minor scheme of 8 units.
- 8.22. In summary, the application is considered acceptable with regards to Policy DM 4 and DM3 along with the FALP.

### **Neighbouring Amenity**

- 8.23. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.24. The new build is approximately 1.5m higher than the existing building and has a larger site coverage than the existing. The site totals around 335m<sup>2</sup> with the existing building utilising approximately less than half of that space (146m<sup>2</sup>). The existing building is stepped at the rear with the deepest part of the building on the Burgess Street side. An alley way on the land belonging to 41 Thomas Road runs between the development site and the existing application site building extends for approximately 10.2m along this boundary. 41 Thomas Road extends 1m past the existing rear footprint of the existing application site building.
- 8.25. Given the siting of the proposal, the height and mass, the orientation and positioning of windows; it is not considered that the current proposal would give rise to any undue detrimental impacts on the amenity of neighbouring residents in terms of a loss of privacy/ overlooking. There are no flank windows to affect the existing neighbouring development at Burgess Street and there are few windows overlooking the neighbouring terrace at Thomas Road.
- 8.26. It is also not considered that the proposal will unreasonably impact neighbouring units due to overshadowing or increased sense of enclosure. The neighbouring development at Burgess Street is a much larger development than the proposed (by

approximately 5m) and due to the stepped in nature of the proposal, it is not considered that the additional bulk of the proposal will be overbearing on neighbouring 41 Thomas Road.

8.27. In summary, it is considered that the proposal meets policy DM 25.

### **Accessibility**

8.28. Core Strategy policy SP2 seeks to ensure that all housing is appropriate, high-quality, well-designed and sustainable. This includes by requiring new developments to comply with accessibility standards, including 'Lifetime Homes' requirements.

8.29. The proposal includes one Lifetime Homes unit on the ground floor. This unit has level access, wide entrance ways and the proposed floor plans show that circulation and spaces within the flat meet the requirements. A parking bay is not provided on site but the applicant has detailed that a disabled bay could be provided close to the site (10m from entrance to the unit) however this has not been confirmed with the Transportation and Highways Unit.

8.30. Given the size of the scheme, it is not considered reasonable to require details of the disabled parking bay before determining the application. It is also noted that there is an existing disabled parking bay approximately 20m from the entrance of the flat, however its use is not known. As such, information of whether the disabled parking is feasible will be secured via condition.

8.31. In summary, the proposal is considered acceptable.

### **Transport and Highways**

8.32. Policy SP09 of the Core Strategy seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places in their own right, to ensure a strategic, accessible and safe street network across the borough. Car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport, will be promoted.

8.33. Policy DM22 states that development will be required to comply with the parking standards in appendix 2. Where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit free. The Further Alterations to the London Plan have also been adopted which state that each 1 bedroom unit requires 1 cycle parking space and 2 spaces for all others.

8.34. Previous comments from the Transportation and Highways department indicate that the scheme will partially improve the current highways situation given cars are currently illegally parking on the footway outside the site on Burgess Street in relation the A3/A5 uses and the sui generis tyre yard.

8.35. No parking is provided and as such, a section 106 agreement 'permit free' agreement would be required via condition if the scheme was granted.

8.36. 12 cycle spaces are required and sufficient space is available on the ground floor for these. Further drawings were provided to show that the cycle spaces can adequately fit in the cycle store using a two-tier rack system. Highways colleagues prefer individual Sheffield stands however given the small scale of the development, the

proposed storage method is considered adequate. The size of the room appears adequate to manoeuvre bikes into position and a sliding door is proposed for ease of access.

- 8.37. A draft construction logistic plan has been submitted, which is welcomed. A final CLP will be required as condition once the main contractor has been appointed and will need to be submitted and approved prior to any works taking place. Special attention must be given to the St. Pauls School located along the proposed route. Therefore, the contractor will be required to avoid any delivery during school opening and closing hours.
- 8.38. With regards to servicing, the turning circle appears to be very tight. A full servicing and delivery plan will therefore be required by condition, however given the existing tyre sales and fitting use, the proposal as a whole is considered to have a lesser impact on the highway.
- 8.39. In summary, the application is considered to meet the above Transport policies however further information is required via condition.

**Waste**

- 8.40. Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.
- 8.41. An area of approximately 8m<sup>2</sup> has been provided on the ground floor for communal waste storage. Access is provided from the foyer and from Burgess Street.
- 8.42. The present uses on site, an A3/A5 unit with a tyre yard to the north, have resulted in refuse bins being located on footway outside the side on Burgess Street. The internal refuse storage will therefore improve a currently non-compliant situation.
- 8.43. However, further details of the storage type and waste mix is required and will be conditioned. A waste strategy will also be required within the already mentioned Servicing and Delivery Plan. In summary, it is considered that the proposal meets the above policies.

**Sustainability**

- 8.44. Core Strategy policy SP11 seeks to reduce the carbon emissions within the borough by ensuring that all new homes are built in-line with government guidance to reach zero carbon by 2016. All new developments are required to provide a 20% reduction of carbon emissions through on-site renewable energy generation where feasible.
- 8.45. Policy DM29 states that development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the following:

Year	Improvement on 2010 Building Regulations
2013-2016	50% CO <sub>2</sub> emissions reduction

- 8.46. The proposals are seeking to reduce energy use and CO2 emissions through fabric improvements to the building and efficient individual boilers. As this is a minor development scheme which is constrained in its ability to reduce emissions through the re-use of existing structure, the current proposals are considered to be acceptable in energy efficiency requirements.
- 8.47. Policy SP11 of the core strategy seeks for all developments to integrate renewable energy technologies where feasible. No information has been submitted regarding energy renewable technologies and as such the applicant should investigate integrating such technologies, in particular the use of photovoltaic panels or solar thermal panels should be investigated.
- 8.48. The roof plan submitted shows the roof is suitable for incorporating renewable energy technologies. It is recommended that a condition requiring a feasibility study into the integration of renewable energy technologies should be incorporated.
- 8.49. In summary, the proposal meets policies SP11 and DM29, subject to the above condition.

### **Landscaping**

- 8.50. Core Strategy policy SP04 seeks to deliver a network of open spaces, promote and support measures to green the built environment; and protect and enhance biodiversity value.
- 8.51. Core Strategy policy SP10 also seeks to ensure that developments use high quality landscape designs and policy DM11 states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.52. The application has no trees or landscaping at present but the application does propose some new areas of landscaping for the ground floor flats. Details of the landscaping will be conditioned. As such, the proposal meets the above policies.

## **9. HUMAN RIGHTS CONSIDERATIONS**

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and

- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole”
- 9.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
  - 9.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
  - 9.5. Both public and private interests are to be taken into account in the exercise of the Council’s planning authority’s power and duties. Any interference with a Convention right must be necessary and proportionate.
  - 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
  - 9.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
  - 9.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

## **10. EQUALITIES**

- 10.1. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 10.3. The London Plan (2015) requires 10% of hotel rooms to be wheelchair accessible. This application does not proposed any wheelchair accessible rooms (the provision of 1 room would be policy compliant), however it is considered that in order to do so floorspace from the pub would have to be sacrificed, which may undermine the future viability of the pub (which was previously considered reason for refusal).

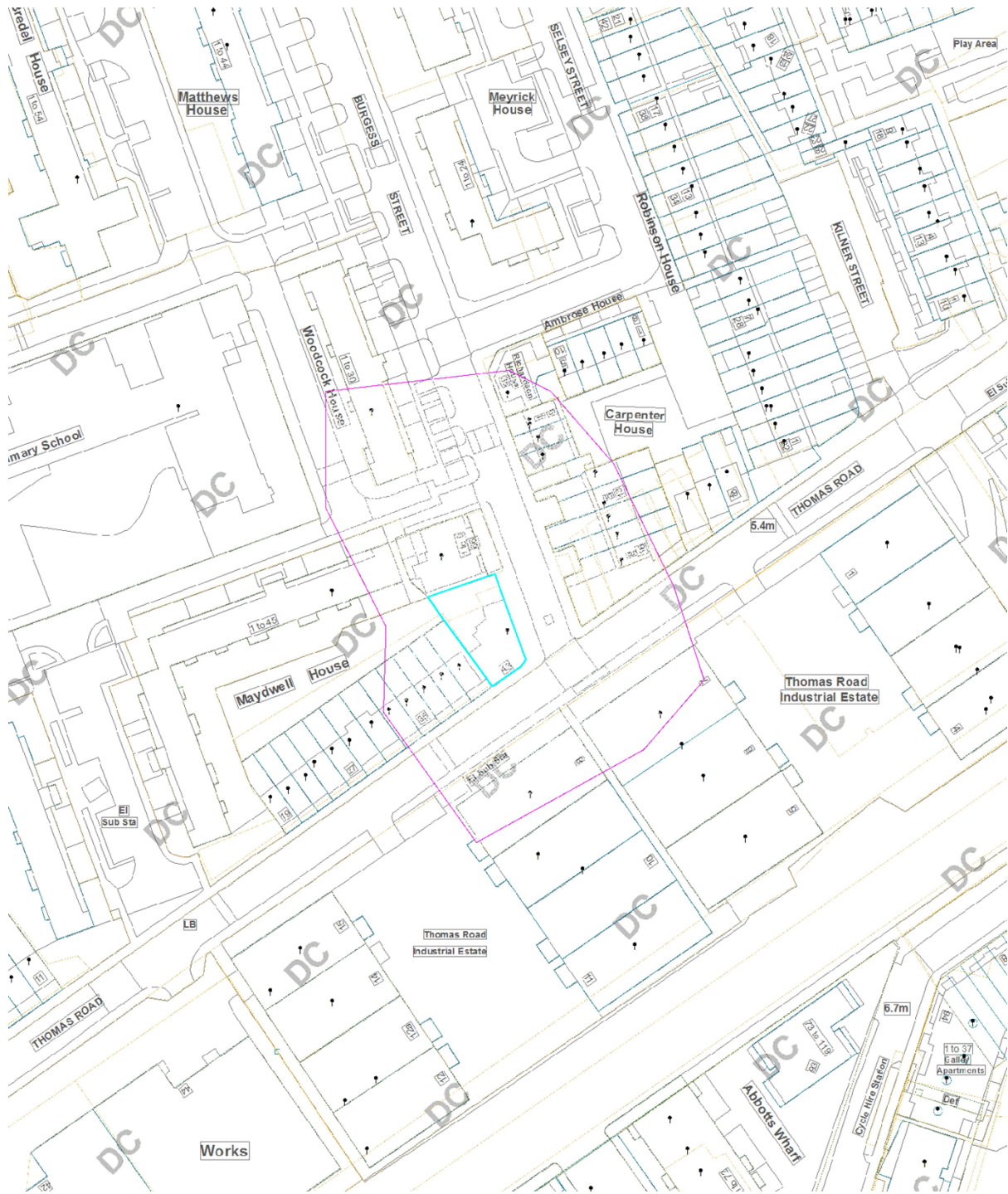
## **11. FINANCIAL CONSIDERATIONS**

- 11.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.

## **12. CONCLUSION**

- 12.1. All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.





**SITE MAP CONSULTATION BOUNDARY**

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# Agenda Item 6.2

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application	
<b>Case Officer:</b> Hannah Murphy		<b>Ref No:</b> PA/16/01106	
		<b>Ward:</b> Mile End	

## APPLICATION DETAILS

- 1.1 **Location:** Bonner Mile End Primary School, Building 1, 2C Ropery Street, London, E3 4QE
- Existing Use:** School
- Proposal:** Demolition of a section of internal wall including the introduction of a new archway.
- Documents:** Design, Impact & Access Statement
- Drawing No's:** 1602-001-0200  
1602-001-0300  
1602-001-301 Rev.F00  
Site Location Plan
- Applicant:** Bonner Mile End Primary School
- Owner:** LBTH
- Historic Building:** Grade II\* Listed.
- Conservation Area:** Ropery Street Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013), the London Plan (2015) and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed new opening in the internal wall has been sensitively designed to preserve the special character of the Grade II\* listed site.
- 2.3 In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England has directed the Council to determine the listed building consent application. The direction requires that if the Council is minded to grant listed building consent it should do so. The direction has been endorsed by the Secretary of State (via the National Planning Casework Unit) who have confirmed the application does not need to be referred to them (Secretary of State).

### **3. RECOMMENDATION**

- 3.1 That the Committee grant Listed Building Consent subject to conditions as set out below.
- 3.2
1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. All materials/ finishes to match existing unless specified on submitted drawings.

### **4. BACKGROUND**

- 4.1 The site is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members for determination.

### **5. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 5.1 The proposal seeks to reopen a previously blocked opening in an internal wall located in the play area at Bonner Mile End Primary School. This new entranceway will provide access between an existing playground and a new play area.
- 5.2 The opening has been designed sympathetically to the Grade II listed site and includes the introduction of an archway with coping stones bricks to match the adjoining walls.

#### **Site and Surroundings**

- 5.3 Bonner Mile End Primary School, located to the north of Roper Street, contains two main school buildings (Block A and B) and three smaller single storey outbuildings (Blocks C, D and E).
- 5.4 The application relates to an internal wall located in close proximity to Block E (shown in Figure 1).
- 5.5 Blocks A and B are Grade II listed and the remainder of the site is listed by association. The site is also located within Roper Street Conservation Area.

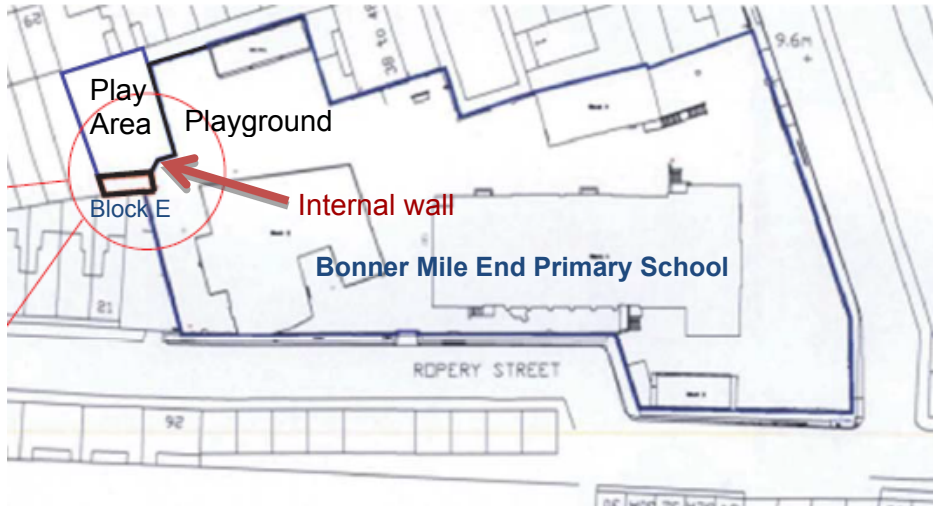


Figure 1: Application Site Plan

## Relevant Planning History

5.4

The site has an extensive planning history, with the earliest application in 1991. This is the first planning application relating to this section of wall.

## 6. POLICY FRAMEWORK

### 6.1 Spatial Development Strategy for Greater London (London Plan 2015)

3.18	Education Facilities
7.8	Heritage assets and archaeology

### 6.2 Core Strategy Development Plan Document (2010) (CS)

Policies:	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

### 6.3 Managing Development Document (2013) (MDD)

Policies:	DM18	Delivering schools and early learning
	DM23	Streets and Public Realm
	DM24	Place-sensitive Design
	DM25	Amenity
	DM27	Heritage and the Historic Environment

### 6.4 Supplementary Planning Guidance

Ropery Street Conservation Area Appraisal

## 7. CONSULTATION

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

7.2 **Historic England do not wish to comment.**

7.3 **LBTH Design & Conservation Officer: do not object to the proposal.**

7.4 **Victorian Society: no comments received.**

7.5 **Society for the Protection of Ancient Buildings: no comments received.**

7.6 **Georgian Group: no comments received.**

7.7 **Council for British Archaeology: no comments received.**

7.8 **Ancient Monuments Society: no comments received.**

## 8. LOCAL REPRESENTATION

8.1 A total of 39 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals.

## 9 MATERIAL PLANNING CONSIDERATIONS

9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

9.2 The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

### **Impact on Special Architectural and Historic Character of the Listed Building.**

9.3 London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

9.4 Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets and policy DM27 of the MDD seeks to ensure development, does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; is appropriate in terms of design, scale, form, detailing and materials in its local context and that it enhances or better reveals the significance of the asset or its setting.

- 9.6 The proposal seeks to open a previous blocked off entranceway situated on a section of internal wall. The new entranceway will provide access between an existing playground and a new play area.
- 9.7 The proposal includes the introduction of a brick archway and the reinstatement of coping stones along the top of the wall to match the adjoining walls. Overall, it is considered that the proposal will preserve and may even enhance the Grade II listed site.
- 9.8 The proposal has been reviewed by the boroughs Conservation Officer who has not raised any objections to the proposal.
- 9.9 In conclusion it is considered that the proposal would have an acceptable impact on the character of the Grade II listed site. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development would preserve the special architectural interest of the listed building and would result in a significant benefit to the school, according with the aforementioned planning policies.

The proposal would also preserve the character of the Ropery Street Conservation Area and therefore accords with policy DM27 of the MDD and policy SP10 of the CS.

## **10 CONCLUSION**

- 10.1 These proposals would allow access between the play area and the playground without having an adverse impact on the historic fabric of the site. The works will preserve and enhance the special historical and architectural character and appearance of the Grade II Listed site. As such, the proposal accords with the aims of Sections 7 and 12 of the NPPF, 7.8 of the London Plan, policy SP10 of the CS, policy DM27 of the MDD, which seek to ensure works to listed structures preserve features of special historic and architectural interest.
- 10.2 All other relevant policies and considerations have been taken into account. Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.



Appendix A Consultation Area

