

# DEVELOPMENT COMMITTEE

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**Wednesday, 7 February 2018 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 John Pierce  
Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,  
Councillor Chris Chapman and Councillor Sabina Akhtar

**Substitutes:**

Councillor Danny Hassell, Councillor Ayas Miah, Councillor Clare Harrison, Councillor  
Peter Golds, Councillor Julia Dockerill, Councillor Md. Maium Miah and Councillor  
Mohammed Mufti Miah

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 5 February 2018**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 6 February  
2018**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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## **Public Information**

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

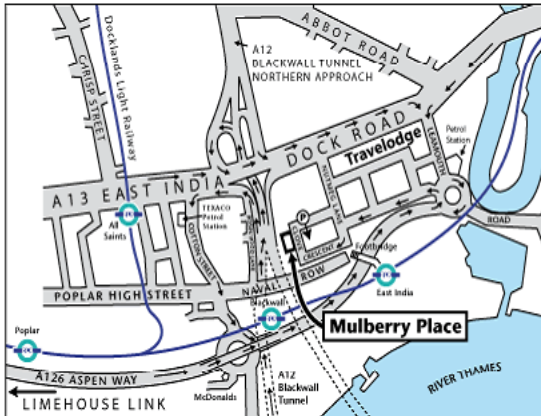
### **Audio/Visual recording of meetings.**

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### **Access information for the Town Hall, Mulberry Place.**



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Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf .

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### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

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To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)**

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 9 - 14)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 8<sup>th</sup> January 2018

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)**

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 Place 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 Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) 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>
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### **4. DEFERRED ITEMS**

None

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>17 - 18</b>	
<b>5 .1</b>	<b>1 Capstan Square, London E14 (PA/17/01251)</b>	<b>19 - 34</b>	<b>Blackwall &amp; Cubitt Town</b>
	Proposal:		
	Erection of a two storey side extension to the existing house.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions as set out in the Committee report.		
<b>5 .2</b>	<b>43 Capstan Square (PA/17/02793)</b>	<b>35 - 50</b>	<b>Blackwall &amp; Cubitt Town</b>
	Proposal:		
	Proposed 3 storey side extension with minor alterations.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the conditions in the Committee report		
<b>6.</b>	<b>OTHER PLANNING MATTERS</b>		

None

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

Wednesday, 7 March 2018 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

## **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:-

Asmat Hussain Corporate Director of Law Probity 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 7.00 P.M. ON MONDAY, 8 JANUARY 2018

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

#### Members Present:

Councillor Marc Francis (Chair)  
Councillor John Pierce  
Councillor Helal Uddin  
Councillor Suluk Ahmed  
Councillor Peter Golds (Substitute for Councillor Chris Chapman)

#### Other Councillors Present:

None

#### Apologies:

Councillor Gulam Kibria Choudhury  
Councillor Chris Chapman  
Councillor Sabina Akhtar

#### Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Brett McAllister	(Planning Officer, Place)
Kevin Chadd	(Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6 December 2017 be agreed as a correct record and signed by the Chair.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

### **4. DEFERRED ITEMS**

None

### **5. PLANNING APPLICATIONS FOR DECISION**

#### **5.1 327-329 Morville Street, London (PA/17/01253)**

Paul Buckenham (Development Control Manager) introduced the application for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey residential building with associated works. He advised that the application was presented to the Development Committee on 8<sup>th</sup> November 2017 with an Officer recommendation for approval. The Committee were minded to refuse the application due to concerns about the height, bulk, massing and density of the application and the daylight impacts on neighbouring properties. Since that time, the applicant had made a number of changes to the application. The Council had carried out a further round of consultation and given the scale of the changes, the application was being brought back to the Committee as a new application.

Brett McAllister (Planning Services) presented the report explaining the key features of the amendments that had involved:

- Reducing the residential units proposed within the scheme from 62 to 58.
- Setting back the upper floor of the western block.
- Significantly reducing the massing of the eastern block by reducing the northern and southern half of these elements.

The Committee were advised of the site location that was not in a Conservation Area including the nature of the nearby residential developments, the existing land use and the proximity of the development to Olive Tree Court. They also noted the improved floor plans to provide future occupants with a better standard of internal amenity, the child play space at ground floor and improvements to minimise the impact of the application. The Committee also noted the images of the revised elevations and massing and its impact on the surrounding area. Consultation was carried out on the application. Three representations in objection were received and two in support in response to the original consultation. No additional representations were received in response to the re – consultation on the revised application.

Turning to the assessment, it was considered that the height of the development would appropriately respond to the local context that was predominantly of mixed character. The application would be of a good quality design. It was considered that the impact on neighbouring amenity would be broadly acceptable including the properties at Olive Tree Court (that would be most affected in terms of sunlight and daylight impacts). Following the changes, there had been a marked reduction in the number of windows that would experience a major adverse impact in this regard down from 11 to 3 windows. However as most of the windows in this development were triple aspect, they should continue to receive a good standard of daylight and sunlight.

The revised proposal would provide an acceptable mix of housing including 35% affordable housing. This would be split 70% affordable rented (in line with Tower Hamlets preferred rent levels) and 30% intermediate. Furthermore, the density of the application had decreased.

Transport matters, including parking, access and servicing were acceptable and it was not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

Subject to the recommended conditions and obligations, Officers were recommending that the application was granted planning permission.

The Committee asked questions about the height of the scheme and the changes to overcome the concerns in this respect and the fire safety measures. In response, Officers explained in further detail the changes to reduce the scale and bulk of the application in relation to the eastern and western elements. There would be an informative encouraging the use of sprinklers and if granted, there would be detailed consideration of fire strategy issues, at the building control stage. The London Fire Authority had not raised any concerns about the application.

The Committee also sought assurances about the impact on Olive Tree court. Whilst mindful of the changes, clarity was sought on the impact on the three windows that would still be adversely affected. Officers confirmed that these windows would experience a loss of light - slightly over 40 percent. But the

units would benefit from good standard of daylight/sunlight as they had alternative sources of light. Furthermore, none of the windows in Eastside Mews would experience moderate or major adverse reductions.

In response to further questions, Officers reported that the scheme still met the child play space target and provided reassurances about the quality of the child play space.

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

1. That planning permission be **GRANTED** at 327-329 Morville Street, London for the demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 58 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities. (PA/17/01253) Subject to
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director, Place is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director, Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report

## **5.2 Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ (PA/17/02495)**

Paul Buckenham (Development Control Manager) introduced the retrospective application for the addition of a new ventilation panel to an existing duct to the basement door on the building's facade. The application was bring brought to the Committee as the Council could not determine under delegated powers its own applications for listed building consent.

The Committee noted the site location, the nature of the changes that had already been carried out showing images of the proposal. Consultation had been carried out and Historic England had directed the Council to determine the listed building consent application. The direction required that if the Council was minded to grant listed building consent it should do so. No other comments had been received from heritage bodies. Officers considered that no harm had been caused by the works so the listed building consent should be granted.

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

That Listed Building Consent be **GRANTED** at Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ for the retrospective application for the addition of a new ventilation panel to an existing duct to the

basement door on the building's façade (PA/17/02495) subject to the conditions set out in the Committee report.

## **6. OTHER PLANNING MATTERS**

### **6.1 PLANNING APPEALS REPORT**

Paul Buckenham (Development Control Manager) introduced the report. The report summarised appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 14 month period since the last report - from 1 October 2016 to 30 November 2017.

The Committee were advised of the different types of appeals and the importance of reviewing appeal decisions in terms of future decision making. The Committee noted that during the 14 month period, 83 decisions were made on appeals in Tower Hamlets. 79 were following a refusal of permission and 3 were non-determination appeals. Of the 83 decisions, 22 were allowed, 60 dismissed and 1 was part allowed. This meant that in 72% of the cases, the Council decision had been upheld. The Council had a consistent success rate which fell far below the Department for Communities and Local Government's new criteria regarding major and non major applications overturned at appeal. The Council also tended to have fewer appeals compared to other Authorities.

It was noted that there were 48 current appeals against decisions (or non-determination) that have not yet been decided. However there were 5 cases that would be dealt with through a public Inquiry, two of which had taken place during December, the others had dates to be set in 2018. The report included a list of forthcoming appeal inquiries and hearings.

The Committee's attention was then drawn to the outcome of the following three appeals and the implications of these decisions:

- Former Stepney's Nightclub, 373 Commercial Road, Stepney - Planning permission was refused by the Council for the erection of a 3 storey mixed use building to provide new commercial floorspace with 6 new homes on the upper floors. This was subsequently allowed on appeal and dismissed following a further appeal. Members noted the issues in respect of the noise impacts.
- Flat 39A, Northesk House, Tent Street, Whitechapel. The appeal concerned the temporary change of use of the flat from residential to a short-term let. Permission was refused under delegated powers and the appeal was refused. Officers considered that the decision was significant and helpful in terms of how the Council moved forward to tackle the growing issue of unlawful changes of use of residential properties to short term let properties.
- Harley House and Champion House, Frances Wharf - The appeal concerned roof extensions to provide 6 new residential units along with reconfiguration of 1 existing unit. The appeal was allowed. Members noted the issues in respect of incremental development.

In response to the presentation, the Committee discussed in further detail the Stepney's night club decision and the lessons that could be learnt in respect of applications involving residential and a night club use. The Committee also discussed the financial implications of appeals and the type of issues that could result in the award of costs.

In addition, the Committee asked questions about the number of appeals against non - determination and the work done to address this. Members asked about the ways in which they could express views on major applications should the decision making powers be transferred to the Planning Inspector on the grounds of non - determination. It was noted that in such cases, Members would normally still have the opportunity to express a view on such application as they would usually be brought to the Committee for it to say how they would have determined it to inform the appeal process.

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

That the contents of the report be noted.

The meeting ended at 7.55 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.  Members of the public in support	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> 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></p> <p>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.</p> <p>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> 7 <sup>th</sup> February 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Place  <b>Originating Officer:</b> Owen Whalley		<b>Title:</b> Planning Applications for Decision  <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 2016
  - 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 the Planning Practice Guidance.
- 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 5.1

<b>Committee:</b> Development Committee	<b>Date:</b> 7th February 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b>  Corporate Director of Place  <b>Case Officer:</b> Angelina Eke	<b>Title:</b> Planning Application  <b>Ref No:</b> PA/17/01251  <b>Ward:</b> Blackwall and Cubitt Town
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## 1. APPLICATION DETAILS

**Location:** 1 Capstan Square, London E14

**Existing Use:** Residential (Use Class C3)

**Proposal:** Erection of a two storey side extension to the existing house.

**Drawing & Documents:** CS\_PP\_001  
CS\_PP\_001EX  
CS\_PP\_002 Rev A  
CS\_PP\_002EX  
CS\_PP\_020  
CS\_PP\_022  
CS\_PP\_101  
CS\_PP\_101EX  
CS\_PP\_102 Rev A  
CS\_PP\_111  
CS\_PP\_111 EX  
CS\_PP\_112  
CS\_PP\_112 EX  
CS\_PP\_113  
CS\_PP\_113 EX  
CS\_PP\_114  
CS\_PP\_114 EX  
CS\_PP\_115  
CS\_PP\_115 EX  
CS\_PP\_202 \_Rev A  
CS\_PP\_201 \_Rev C  
CS\_PP\_211 Rev B  
CS\_PP\_212 Rev A  
CS\_PP\_213 Rev C  
CS\_PP\_214 Rev A  
CS\_PP\_215 Rev A  
Design and Access Statement  
Flood Risk Assessment, Three Counties Flood Risk  
Assessment dated 24th May 2017

**Applicant:** Mrs Mandy Davey

**Ownership:** The Applicant

**Historic Building:** N/A

**Conservation Area:** N/A

## **2. EXECUTIVE SUMMARY**

- 2.1 The report considers an application to erect a two storey side extension. The proposal would enlarge the existing dwelling house.
- 2.2 Officers have considered the particular circumstances of this application against the Development Plans, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons outlined below :
- 2.3 The proposed extension is acceptable in terms of its bulk, mass, scale, design including height and external appearance subject to a condition to secure high quality materials and finishes. It is considered that the extension would accord with the objectives in Policies 7.4 and 7.6 attached to the London Plan (2016); Policy SP01 in the Adopted Core Strategy (2010) and Policy DM24 in the Managing Development Document (2013) seeks to ensure new developments respect the visual integrity of the existing building and site context.
- 2.4 The layout and size of the enlarged property would accord with the requirements of Policy 3.5 of the London Plan (MALP 2016), Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013).
- 2.5 Subject to conditions, the proposal would have no unduly detrimental impacts on the amenity of the premises and it would accord with Policy 7.15 of the London Plan (MALP 2016), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development Document (2013) which seeks to protect residential amenity.

## **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions:

### **Conditions**

- (a) Three year time limit
- (b) Development to be carried out in accordance with the approved plans
- (c) Full details of the proposed facing materials to be used for the extension
- (d) Details to show provision for two cycle parking spaces.
- (e) Permit Free parking
- (f) Contamination
- (g) Details showing refuse provision

### **Informative**

- 3.2 That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission on the following matters.

## 4.0 PROPOSAL AND LOCATION DETAILS

- 4.1 The application as originally submitted sought planning permission for the erection of a three storey side extension on the western elevation of the existing three storey house. The extended element was designed with similar plot width and site coverage as the existing house and of a similar height with similar fenestration design and roofline. The initially proposed development would have had same building envelope of the consented scheme (PA/15/03356).
- 4.2 During the course of the application, the extension was reduced by a storey and various amendments made to improve the visual alignment and integration of the extension with the existing house to appear as subordinate feature to the dwelling house. The application is now for the erection of a two storey side extension to a three storey house.
- 4.3 The proposal involves the removal of the integral garage at the rear of the property and conversion of this space to a habitable accommodation. The proposal includes the insertion of a new window and infilling the garage façade with brickwork.

### Site and Surroundings

- 4.4 The application premises is situated at the end of a row of terrace properties along the southern side of Capstan Square, backing onto River Barge Close.



**Figure 1 Application site**

- 4.5 The application site is a three storey house at 1 Capstan Square on the end of a row of terrace. The property has an integral garage and an additional parking space accessed from Capstan Square, whilst the main entrance is situated off River Barge Close.
- 4.6 The application site forms part of an estate of similar houses within a predominantly residential area.

- 4.7 The site is not listed nor does it lie within a conservation area. The proposal lies within a Flood Risk Zone 3A.
- 4.8 The application premises is situated off Stewart Street which runs parallel to Manchester Road (A1206). The site has a moderate level of public transport access of PTAL Rating of 3.

### **Relevant Planning History**

- 4.9 **PA/17/01609:** Submission of details to part discharge Part Condition 4 (Contamination - remedial works to treat or remove the identified contamination) attached to planning permission PA/15/03356 dated 25/04/2016. Approval dated 18/07/2017.
- 4.10 **PA/15/03356:** Erection of a new three storey dwelling within garden ground (Land to the west of the host building). Approval dated 25/04/2015
- 4.11 **PA/12/02011:** Full planning permission for the erection of a three storey house on land adjacent to No1 Capstan Square. Approval dated 18/10/2012.
- 4.12 **PA/04/00935:** Full planning permission for the erection of a three storey dwelling house on vacant site. Approval dated 20/10/2004.

## **5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. 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 Guidance/Statements**

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

### **5.3 Consolidated London Plan (March 2016)(MALP)**

- 5.4 Statutory public consultation on the draft London Plan commenced on the 1<sup>st</sup> of December 2017 and will close on 2<sup>nd</sup> March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.
- 5.5 The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker.

- 3.4: Optimising Housing Potential
- 3.5: Quality and Design of Housing Developments.
- 7.4: Local Character
- 7.6: Architecture

## **5.6 Draft London Plan**

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.

The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker

## **5.7 The Tower Hamlets Local Plan 2031: Managing Growth & Sharing the Benefits**

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

## **5.8 Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP02: Urban living for everyone  
SP03: Creating healthy and liveable neighbourhoods  
SP09: Creating attractive and safe streets and spaces  
SP10: Creating distinct and durable places

## **5.9 Managing Development Document (adopted April 2013) (MDD)**

Proposals: Flood Risk Area

DM4: Housing Standards and amenity space  
DM12: Water Spaces  
DM22: Parking  
DM24: Place sensitive design  
DM25: Amenity  
DM30: Contaminated Land and Development & storage of hazardous substances

## **6.0 CONSULTATION RESPONSE**

### **6.1 The following were consulted regarding the application:**

### **Internal Consultees**

#### **Environmental Health – Contaminated Land**

- 6.2 The proposal should be subject to condition to ensure any underlying contamination is properly remediated.

#### **Waste Policy and Development:**

- 6.3 The observation advises that the applicant should provide sufficient space to store 1 x 360 litre refuse bin, 1 x 240 litre recycling bin and 1 x 240 litre compostable bins in the front garden of the property.

**[Officer Comment:** this requirement can be addressed by a condition.]

#### **Transportations and Highways:**

- 6.4 The feedback emphasizes the need for two cycle spaces to be re-provided at ground floor level. Given the loss of the parking space, a condition has been advised to ensure a permit free development.

**[Officer Comment:** this requirement for permit free parking including the relocation of the two bicycle parking bays can be addressed by condition.]

### **External Consultees**

- 6.5 Environment Agency:

No objections

### **Neighbours Representations**

- 6.6 A total of 27 planning notification letters were sent to nearby properties as detailed on the attached site plan. One objection letter plus a petition containing 24 signatures was received. The objection letter includes the previous objections raised under PA/15/03356 and PA/12/02011.

- 6.7 11 letters of support were received in support of the application on the grounds that it would help make visual improvements to the land and in support of larger sized homes.

- 6.8 In respect of the objections received, the objections were as follows:

- The property is a buy to let property owned by an absentee landlord with a poor track record and the proposal will result in between 5 – 7 bedrooms and it is likely to give rise to serious concerns about the enlarged premises being used as a house in multiple occupation;  
*(This is not a material planning consideration for this application)*
- The property is not a car free development and Stewart Street is already congested with cars;  
*(A condition will be imposed for the application property to be a car-free)*



- The consented scheme could not be built because of the restrictive covenant on the title and the applicant appears to be circumventing the covenant in place which does not allow redevelopment within the garden locations.
- The proposal would be out of keeping with the character of houses within the terrace.  
*(This is discussed in the Design section of the report)*
- The application has gone to court previously and residents are concerned there is an ongoing court case between the applicant and the Directors of Capstan Square Residents Limited.  
*(this is not a material planning consideration and is a private matter)*
- Planning permission should be refused on grounds that permission would not override any existing covenant  
*(This is not a material planning consideration and is a private matter)*
- Concerns that the extension would erode the visual character and appearance of the terrace.  
*(This is discussed in the Design section of the report)*
- Objections have been raised in connection with rubbish being placed within the Square.  
*(A condition would be imposed to ensure that sufficient refuse storage area would be available. In any event, the current issue arising within the estate is not a relevant to the current proposal for consideration)*

## **7.0 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of Land Use
- Design
- Amenity
- Highway
- Other

### **Land Use**

- 7.2 The enlargement of the house raises no land use implications. The premises is a single family dwelling house and officers support the principle of residential intensification of the property subject to all the other relevant planning policy requirements being met for the proposal.
- 7.3 The principle of losing the integral garage space would have implications on highway grounds and this would need to be assessed in terms of the 'Highway section' of the report.
- 7.4 Objections have been received which raised concerns regarding the potential for the application property to change into a House of Multiple Occupation (HMO). As the subject proposal is to extend the existing dwelling house this is not a matter for consideration, and were there to be a breach of planning control in the use of the extension, it would be a matter for enforcement in the future.

## Design

- 7.5 Paragraph 56 of the NPPF promotes high quality states that the government attaches importance to the design of the built environment that responds to the local context. Good design is a key aspect of sustainable development and is indivisible from good planning and this should contribute to more robust design and making better places for people.
- 7.6 Policy 7.4 specifically seeks high quality urban design which is sympathetic to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 of the London Plan (MALP 2016) seeks to ensure high architectural quality, enhanced public realm, materials that complement the local character, quality adaptable proposals that optimise the potential of the site. The above policies require developments to be sensitive to the capabilities of the site.
- 7.7 Policy SP10 of the Core Strategy (2010) seeks to promote high quality design that is appropriate to the site context. Policy DM23 of the Managing Development Document (2013) and Policy DM24 of the Managing Development Document (2013) seeks to ensure that buildings and neighbourhoods promote good design principles which are high-quality, sustainable, accessible, attractive and well-integrated with the surroundings.
- 7.8 The site is situated at the end of a row of terraced properties along the southern side of Capstan Square, which backs onto River Barge Close. The site is situated at the start of the cul-de-sac with resident only parking further along. The house has two principal elevations, to the north facing Capstan Square and the south facing elevations fronts onto River Barge Close. The site is bounded to the east by Stewart Street and the remaining terrace lies to the west of the site.
- 7.9 The application site comprises a three storey brick built house with standard PVCu windows and clay tiled pitched roof incorporating an end of gable to its flank elevation. The application premises have a large garden area on the western edge of the house.
- 7.10 The residential complex in Capstan Square includes similar styled houses which are varied in architectural style and include various flatted developments, which includes a large garden plot on the western edge. The houses vary between three and four storeys in height.

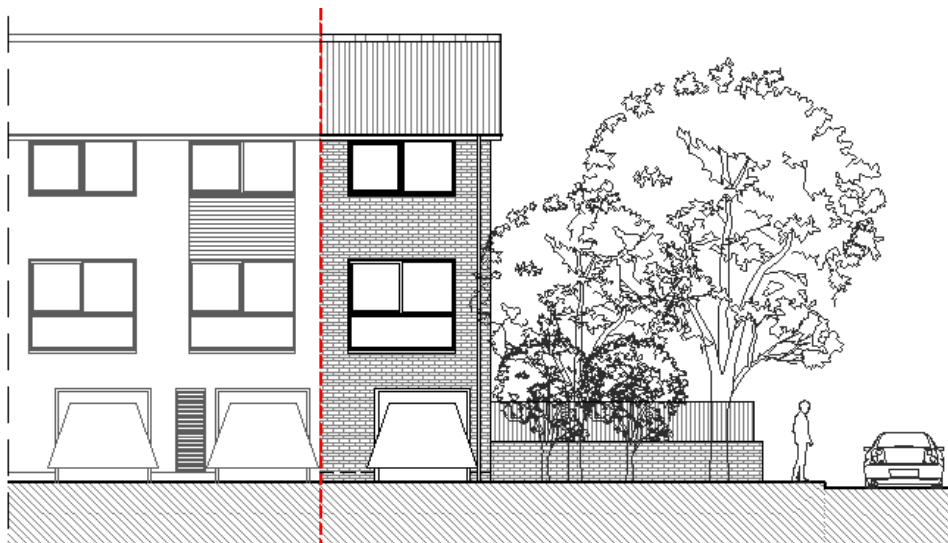
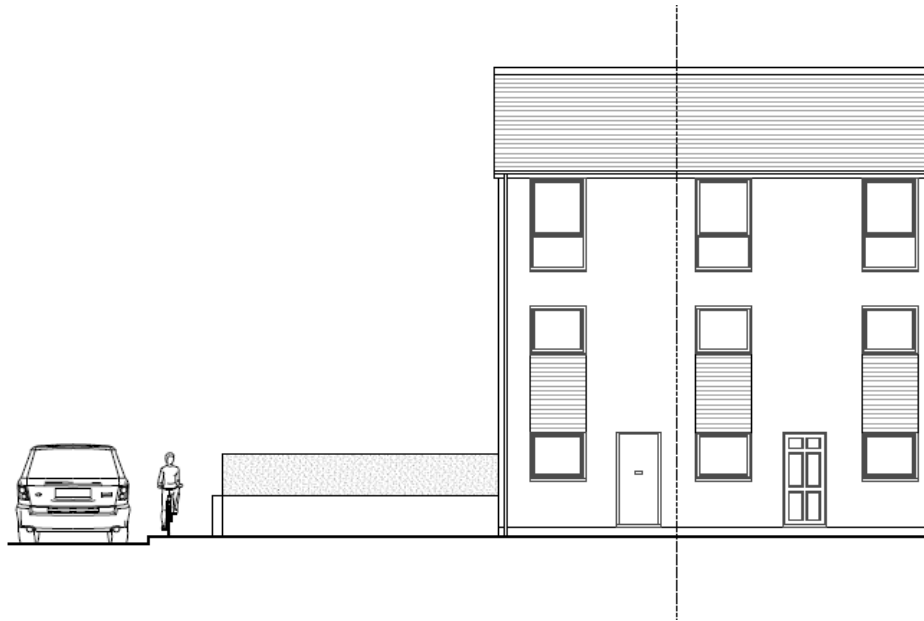


Figure 2 – Existing (North)

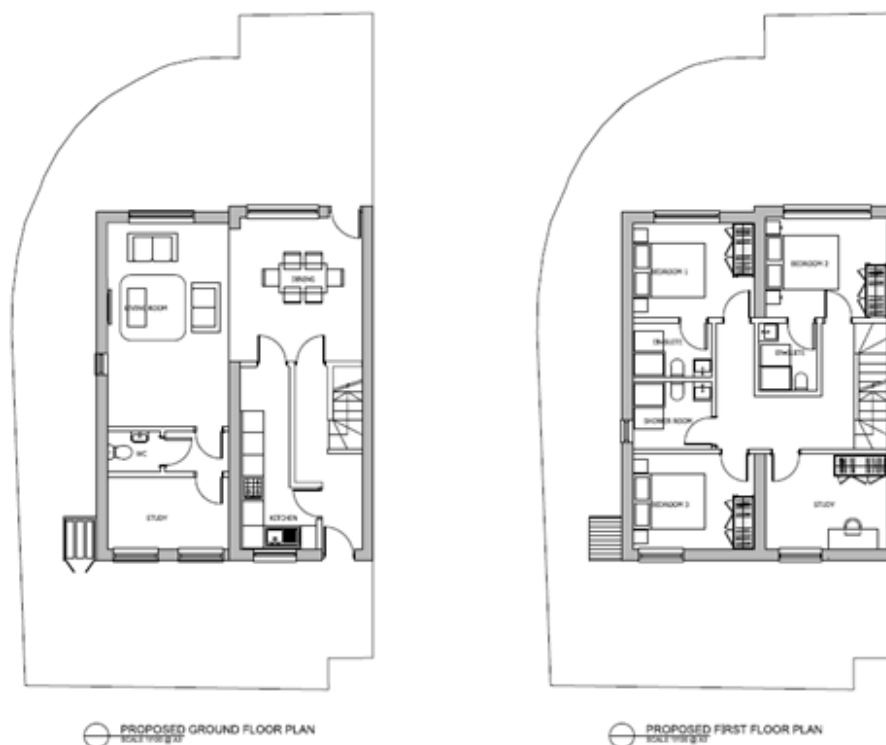


**Figure 3 - South Elevation (Existing)**



**Figure 4 - Ground & First Floor Plans (Existing)**

- 7.10 The existing house is three storeys in height whilst the proposed extension will be two storeys in height and on a much smaller footprint than the existing house. As illustrated, the extension would measure 3.65 metres in width and it will incorporate a small setback from the original dwelling house. The extension will be designed in a similar architectural form to the terrace in terms of fenestration design, proportions, use of materials and similar roof line. The applicant has drawn officer's attention to the fact that there has been a recent consent on the site and the proposed extension would have a similar design response, but would be within the envelope of the previous consented house. The existing house currently has two bedrooms and together with the extension, this will result in a five bedroom property.



**Figure 5: Ground Floor & First Floor (Proposed)**

- 7.11 Whilst the principle of enlarging the house is supported, officers are keen to ensure that any new addition is subordinate and sympathetic to the host building and the surrounding context. The proposal as currently designed is now acceptable in terms of its bulk, mass and scale including height and it would be brick built to reflect the host building and local streetscape. It will maintain a similar architectural rhythm within the terrace, and the width of the extension would not be wider than the original dwelling house. The gable roofline will step down from the established roofline of the terrace and it would appear subservient to the main dwelling house. The applicant intends to use materials similar to the existing.



**Figure 6: North Elevation (Proposed)**

7.12 The extension has been assessed on its townscape merits and whilst it is recognised that, the combined development would be visually prominent within the terrace and streetscape, it would not be overbearing or unneighbourly. The scheme has been assessed by the council's Place-shaping officer who has advised for minor tweaks to be made to the proposal by way of incorporating small set back, minor amendments to the north and south elevations to improve its visual alignment and integration with the host building.

7.13 The overall design will be sympathetic to the site context and the width of the extension will be narrower than originally proposed. Given this a condition will be attached to secure high quality materials and finishes. The scheme would not undermine the aims of Policies 7.4 and 7.6 in the London Plan (2016), Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012), which seeks to ensure that new additions to existing developments provide a sympathetic response which accords to the site context.

### **Amenity**

7.14 Part 4(a) and (b) of Policy SP10 of the Core Strategy and Policy DM25 of the Managing Development Document (2013) which requires development to ensure it has adequate levels of light and does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

7.15 The position of the side extension at the end of the terrace means that there would be no material change in terms of sunlight/daylight, outlook or sense of enclosure to the adjacent properties. Furthermore, the positioning of the windows would not result in any material increased level of overlooking, and would be similar to the existing relationship between the terrace and the street.

7.16 The proposed extension does not give rise to any unduly detrimental impacts to the adjoining premises and as such, it would not be contrary to Policy DM25 of

the Managing Development Document, which seeks to protect the amenity of existing and future occupiers.

- 7.17 Given the footprint of the new extension, it will result in some reduction in garden space. The residual garden area will be greater than 8 sq. metres and as such, this would meet the requirements of Policy 3.5 of the London Plan (2016) and Policy DM4 of the Managing Development Document.
- 7.18 Objections have been received on the grounds that the enlarged premises would be used as a House in Multiple Occupation (HMO). Officers have considered the concern and would note that any change of use would require planning permission.
- 7.19 In respect of the concerns raised in respect of the use of the premises resulting in antisocial behaviour, the concern is considered to be speculative and as such, it is not a material planning consideration.
- Contaminated Land
- 7.20 The NPPF, Policy 5.21 in the London Plan (MALP 2016) and Policy DM30 in the Managing Development Document (2013) requires appropriate site investigations and remediation schemes to be put in place where a site is identified as being contaminated.
- 7.21 In this case, the Council's Environmental Health officer (Contaminated Land) advised that a condition be applied as a precaution in the event that any underlying contamination is found. If Members are minded to approve the scheme, then this requirement can be conditioned.

## **8.0 Highways**

- 8.1 As noted earlier, the proposal involves the loss of the integral garage facility to form a habitable room. It should be noted that some of the houses within the complex have been designed with integral garages on the ground floor frontage together with a private forecourt/driveway area to provide additional parking space. The proposal seeks to retain the space at the rear and the integral garage will be lost.
- 8.2 The principle of losing the garage facility to enlarge the existing accommodation is supported on policy grounds, as this would accord with the thrust of the Council's car restraining policies.
- 8.3 LBTH Transportation and Highways officer has assessed the loss of the integral garage and raised no objections, but requires the enlarged premises to be permit free, which also addresses concerns raised by objectors. In addition, it has been noted that there are two bikes within the garage which need to be relocated. A condition has been advised to ensure that the two bike spaces are relocated. Subject to this, the proposal would not undermine the objectives of Policy 6.3 of the London Plan (2016), Policy SP09 of the Core Strategy and Policy DM20 of the Managing Development Document.

### Refuse

- 8.4 Policy SP05 of the Core Strategy and Policy DM14 of the Managing Development Document requires provision of adequate refuse storage.

- 8.5 The application has been assessed by the Council's Cleansing Team, who requested further details about the refuse storage capacity for the site.
- 8.6 Objections have been raised in respect of concerns about rubbish build up within the residential complex. Officers have considered this concern and do not concur that it is material to this application, given its generic nature. The council's waste officers has assessed the proposal and consider that there is potential to increase waste capacity on site and this can be conditioned which accords with accords with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

## **9.0 Other**

### **Flood Risk**

- 9.1 The application premises lies within Flood Risk Zone 2 and 3. A Standard Flood Risk Assessment was submitted to illustrate that the necessary flood resilience measures would be put in place to alleviate flooding. Environment Agency has assessed the scheme and raised no objections. The proposal would accord with Policy SP04 in the Core Strategy (2010) and Policy DM12 in the Managing Development Document (2013) and would be acceptable in terms of its flood resilience.

## **10.0 Human Rights Considerations**

- 10.1 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:-
- 10.2 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 Convention 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 the laws that are deemed 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". The proposal raises issues around the rights of family which has been supported in this case.
- 10.3 With regard to Article 6 of the European Convention on Human Rights ("ECHR"), the report outlines that consultation has been undertaken on the planning

application and the opportunities has been provided for people to make representations to the Council as a local planning authority and express their views about the proposal.

- 10.4 Members need to satisfy themselves that the measures proposed to be taken to minimise, inter alia, the adverse effects of highway impacts in this case and ensure a high quality design have been put in place and therefore any potential interference with Article 8 rights will be legitimate and justified.
- 10.5 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.
- 10.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7 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.
- 10.8 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 therefore justified.

## **11. Equalities**

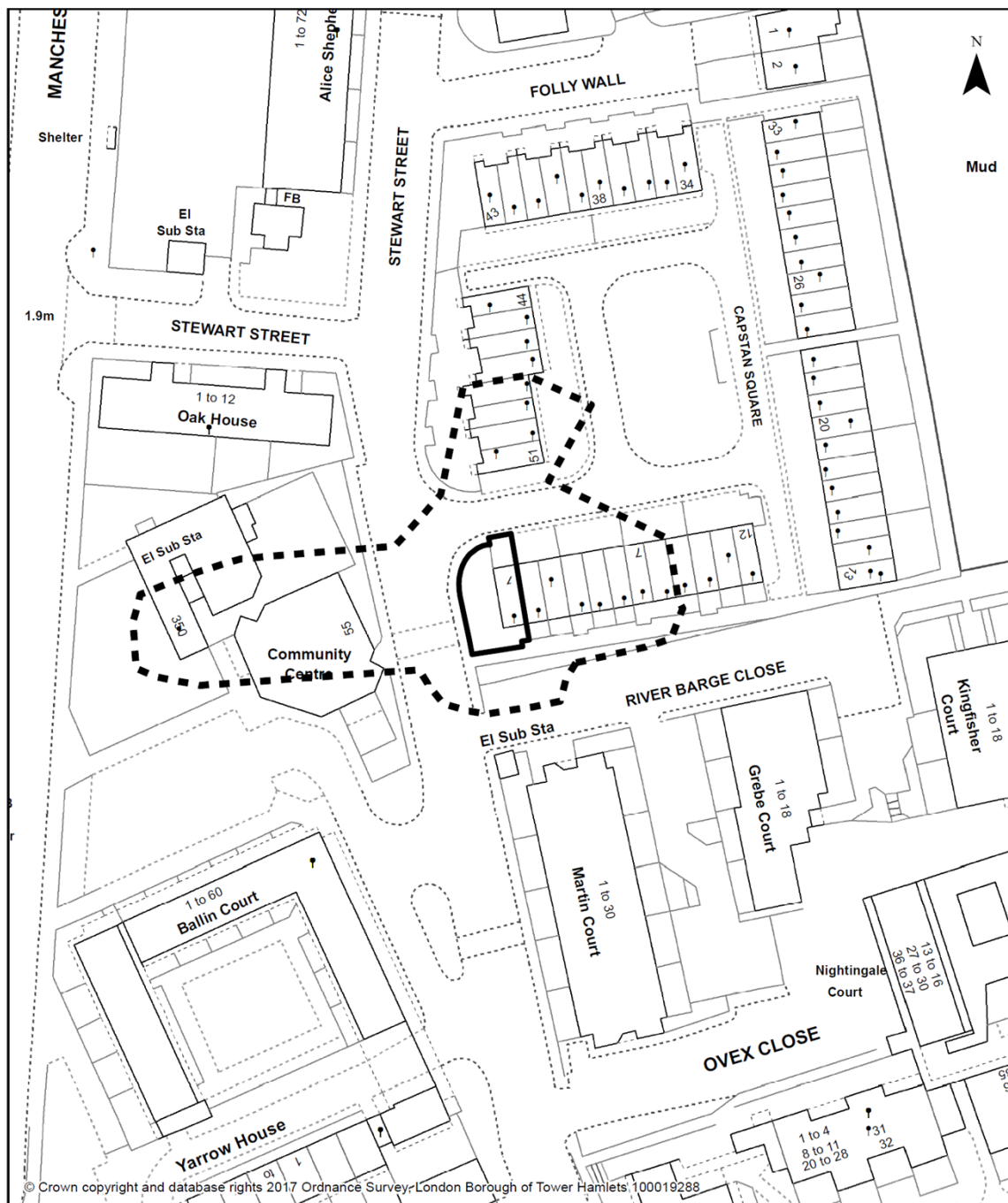
- 11.1 The Equality Act 2010 came into force on 5<sup>th</sup> April 2011, imposes duties on a public authority in the exercise of their function (which includes the functions exercised by the Council as Local Planning Authority), to have due regard to the need to : -
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or 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.
- 11.2 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.
- 11.3 Officers have considered the application and in preparing the reports had regard to the requirements of this section and have concluded that the recommendation to grant will comply with the council's statutory duty under this legislation. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.



- 11.4 Conditions have been recommended to ensure that the development achieves a high quality appearance, that the proposal is permit free and the two cycle parking spaces are re-provided.

Conclusion

- 11.5 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



Scale @ 1:800  
10 5 0 10 20 30 Meters

### Planning Application Site Map PA/17/01251

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



GIS for  
Place Directorate

LONDON BOROUGH OF TOWER HAMLETS  
Date: 15/01/2018



# Agenda Item 5.2

<b>Committee:</b> Development Committee	<b>Date:</b> 7 <sup>th</sup> February 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place  <b>Case Officer:</b> Julian Buckle	<b>Title:</b> Application for Planning Permission  <b>Ref No:</b> PA/17/02793  <b>Ward:</b> Blackwall and Cubitt Town
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## 1.0 APPLICATION DETAILS

<b>Location:</b>	43 Capstan Square
<b>Existing Use:</b>	Residential (Class C3)
<b>Proposal:</b>	Proposed 3 storey side extension with minor alterations.
<b>Drawing and documents:</b>	Site Plan 16124/ 2 16124/1 Flood Risk Assessment
<b>Applicant:</b>	S Perkins
<b>Ownership:</b>	Applicant
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework.
- 2.2 This report considers an application for the erection of a three storey side extension to a four storey dwellinghouse. The extension is to provide three additional bedrooms, two bathrooms, and to accommodate a kitchen and dining

area at ground floor level. The proposal includes internal layout changes to the original dwelling and the bricking up of a side window to the existing house.

- 2.3 The proposed design of the extension is considered to be acceptable in terms of scale, mass, and form. The extension would be subservient to the original dwelling and integrate well with the host dwelling and its surroundings.
- 2.4 The proposal would not adversely impact on the amenity of any adjoining occupiers or that of the public realm and is therefore acceptable in amenity terms.
- 2.5 On balance it is considered that the proposal would be in accordance with the National Planning Policy Framework and would comply with the provisions of the Local Development Plan. Having examined all the material planning considerations it should be approved.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission.

#### **Conditions**

- (a) Three year time limit
- (b) Development to be carried out in accordance with the approved plans
- (c) Full details of the proposed facing materials to be used for the extension
- (d) Contamination

#### **Informative**

- 3.2 That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission on the following matters.

### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is located on the end of a terraced row that forms part of Capstan Square. Folly Way and Stewart Street bound the site to the north and west, respectively. The site is accessed from Folly Way and its principal elevation addresses this street.
- 4.2 The application site itself is a four storey dwellinghouse that sits on the end of a row of ten terraced houses. The change in land level between Capstan Square and Folly Way gives the appearance of a three storey property when viewed from the rear. The building features a gable roof and is constructed of brick.
- 4.3 Capstan Square is formed by terraced houses that are all four storeys in height. To the east beyond the square is the river Thames. To the north is the Isle of Dogs Pumping Station a Grade II\* listed building, and to the west are post-war housing blocks Alice Shepherd House and Oak House. Manchester Road is west of these

housing developments and runs north to south. St John's Park is 300m due south-west.

- 4.4 The site has a PTAL rating of 3 meaning it does not have 'good' public transport accessibility (defined as 4 and above in the London Plan). South Quay DLR station is approximately 0.6km due west and the site is within the area known as Cubitt Town on the Isle of Dogs.

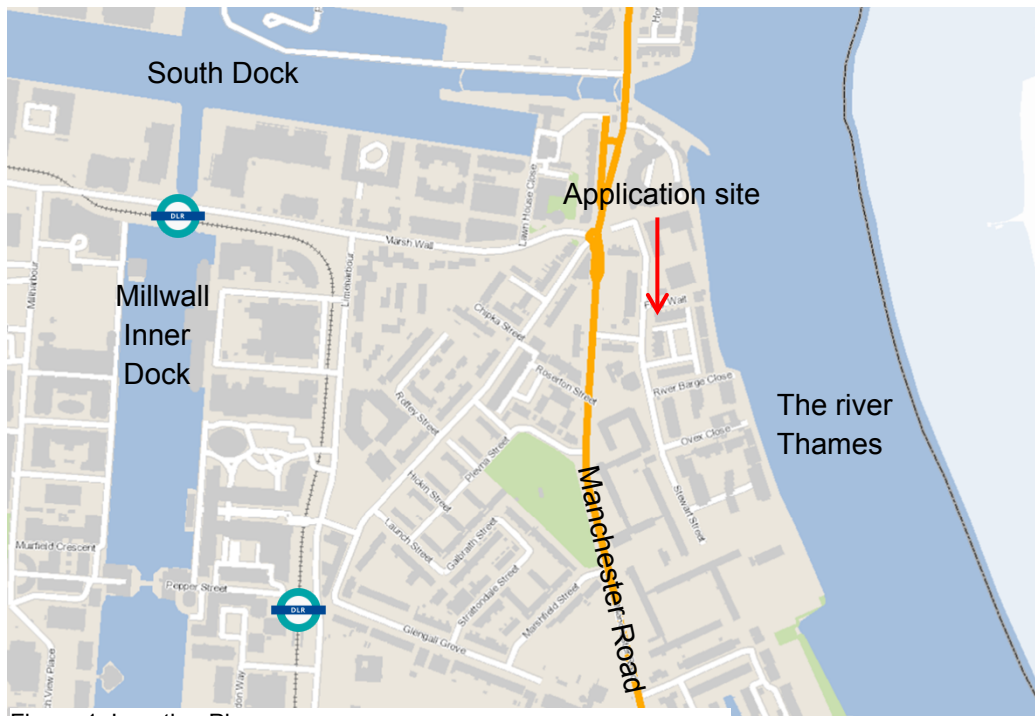


Figure 1: Location Plan

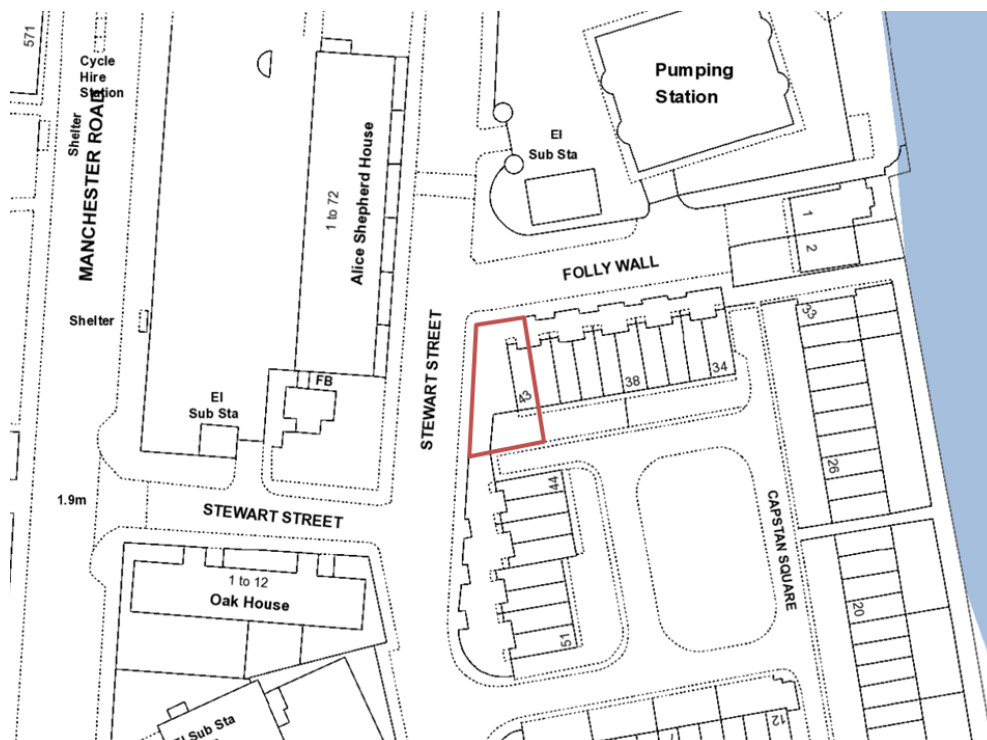


Figure 2: Site Plan



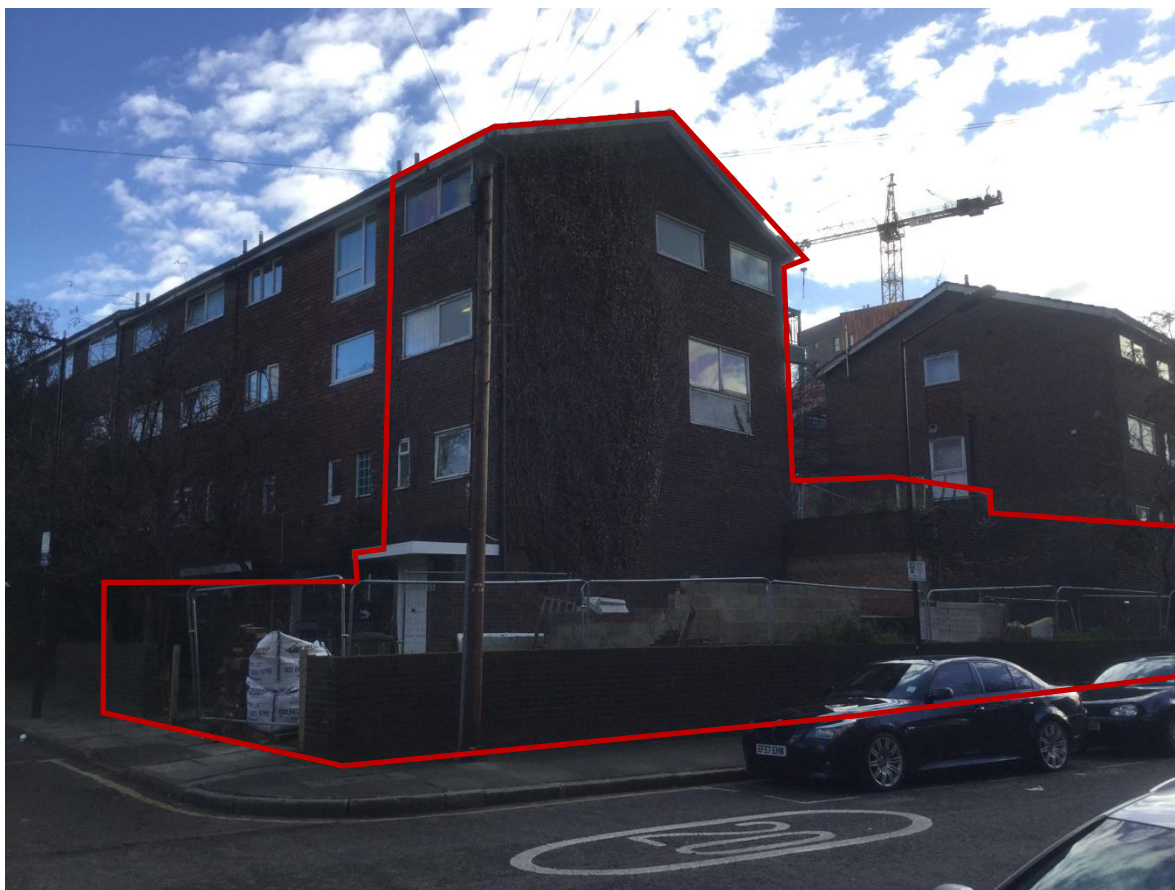


Figure 3: Photo of application site (outlined in red)



Figure 4: View looking south



Figure 5: View looking north

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 PA/17/01959/R– Withdrawn 03/10/2017  
Proposed 4 storey side extension to provide additional kitchen, living, and bedroom space.
- 5.2 PA/16/02490/A1 – Permitted 16/12/2016  
Proposed four storey 4-bedroom dwelling in the land adjacent to 43 Capstan Square and external alterations to 43 Capstan Square.
- 5.3 PA/08/02206/EX – Permitted 09/12/2008  
Erection of a four storey, four bedroom dwelling house.
- 5.4 PA/06/01613/R – Withdrawn 12/03/2007  
Construction of four storey house as a continuation of existing terrace within an area currently utilised as a garden.

## **6.0 RELVANT POLICY FRAMEWORK**

- 6.1 Government Planning Policy  
National Planning Policy Framework  
Planning Practice Guidance
- 6.2 London Plan (MALP 2016)  
7.4 Local character  
7.6 Architecture
- 6.3 Tower Hamlets Core Strategy (2010)  
SP02 Urban living for everyone  
SP10 Creating distinct and durable places
- 6.4 Managing Development Document (2013)  
DM0 Delivering Sustainable Development  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity
- 6.5 Additional Policy
- 6.6 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.
- 6.7 The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It

gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker.

- 6.8 Statutory public consultation on the 'Regulation 19' version of the 'The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF.
- 6.9 Accordingly as Local Plans progress through formal stages before adoption they accrue weight as a material consideration for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with paragraph 216 of the NPPF.

## **7.0 CONSULTATION**

- 7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

### External consultees

- 7.2 None.

## **8.0 LOCAL REPRESENTATION**

- 8.1 A total of 6 planning notification letters were sent to nearby properties as detailed on the attached site plan. There was neither a site notice displayed nor an advert in the local press on the basis that the proposal is not of sufficient scale and would not impact on the significance of any heritage assets.
- 8.2 A petition with 21 signatures was received in objection of the proposal. The main reason stated is that the proposal is designed to be two separate dwellings, and subterfuge to get around a restrictive covenant.
- 8.3 There is 1 representation received in objection, which can be summarised as follows (officer comments in italics):
- 8.4 The property is buy-to-let and has been let out to people who share facilities. (*This is not a material planning consideration for this application*).
- 8.5 The property is in a poor state of repair and is not well maintained. Rubbish collects and planting is overgrown. The garden wall has not been repaired after being



damaged. *(Whilst this is not a material planning consideration for this application as the subject property is not a heritage asset, there is no suggestion to state that the subject proposal would worsen the described condition. Furthermore, it is up to the occupiers/owners to maintain their properties.)*

- 8.6 The planned 'extension' clearly comprises two properties, each with its own front door, each with its own internal stairs. There is just one internal connection, on the upper ground floor, this is a sham; a subterfuge to side step the restrictive covenant. *(This is considered within the Layout section of the report. The internal layout has altered to remove separate doorways and stairs. How a property could be used in the future is not a material consideration to this application as the proposal is for an extension to the existing dwellinghouse. Should the applicant breach a planning control this would become an enforcement issue.)*
- 8.7 The owner's track record would indicate the house would likely be used as a House(s) of Multiple Occupation; potentially with around a dozen individuals in residence. This would likely cause anti-social behaviour. *(This is considered within the Land use and Amenity section of the report).*
- 8.8 Increase car parking stress. The property is not car free, and could apply for three permits. *(This is not a material planning consideration in this instance by way of the proposal being a residential extension).*
- 8.9 Questions relating to whether the extension will be permitted to apply for: separate address; utilities; council tax; waste collections; and whether the extension will be car-free. *(This is not a material planning consideration on the basis that the proposal is for a residential extension not a self-contained residential unit).*

## **9.0 MATERIAL PLANNING CONSIDERATIONS**

### **9.1 Land Use**

- 9.1.1 The application site is currently used as residential dwellinghouse, Use Class C3. The proposal seeks planning permission for an extension to the existing dwellinghouse and therefore there are no land use implications.
- 9.1.2 Objections have been received which raised concerns regarding the potential for the application property to change into a House of Multiple Occupation (HMO) and/or for the extension to be used as a separate self-contained flat. As the subject proposal is to extend the existing dwellinghouse this is not a matter for consideration, and were there to be a breach of planning control in the use of the extension, it would be a matter for enforcement in the future.

### **9.2 Design**

- 9.2.1 Paragraph 56 of the National Planning Policy Framework (2012) states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 9.2.2 Paragraph 64 of the National Planning Policy Framework (2012) states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.2.3 London Plan (2016) policies 7.4 and 7.6 broadly aim to develop places with regard to the pattern, proportion and grain of existing spaces and have regard to the character of the local context.
- 9.2.4 Policy SP10 of the Core Strategy (2010) seeks to preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. Part 4 of the policy specifically seeks to promote good design principles in order to achieve high-quality, sustainable, accessible, attractive, durable, and well-integrated spaces and places.
- 9.2.5 Policy DM23 of the Managing Development Document (2013) relates to the streets and public realm, policy DM24 seeks to ensure that design is sensitive to, and enhances the local character and setting.
- 9.2.6 The proposal would comprise of a three storey side extension that would measure 3.3m in width and be setback one brick course from the original dwellinghouse. It would comprise of a kitchen/dining area at ground level with three new bedrooms on the floors above. Two new bathrooms are proposed at first and second floor level.
- 9.2.7 The existing gap between the end of the terrace and the footway has no enhancing contribution to the street-scene, and therefore an extension to the side of the No. 43 would be acceptable in principle. This is further supported by the permission granted under PA/16/02940/A1 for a new four storey dwellinghouse in this location, which has not been implemented.
- 9.2.8 In terms of scale and mass the proposal would be one storey below that of the original dwelling and the rest of the terrace. It would be narrower by approximately 0.4m and in doing so would give the appearance of a subservient extension that would respect the scale and height of the original dwelling. The rear of the extension would align with the rear building line of the existing house which backs onto Capstan Square. The hierarchy between the old and new elements of the house would read in a coherent manner and the original form of the house would still be clearly legible.
- 9.2.9 The form of the extension itself would mimic that of the original dwellinghouse by having a gable roof of the same pitch. The ridge of the extension would align with the ridge of the original house in a central position and overall the form of the extension would be in keeping with the host building and its surroundings.
- 9.2.10 The proposed extension would be of a similar style to the host dwelling. The windows to the principal elevation would be the same size as those existing and respond directly to the variation across each floor level of the house. At ground and

first floor the extension would have single windows, and at second floor two windows are proposed in the same style as those adjacent. The proportion of glazing to brick would be appropriate and there would be a degree of symmetry to the principal elevation which ensures consistency along the terrace.

- 9.2.11 Similarly at the rear the openings to the extension would be of a proportionate size and adhere to the horizontal emphasis that is characteristic of the fenestration to the existing house. The side of the extension would feature a window at first and second floor level, and double doors at ground floor level. It is considered the proposed openings would have a neutral impact on the overall design of the house and the proposed side door would allow much needed light to the rear of the dining area.

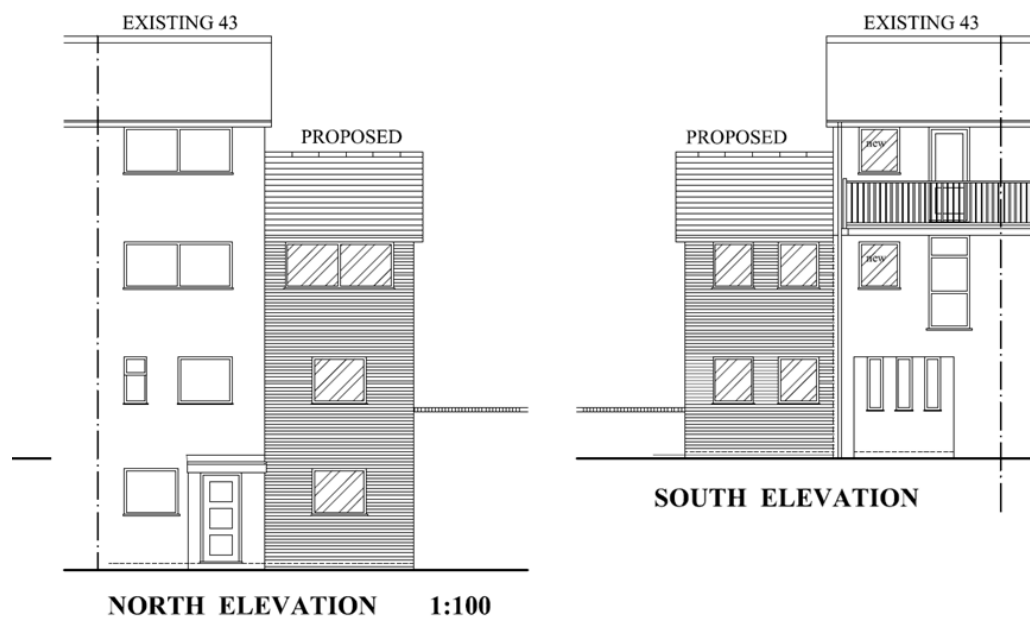


Figure 6: Proposed north (front) and south (rear) elevation

- 9.2.12 The bricking up of one window on the existing side elevation would ensure the transition between the existing and new part of the house is not jarring, and ensures this existing side window would not intersect awkwardly with the roof of the extension.
- 9.2.13 The materials in respect of the brick, tiles, windows, and doors would match the existing house. The windows and doors would be white uPVC and overall the materials would integrate well with the host dwelling

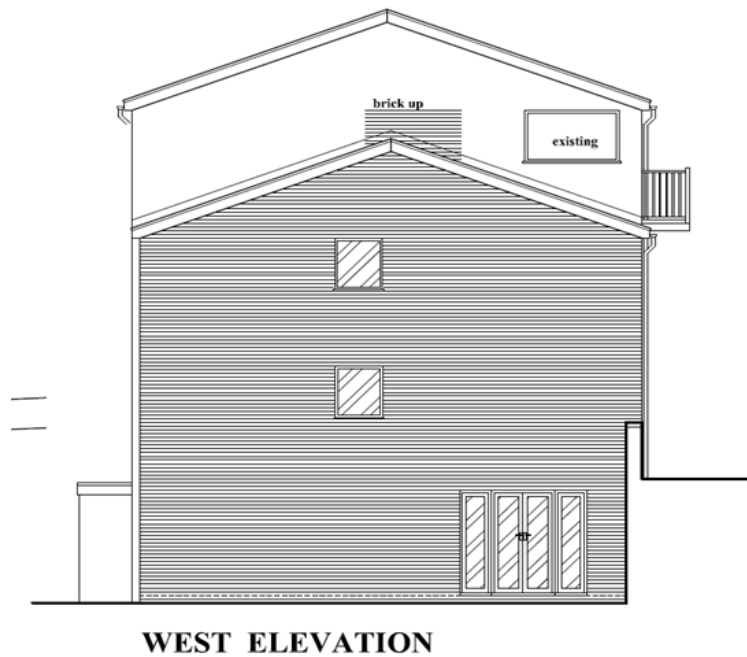


Figure 7: Proposed Side Elevation

### 9.3 Layout

- 9.3.1 Policy SP02 of the Core Strategy (2010) seeks to ensure all housing is appropriate high-quality, well-designed and sustainable.
- 9.3.2 The proposed extension would provide a good quality internal environment for the habitable rooms and the extension would benefit from being triple aspect with openings on the front, side, and rear.
- 9.3.3 Part of the objectors comments stem from the suggestion that the proposal will result in the extension being used as a self-contained residential unit, through sub-division of the dwellinghouse.
- 9.3.4 Whilst the proposal could lend itself to the conversion of a separate dwelling, a self-contained unit of accommodation is not the proposal presented before officers. It would be a matter for any future application or a breach of planning control to consider this issue. The potential use of the extension as a self-contained unit is not therefore a material planning consideration for this application. Thus there is no conflict with Policy SP02 of Tower Hamlet's Core Strategy (2010) which seeks to ensure housing is well-designed. Furthermore, the proposed layout has been amended to remove the duplicate stair cores and entrances, so that the layout does not lead to self-containment of the extension or subdivision of the dwellinghouse.



#### 9.4 Amenity

- 9.4.1 SP10 of the Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles and that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight).
- 9.4.2 DM25 of the Managing Development Document (2013) states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:
- a. not resulting in an unacceptable loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;
  - b. not resulting in the unacceptable loss of outlook;
  - c. ensuring adequate levels of daylight and sunlight for new residential developments
  - d. not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings and not result in an unacceptable level of overshadowing to surrounding open space.
- 9.4.3 The position of the side extension at the end of the terrace means there would be no material change in terms of daylight/sunlight, outlook, or sense of enclosure to the property adjacent No 42. The position of the windows on the proposed extension would also not result in any material increase in the levels of overlooking, and would mimic the existing relationship between the terrace and the street.
- 9.4.4 The extension would not impact unduly on the outlook to the property southward known as No 44 Capstan Square as there would be sufficient distance between the extension and the side windows to No 44, and the scale of the proposal would be less than that of the terrace. There would be no overshadowing to the windows of No 44 by way of them being north facing and the extension's position due north.
- 9.4.5 There would be a marginal increase in overshadowing on the footway but this is not considered harmful to the amenity of the public realm.
- 9.4.6 Part of the objectors comments were in relation to the increase in anti-social behaviour arising from the use of the property as a Home in Multiple Occupation (HMO). There is no substantive evidence to officers' knowledge or put forward within the application to support the claim that an extension to a residential dwelling, or the use of a house as an HMO, would result in an increase in anti-social behaviour. Therefore officers do not consider these concerns are material to the application.
- 9.4.7 Overall the proposed residential extension would not unduly impact on the amenity of neighbours or that of the public realm and therefore is in accordance with the provisions of the NPPF (2012), policy SP10 of the Core Strategy (2010), and policy DM23 of the Managing Development Document (2013) which seek to protect and enhance the amenity for nearby occupiers and that of the public realm.

## 9.5 Flood Risk

- 9.5.1 The Planning Practise Guidance (PPG) states that for household extensions no more than 250 square metres in Flood Zone 2 or 3 the standing advice for minor extensions should be followed.
- 9.5.2 The Flood Risk Assessment (FRA) submitted demonstrates that the development would not be flooded by surface water runoff and the floor levels would be no lower than existing house. Therefore it is considered the development has taken sufficient measure to ensure flood resistance and resilience and as such is in accordance with policy SP04 of the Core Strategy (2010) and policy DM13 of the Managing Development Document (2013).

## 10.0 HUMAN RIGHTS CONSIDERATIONS

- 10.1 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:
- 10.2 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 Convention 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 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".
- 10.3 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.

- 10.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.6 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.

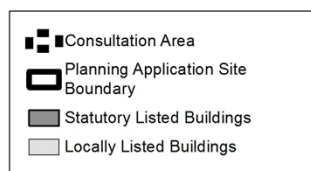
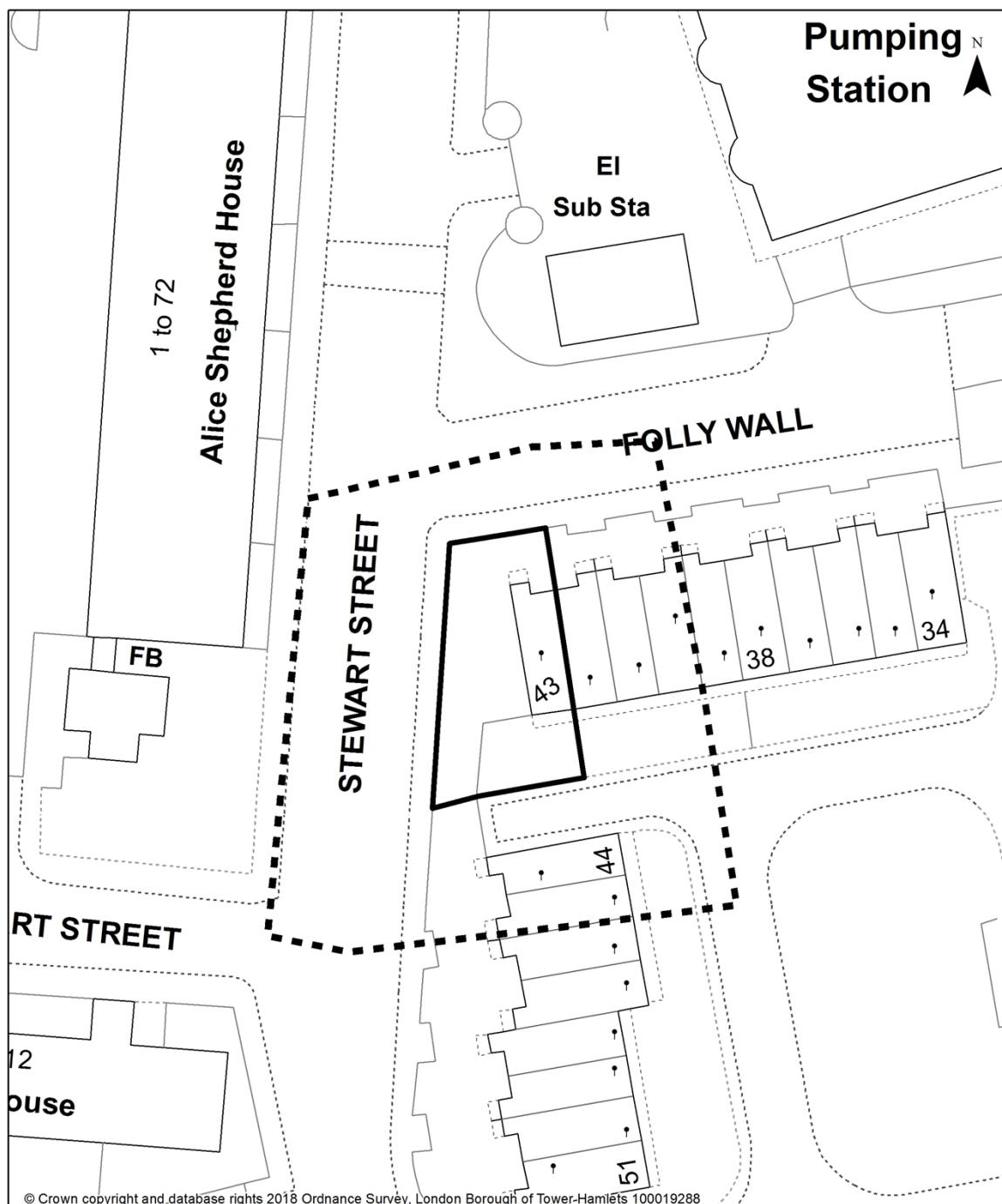
## **11.0 EQUALITIES ACT CONSIDERATIONS**

- 11.1 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 including planning 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.
- 11.2 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.
- 11.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation it is identified that level access is provided into all parts of the building thus promoting equality with regards to disability. There are no other identified equality considerations.



## **12.0 CONCLUSION**

- 12.1 All relevant policies and considerations have been taken into account. Planning Permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report



Scale @ 1:400  
6 3 0 6 12 18 Meters

### Planning Application Site Map PA/17/02793

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



GIS for  
Place Directorate  
LONDON BOROUGH OF TOWER HAMLETS  
Date: 29/01/2018

