

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.32 P.M. ON WEDNESDAY, 20 JUNE 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce (Vice-Chair)
Councillor Ruhul Amin
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Other Councillors Present:

Councillor Andrew Wood (Ward Councillor, Canary Wharf) for item 7.1
Councillor Danny Hassell (ward Councillor, Bromley South) for item 7.2

Others Present:

Imran Rahman representing the applicant for item 7.1
Saima Nashren representing the applicant for item 7.1
Daniel Palman representing the applicant for item 7.2

Apologies:

Councillor Peter Golds

Officers Present:

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|----------------------------|--|
| Kevin Crilly | – (Planning Officer, Place) |
| Victoria Olonisaye-Collins | – (Planning Officer, Place) |
| Jerry Bell | – (Area Planning Manager (East), Planning Services, Place) |
| Paul Buckenham | – (Development Manager, Planning Services, Place) |
| Antonella Burgio | – (Democratic Services) |
| Zoe Folley | – (Committee Officer, Governance) |

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2018/19.

It was proposed by Councillor Helal Uddin and on a vote **RESOLVED**

That Councillor John Pierce be elected Vice-Chair of the Development Committee for the Municipal Year 2018/2019

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Helal Uddin declared a non prejudicial interest in respect of item 7.2 in that he was a Ward Councillor in the Ward affected by the application.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 18th April 2018 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) The procedure for hearing objections and meeting guidance be noted.
- 2) 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
- 3) 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

5. DEFERRED ITEMS

Nil items.

6. DEVELOPMENT COMMITTEE'S TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF FUTURE MEETINGS

RESOLVED

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

7. PLANNING APPLICATIONS FOR DECISION

7.1 111-113 Mellish Street, London E14 8PJ (PA/18/00424)

An update report was tabled.

Paul Buckenham (Development Manager Planning Services) introduced the application for the retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1). Officers were recommending that the application was refused permission for the reasons set out in section 3.1 of the report.

The Chair then invited registered speakers to address the Committee.

The Committee first heard representations in favour of the Officer recommendation to refuse the application from Councillor Woods, the Ward Councillor, on the basis that:

- The application was misleading in regard to the primary use of the building which, he asserted, was that of a faith building rather than that of a community facility and public space. Additionally the use of speakers at Friday prayers and during Ramadan caused noise nuisance.
- The quality of the premises was detrimental to the amenity of the area in that the building was not of quality material and did not enhance visual amenity.
- There were other suitable facilities in the vicinity which the occupying organisation might otherwise use to deliver their projects.
- The permission granted was temporary; should it be renewed, it would prevent the redevelopment of the space.
- The circumstances associated with the renewal of permission were complex.

The Committee asked questions of the Ward Councillor and noted the following responses:

- There had been no enforcement to address issues raised relating to the activities at the premises. However the matter had been taken up via Member Enquiries, many times with Planning Officers and CEO; the outcomes of these enquiries had not resulted in enforcement action.
- The primary use of the premises had not been properly reported.

The Committee then heard representations against the officer recommendation from two registered speakers. They addressed the Committee on behalf of the applicant and presented the following arguments:

- The organisation occupying the premises provided activities which all in the community were able to access.
- Faith and non-faith activities were provided at the venue.
- The premises had been maintained by the occupant.

The Committee asked questions of these speakers and noted the following responses:

- The premises were used for a range of community and faith activities including women's activities.
- Enforcement issues relating to noise had been addressed by the occupant.
- The applicant was in dialogue with the Local Authority regarding compensation for the loss of community facility that would occur once the temporary permission had lapsed.

The Committee then heard from the Planning officer, Victoria Olonisaye-Collins who advised Members on the technical elements of the key features of the application. The planning officer presentation summarised key aspects of their report to the committee and highlighted the National Planning Policy Guidance (NPPG) approach to temporary planning permissions.

On a vote of 0 in favour and 6 against the Officer recommendation, the Committee did not agree the Officer recommendation to refuse temporary planning permission.

Accordingly, Councillor John Pierce proposed, and the Chair seconded a motion that the Officer recommendation to refuse planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against it was agreed that the Officer recommendation to refuse planning permission be not accepted.

The Committee, having considered all of the written and verbal information, were minded to oppose the officer recommendation and that there were exceptional circumstances to depart from National Planning Policy Guidance on the continued granting of temporary permissions.. Members came to this view since the actions of the Council as both planning authority and land owner, in not progressing arrangements for an alternative provision for the applicant had created uncertainty around the continued provision of community facilities. The Committee noted the range of services offered which provided a community resource in the area and the importance to the community of permitting these to continue while permanent proposals are brought forward. The Committee noted there had been no material change in circumstances since the granting of the previous temporary permission.

RESOLVED:

That the Officer recommendation to refuse planning permission be **NOT ACCEPTED** at 111-113 Mellish Street, London E14 8PJ (PA/18/00424) for:

- Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1).

The Committee was minded to overturn the recommendation and grant a temporary permission because there was a demonstrable need for a community facility (class D1 use) as evidenced by the level of support for the

application and there had not been a material change in circumstances relating to the site or the visual impact of the buildings, since the last temporary permission which was granted in 2016. Taken together this was an example of where it would be appropriate to grant a further temporary consent in the context of the NPPF and NPPG guidance on granting temporary permissions.

In accordance with Development Procedural Rules, Councillor Pierce put forward an alternative proposal that the application for Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1) **BE GRANTED**. The proposal was seconded and on a vote of 6 in favour and 0 against it was

RESOLVED:

- That the application for Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1) **BE GRANTED temporary planning permission for 18 months.**

The Committee, took account the following, in reaching their decision:

- The NPPF and NPPG guidance on granting temporary permissions.
- That proposals for the redevelopment of the site were not sufficiently advanced
- The representations of the Ward Councillor
- The representations of applicants representatives
- That in this case the Council was both the Planning Authority and Owner
- That there had been no material change in circumstances since the granting of the previous permission, particularly in respect of the impact on townscape and visual amenity.

The Committee also came to a view that, given the above factors, services to the community would suffer and that a temporary permission was justified to allow these services to continue while proposals for alternative permanent accommodation for the organisation occupying the premises are brought forward.

7.2 Caspian Wharf 39 - 75 Violet Road, London E3 3FW. (PA/15/01846)

An update report was tabled.

Paul Buckenham (Development Manager , Planning Services) introduced the application for the erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square. Officers were recommending that the application was granted permission.

The Committee noted that a late application to speak, from Ward Councillor Hassell, had been accepted by the Chair since in his view it offered the Committee a better consideration of the advantages and disadvantages of the application and would assist the Committee to achieve a better informed decision. The applicant had been informed of the late speaker request and the Chair's decision and also wished to make a representation.

The Chair invited the registered speakers to address the Committee.

The Committee first heard representations From Councillor Hassell. He contended that, while he was not opposed to the application since it addressed crime issues in the area of the application, he had concerns that the proposal included retaining open access at Ligurian Walk where issues of antisocial behaviour had existed for some time. Councillor Hassell informed the Committee that recently he had attended a neighbourhood meeting organised by the applicant and discussed these concerns with the agent. Subsequent to this, the applicant had informed him of an amended proposal to *"erect pedestrian and vehicular gates at Voysey Square, install a gated link through Block A3, retain vehicular and pedestrian gates at Seven Seas Gardens, remove pedestrian gates on Ligurian Walk and reconfigure the location of cycle parking and refuse storage within Voysey Square"(??)* this proposal was tabled at the meeting and subsequently published as an update report.

Responding to a question from the Committee, Councillor Hassell advised that the removal of pedestrian gates on Ligurian Walk was to allow public access to the nature reserve and canal side and to comply with the Council's Policy on access to leisure areas.

The Committee then received a representation from the applicant's representative. He addressed the Committee informing Members that:

- The application wished to meet the joint objectives of allowing public access to leisure areas while addressing antisocial behaviour and criminal activity.
- Following a neighbourhood meeting, he had met again with Councillor Hassell to discuss a further amendment to the application, namely a proposal to install gates at Seven Seas Garden, which may address some of the issues raised by residents.

Responding to Members' questions the Committee was also informed that

- Other security proposals included CCTV and a concierge.
- There had been a fall in complaints made to the Police in 2016/17 because the gates at Ligurian Walk were locked overnight.

The Committee then heard from the Planning officer, Kevin Crilly who advised Members on the technical elements of the key features of the application as published in the agenda. The planning officer's presentation highlighted the main aspects of their report to the Committee.

The Committee reflected that the revised proposal referred to by both speakers had been placed before Members at the meeting and there had

been no formal submission of amended plans, officer appraisal of the proposal nor consultation; this would be expected under normal procedures.

Accordingly, Councillor John Pierce proposed and it was seconded that the application be deferred to allow further negotiations and formal submission of the proposed amendments and on a vote of 6 in favour, 0 against it was

RESOLVED:

That the application at Caspian Wharf 39 - 75 Violet Road, London E3 3FW. (PA/15/01846) for:

- Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square

BE DEFERRED for further negotiations and formal submission and consideration of the proposed amendments.

8. OTHER PLANNING MATTERS

Nil items

8.1 Update Report

The meeting ended at 8.00 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee