

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 6.30 P.M. ON WEDNESDAY, 14 NOVEMBER 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  
Councillor Mufeedah Bustin  
Councillor Peter Golds  
Councillor Gabriela Salva Macallan  
Councillor Helal Uddin

**Other Councillors Present:**

Councillor James King (Objector Item 4.1)

**Officers Present:**

Paul Buckenham	– (Development Manager, Planning Services, Place)
Amanda Helliwell	– (Legal Services, Governance)
Piotr Lanoszka	– (Team Leader, Planning Services, Place)
Hoa Vong	– (Planning Officer, Place)
Rikki Weir	– Planning Officer, Place Directorate
Antonella Burgio	– (Democratic Services)

**Registered Speakers In Attendance:**

Mr A Phasey – Objector (Item 4.1)  
Mr S Moss – Objector (Item 4.1)  
Mr J Cocking – Agent (Item 4.1)  
Mr I Wilson – Supporter (Item 4.1)

**Apologies:**

Councillor Ruhul Amin

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

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

The Committee **RESOLVED**

That the minutes of the meeting held on 17 October 2018 be approved as a correct record of proceedings.

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

The Committee **RESOLVED** that:

1. The procedure for hearing objections be varied.  
Accordingly officers and registered speakers engaged in the order outlined.
  - The Development Manager introduced the application and then the Planning Case Officer presented his report.
  - Following this, registered speakers made their submissions in the following order; objectors, Ward Councillors and applicants/agents.
  - Members then questioned the parties on the information submitted
2. That the meeting guidance be noted.
3. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
4. 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

## **4. PLANNING APPLICATIONS FOR DECISION**

### **4.1 Limehouse Marina Limehouse Basin, The Highway, London, E14 8BT (PA/17/03268)**

An update report was tabled.

The Development Manager introduced the report which concerned the installation of leisure moorings at Limehouse Marina. The Committee then heard from the Planning Case Officer who set out the relevant issues concerning the application. Responding to Members' questions the Planning Case Officer provided the following additional information:

- In regard to the likely impacts on residents and the environment arising of the intended leisure boat usage of the proposed moorings and implications in regard to antisocial behaviour, Members heard that to mitigate impacts of antisocial behaviour the Authority was able to impose restrictions on the activities via a management plan. However it was not possible to control who used the moorings.
- The term leisure usage referred to the time permitted for mooring under this category of temporary stay. For leisure moorings the permitted period was 28 days.
- The proposed moorings would accommodate up to 10 boats and there would be facilities for mooring of up to 20 boats on rally days without impact on navigation.
- In regard to potential environmental impact on the existing neighbourhood, Members were informed that the scale of the proposal would not affect council services.
- 244 consultation letters had been sent and 177 letters of objection received from residents were received. An additional three letters were received after prior to the meeting, two of these letters were in objection to the application.
- Concerning whether a crime and antisocial behaviour assessment had been carried out and what likely impacts it had revealed, Members were informed that it was not the Authority's role to control activity in the marina; neither could it be assumed that the leisure moorings would be used mainly for noisy parties. However the management plan should incorporate mitigation for such circumstances. The Committee was advised that applications should not be determined on a speculative basis. Additionally the Council was able to utilise enforcement powers arising from other legislation should circumstances require.
- The extent of the conservation area referred to in report incorporated the Basin and a proportion of the area surrounding this.
- There were presently 150 moorings however their daily usage fluctuated and therefore it was not possible to provide a precise usage data at any one time or how many used the existing temporary moorings.
- Concerning the impact of the proposal on water space in the context of the emerging local plans, Members were informed that the draft local plan was not yet adopted but the current policies provides that open water space be protected subject to policy tests. However, since the primary use of the basin was a mooring facility the open water usage was regarded as incidental.
- Concerning provision and impacts of the proposal on cycling facilities and on bin storage and location, Members were informed that the proposal had been assessed not to impact these since provision of these facilities had been assessed to be sufficient. The context was that the moorings were not permanent and therefore it was assumed that there would be no contribution to waste, no additional impact on waste.

- The objections raised around noise and pollution would be mitigated by the site management plan.
- The objections raised around biodiversity have been considered and reviewed by the council's biodiversity officers.

The Committee noted that there have been complaints that insufficient notice of the meeting had been given to objectors. Responding to this query the Development Manager advised that objectors had been given eight clear days' notice in writing, which exceeded the five days required by the constitution.

The Committee then heard from two objectors who raised the following concerns:

- The application would result in loss of the open space which currently provided 24 hours of free moorings.
- The installation of the additional pontoons would harm the current arrangements and flexibility to organise safe moorings on rally days.
- The visual representations displayed at the meeting indicating how boats would be accommodated on rally days were inaccurate and the proposed arrangement of vessels would reduce the navigation space.
- Under the proposals vessels of 20 metres and greater would be barred from using the marina.
- The proposal was contrary to planning policies described at paragraphs 8.3, 8.4, 8.5, 8.6 and 8.7.
- The proposal would obstruct access for local residents and visiting public.
- The current application was similar to a previous proposal which had been rejected at committee.
- The current refuse facilities were under great strain and here was anecdotal evidence that departing boats did not leave taking their refuse with them.
- The present arrangements offered sufficient navigation space to offset wind effect on boats caused by surrounding buildings which generated fast wind. However, under the proposals, the turning area and would be insufficient to mitigate such effects and consequently risk of accidents would increase.
- Under the proposals also, there would be no clear view of water.
- The application had been made in the context of the intended onward sale of the marina.

The Committee then heard from Councillor James King, the Ward Councillor. He informed the Committee that he objected to the proposal on the following grounds:

- Many shorthold tenants berthed at the marina did not support the proposal but feared that there would be adverse effects on their tenure should they complain about the proposal.
- The proposal would compromise the safety of the navigation channels and turning circle of boats.
- The biodiversity assessment was based on poor data.
- The proposal would increase discharge of grey water.

- The projected usage of the proposed facilities would create additional adverse impacts on residents.

Having heard these submissions, Members questioned each of the objectors and received the following additional information:

- Grey water was ejected from boats and deposited into the water of the marina. Waste water generated by boats was channelled into the pump.
- The assertion that no additional waste facilities would be required was incorrect since it was improbable that residents would walk around the marina to use the existing toilet facilities during the small hours.
- The proposal would increase the number of boats moored for longer periods. Under the current arrangements however, it was normal for there to be only three or four boats moored in the area of the application.
- The current alongside mooring arrangements permitted 24-hour mooring. However the proposal would create longer term temporary moorings and increase the risk of the conversion of temporary moorings to permanent moorings. This pattern had been seen in the recent past.
- The photograph showing 20 boats moored alongside the marina had been taken during a massing for the opening of the lock this undertaken in a planned and safe manner.
- The term leisure mooring was not well defined and therefore the term visitor mooring was more often used which had better defined parameters.
- It was not possible to give a view on whether use of moorings for waterborne parties was an emerging trend.
- The types of moorings were clarified. The categories were; visitor moorings under leisure mooring category were valid up to 28 days and resident moorings were valid up to one year. Objectors highlighted that under the proposal there was a risk that leisure moorings would be converted to residential moorings, as had been seen in past years. Members enquired whether such conversions required planning permission and whether it would come back to committee. The Development Manager advised that planning permission would be required and that the Development Committee would determine the application if it fell within their terms of reference, e.g. if 20 or more representations were received.

The Committee then heard from a supporter of the proposal on behalf of the Cruising Association. He informed Members that the Cruising Association had been consulted and broadly supported the proposal because, under the PLA vision document, provision of visitor berths was encouraged. He asked the committee to consider provision of visitor per berths under two categories based on the summer and winter usage seasons. The Cruising Association was concerned that under the present seasonal arrangement berths would not be available for visitors in April, because the application documents suggest that boats could be moored in winter months for up to 6 months at any one time. He asked that conditions on the availability of availability of

berths be applied to enable visitors to use the marina in the early part of the year and mitigate the blockage that would otherwise occur.

The Committee then heard from the applicant's agent who informed Members that BWML, the applicant, had extensive experience in this kind of provision and that the proposal met the requirements of the local plan. Navigation had been tested and it had been found that the proposal would have no adverse effect. Additionally the proposal enabled four boats to utilise a 24-hour mooring area while the number of vessels that could be accommodated during rallies would not be affected. The proposal offered significant improvements to the current arrangements which fell below acceptable safety arrangements.

Responding to Members questions the supporters and agent provided the following information:

- The DM12 policy requirements would be met in regard to cycling and refuse disposal because there was sufficient cycle storage and in fact most stored cycles aboard their boats.
- The proposal would increase opportunities for quality and access to the water space as the new pontoons would provide higher quality moorings to those existing and thereby enhance enhancement.
- The independent navigation assessment carried out had been checked by Council Officers using desktop research.
- It was difficult to test the interaction between different types of boats however 24 hour monitoring was already operated at the marina.
- The photograph depicting massed boats was taken on a rally day.
- The proposed mooring arrangements would permit boats in excess of 20 metres to continue to moor in the affected are of the marina.
- The proposal was intended to attract not on UK boats but also boats from abroad.

The Committee considered the written and verbal information that had been provided and noted that much of this was technical. Additionally there was some uncertainty around the parameters of leisure moorings. In this context, the Vice-Chair suggested that it was appropriate that the application be deferred pending a site visit. Accordingly the Chair proposed that Members vote on the officer recommendation to approve the application and on a unanimous vote, the Committee

## **RESOLVED**

That the application to Construction of five pontoons to provide leisure moorings be **DEFERRED** for a site visit. The Committee was minded to undertake the site visit because of issues around open access, navigation, safety and impacts of proposed usage of the pontoons.

Following consideration of this item the meeting adjourned at 7.40[ pm and reconvened at 7.49pm.

#### **4.2 Bethnal Green Library, Cambridge Heath Road, London, E2 0HL (PA/18/00828)**

The Development Manager introduced the report which concerned an application for listed building consent to undertake remedial works to the external roof and to install a lift at Bethnal Green Library. The Committee was informed that:

- Under the Council's Constitution consent for works on listed buildings was a matter reserved to the Committee.
- There had been no representations against the application and therefore under Planning Procedure Rules related to applications recommended for approval, the matter would be determined on the basis of the written report.

Members then heard from the Planning Case Officer who set out the relevant matters. The Committee noted that:

- Works had commenced prior to receipt of permission because of the poor condition of the external roof which jeopardised the preservation of the heritage asset.
- Because of funding deadlines also, it had been necessary to expedite the repairs prior to the receipt of consent. However this course of action had been prompted by unique circumstances and works would not normally be undertaken in this way.
- The works had been done to preserve and enhance the historical features and to meet DDA1995 requirements related to public buildings.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- The work had been undertaken at risk without consent because of the urgency of the structural works. However there had been extensive pre-application discussions with Conservation officers prior to the submission of the application to ensure that issues around materials and design were mitigated.
- It had not been possible to bring the matter to Committee earlier because agreement of the schedule of works and materials was late in being agreed. Additionally the installation of the elevator was an element that had been added to the proposal later.
- Should the Committee decide not to grant consent, then it would be necessary for the Authority to consider next steps, which could include enforcement action.

The Committee heard from the Legal Advisor who informed Members that all Planning decisions may be challenged. However the circumstances of the matter render the risk of judicial review to be low. A Committee Member observed that criteria which would otherwise trigger JR, namely an irrational or perverse decision, did not apply in this case.

The Chair proposed that Members vote on the officer recommendation to approve the application and on a unanimous vote the Committee:

**RESOLVED**

That the retrospective application for listed building consent for the removal of outer patent roof glazing above the decorative glazed ceiling and replacement with thermally broken aluminium glazing bars and polycarbonate roof panels and the installation of passenger lift at Bethnal Green Library be **GRANTED** subject to the obligations and conditions set out in the report.

The meeting ended at 8.05 p.m.

Chair, Councillor Abdul Mukit MBE  
Development Committee