

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON WEDNESDAY, 17 JULY 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Anwar Khan (Vice-Chair)
Councillor Judith Gardiner
Councillor Kosru Uddin
Councillor Gulam Robbani (Executive advisor to the Cabinet and
Mayor on adult social care)
Councillor Peter Golds (Substitute for (Leader of the Conservative Group)
Councillor Tim Archer)

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Jerry Bell – (Applications Team Leader, Development and
Renewal)
Jane Jin – (Planning Officer, Development and Renewal)
Iyabo Johnson – (Planning Officer, Development and Renewal)
Amy Thompson – (Deputy Team Leader, Development and
Renewal)
Elaine Bell – (Legal Advisor, Chief Executive's)
Zoe Folley – (Committee Officer, Democratic Services Chief
Executive's)

There was a change in the order of business at the meeting but for ease of reference the items are set out in agenda order in this decision sheet.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor Tim Archer for whom Councillor Peter Golds was deputising for item 7.1 only.

Apologies for lateness were submitted from Councillors Kosru Uddin, Judith Gardiner and Anwar Khan.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Judith Gardiner declared an interest in agenda item 7.1 554-556 Roman Road, London E3 5ES (PA/13/00766) as she lived in the ward concerned and was a customer of the businesses on Roman Road.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 19th June 2013 be agreed as a correct record and signed by the Chair SUBJECT to the following amendment:

After first paragraph on page 14 (Item 9.4 86 Brick Lane) add: Mr Harrington explained that Transport and Highways maintain their long term interest in an improved building line that does not project into the public highway.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372)

The Committee considered the scheme regarding the site at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London (PA/11/03371 - 3373).

Amy Thompson (Planning Officer) presented the detailed proposal for planning permission and conservation area consent. The Committee were reminded that the application had previously been considered by the Committee on three occasions – at the 11th April 2013 meeting where Members were minded to refuse the scheme; on 15th May 2013 where the Committee deferred the decision again to explore the possibility of ring fencing the s106 agreement to the Bow West ward; and then again on 19th June 2013 as a new item (due to a change in membership at Annual Council) where Members were minded to refuse the application due to a number of concerns as set out below:

- Impact on the heritage aspects of the site with emphasis on the height of the proposal.
- Overdevelopment of the site due to the proposed density and lack of s016 contributions.
- .Lack of affordable housing with regard to the 35% target in policy.

Officers had since considered the reasons and had drafted suggested reasons for refusal. Officers had added a fourth reason regarding the lack of a legal agreement for financial contributions. Officers had also drafted a reason for refusing the Conservation Area consent as it would be inappropriate to demolish the building without the planning permission.

Officers gave their opinion on their strength of the reasons on planning grounds. It was considered that reason one may reasonable be defended at appeal. However, reasons two and three were weak given the policies in the London Plan that supported intensity of use compatible with the local context. The scheme also showed no symptoms of overdevelopment. The scheme was also delivering the maximum level of s106 and affordable housing that could reasonable be secured based on independent viability testing.

The Officers recommendation remained to grant the scheme. However, should Members be minded to refuse the scheme, Officers would seek to defend any appeal.

On a vote of 3 in favour of the refusal, 0 against and 1 abstention, the Committee RESOLVED:

That Planning Permission and Conservation Area Consent (PA/11/03371 - 3372) at Site at Bow Wharf adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **REFUSED** for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works for the following reasons as set out in paragraphs 5 of the update report:

Full Planning Permission.

- The proposal would represent an unacceptable form of development with regard to design, appearance, height, bulk, scale and massing which would fail to preserve or enhance the open character and appearance of this part of the Regents Canal Conservation Area. As such, the proposal would be contrary to strategic policy SP10 of the adopted Core Strategy (2010), policies DM25 and DM27 of the adopted Managing Development Document (2013), the National Planning Policy Framework and the guidance contained within the Regents Canal Conservation Area Appraisal. These policies seek to ensure development preserves or enhances the character and appearance of the Regents Canal Conservation Area and that development takes account of local context.
- The proposal would fail to accord with table 3.2 of policy 3.4 of the London Plan (2011), and would therefore result in the overdevelopment of the subject site, without securing appropriate levels of financial contributions, including health contribution, to mitigate against the impacts of such density. The proposal is therefore contrary to the adopted Planning Obligations SPD (2012), policy SP13 of the Core Strategy (2010) and the National Planning Policy Framework, which seek to ensure that the impacts of development are mitigated through planning obligations.
- The proposal fails to secure a minimum of 35% affordable housing, and is therefore contrary to policies SP02(3a) of the Core Strategy 2010 and DM3 of the Managing Development Document (2013), which seek the delivery of 35% - 50% affordable housing in major developments.
- No planning obligations in the form of financial contributions have been secured to mitigate the impacts of the development. As a result, the proposal fails to meet the requirements of policy SP13 of the adopted Core Strategy (2010) and the Planning Obligations Supplementary Planning Document (2012), which seek to agree planning obligations between the Local Planning Authority and developers to mitigate, compensate and prescribe matters relating to the development.

Conservation Area Consent

- In the absence of an approved planning permission for the re-development of the site, the demolition of the existing buildings would leave an undeveloped site which would represent a blight on the character and appearance of the Regents Canal Conservation Area, contrary to strategic policy SP10 of the adopted Core Strategy (2012), policy DM27 of the adopted Managing Development Document (2013), the National Planning Policy Framework and the guidance within the Regents Canal Conservation Area Appraisal. These policies seek to ensure development preserves or enhances the character and appearance of the Regents Canal Conservation Area.

The Members that voted on the item were Councillors Helal Abbas, Anwar Khan, Judith Gardiner and Gulam Robbani. Councillors Kosru Uddin or Peter Golds could not vote on this item as they had not been present at the 19th June 2013 Committee meeting when it was initially considered.

6.2 11 Solebay Street, London E1 4PW (PA/13/00444)

The Committee considered the scheme regarding 11 Solebay Street, London E1 4PW for change of use at the site for a new primary school.

Jane Jin (Planning Officer) presented the report. It was noted that the application was initially considered at the previous 19th June 2013 meeting of the Committee where Members were minded to refuse the scheme due to concerns over health and safety matters, congestion and noise from the roof top play space. Officers had since drafted suggested reasons for refusal as set out in the report together with an assessment of the strength of these reasons on planning grounds. Officers went through the reasons in turn at the meeting as summarised below:

- Health and safety issues. Officers confirmed the steps to safeguard the safety of the pupils in view of the nearby industrial units. It was considered that the proposed holding areas for pupils and parents would minimise the impact. The pupils leaving the school would also be supervised to manage congestion on the foot paths. Officers were satisfied with these measures. However considered that, due to the lack of traditional play ground space for pupils to congregate, the reason could be defended on appeal.
- Noise from the roof top play space. Restrictions would be imposed on the roof top play space restricting its use after hours. Therefore it was not considered that the noise levels would have an undue impact on neighbouring properties.
- Congestion. It was expected that only 15% of pupils would travel to the school by private transport and the school had an adequate travel plan. The school was also committed to educating children on highway safety. Therefore, overall it was considered that the measures would effectively minimise congestion around the school

There had been no changes in policy since the previous 19th June 2013 meeting of the Committee. Therefore, the Officer recommendation remained to grant.

On a vote of 2 in favour of refusal and 0 against, and 1 abstention the Committee **RESOLVED**:

That planning permission (PA/13/00444) at 11 Solebay Street, London E1 4PW be **REFUSED** for change of use from office/warehouse use (Use Class B1/B8) to a two form entry primary school (Use Class D1) involving minor alterations to infill existing parking and service bays and a roof-top extension

providing additional teaching and external play space for the following reasons set out in paragraph 3.1 of the update report:

- The proposed location of the school is likely to create health and safety issues due to surrounding light industrial activities and the associated vehicle movements and therefore would result in unsafe conditions for the users of the schools and the occupiers of the neighbouring buildings contrary to policies SP07, SP09 and SP10 of the Core Strategy 2010.
- The proposal is likely to create congestion to the local highway network which is associated with picking up and dropping off pupils and therefore it would be detrimental to the safety of the users of the highway and free flow of highway network. This is contrary to policies SP09 of the Core Strategy 2010.
- The proposal, by reasons of its play space provision in the open roof top space, is likely to create nuisance to the nearby occupiers is contrary to policy SP10 of the Core Strategy and policy DM25 of the Managing Development Document 2013.

The Members that voted on the item were Councillors Helal Abbas, Judith Gardiner and Gulam Robbani.

Councillor Anwar Khan could not vote on this item as he had not been present from the start of the item.

Councillors Kosru Uddin and Peter Golds could not vote on this item as they had not been present at the 19th June 2013 Committee meeting when it was initially considered.

7. PLANNING APPLICATIONS FOR DECISION

7.1 554-556 Roman Road, London E3 5ES (PA/13/00766)

The Committee considered the scheme regarding 554-556 Roman Road, London E3 5ES (PA/13/00766)

The Chair invited the registered speakers to address the Committee.

Councillor Marc Francis spoke in objection to the application. He stated that whilst local Councillors and residents supported the regeneration of Roman Road, any development needed to be right for the area. They were opposed to more pawnbrokers and fast food outlets there.

He considered that there was already an overconcentration of A3 outlets in the area with many opening in the last year and more planned. The assessment was inaccurate in terms of its statement that there were no other A3 uses in the block. There was a café at 566 and also in the Idea Store at

Gladstone Place. There was also the nearby café at the Time Capsule and Tyson's Kitchen takeaway amongst other A3 uses. He requested that the Committee limit such uses and refuse the application.

Antony Tagliamonti spoke in support as the applicant. He reported that the applicant could gain permission for the plans under permitted development rights for two years. However, they wished that it be granted for a longer length of time. It was anticipated that the shop would be operated by a local company. There was evidence that the addition of a café to an area would promote regeneration as shown elsewhere and by the assessment in the application.

Iyabo Johnson (Planning Officer) gave a detailed presentation of the proposal. The proposal sought to convert the existing A1 use to a combined A1/A3 use. The unit was currently vacant and fell within the Roman Road Market Conservation Area.

A number of concerns had been raised in response to the local consultation. The issues concerned the overprovision of cafes on Roman Road and noise disturbance amongst other issues.

The proposal was acceptable in terms of land use. There would be no wholesale loss of an A1 unit. The overall provision of such uses in the area would continue to be in excess of the policy target of 50%. It was also considered that the addition of the A3 use would not result in overconcentration given there were at least two non A3, A4 and A5 units between it and the nearest such units as required in policy. There were conditions to protect amenity. This included restrictions on the hours of use, delivery hours, music and an outright ban on cooking on the premises.

Overall, Officers considered that the proposal was acceptable and should be granted.

In response to Members, it was confirmed that whilst a condition would be imposed to prevent the preparation of hot foods, heating up such snacks as sandwiches would be allowed. The waste and recycling bins would remain at the rear of the store and it was considered that these plans were acceptable. Highways had not raised any objections about the scheme. Responsibility for dealing with waste on the highway rested with Community, Localities and Culture. The service had not raised any concerns about increased litter from the proposal or litter problems generally on Roman Road.

On a vote of 4 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission (PA/13/00766) at 554-556 Roman Road, London E3 5ES be **GRANTED** for change of use from a grocery store (A1 use), to a mixed class coffee shop (A1/A3 use) and associated alterations to shop front subject to:

2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

Councillor Peter Golds could not vote on this item as he had not been present from the start of the item.

8. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 6.30 p.m.

Chair, Councillor Helal Abbas
Development Committee