

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 12 FEBRUARY 2014**

**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 Tim Archer  
Councillor Gulam Robbani (Executive Advisor to the Cabinet and Mayor on Adult Social Care)  
Councillor Harun Miah (Deputy Leader of the Respect Group)  
Councillor Rajib Ahmed (Substitute for Councillor Kosru Uddin)

**Other Councillors Present:**

Councillor Joshua Peck

**Apologies:**

Councillor Kosru Uddin

**Officers Present:**

Paul Buckenham – (Development Control Manager, Development and Renewal)  
Piotr Lanoszka – (Planning Officer, Development and Renewal)  
Elaine Bell – (Legal Advisor, Directorate, Law, Probity and Governance)  
Zoe Folley – (Committee Officer, Directorate Law, Probity and Governance)

The Chair introduced Paul Buckenham to the meeting, the new Development Manager. The Committee looked forward to working with Mr Buckenham in the future.

The Chair adjourned the meeting at 7:15pm until 7:25pm to allow Committee Members to arrive at the meeting.

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillors Helal Abbas and Harun Miah declared an interest in agenda items 6.1 (375 Cable Street, London, E1 0AH (PA/13/02251)) and 6.2 (Coborn Arms, 6-10 Coborn Road, London, E3 2DA (PA/13/02287)). This was on the basis that the Councillors had received correspondence from interested parties.

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 11<sup>th</sup> December 2013 be agreed as a correct record and signed by the Chair.

**3. 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

**4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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

**5. DEFERRED ITEMS**

Nil Items.

**6. PLANNING APPLICATIONS FOR DECISION****6.1 375 Cable Street, London, E1 0AH (PA/13/02251)**

Paul Buckenham (Development Manager, Development and Renewal) introduced the item regarding 375 Cable Street, London for a variation of condition 3 of planning permission granted by the Secretary of State for

Communities and Local Government on 30th March 2011, to allow opening hours from 9am - 10pm Sunday to Thursday and 9am - 11pm Friday and Saturday. The approved hours were: 9am - 9pm Sunday to Thursday and 9am and 10pm Friday and Saturday.

Emma Davidson spoke in objection to the proposal as a local resident who lived opposite the premises. She expressed concern about the adverse impact on the residents quality of life generally from the takeaway, particularly from the litter, noise and anti-social behaviour (ASB).

She considered that the outdoor wheelie bin, required under the planning condition, hadn't been there for 18 months and there were no waste bins outside the premises. She explained the concerns with youths congregating outside the shop causing ASB. The residents, particularly the elderly, were very frightened of this.

If granted, the residents quality of living would deteriorate even further (especially the elderly and shift workers trying to sleep at night). She did not consider that the extension was needed as there were many other late night takeaways nearby. No Officer from the relevant Authorities supported the extension. She requested that the proposal be refused.

The Committee sought clarity on the problems with rubbish. Ms Davidson stated that there was rubbish on the streets. She stated that she had contacted the Council many times about the lack of rubbish bins outside the shop and the collection arrangements.

Members also asked about the availability of evidence to show that the takeaway was the cause of the problems. Ms Davidson commented on the likelihood of this, given the proximity of the premises to the litter and ASB. There were chicken bones in her garden and people congregating outside her door. She expressed concern about the management's attitude to addressing the concerns as shown by the lack of an outdoor wheelie bin. She considered that the bin could go some way to addressing the problems. However, it would not deal with the ASB issues.

Charles Copeland spoke in objection as a local resident. He also expressed concerns about the harmful impact on the neighbours quality of life from the shop generally. He considered that all key agencies agreed that the premises trading hours should remain as present to safeguard residential amenity. He quoted from letters from the Planning Inspectorate and various Council Planning Officers saying this.

Rakesh Kataria spoke in favour of the application on behalf of the applicant. He considered that was no evidence to demonstrate that the activities from the takeaway had caused any harm in terms of noise, ASB, youths loitering around and drug dealing. Anyway, the management had a zero tolerance approach to such behaviour and would work with the Council to address any issues. Council Officers had visited the shop a number of times to leave bins outside the premises and had extended the lease to 11pm. The applicant cleaned the outside area regularly. There were a number of similar premises

in residential areas with late night opening hours. So the proposed hours fell within the accepted hours and should not attract customers to the area after they had closed.

Mr Kataria stressed the need for the extension to satisfy the wishes of his customers, including families. They have regularly asked that the shop open later, save them walking further late at night. There was a petition with over 190 positive signatures.

Members sought clarity on the likelihood that young families would buy food from the shop late at night. Mr Kataria considered that, whilst there were no statistics supporting this, he was basing his comments on the feedback. The applicant did provide bins outside the premises. There was signage asking customer to respect residents amenity.

Officers confirmed that the reference to the increase in the hours of the lease to 11pm was quite separate from the planning permission.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the report. Mr Lanoszka explained the location of the takeaway in Cable Street and that the surrounding area was mainly residential. He explained the close proximity of the shop to residential units, the location of the nearby Town Centre and the hot food takeaways. The site had good transport links. He explained the scope and outcome of the local consultation that had resulted in 69 individual objections, 31 supporting representations and a petition in support. He explained the extensive planning history to the application including the outcome of the successful appeal. At which, the Inspectorate concluded that the application should only be granted with the current terminal hours to protect residential amenity.

In summary, Officers considered that the proposal, if granted, would have a harmful impact on residential amenity. Therefore, in accordance with policy, Officers were recommending that the extension in hours be refused.

Members asked questions about the number of formal complaints about the establishment. Officers confirmed that the objections were mainly from residents and anecdotic in nature. Environmental Health had not made any objections. The Police had not made any comments.

Members asked questions about the measures to enforce the closing hours, if approved, given the previous breaches. It was felt that any further incidences could mean the shop opening even later, under this new permission. Officers gave assurances that any breaches of Planning control would be investigated by the Council's Enforcement team in the usual way and that the Committee must consider the merits of this application.

The Committee also discussed the merits of granting the permission on a trial basis.

On a vote of 2 in favour of the Officer recommendation, 4 against and 1 abstention, the Committee **RESOLVED:**

That the Officer recommendation to refuse the variation of condition 3 of planning permission (PA/13/02251) at 375 Cable Street, London, E1 0AH granted by the Secretary of State for Communities and Local Government on 30th March 2011, reference APP/E5900/A/10/2141935/NWF, LBTH reference PA/07/03290 be **NOT ACCEPTED** to allow opening hours from 9am - 10pm Sunday to Thursday and 9am - 11pm Fridays and Saturdays.

The Committee were minded to approve the application due to the following reasons:

- The lack of formal evidence that the premises was responsible for anti-social behaviour and that the extended hours would cause harm to the amenity of local residents.
- The number of similar premises that operated with late night hours.
- To consider the option of a temporary consent with alternative hours (for example a closing time of 10:30pm, Fridays and Saturdays).
- That, in view of the current economic climate, it was important to support a local family run business.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for approval and conditions on the application.

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Judith Gardiner, Tim Archer, Rajib Ahmed, Gulam Robbani and Harun Miah)

## **6.2 Coborn Arms, 6-10 Coborn Road, London, E3 2DA (PA/13/02287)**

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the item regarding Coborn Arms, 6-10 Coborn Road, London, E3 2DA for an extension to existing kitchen at rear with new extract system, partial demolition of existing side extension and erection of new extension to form new orangery dining area and herb garden, a side/rear extension to existing bar and associated works.

Gamon McLellan spoke in opposition to the application as a nearby resident. He expressed concern about the impact on residents from the proposal in terms of increased noise and disturbance (i.e. from the increased capacity, outdoor space and the opening hours). There would be more use of the heated forecourt late at night and noise from deliveries disturbing residents.

The premises had become bigger and noisier over recent years and there had been an increase in residential properties nearby, since the public house had opened. Given the changing nature of the area, the plans were inappropriate.

He questioned whether the local community actually needed this project. If expanded, the public house would no longer be a local public house.

Serena Jenks spoke in opposition as a local resident. She expressed concern about the impact on residents from the existing activities in terms of noise and disturbance. Particularly from the opening hours and use of the heated forecourt. The plans would worsen this by increasing rowdiness, ASB and general comings and goings at anti social hours. Her bedroom was at the front of her property so at a very noise sensitive location. She considered that the premises should be updated but in a way that protected residents amenity. She cited an example where she personally experienced ASB from a customer from the premises.

Members noted the lack of complaints from the Police about the premises in the report. Ms Jenks, in response, confirmed her fears around noise and disturbance due to the nature of the proposal.

Councillor Joshua Peck, as a ward Councillor spoke in opposition. He stated that he was speaking on behalf of many local residents. His main objection was to the perceived over intensification of the site. The public house already had a capacity of 200 that was very large for a residential area. If granted, there would almost be a doubling of useable floor space given the reduction in other internal areas. As a result, the actual capacity of customers drinking was more likely to rise to, in practice, 350 not 250 as stated in the report. At weekends, the numbers were more likely to reach 750 (taking into account the total turn over for the entire evening) with 500-600 people walking past peoples houses at night.

In response to Members, he welcomed the engagement with the community over the design of the proposal and considered that the public house should be brought up to modern standards. However, stressed that the capacity should be kept to the existing capacity of 200 with possible an increase in the restaurant capacity.

Note. The Applicant had been invited to address the Committee for 9 minutes, however had declined the offer.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. Mr Lanoszka explained the surrounding area that was mainly residential, including the location of the nearby heritage assets, town centre and notable commercial units. He explained the outcome of the local consultation with 44 individual objections and the representation in the update report. He explained the changes to the plans in response to the public consultation, the floor layouts and the access arrangements. All of the public areas would be fully enclosed with no public access to the external areas.

It was considered that the proposal was acceptable on land use terms given it was unlikely to draw customers away from local trade and therefore harm trade. The Council's Conservation Officer and Highway Officer had no objections. Environmental Health had no objections to the proposal.

A key issue was the impact on residential amenity from the plans. The Committee were invited to balance this against the benefits of the scheme for the local economy.

Officers confirmed the expected increase in floor space. It was considered unreasonable to claim that there would be a consummate increase in disturbance from this.

In view of this, the controls available under the various regimes and the historic public house use, Officers considered that the impact on the neighbours would not be so significant to warrant a refusal.

Members noted the concerns around noise from the outdoor area and asked about the discussions with the applicant to minimise any nuisance. In response, Officers explained the measures to minimise this. The applicant would be required to apply for planning permission to extend the outdoor area any further. Officers also explained the need for the smoking area to be at the front of the premises to minimise any rather than at the back. It was necessary to consider this application on the planning merits. Nevertheless, it was possible to apply further measures to minimise the impact on the neighbours through the Licensing regime (around noise nuisance, late night events etc).

On a vote of 1 in favour of the Officer recommendation, 4 against and 2 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/13/02287) at Coborn Arms, 6-10 Coborn Road, London, E3 2DA be **NOT ACCEPTED** for:

- the erection of single storey side extension to existing kitchen at rear with new extract system.
- Partial demolition of existing side extension at rear and erection of new extension to form new orangery dining area and herb garden.
- Erection of single storey side/rear extension to existing bar.
- Installation of new air-conditioning units and condensers onto existing flat roof.

The Committee were minded to refuse the scheme due to concerns over the impact on residents in terms of increased noise, disturbance and anti-social behaviour deriving from the increased capacity of the pubic house arising from the proposed extensions.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Judith Gardiner, Tim Archer, Rajib Ahmed, Gulam Robbani and Harun Miah)

**7. OTHER PLANNING MATTERS**

Nil Items.

The meeting ended at 8.45 p.m.

Chair, Councillor Helal Abbas  
Development Committee