

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 16 JUNE 2015

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman
Councillor Andrew Cregan (item 5.2 only)

Other Councillors Present:

None

Apologies:

None.

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Amy Thompson	– (Pre-Applications Team Leader, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

Councillor Marc Francis declared that he would not sit on the Committee for the consideration of item 5.2, 418 Roman Road, London, E3 5LU (PA/15/00095).

Councillor Sirajul Islam declared that he would leave the meeting room for the consideration of item 6.2, Passageway to the south of 18 Cleveland Way, London E1 (PA/15/00096) as the site was within his ward and he had an opinion on the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 14th May 2015 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 and meeting guidance.

5. DEFERRED ITEMS

5.1 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)

Update Report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal for change of use including internal subdivision of the Forge building. It was noted that the application was initially considered by the Committee in March 2015 where it was deferred for a site visit. The application was then brought back to the Committee in May 2015 where Members were minded not to accept the Officers recommendation to grant consent due to concerns over the following issues:

- The impact of the scheme on the historic fabric of the Forge building.
- The impact on the viability of the neighbouring Town Centre.

Amy Thompson (Pre-applications Team Leader, Development and Renewal) presented the report reminding Members of the site location, the appearance

of the forge building and the two proposed reasons for refusal drafted by Officers following the last meeting (in paragraph 4.2 of the 16th June report).

Whilst Officers were satisfied that the impact on the historic character of the building would be less than substantial and could be controlled by condition, it was considered that a reason for refusal on this ground could be defended at appeal.

However, in terms of the second reason, regarding the impact on the viability of the town centre, Officers felt that given the outcome of the applicant's retail assessment (independently reviewed by consultants on behalf of the Council) and that the scheme met the relevant policy tests, that this reason would be very difficult to sustain at appeal. The Committee also heard from the legal advisor about the possible risks of including this second reason for refusal at appeal. It was also explained that at appeal the two reasons would be examined separately with separate evidence submitted for each. In view of these issues, the Committee agreed that the second proposed reason for refusal be removed.

In response to questions, Officers explained the need for the new entrance due to the layout of the scheme. They also clarified the views of the LBTH Conservation Officer given the comments in the applicant's letter regarding the installation of the new entrance. (Pg 18 of the agenda). It was clarified that the Officer had merely expressed a view on the location of the external entrance to minimise the impact, in response to plans to locate it in a more prominent position. Officers hadn't actively promoted the creation of the entrance.

Planning Permission (PA/14/02573)

On a vote of 0 in favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation to grant planning permission.

On a vote of 2 in favour, 0 against and 1 abstention it was **RESOLVED**:

That Full Planning Permission be **REFUSED** for:

- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
- Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
- The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)

- 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
- Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store. (PA/14/02753)

For the following reason (as set out in paragraph 4.2 of the 16th June 2015 Committee report).

The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

Listed Building Consent (PA/14/02574)

On a vote of 0 in favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation to grant listed building consent.

On a vote of 2 in favour, 0 against and 1 abstention it was **RESOLVED**:

That listed building consent be **REFUSED** for the following reason as set out in paragraph 4.2 of the 16th June 2015 Committee report.

The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

5.2 418 Roman Road, London, E3 5LU (PA/15/00095)

Paul Buckenham (Development Control Manager, Development and Renewal) presented the report. It was noted that at the last meeting of the Committee in April 2015, Members were minded to refuse the scheme due to concerns over the impact on the viability of the retail unit arising from the reduction in size. Concern was expressed at the quantity and quality of the proposed retail unit given the length and width of the new unit, the amount of proposed basement space that would have no step free access.

In terms of the policy, Members were reminded that there was no numerical definition setting a minimum size for viable retail space. There was also no

evidence that a smaller retail unit would be less marketable. In addition, they were also reminded of the recent appeal decision for a similar application, (retaining 50 sqm of retail space, compared to 77sqm in this case) that reached a similar conclusion.

Given the above, Officers remained of the view that the application was acceptable and should be granted planning permission. However, if Members were minded to refuse the scheme, they were advised to propose the suggested reasons set out in the report that referred to the quality of the retained retail floor space

On a vote of 0 favour of the Officer recommendation, 2 against and 1 abstention, the Committee did not accept the recommendation.

On a vote of 2 in favour, 0 against and 1 abstention, it was **RESOLVED**:

That planning permission at 418 Roman Road, London, E3 5LU be **REFUSED** for the creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension; New shopfront; Extension of the basement; Erection of a mansard roof extension (PA/15/00095) for the reasons set out in the Committee report as follows:

The proposed development would result in poor quality retail floor space in terms of overall layout, the reduction in the width for the majority of the ground floor space and the distribution of retail floor space across ground floor and basement level with no step free access. The proposals would reduce the long term attractiveness of the premises to future occupiers and the viability of the retail premises in the town centre. The proposed development would therefore conflict with policy DM1(7) of the Tower Hamlets Local Plan, Managing Development Document (2013), which requires that adequate width and depth of floor space is provided for town centre uses.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Footway Adjacent to Ansell House on Mile End Road, E1 (PA/15/00117)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. It was that explained that the Committee previously considered a similar application at the April 2015 meeting of the Committee and were minded to refuse the scheme due to concerns over the impact on residential amenity. Since that time, the applicant had revised the scheme, and due to the nature of these changes, it had been necessary to bring the application back to the Committee as a new item.

Amy Thompson (Pre-Applications, Team Leader, Development and Renewal) presented the report explaining the need for the relocation of the station to facilitate the installation of the TfL super cycle 2 upgrade project.

Members were advised of the site location and the outcome of the re - consultation. In response, no further representations had been received. They were also advised of the key changes to the scheme, to address the concerns,

regarding the proximity of the proposed docking station to Ansell House.

Officers were satisfied with the impact on residential amenity given the position and angle of the nearest windows to the revised docking station. As a result, any views would be at an oblique angle. Furthermore, there was no evidence to suggest that the station would create crime and anti-social behaviour (ASB), based on the crime statistics. The statistics showed that there had been no reported incidents in the vicinity of the existing or proposed docking station. (according to the TfL, Police and the LBTH case investigation officer's records). The letter of objection made no mention of previous incidents, but feared that it would be created.

Given the above, Officers considered that the application should be granted permission.

In response to questions, it was reported that Officers placed emphasis on the nature and content of objections not just the number of objections received. The petition submitted in response to the April scheme had 39 signatures and had not been withdrawn. Care had been taken to preserve access to Ansell House. Details of these measures were explained.

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

That planning permission at Footway Adjacent to Ansell House on Mile End Road, E1 be **GRANTED** for the relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 41 docking points by 75m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works (PA/15/00117) subject to the conditions set out in the Committee report.

6.2 Passageway to the south of 18 Cleveland Way, London E1 (PA/15/00096)

Update report tabled.

Councillor Sirajul Islam left the meeting for the consideration of this item

Councillor Marc Francis (Chair)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application. The Chair then invited registered speakers to address the Committee.

Richard Kirker, (Keep Coopers Close Open) spoke in opposition to the scheme. He stressed the merits of retaining the openness, permeability and cohesive nature of the close. The group had been formed to stop this application and had organised the petition as set out in the committee report, as well as other events to oppose the application. He considered that the vast majority of people accessed the development without disturbance and the crime rates were below average as set out in the committee report. However, he was also aware of the problems felt by some people about a small number of people misusing the pathway. If the permission was refused, the

organisation would do all that they could to address any issues.

In response to questions, he stated that attempts had been made to address nuisance behaviour around the close and the organisation maintained the pathway and would continue to do so. It was feared that the proposal could actually worsen the problems by displacing anti social behaviour (ASB) into other areas into the estate. As suggested by the Crime Prevention Officer, it would be necessary to install more gates, alongside the proposal to make the close completely safe.

Karen Tan (local resident) spoke in support of the proposal for the safety and security of residents. Whilst the report said that the crime figures were not exceptional, the reality was very different. Residents were too scared to go out. Gates had been installed at other parts of the estate and smaller gates could be installed without planning permission but this would not be as effective. The Crime Reduction Officer statement was supportive of the proposal to reduce crime.

In response to questions about ASB on the estate, she gave example of recent incidences from personal experience. (She spoke about people congregating outside her property and the car park intimidating residents and preventing use of the parking spaces. She expressed concern at drug dealing on the pathway due to its secluded nature). The gate would prevent such people from coming into the area and would stop these problems. The gates should be open in the day time and closed at night

Jermaine Thomas (Planning Officer, Development and Renewal), presented the report highlighting the site location and the location of the proposed gates. He also explained the outcome of the local consultation, resulting in representations in support and objection, and addressed the issues raised.

In terms of crime, it was explained that Officers had assessed the crime statistics from the Police showing that crime levels in the close were no greater than the wider area. As such it was not considered that the proposal justified a deviation in policy. In terms of permeability, it was considered that the installation of the gates would restrict movement and would significantly increase walking distances for residents in the estate to the surrounding area. There were also general concerns that providing a gate at this end of Coopers Close would inevitably lead to pressure for further gates at other access points. Given the design and height, it was also considered that the gates would be an unsightly addition to the area. However, it was noted that they would have no impact on amenity.

Due to these issues, Officers were recommending that the planning permission was refused.

In response to questions, Officers referred to the policies in the Development Plan seeking to promote community cohesion and a well connected Borough. The concern was that the scheme would contribute towards the creation of a gated community, restricting movement, contrary to the policy. Whilst there had been no direct contact with the Bethnal Green Crime Team, Officers did

consult the Crime Prevention Officer who whilst generally supportive of the scheme, also felt that other gates would need to be installed to address the issues with crime in the estate.

Overall, Members were minded to refuse the application due to the concerns. They were also mindful of the strength of local opposition to the scheme. However, it was felt that more action needed to be taken to make the residents feel more safe. For example, it was suggested that the Council should take action to discourage people from congregating in the close and promote the use of Leisure facilities nearby. Police should work to make the pathway more safe

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

That planning permission at Passageway to the south of 18 Cleveland Way, London E1 be **REFUSED** to erect a 2.4m high gate across the passage way (PA/15/00096) for the reason set out in the Committee report as set out below:

- a) The proposal would restrict full public access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 of the London Plan (2015), SP09 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013). These policies require development be well connected with the surrounding area and should be easily accessible for all people.
- b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would discourage community cohesion and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2015), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.25 p.m.

Chair, Councillor Sirajul Islam
Development Committee