

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 6 APRIL 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None

Apologies:

Councillor Shiria Khatun

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489) as he had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9 March 2016 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

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)

Update report tabled.

Paul Buckenham (Development Manager) introduced the proposal for the change of use from public house (A4) to a mixed public house / hotel use (sui generis) with the erection of two storey extension to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms.

The Chair of the Committee then invited registered speakers to address the Committee

Dale Ingram and Vinny Mulhern (tenant of the public house) addressed the Committee in objection to the application speaking on behalf of customers of the public house. They considered that the proposal would harm the viability of the public house, which they submitted was a community asset, potentially leading to its loss given: the uncertainties around the continued use of the

garden, (that was a major income generator for the public house), business disruption during construction, the conversion to sui generis use that could open the way up for 100% flats at the site and loss of use of the accommodation upstairs. They also questioned the need for a further hotel in the area given the oversupply of hotel accommodation in the area. The applicant had failed to demonstrate the need for this. They also expressed concern about the quality of the servicing arrangements, that no noise assessment had been submitted and that the proposal would adversely affect residential amenity. The application should be refused planning permission.

In response to Members questions, the speakers clarified their concerns about the servicing arrangements given the restrictions on parking in the area and the highway, the likelihood of complaints from the hotel residents jeopardising the business potential of the pub, the proposed restrictions on the garden, and the impact of these issues on the viability of the public house.

Peter Munnely addressed the Committee on behalf of the applicant. He responded to the points raised by the speaker reassuring Members that the pub space and garden would be retained and the plans included conditions to secure this. The current set up was unsustainable. The two uses would be entirely separate (save for hotel customers checking in and out of the hotel from the public house). The heritage assessment concluded that the impact in this regard would be acceptable. Whilst mindful of the site constraints, the parking and servicing arrangements had been in place for many years and there would be a Servicing and Delivery Plan. In summary, the application differed considerably from the previously refused scheme and echoed many similar developments. Therefore was recommended for approval.

In response to Member questions, he stressed the need to focus on the planning issues, not commercial issues. He also explained that given the modest nature of the proposal, the impact on the highway from trips to and from the development would be minimal. He also stated that it was intended that the garden would be a key feature of the public house and the new hotel. He also answered questions about the size and quality of the proposed hotel rooms and the storage space.

Beth Eite (Deputy Team Leader, Planning Services) presented the application describing the site location in the Central Activities Zone and the Wentworth Street Conservation Area showing images of public house. She referred to the previously refused scheme explaining the reasons for refusal. She also drew attention to the results of the consultation exercise carried out by the Council. The plans would create 11 hotel rooms and a public house. Therefore, this would be a mixed sui generis scheme. There would be a condition restricting use of the ground floor and basement to public house use. Furthermore due to its status as an Asset of Community Value, permitted development rights would be removed. Taken together, these two restrictions would afford the public house a high degree of protection. The provision of a small number of hotel rooms on this site complied with policy and there would be a Servicing and Delivery plan. The plans also included conditions to ensure that the relevant noise standards were met. The Committee also heard about the difficulties in providing disabled access to the hotel rooms given that this

would necessitate taking trading floor space away from the public house that would affect its viability . As a result, it was considered that the drawbacks of this option outweighed the merits.

Officers were recommending that the application was granted planning permission.

Members raised concerns about the change of use to sui generis use questioning whether this would adequately safeguard the future retention of the public house and would change the character of the development.

Concern was also expressed about the operation of a hotel above the public house. It was feared that this would undermine its viability potentially resulting in a loss of a community asset. Whilst it was appreciated that the proposed arrangement might be a relatively common feature outside London and it might improve the viability of the public house, it was questionable whether it would work in this case. Reassurances were therefore sought about this and that it complied with policy.

Members also sought clarity on the number of additional servicing trips that the plans would generate and the suitability of the site to accommodate this. Questions were also asked about the reasons why the non - provision of disabled access was felt to be acceptable in this case and the targets in policy for hotel rooms in the Borough.

Members also raised concerns about the impact of the external alterations on the character of the building given its prominence at street level. They also asked about the separation distances to the nearby Carter House.

Officers answered each of the Committees questions. It was explained that, having considered the two uses, Officers felt on balance that they would occupy an equal amount of floor space and neither would dominate. Therefore, it had been classified as a sui generis use. The conditions in the committee report would afford the public house a great deal of protection going forward. Any further change of use would require a separate planning permission. It was also confirmed that the lease issues were not a material planning issue.

It was also noted that the application had been amended to overcome the previous concerns (around harm to the viability of the public house from loss of garden space, and the proximity of the public house to the proposed residential development). As a result of the changes, Officers felt that the two uses would sit comfortable together. The pressure group CAMRA were in favour of multi - use developments as a way of enhancing the viability of public houses. There would be a condition to ensure that the external alterations would match the existing building.

Officers also responded to the concerns about the lack of wheel chair access, (as explained in the presentation)the targets in planning policy for hotel rooms and the amount of hotel units granted in recent times.

In summary the Chair noted the amendments to scheme and felt that there was a degree of logic to include hotel rooms. So this was a finely balanced decision. However, the Chair stated that he remained concerned about the potential loss of the public house, especially given the plans to change the public house to a mixed use as opposed to a public house with an auxiliary hotel accommodation.

On a vote of 0 in favour and 5 against the Officer recommendation, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 5 in favour, 0 against it was **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE for change of use from public house (A4) to a mixed public house / hotel use (sui generis), the erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms. (PA/15/02489)

The Committee were minded to refuse the scheme due to concerns over:

- That the operation of a hotel above the public house would undermine its viability, potentially resulting in the loss of a community asset.
- The proposed change of use from public house to a mixed use sui generis.
- That the proposed external alterations would harm the setting of the existing building and the setting of the Conservation Area.
- Impact on residential amenity.
- Inadequate servicing provision.
- Lack of wheelchair access.

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.

6.2 42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435)

Paul Buckenham (Development Manager) introduced the Retrospective planning application/ advertisement consent for the retention of an ATM (Cash Machine) with illuminated features.

The Chair then invited registered speakers to address the Committee.

Abdul Salam Sheikh addressed the Committee in objection to the proposals. He stated that he was speaking on behalf of many residents. He stated that he lived in the street that was a quiet residential area. Since its installation,

there had been a noticeable increase in late night nuisance, arising from use of the machine adding to the disturbance from food outlets in the area. There were already cash machines in the local area so this was not necessary. The application should be refused. In response to Members' questions, he commented that the existing commercial premises in the area closed at 10pm which meant it was usually quiet at night. He also discussed in further detail his concerns about noise disturbance from the machine, (i.e. due to such things as people driving to and from the machine, groups lingering by the machine and light from the sign).

Chris Stacey-Kinchin (Planning Officer, Development and Renewal) presented the detailed report on the application submitted to the Committee due to the receipt of a petition. The Committee were showed images of the shopping parade comprising a mixture of commercial and residential units. They also noted the shop unit with the cash machine, the standard security features for the ATM and the standard design.

Whilst mindful of the petitioners' concerns, it was considered that given the location of the cash machine in a shopping parade, that the Police had raised no objections and the negligible impact on the appearance of the shop, Officers did not consider that the plans would cause any demonstrative negative impacts or would harm residential amenity, therefore it was recommended that the planning and advertisement consent be granted.

Members asked questions about the enforcement activity to date given this was a retrospective application and the weight that should be given to the fact that it was a retrospective application. They also asked about the safety and security measures and whether this included CCTV. They also questioned the merits of the application given the concerns about noise and also the available of cash machines nearby.

In response Officers explained that no weight should be given to the fact that it was a retrospective application. If permission was refused, the next step would be to consider enforcement action. Whilst the Council's Enforcement Team had contacted the applicant, it would not be expedient to commence such enforcement action until this planning application had been determined. It should also be noted that the application was originally submitted to the Committee in October 2015 but withdrawn from the agenda. The application included a number of security measures as set out in the Design and Access statement that were standard measures for cash machines. It was also pointed out that the cash machines in the nearby shop charged for withdrawals unlike this cash machine

In response to questions about the provision of fixed CCTV, it was reported that the applicant had considered this but did not think this was necessary. However it was believed that there would be CCTV within the machine. In response to further question about security, Officers discussed that if Members felt strongly about this, it would be requested that details of the security measures be provided to establish whether the machine was fitted with CCTV.

In response to further questions, Officers reported that there were no guidance in policy on the number of ATMs in an area.

On a vote of 2 in favour and 3 against the Officer recommendation, the Committee did not agree the Officer recommendation to grant planning permission and advertisement consent.

Accordingly, Councillor Rajib Ahmed proposed and Councillor Suluk Ahmed seconded a motion that the planning permission and advertisement consent be not accepted (for the reasons set out below) and on a vote of 3 in favour, 2 against it was **RESOLVED**:

That planning permission planning permission and advertisement consent be **REFUSED** at 42-44 Aberfeldy Street, E14 0NU for

PA/15/03434

- Retrospective planning application for the retention of an ATM (Cash Machine).

PA/15/03435

- Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Impact on residential amenity in terms of noise and disturbance from use of the cash machine and the illuminated sign
- That the proposal would increase anti-social behaviour in the area.
- The safety and security of the cash machine users.

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.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 9.00 p.m.

Chair, Councillor Marc Francis
Development Committee