

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 1 JUNE 2011

**ROOM M71, SEVENTH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Helal Uddin
Councillor Shiria Khatun
Councillor Marc Francis
Councillor Craig Aston

Other Councillors Present:

Nil

Officers Present:

Pete Smith	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Alan Ingram	– (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR) IN THE CHAIR

1. ELECTION OF VICE-CHAIR

It was proposed by Councillor Marc Francis, seconded by Councillor Kosru Uddin and **RESOLVED**

That Councillor Shiria Khatun be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2011/2012.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Kosru Uddin	9.1	Personal	Had received representations from interested parties.
Helal Uddin	9.1	Personal	Had received representations from interested parties.
Marc Francis	9.1	Personal	Had received representations from interested parties.
Helal Abbas	9.1	Personal	Had received representations from interested parties.
	9.2	Prejudicial	Had made representations against the application before he had become a Member of the Committee.
Shiria Khatun	9.1	Personal	Had received representations from interested parties.

4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 6th April 2011 be agreed as a correct record and signed by the Chair.

5. 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

6. DEVELOPMENT COMMITTEE PROCEDURAL MATTERS

6.1 Development Committee Terms of Reference, Quorum, Membership and dates of Meetings

At the request of the Chair, Mr Alan Ingram, Democratic Services Officer, introduced the report. He indicated that, after the report had been prepared, membership of the Committee had been amended in that Councillor Craig Aston had replaced Councillor Gloria Thienel. In addition, Labour Party Deputies had been appointed, namely, Councillors Kabir Ahmed, Anwar Khan and Ann Jackson.

RESOLVED

That the Terms of Reference, Quorum, Membership and dates of meetings of the Development Committee for the Municipal Year 2011/2012 be noted as set out in the report.

7. 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.

8. DEFERRED ITEMS

Nil items.

9. PLANNING APPLICATIONS FOR DECISION

9.1 17 Calvert Avenue, E2 7JP

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update concerning the application for planning permission at 17 Calvert Avenue, London, E2 7JP (Ref. No. PA/11/00206).

The Chair then invited persons who had registered for speaking rights to address the meeting.

Mr Geoff Juden, a local resident, stated that the situation regarding the café premises had divided the community. The café had been trading illegally for eight years and the Council had failed to provide answers to residents' requests for information on the matter. The premises were trading in contravention of Environmental Health rules and café users tended to spill out on to the pavement, while no other premises in the area were allowed pavement trading. There was no extraction system to deal with cooking odours and waste from the café was put into the domestic waste system. A planning application for a café opposite the premises had been refused in 2007 on the grounds of noise and pollution. There were no public toilet facilities and concerns expressed by residents had been ignored. He felt, therefore, that the application should be refused.

Ms Sabeha Miah stated that she had been a local resident since 2003 and had been in a good position to see how the café had developed as a local facility. She and many residents supported the café as it had made a contribution to the local community, provided good nutrition and had created new life in the community. It caused no negative impact. Ms Miah added that she worked in the local community and her children used the café. Staff in the premises ran various community projects and the café enabled people, especially the young, to see the benefits of being involved in such a business, and community cohesion was encouraged. The owner (Leila) was well-known locally and was prepared to listen to people's problems. She felt that the café helped develop neighbourliness and strengthened the local community, so the application should be granted.

At the request of the Chair, Ms Ila Robertson, Applications Manager, made a detailed presentation of the report and update including powerpoint plans relating to the application. She pointed out that the previous use for the site was retail and made reference to the Inspector's favourable comments at a recent appeal regarding an application for a café in a conservation area. Officers were of the view that the café complemented the listed building in which it was situated and improved the street environment. The premises was modest in size and served a maximum of 28 covers. Food was mainly sandwich-based apart from breakfast items such as eggs or porridge. The limited size of the café and menu meant that the Environmental Health Service did not require the provision of a commercial ventilation/extraction system. Opening hours would be outside noise-sensitive hours. Parking in the surrounding streets was for residents only and café users had good public transport access.

The Chair then invited questions from Members.

Questions were put relating to: impact of cooking and kitchen facilities on residents; why an extraction system was not felt necessary; how could a more intensive menu be controlled if permission were granted; how would any pavement trading be controlled; the principle of regularising what had been an unauthorised trading.

In response, Ms Robertson indicated that:

- Most of the food served was in sandwich form and consumed on site and there was not intensive cooking that would require more ventilation, just being domestic in scale. Environmental Health were satisfied that there was not enough of an odour problem to justify a ventilation system, given the nature and scale of the use.
- There would be an informative to retain the same style of cooking and this could be controlled through the lease on the premises. Additional planning permission would also be required if the use intensified on site or if a ventilation system was deemed necessary. Separate controls were also available through Environmental Health powers, if odour issues arose.
- There had been no complaints regarding noise and the hours of use were outside noise-sensitive hours. Given the small size, usage tended to be around lunchtime and the footprint of the café could not be increased, nor the kitchen enlarged without planning permission and listed building consent being obtained.
- On the matter of regularisation of the situation, the applicant herself had contacted Officers to see whether change of use was needed.

The Chair commented that any change of use would have to be brought back to the Committee for consideration. He then indicated that the vote would be put and, on a vote of 5 for and 0 against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at 17 Calvert Avenue, London, E2 7JP, for change of use from A1 retail to A3 Café, subject to the conditions and informatives as set out in the circulated report.
- (2) That the Corporate Director Development & Renewal be delegated authority to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.

9.2 22 Fournier Street

The Chair referred to the declaration of interest he had made previously and, at 7.46 pm, withdrew from the meeting room, taking no part in discussion or vote on the application.

At 7.48 pm, Councillor Helal Uddin also left the meeting.

COUNCILLOR SHIRIA KHATUN (VICE-CHAIR) IN THE CHAIR

At the request of the Chair, Mr Pete Smith, Development Control manager, introduced the report and **Tabled** update concerning the application for planning permission at 22 Fournier Street.

The Chair then invited persons who had registered for speaking rights to address the meeting.

Ms Charlie De Wet, a Fournier Street resident, stated that the proposed roof terrace would cause noise and disturbances and impact her amenity. Officers felt there would be a neutral impact but residents knew that the impact would be negative. The terrace was 5m. from her home, so noise would directly affect her as it was likely to continue to the early hours. She felt it would be more appropriate to build into the roof or demolish the outbuilding and restore the former garden. She felt the proposed development was inconsistent with other buildings in the conservation area. It was likely to set a planning precedent and give rise to more extensions that would represent overdevelopment of the area. The applicant appeared to contravene Council policies which had been in place for 30 years and should be refused.

Mr Rupert Wheeler, the applicant's agent, indicated that there had been a very thorough public consultation process and a thorough report had been made by Officers. Objections received had been in response to a document circulated by the owner of an adjoining neighbour, which were exaggerated in nature. However, the applicant had taken account of the matters raised and produced a revised proposal, to which only seven objections had been raised.

At the request of the Chair, Ms Ila Robertson, Applications Manager, gave a detailed presentation based on the circulated report, **Tabled** update and a powerpoint map display. She pointed out that a number of alterations had been made to the original proposal to reduce the scale of the roof terracing, which was now considered acceptable. The terrace was inset 3.5m from the windows with a 1.9m screen inset 1.5m from the site boundary. There was no direct overlooking to neighbouring properties from the terrace, given the screening proposed. The terrace had been reduced in size from 23 sqm to 12 sqm, consequently the size of the terrace would be modest and could not cater for large groups and any noise would be typical of a family dwelling. The screen was to be secured in perpetuity, which would safeguard residents' privacy. Roof extensions had previously been approved and the same development plan policies applied. As such the principle of a roof extension was essentially agreed.

Members then put questions relating to: the reasons why the roof extension was considered acceptable in a conservation area; the removal of the outbuilding and reversion to a garden space; the introduction of a zinc roof in a conservation area; the difference between the proposed front railings of the dwelling compared with those in the rest of the area.

Ms Robertson responded that:

- Roof extension policies had not changed since 1998 but specific risks to conservation areas were addressed in some parts of the Borough through specific conservation area appraisals. The roof extension had been agreed by the Conservation Area Officer and would not be very visible in appearance as it was set back.
- The previous conservation position to encourage the demolition of outbuildings was in respect of listed buildings but was not reflected in current conservation area appraisal and there was no actual policy requirement to install a garden area. In any event, the quality of a

garden space in this instance would be very limited given it was surrounded by one-two storey high extensions.

- The zinc roof would be used on the extension and was subject to conditions to ensure high quality materials. It was considered acceptable for use on a former industrial 1950s building.
- The proposed railings also looked more in keeping for a 1950s building and it was not necessarily appropriate to replicate the railings from other buildings in the row on a building from a later period.

The Chair then indicated that the vote would be put and, on a vote of 3 for and 0 against, with 1 abstention, the Committee **RESOLVED**

- (1) That planning permission at 22 Fournier Street be **GRANTED** for the refurbishment, alteration and extension of the building to form a single residential unit, including the construction of an additional storey at 3rd floor level and a new roof terrace at 1st floor level to the rear, subject to the conditions and informatives as set out in the circulated report.
- (2) That the Corporate Director Development & Renewal be delegated power to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.

10. OTHER PLANNING MATTERS

10.1 Marion Richardson School, 71 Senrab Street, London, E1 ODF

At 8.36 pm the Chair rejoined the meeting.

COUNCILLOR HELAL ABBAS (CHAIR) IN THE CHAIR

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the report concerning the application for planning permission at Marion Richardson School, 71 Senrab Street, London, E1 0QF.

At the request of the Chair, Ms Ila Robertson, Applications Manager, gave a detailed presentation of the circulated report.

There being no questions from Members, on a unanimous vote, the Committee **RESOLVED**

That the application be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent, subject to the conditions set out in the circulated report.

10.2 Planning Appeals

At the request of the Chair, Mr Pete Smith, Development Control Manager, presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

The Committee discussed the main findings as contained in the document and noted that costs against the Council in a successful appeal were to be challenged.

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

- (1) That the details and outcomes of the appeals be noted as detailed in the report.
- (2) That the Development Control Manager arrange for all Members of the Committee to be provided with details of costs incurred by the Council arising from planning appeals since 2006 and that details of such costs be reported annually to the Committee in future.

CHAIR'S REMARKS

Blackwall Reach/Section 106 Agreements

The Chair requested that the Development Control Manager arrange a briefing session on Blackwall Reach and Section 106 Agreements to be held at 6.00 p.m. before the next meeting of the Committee for the information of Members (invitations to attend to be extended to all Members of the Council).

The meeting ended at 8.50 p.m.

Chair, Councillor Helal Abbas
Development Committee