

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 7.00 P.M. ON TUESDAY, 14 SEPTEMBER 2010****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Shelina Aktar

Councillor Peter Golds

Councillor Ann Jackson

Councillor Mohammed Abdul Mukit MBE

Councillor Kosru Uddin

Other Councillors Present:

Councillor Stephanie Eaton

Officers Present:

Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judith Gardiner.

2. 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
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Carli Harper-Penman	6.2	Prejudicial	She was the owner-occupier of a property in Bow Quarter which was adjacent to the site of the application.
Mohammed Abdul Mukit	6.1	Personal	Ward Councillor.
Peter Golds	6.1	Personal	Had received correspondence from local residents.
Ann Jackson	6.1	Personal	Had received correspondence from local residents.
Stephanie Eaton	7.1	Personal	Related to a property in her ward.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 18 August 2010 be agreed as a correct record and signed by the Chair.

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 and those who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Rochelle School, Arnold Circus, London, E2 7ES (PA/10/00037)

Update report tabled.

The Chair pointed out that Councillors Shelina Aktar, Peter Golds and Ann Jackson and were ineligible to vote as they had not been in attendance when the application had been previously considered by the Committee.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Rochelle School, Arnold Circus, London.

It was noted that this application was previously reported to the Committee on 18th August 2010 where Members were minded to refuse the application due to a number of concerns contrary to officers over overlooking, parking, noise disturbance and impact on neighbouring properties and the Conservation area.

Mr Irvine drew attention to the legislation on overturning planning officers recommendations, which stated that careful consideration was required as to whether the Council could justify the reasons for refusal.

Mr Irvine addressed the reasons for refusal stating that there was no evidence to suggest they could be supported on planning grounds if tested. The proposed reasons were contrary to the Council's expert advice.

The proposal complied with the UDP as all of the nearest residential properties were significantly more than 18 metres away from the site. As such, it was felt that the argument of overlooking would be difficult to support. In terms of noise, the premises had not generated any complaints. The hours of operation were outside noise sensitive hours. In terms of parking, the impact on the highways would be minimal. The site had already gained approved consent for an ancillary canteen in a Conservation Area. Therefore the argument of impact on the Conservation Area was not a valid reason. The development would be in keeping with the surrounding area as the area was of mixed use.

Members raised a number of questions around the proximity of the site to the nearest residential properties, whether this complied with the guidance in the UDP regarding overlooking, accuracy of the usage figures for the canteen, the waste management arrangements, delivery times, loss of a valuable family area and intensification.

Members also discussed the impact on residential properties, particularly the adjacent Old Laundry Building and family flats. Members expressed concern at the impact on their views, overlooking to their kitchen and bedrooms and

noise disturbance from the canteen. Members requested that these issue be given due consideration.

Members also drew attention to the many letters of objections and the concerns voiced by local residents at the last meeting.

Members also asked officers to clarify the exact proximity of the Old Laundry Building to the canteen/outdoor eating area.

In reply officers reported the following points:

- Clarified the distance between the canteen/ outdoor eating area and the nearest residential units as set out in the Addendum report. Indicating that no building fell within an 18 metres radius of the premises. Therefore the application would not create any amenity problems.
- That the usage of the premises was not changing. It was for continued use. Therefore there would be no new amenity issues.
- That the Old Laundry Building was a residential building.
- Canteen would not open late - past 4pm.
- That the deliveries for the off site catering service would take place during working hours via the Club Row Entrance.
- Clarified the refuse collection arrangements.
- Welcomed the Management Plan designed to mitigate the affects of the scheme.
- The Councils officers had considered the application and had considered that that it was acceptable.

In view of the concerns around the proximity of the premises to residential properties, the Committee considered that the consideration of the planning application be deferred pending a site visit.

Members also requested this application be brought to the Committee afresh - as a new application under the 'Planning Applications for Decision Part' of the agenda' to trigger public speaking rights in view of the time taken to consider the application.

On a vote of 3 for 0 against the Committee **RESOLVED**

That consideration of the planning permission at Rochelle School, Arnold Circus, London for continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation be **DEFERRED** for a site visit and further clarification of the proximity of the proposal to the nearest residential dwellings .

That the application be brought back to the Committee afresh 'under Planning Matters for consideration' to trigger speaking rights in view of the length of time taken to consider the application.

6.2 71A Fairfield Road, London (PA/10/00742)

Update report tabled.

Councillor Carli Harper – Penman vacated the chair and left the room for the consideration of this item. The time being 7:50pm.

Councillor Ann Jackson in the Chair

The Chair pointed out that Councillors Shelina Aktar and Peter Golds were ineligible to vote as they had not been in attendance when the application had been previously considered by the Committee.

Ila Robertson (Applications Manager, Development and Renewal) presented the application regarding 71a Fairfield Road and advised that there was an update report on the site. It was reported that at its last meeting, the Committee indicated that they were minded to refuse this application due to concerns over bulk height and the amenity impact in respect of privacy and resolved that the matter be deferred so that the applicant could consider whether it was possible to address their concerns. Since that time the applicant had advised that it would not be possible to amend the scheme to address these issues without removing the entire building. As a result the application was being presented to Committee with a recommendation for refusal.

In response to the presentation, Members questioned whether, if refused, the existing occupiers of the flats would be made homeless, whether there was anything the Council could do to support the new owners, the timescale for any appeals process.

In reply, Officers explained the enforcement and the appeals process. Officers confirmed that and Independent Inspector would consider the merits of the scheme and the Council would rigorously defend the Council's decision.

On a vote of 3 for and 0 against the Committee **RESOLVED**

1. That the consideration of the planning permission at 71A Fairfield Road, London for retention and alteration of existing part 3 part 5 storey building which contains 8 residential units be **REFUSED** for the following reasons.
 - a) The proposal would result in overdevelopment of the site and this is identified by the following: The proposed development, by virtue of its increased height and excess bulk and mass at third and fourth floor level, would appear out of character with the surrounding area and the host building. The proposed building fails to relate to the scale of the adjacent building to the east at 71 and 73 Fairfield Road. The proposal is therefore contrary to saved policy DEV1 of the adopted Unitary Development Plan (1998), SP10 of the Core Strategy Submission

Version December 2009 and policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design of buildings within the Borough that respect local context.

- b) The proposed development, by virtue of it's proximity to the adjacent properties to the east at 71 and 73 Fairfield Road, would result in an unacceptable outlook, increased sense of enclosure and loss of privacy for existing residents. This is compounded by the height of the proposed development and its higher gradient which looks down on to and into these properties. The proposal is therefore contrary to saved policy DEV2 of the adopted Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Submission Version December 2009. These policies seek to protect the amenity of residents of the Borough.
- c) The proposal would result in a poor standard of accommodation for future occupants, by virtue of it's small internal floor areas (Flat 1, 6, 7 & 8), poor outlook (Flat 4, 6 & 8) and lack of external amenity space (Flats 3, 4, 5, 6, 7 & 8). The proposal is therefore contrary to saved policies DEV2, HSG13 and HSG16 of the adopted UDP (1998) and Policy HSG7 of the Interim Planning Guidance (2007). These policies seek to ensure developments provide sufficient amenity, internal space standards, and high quality useable amenity space for future residential occupiers.

7. PLANNING APPLICATIONS FOR DECISION

7.1 47a St Peters Close, London, E2 7AE (PA/10/00893)

Councillor Carli Harper Penman returned to the meeting for the remaining item of business. The time being 8.00pm.

Councillor Carli Harper – Penman in the Chair.

Ila Robertson (Applications Manager, Development and Renewal) presented the application for conversation of a pram store facility into a two bedroom flat with private amenity space.

Mr David Wilson, addressed the Committee in objection to the proposals. He stated that he was speaking on behalf of the residents of the estate, and he had got a sense that they all opposed it. He had managed to obtain 36 signatures for his petition. This was a very densely populated area and if approved there would be overcrowding. It would spoil the character and was out of keeping with the architectural features of the area. It should be stopped. He considered that THCH consistently ignored the views of local people. He referred to a previous scheme which if approved would have inhibited peoples access to their properties. This scheme was eventually turned down. He

expressed concern at the amenity impact on the people at number 45, 47 and 49 St Peters Close in terms of overlooking and creating a sense of enclosure.

Councillor Stephanie Eaton addressed the Committee as an objector. She said that she was speaking on behalf of a large number of residents on the Estate. She opposed the loss of pram space, if used properly they could be used as a cycle storage. They would be popular if better used. The scheme falls well below the minimum requirement for amenity space. It provided around a third of what was required for the site. She disputed the policy argument that this was appropriate as the land was going to be private amenity space. There were also worries about loss of privacy and overlooking to the adjacent neighbours and the inadequacy of the proposed wall. She stated that the Council had approved similar development in the past but in planning terms this did not make this right.

Bilkis Khanom (Applicants Agent) spoke on behalf of Tower Hamlets Community Housing (THCH) who were the applicants. A key aim of the group was to address the problem of overcrowding in Borough, provide better housing and to deliver large affordable housing. THCH had amongst other things, completed an overcrowding strategy, exceeded its targets in providing affordable housing, tried to deal with Anti Social Behaviour at their housing developments, carried out consultation and engaged with residents to ensure their proposals mirror the needs of residents. They welcomed the views of MPs and Councillors.

THCH had held a community event to discuss 3 other pram store conversions. During which the residents attending were very supportive of the plans and supported the schemes. They had had no objections by post either.

Ms Yasmin Begum (Applicants Agent) also spoke on behalf of Tower Hamlets Community Housing (THCH). She stated that they supported and worked to meet the Boroughs housing needs. The scheme was of good quality design. She referred to the size of the local housing register and their plans would go some way to reducing these numbers. She said that THCH had converted other pram stores into flats including a bespoke ground floor flat for a disabled person.

Ms Robertson (Applications Manager, Development and Renewal) outlined the merits of the proposal.

She advised that there would be a loss of public open space on the estate but that given the acute need for affordable housing, the quality of the land and that a large part of the land would be retained as private open space, that the proposal was acceptable in policy terms.

Ms Robertson also outlined the responses to the public consultation exercise. The main objections raised related to loss of a communal open space, overdevelopment, poor quality design, light and ventilation issues.

Officers considered that the scheme was in keeping with the surrounding area, would not cause a sense of enclosure or overlooking, and the

construction impact would be negligible. The hours of construction could be conditioned to ensure that amenity was protected. On all counts, officers considered that the scheme was acceptable and in keeping with policy and should be approved.

In reply to the presentation, Members queried the merits of the scheme, the loss of the pram space and amenity space, whether the pram space could be put to better use if advertised properly, the quality of the design.

Members also asked officers to clarify the amount of amenity space on the site and to address the amenity issues and the noise concerns.

Member also questioned whether the height of the proposed external fence was adequate to protect privacy and whether the hours of construction should be restricted.

In reply, Officers confirmed that the scheme would in no way restrict access to properties. In relation to external noise, conditions could be added to ensure that a noise assessment was carried out to prevent noise nuisance including pre- occupation testing. Further consideration could be given to varying the height of the proposed external fence to safeguard privacy.

The Chair proposed a number of amendments to the conditions, which were seconded by Councillor Mohammed Abdul Mukit to ensure

- That the hours of construction be restricted to minimise noise disturbance
- Submission of a satisfactory noise assessment including pre-completion testing prior to occupation
- That officers explore with the applicant the possibility of raising the height of the 1.4m fence to protect privacy, and to report back to the Committee if necessary.

These proposals were carried.

On a vote of 5 for and 1 against, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at 47a St Peters Close, London for conversion and extension of the pram store facility into a two bedroom ground floor flat with associated private amenity space subject to conditions.
2. That the Corporate Director of Development & Renewal is granted power to impose conditions and informative on the planning permission to secure the following matters:
3. Conditions
 1. Implementation within 3 years.
 2. Development completed in accordance with approved plans

3. Details and samples of all external facing materials used on proposed dwelling and boundary treatment.
 4. Details of cycle parking.
 5. Details of compliance with life times homes standards.
 6. Car Free.
 7. Submission of a satisfactory noise assessment including pre completion testing prior to occupation
 8. Details of revised fence.
 9. Hours of construction: Restricted in accordance with standard hours
4. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

5. **Informative:**

1. Any informative considered necessary by the Corporate Director Development & Renewal

8. **OTHER PLANNING MATTERS**

There were no items for consideration

The meeting ended at 9.00 p.m.

Chair, Councillor Carli Harper-Penman
Development Committee