

Meeting of the

DEVELOPMENT COMMITTEE

Tuesday, 14 September 2010 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair: Councillor Judith Gardiner	
Councillor Shelina Aktar Councillor Peter Golds Councillor Ann Jackson Councillor Mohammed Abdul Mukit MBE Councillor Kosru Uddin	Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Lutfa Begum, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Peter Golds) Councillor Gloria Thienel, (Designated Deputy representing Councillor Peter Golds) Councillor Ohid Ahmed, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul

Mukit, MBE and Kosru Uddin)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Tuesday, 14 September 2010

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 18th August 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

4. RECOMMENDATIONS

To RESOLVE 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

To note the procedure for hearing objections at meetings of the Development Committee. **13 - 14**

6. DEFERRED ITEMS **15 - 16**

6 .1 Rochelle School, Arnold Circus, London, E2 7ES (PA/10/00037) **17 - 38** **Weavers;**

6 .2 71A Fairfield Road, London (PA/10/00742) **39 - 58** **Bow East;**

7. PLANNING APPLICATIONS FOR DECISION **59 - 60**

7 .1 47a St Peters Close, London, E2 7AE (PA/10/00893) **61 - 72** **Bethnal Green North;**

8. OTHER PLANNING MATTERS

Nil Items.

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON WEDNESDAY, 18 AUGUST 2010

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor Mohammed Abdul Mukit MBE
Councillor Kosru Uddin

Councillor Gloria Thienel

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Development and Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Jill Bell	– Head of Legal Services (Environment), Legal Services
Alan Ingram	– (Democratic Services)

COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shelina Aktar and from Councillor Peter Golds, for whom Councillor Gloria Thienel deputised.

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
Carli Harper-Penman	7.4	Prejudicial	She was the owner-occupier of a property in Bow Quarter which was adjacent to the site of the application. She had promoted the regeneration of Victoria Park during her election campaign.
	8.1	Prejudicial	
Mohammed Abdul Mukit MBE	7.1	Personal	Ward Member for the area of the application.

The Chair indicated that she would leave the meeting during consideration of the items for which she had declared a prejudicial interest. Chairing of these items would be undertaken by the Vice-Chair or, in her continued absence, by another Member of the Committee.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13 July 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

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Rochelle School, Arnold Circus, London, E2 7ES (PA/10/0037)

The Chair invited persons who had registered to speak on this item to address the Committee.

Mr Robert Allen (for Mr Raphael Ashley), a local resident, speaking in objection to the application, indicated that he worked shifts and his sleep was disturbed by activities at the Rochelle Centre as he lived in close proximity. Activities could last from 7.30 a.m. to 11.00 p.m. and this was unreasonable. Noise and other nuisances emanated from the centre, which also comprised a change of character to the Boundary Estate Conservation Area. There were often hordes of people in the garden outside the restaurant, causing additional disturbance. The premises did not hold an alcohol licence but alcohol was sold there and this resulted in louder behaviour. He had complained about these issues regularly but to no avail. This was the fourth year in a row that he had been subject to adverse impacts to his quality of life. Nothing would change if the application were granted as the premises were already effectively being operated as a restaurant, open to all and not just to those working at the centre. There was already a management in place but this failed to address the problems. Only 9 persons the 67 who had expressed support for the application actually lived on the Boundary Estate. Publicity for the restaurant was becoming more widespread so he anticipated an increase in use. Mr Allen concluded by stating that the centre and its users had disregarded planning rules and the application should be rejected.

Ms Jenfa Khanom, also speaking in objection stated that her home shared a wall with the canteen/school complex and thus there was an immediate effect on her family arising especially from noise, which continued past the centre's opening hours. There was nuisance from foul smells arising from refuse disposal. If the application were granted, she anticipated an increase in footfall with resultant disturbance, especially as the purpose was being altered from the original use as a canteen for staff only. A large number of members of the public already used the restaurant and there was no effort to maintain any restrictions. The premises were in a residential estate and Members should be mindful that local people had a right to peace and quiet. In addition, it was likely to be run as a bar if an alcohol licence were granted.

Mr Kevin Watson, speaking for the applicant, commented that the canteen was actually a very small scale operation and was not used as a restaurant. There was no alcohol licence and no operation of the café/canteen in the

evening. The premises comprised only 30 sq.m floorspace, with 36 permanent covers and a small outdoor area in summer. The application was being made to regularise the situation and not with a view to intensifying operations in the premises. There had been two years of discussions with Officers which had resulted in the current submission, which included a number of controls tied in by the management plan prepared by "A Foundation" and these would be observed.

The canteen had been in operation for 4/5 years and no complaints about it had been made to Environmental Health. All other issues had been addressed by the management plan. He pointed out that the letters of objection had actually only been on two templates raising three or four issues. The Rochelle centre was not only used by local people but, in any event, it was not proposed that there would be an intensification of activities, just a continuation of existing levels.

Mr Anthony Bennett, the applicant, indicated that he worked for "A Foundation" a local charity, which ran the centre. This comprised a community of artists and designers, with a conference centre and library. The canteen was the smallest element of the centre and had been in use since 2006. The canteen had become popular through word of mouth. Income for the centre was provided by grants and an event for the Tower Hamlets Arts and Library Service was being arranged at the centre later in the year. Mr Bennett added that the application was to regularise the position and it was not intended to apply for an alcohol licence.

Ms Ila Robertson, Applications Manager, introduced the report, as augmented and clarified by the tabled update report, making a detailed presentation and addressing the issues raised by the objectors and applicants. Key considerations were the amenity of neighbouring residential occupiers and generation of traffic, which were fully addressed within the body of the report. Ms Robertson pointed out that no complaints of noise nuisance had been reported to Environmental Health and Highways Officers were satisfied that the proposal would have no adverse effects on the local traffic network. She added that the current application had to be considered on its own merits.

Members then put questions, which were answered by Planning Officers, relating to any involvement by English Heritage and the implications for the Boundary Estate Conservation Area; the status of signatories supporting the application; current parking issues on the estate; the position for regularising the position of the canteen under planning regulations and enforcement action; potential overlooking of residents' homes; the time of operation of the canteen and public access.

The Chair stated that she was minded to support the application but shared Members' concerns about the regularisation of activities which had been previously undertaken without proper planning consents, as this gave an unsatisfactory message about enforcement and retrospective approvals. She made the point that Councillor Ann Jackson, who had arrived late at the meeting, was not eligible to vote on this item.

On a vote of one for and three against, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission for continued use of Rochelle Canteen (Use Class A3), independent of the Rochelle Centre with ancillary off-site catering operation be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of concerns over:

- The potential overlooking of residential properties.
- The impact on local residents arising from the noise and other operational disturbances from the canteen.
- The impact on street car parking spaces due to traffic arising from deliveries to the canteen and from its clients.

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.

7.2 Site at 1-3 Muirfield Crescent and 47 Millharbour, London (PA/10/01177)

Mr Jerry Bell, Strategic Applications Manager, gave a detailed presentation as contained in the circulated report regarding the application to replace extant planning permission for the site at 1-3 Muirfield Crescent and 47 Millharbour, London, in order to extend the time limit for implementation of Planning Permission ref: PA/06/983. The scheme had not been implemented due to the global recession and would effectively be a banked application awaiting economic recovery. He referred to the requirement for a further condition following the Environment Agency Flood Risk Assessment, as contained in the tabled update report.

Members then put forward questions, which were answered by Mr Bell, concerning public walkways and access through the site; monitoring of the car-free agreement and its application to future tenants; provision of social housing units and provision of bicycle spaces.

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

- (1) That planning permission be **GRANTED** for the site at 1-3 Muirfield Crescent and 47 Millharbour, London, to replace extant planning permission in order to extend the time limit for implementation of Planning Permission ref: PA/06/893 (outline permission to provide 143 residential units in buildings up to 10 storeys in height with an A1 and A3 use at ground level with reconfiguration of existing basement car parking, associated servicing and landscaping), subject to the prior completion of a Deed of Variation and legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to the satisfaction of the Assistant Chief Executive (Legal Services) and to

conditions and informatives as set out in the report and the tabled update report.

- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (3) That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission.
- (4) That should the Section 106 agreement not be completed by 3 September 2010, the Head of Development Decisions may refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts.

7.3 Radford House, St Leonards Road, London (PA/10/00774)

Ms Ila Robertson, Applications Manager, introduced the report concerning the application for the erection of a mansard roof at Radford House, St Leonards Road, London. She indicated that the main issues for consideration related to land use, design, highways and car parking, which she then addressed as contained in the report.

Members then put question, which were answered by Ms Robertson, in connection with the number of planning applications in the locality; any resulting noise levels from the property and arrangements for construction work.

Councillor Jackson proposed an amendment, seconded by Councillor Mukit, which was declared carried on a unanimous vote and it was **RESOLVED**

That the conditions on the planning permission include the requirement that construction work at Radford House, St Leonards Road, London, shall not commence before 09.00 hours on any morning.

On a unanimous vote on the substantive motion, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Radford House, St Leonards Road, London, for the erection of a mansard roof extension to the existing building to provide three flats comprising one x one bedroom and two x two bedroom flats, subject to the conditions (as amended above) and informatives as set out in the report.
- (2) That the Corporate Director Development & Renewal be delegated power to impose conditions (as amended) and informatives on the planning permission to secure the matters listed in the report.

7.4 71A Fairfield Road, London (PA/10/00742)

The Chair referred to the declarations of prejudicial interest that she had made at the start of the meeting and indicated that she would leave the room and take no further part in the proceedings. She proposed a motion,

seconded by Councillor Mukit, which was declared carried 4 four and nil against, and it was **RESOLVED**

That Councillor Ann Jackson be elected Chair for the remainder of the current meeting of the Development Committee.

Councillor Harper-Penman then left the meeting.

COUNCILLOR ANN JACKSON IN THE CHAIR

Mr Stephen Irvine, Development Control Manager, introduced the report regarding the retention and alteration of existing part 3, part 5 storey building at 71A Fairfield Road, London.

The Chair then invited persons who had registered to speak on this item to address the Committee.

Ms Jose Franks, speaking in objection to the application, stated that her home abutted 71A Fairfield Road and the latter had effectively doubled in size as a result of the development. The increase to five floors had not been previously envisaged and was much closer to her property than first proposed. This was not a negligible impact, as stated in the report. No-one had visited her home to undertake a sunlight/daylight assessment and the building now dominated the sky line from her kitchen and garden. There was now also an issue regarding lack of privacy, which she did not feel was suitably addressed by the proposals for cedar louvres and up to eight cars were parked on the site. She felt that the substantial divergences from the original planning permission should have been noted, but no action had been taken despite having made phone calls to Officers.

Councillor Marc Francis, speaking in objection to the application, commented that this was the second agenda item relating to a request for retrospective planning permission. Planning permission had been given for a development but something different had been built and this had only come to light following Ms Franks' actions. He felt that the enforcement process had been very poor in this instance. The section of the report relating to public consultation did not properly represent local concerns and sought to generalise the position. The assertion that the actual scheme was a similar building to that originally proposed stretched credulity as there were significant differences, especially internally, and it was much closer to neighbouring properties than intended. Neighbours' windows were now below sunlight requirements and there had been no meaningful attempt to bring back the development to its previous approved form. Detailed plans must be agreed to that effect.

Mr Kieran O'Brien indicated that he was speaking on behalf of his wife, Hannah O'Brien, who was unwell and the Architect was also unable to be present. He was one of a group of leaseholders who had bought the property for investment purposes before the current problems were known about and they understood the concerns and anger that had arisen. He was unable to answer technical questions and was speaking on behalf of the leaseholders

who were now horrified at the position. They were considering legal action against Copeland Properties, the developers, which could cost thousands of pounds and would do anything in their power to alleviate the position. He regretted that there had been no daylight assessment at 71 Fairfield Road and did not know why it had not been undertaken. The leaseholders were concerned about overlooking of other properties and would seek to avoid this. They were also happy to agree there would be no car parking on the site and the four cars currently parked there would be removed. Rubbish strewn around the site would be removed within two weeks. Mr O'Brien sought to reassure Members and residents that any proposals would be accepted and reiterated that the leaseholders had effectively been hoodwinked but wanted to improve the position.

Mr Jerry Bell, Strategic Applications Manager, confirmed that the current development at 71A Fairfield Road was unauthorised and gave a detailed presentation including the history of the development since the original planning permission was granted on 18 January 2006 to the serving of an enforcement notice on 30 July 2008, through to the submission of the present application. He summarised the differences between the "2006 scheme", the "as built scheme" and the "proposed scheme" as contained in the circulated report. Mr Bell explained how the current building included two additional storeys at third and fourth floor levels and was taller towards the front, with an increase in bulk and mass. He confirmed that concerns had been raised by occupants of 71 and 73 Fairfield Road, with a further petition and also concerns raised by a Ward Councillor. He recognised that the development had not been built in accordance with agreed plans and summarised Government guidance advising that Court action following an enforcement notice should be regarded as a last resort, with remedial action being a preferred solution.

Mr Bell continued that 71 and 73 Fairfield Road had now been tested for sunlight/daylight levels by the applicant's consultant. This had been reviewed by Environmental Health Officers who had reached the conclusion that the position was acceptable in so far as it was no worse than the consented scheme. With regard to proximity and overlooking, all windows on appropriate elevations had opaque glazing facing 71 and 73 Fairfield Road and timber louvres prevented overlooking of the block adjacent to those properties. He further accepted that there had been an increase in mass that might lead to the perception of enclosure and it would be a subjective matter as to whether or not this seemed oppressive. It was felt, however, that there was sufficient distance between 71A Fairfield Road and neighbouring properties. Mr Bell noted the leaseholders' agreement to remove the parking spaces and indicated that this would be enforced. Secured bin enclosures were provided to the front of the development and their use would be enforced.

Mr Bell commented that it was necessary to consider the current application on its merits, rather than any lack of enforcement action. The proposal was finely balanced and sought to address all the issues and problems that had arisen.

Members then put questions, which were answered by Mr Bell, relating to the establishment of people's concerns regarding feelings of enclosure; the legal status of the current building; supervision of development sites and Officer visits; the last resort position regarding an illegal building and illegal activity; and concerns about the position of the current leaseholders.

On a vote of nil for and one against, with three abstentions, it was –

RESOLVED

That the Officer recommendation to grant planning permission for retention and alteration of existing part 3 part 5 storey building at 71A Fairfield Road, London, be NOT ACCEPTED.

The Committee was minded to refuse the planning application because of concerns over:

- The inappropriate bulk and scale of the development.
- The unacceptable impact on other residential properties arising from sense of enclosure, outlook, privacy and overlooking.

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.

8. OTHER PLANNING MATTERS

8.1 Stone Alcoves to West of Cadogan Gate Entrance, Victoria Park, Bow, London (PA/10/00719)

Ms Ila Robertson, Applications Manager, introduced the report regarding cleaning and treatment to Stone Alcoves to west of Cadogan Gate Entrance, Victoria Park, Bow, as detailed in the circulated report. In response to a Member query, she outlined the history of the provision of the alcoves.

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

- (1) That the application for Listed Building Consent relating to Stone Alcoves to west of Cadogan Gate Entrance, Victoria Park, Bow, for the cleaning and re-pointing of two stone alcoves; lifting and re-laying of paving; replacement of timber seating and treatment of stonework with anti-graffiti coating be **APPROVED** and referred to the Secretary of State with the recommendation that were it within its authority to do so, this Council would be minded to grant Listed Building Consent, subject to the conditions set out in the report.
- (2) That the Head of Planning and Building Control be delegated power to recommend to the Secretary of State conditions to secure the matters listed in the report.

The meeting ended at 7.30 p.m.

Chair, Councillor Carli Harper-Penman
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 14 th September 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
18 th August 2010	PA/10/00037	Rochelle School, Arnold Circus, London, E2 7ES	Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.	The Committee indicated that they were minded to refuse the planning application because of serious concerns over: <ul style="list-style-type: none"> • Overlooking • Parking, as a result of deliveries • Parking, for patrons of the site. • Noise disturbance • Impact on adjoining area
18 th August 2010	PA/10/00742	71A Fairfield Road, London	Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units.	The Committee indicated that they were minded to refuse the planning application because of serious concerns over: <ul style="list-style-type: none"> • The bulk, scale and height of the proposed building • The amenity impact of the proposed building in respect of privacy issues

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Tick if copy supplied for register:

✓

Name and telephone no. of holder:

Eileen McGrath (020) 7364 5321

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

6.1 Rochelle School, Arnold Circus, London, E2 7ES

6.2 71A Fairfield Road, London

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Development	Date: 14 th September 2010	Classification: Unrestricted	Agenda Item Number: 6.1
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref No: PA/10/00037	
		Ward: Weavers (February 2002 onwards)	

1. APPLICATION DETAILS

Location: Rochelle School, Arnold Circus, London, E2 7ES
Existing Use:
Proposal: Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.

Drawing Nos/Documents: 1. Un-numbered Site Plan
2. Un-numbered Location Plan
3. 4SK.008
4. Supplementary documents for Rochelle School
5. Design and Access Statement
7. Planning Impact Statement
8. Management Plan

Applicant: Mr Anthony Bennett
Ownership: Mr James Moores
Historic Building: Grade II (the site is comprised of two Grade II listed buildings. The main building is located nearest to Arnold Circus and the second building fronts Club Row, the former school walls are also grade II Listed).
Conservation Area: Boundary Estate

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this planning application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance for the purposes of Development Control (October 2007), Core Strategy Development Plan Document (Submission Version December 2009) associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:

- 1) The change of use of the approved ancillary canteen to a fully independent canteen (Use Class A3) provides a service which compliments the surrounding commercial and residential uses, without adversely affecting amenity or the free flow of traffic. As such, the proposed change of use is considered acceptable in-line with saved policy S7 of the Unitary

Development Plan (1998) which seeks to ensure such applications protect the amenity of nearby residents and the free flow of traffic.

2) Subject to conditions, the proposed independent café and ancillary catering facilities would not have an adverse impact upon the amenity of neighbouring residential properties and therefore accords with Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenity of residents of the Borough.

3) The proposed change of use is not considered to have an adverse impact on the character and appearance of the Boundary Estate Conservation Area. As such the proposal is considered acceptable and in line with policy CON2(2) of the Council's Interim Planning Guidance (2007), which seeks to ensure development proposals preserve the setting of the Boundary Estate Conservation Area.

4) Subject to condition 3 (implementation of the service management plan) transport matters, including access and servicing, are considered acceptable and in line with saved policies DEV1 and T16 of the adopted Unitary Development Plan (1998) and policies DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

5) The proposed change of use is not considered to have an adverse impact on the historic fabric or identity of the listed building. As such the proposal is considered acceptable and in line with policy CON1 of the Council's Interim Planning Guidance (2007), which seeks to ensure development proposals preserve the historic fabric and setting of the Councils Listed Buildings.

3.0 RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission.

3.2 That the Corporate Director of Development and Renewal is delegated power to impose the following conditions [and informatives] on the planning permission to secure the following:

3.3 Conditions

1) Development approved in accordance with the plans

2) Hours of operation

Canteen: 9.30am to 4pm Monday to Fridays

Off-site Catering: 7.30am to 11pm

3) Implementation of service management plan.

4) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives for Planning Permission

3.5 1) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4. Background

- 4.1 This application for planning permission was reported to Development Committee on 18th August 2010 with an officer recommendation for approval.
- 4.2 Members' indicated that they were minded to refuse the planning application because of concerns over:
1. Overlooking
 2. Parking, as a result of deliveries
 3. Parking, for patrons of the site.
 4. Noise disturbance
 5. Impact on adjoining area

5.0 Legislative framework

- 5.1 Guidance is clear that, should a Committee resolve to overturn the planning officer's recommendation, careful consideration is required as to whether the Council can justify the reason for refusals at appeal.
- 5.2 Should the reasons for refusal not be justified then costs could be awarded against the Council.
- 5.3 Paragraph 1.4.2 of the Planning Inspectorates guidance on appeals sets out "a number of core principles which underpin the operation of a well-functioning appeal system". These include a requirement that:

"where the elected members' decision differs from that recommended by their officers, it is essential that their reasons for doing so are...clear, precise and comprehensive."

- 5.4 The same paragraph emphasises:

"the importance of using the costs regime properly to regulate the system and ensure that all who use it act reasonably and do not lead others to incur unnecessary expense."

- 5.5 The ministerial statement in Annexe A includes the following indication of the policy approach of the Secretary of State which has clear implications concerning possible awards of costs against planning authorities:

"In anticipation of the possibility of appeal, local planning authorities should ensure that their reasons for a decision are clear, precise and comprehensive, especially when the decision taken by elected members differs from that recommended by their officers. When refusing an application, local planning authorities should consider carefully whether they have a sufficiently strong case, capable of being argued at appeal, on the basis of the material before them."

- 5.6 More detailed guidance of relevance to this appeal appears in part B of the Annex:

"B20. Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all

respects. If they fail to do so, costs may be awarded against the authority.

B21. While planning authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided.”

- 5.7 Taking the above into consideration, officers have assessed the reasons for refusal given by Members.

6.0 Assessment of reasons for refusal.

Overlooking

- 6.1 Overlooking was cited as a reason for refusal. Officers consider that the majority of the site is screened at ground floor level by a brick wall measuring at least 2m in height. Therefore, the views that are afforded to patrons of the site to residential properties are at oblique angles.
- 6.2 In addition to this, the centre of the outdoor area is some 52 metres from Walton House, and 32 metres from the northeast corner of Clifton House. These are the nearest affected residential properties to the site. The Councils Unitary Development Plan suggests a distance of more than 18m is likely to result in minimal impact in terms of overlooking.
- 6.3 Furthermore, the proposals do not involve the construction of a new building. They simply involve the formalisation of its existing use. Consequently, overlooking impacts are not a significant consideration for this application as both the building, and its use as a canteen, are well established (and benefit from planning permission).
- 6.4 Should the Committee wish to retain this reason for refusal, they would need to provide evidence that significant overlooking was occurring within the 18m area outlined in Council policy. Since such evidence does not exist, it is strongly recommended that this reason for refusal is not included on the decision letter.

Noise disturbances

- 6.5 Members suggested that the impact of the proposal in terms of noise was a justified reason for refusal, contrary to the advice from Council officers who outlined that since the existence of the café, Environmental Health had not received any specific complaints regarding noise nuisances from the café.
- 6.6 In addition to this, officers outlined that the hours of operation of the café were no later than 4.30pm. As such, any noise encountered would be during the day and outside typically noise sensitive hours.
- 6.7 Furthermore, it is important to understand that the Rochelle Canteen is a very small operation measuring approximately 30m² in area with just 36 seats.

- 6.8 In these circumstances, it is not considered that the proposal would have sufficient impact on residents amenity to warrant a refusal of the application and that there is no evidence that would justify such a refusal, against officer's recommendation.

Parking as a result on deliveries and patrons of the site.

- 6.9 The third suggested reason for refusal is on Highway grounds. The Committee recommended that the application be refused on the grounds of an increase in vehicular movement within the area and the servicing arrangements that exist.
- 6.10 This suggestion was contrary to the advice given by both planning and highway officers who advised that the small scale nature of the proposal was unlikely to result in an adverse impact on the highway network.
- 6.11 Furthermore, the canteen operates within the hours of the Control Parking Zone, therefore, any patrons driving from outside the area would not be able to park within the vicinity. As such, the impact on the highway was likely to be minimal.
- 6.12 In light of the above, officers do not consider that there is any evidence to support a reason for refusal, and in the absence of such evidence against the Councils expert officer's support, such a reason for refusal could not be sustained.

Impact on the conservation area

- 6.13 Councillors cited the impact of the application on the Conservation Area as a reason for refusal. Officers consider that this is not a sound reason for refusal for the following reasons.
- 6.14 Firstly, the site has an approved consent to be used as an ancillary café. Therefore, the principle of having a café at this site has already been assessed and considered acceptable within the conservation area.
- 6.15 In terms of the potential for impacts on the character and appearance of the conservation area, given that the building already exists, (and planning permission was granted for its conversion and associated works), the proposal cannot be considered as having any unacceptable impact on character and appearance as nothing is proposed to change the current situation.
- 6.16 Secondly, the canteen is located within the compounds of a former school, within the Boundary Estate. This school building along, with the former workshops (Marlow workshops), the retail uses (Calvert Avenue) and the Virginia School, illustrate that whilst the area is predominately residential, it contains a mixture of different uses which are in keeping with the character of the area.
- 6.17 For the Council to sustain a reason for refusal, it needs to be demonstrated that in accordance with the advice given in PPS5- Planning and the Historic Environment, the retention of the canteen will materially harm the significance of the heritage asset or its setting.
- 6.18 There is no evidence to support this argument. As such, officers cannot recommend this as a reason for refusal.

7. Suggested reasons for refusal

- 7.1 Should members still feel that the basis for refusing the application and the reasons for refusal are sound, then Council officers suggest the following reasons for refusal.

1. The proposed development makes inadequate provision for servicing and will therefore lead to congestion and obstruction of Arnold Circus and the surrounding streets, to the detriment of the local amenity. As such, the proposal is contrary to saved Policies DEV2 and T16 of the Unitary Development Plan (1998) which seek to ensure development proposals do not result in a deterioration in the environment of residential areas.

2. The proposed development makes inadequate provision for car parking and will therefore lead to congestion and obstruction of Arnold Circus and the surrounding streets, to the detriment of the local amenity and the free flow of traffic. As such, the proposal is contrary to saved Policies DEV2 and T16 of the Unitary Development Plan (1998) which seek to ensure development proposals do not result in a deterioration in the environment of residential areas.

3. The proposed use would result in an unacceptable degree of overlooking and loss of privacy to the detriment of the amenity of occupiers of adjacent residential properties, contrary to saved policies DEV2 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.

4. The cumulative impact of the noise, disturbance and related activities that would result from these premises would be harmful to the living conditions of adjacent residents and would therefore be contrary to saved policies DEV2, DEV50 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.

5. It is considered that the proposal, by reason of its commercial use in a predominately residential area, would adversely affect the character of the Boundary Estate Conservation Area. As such, the proposal is contrary to Council Policy CON2 of the Interim Planning Guidance (2007) which seeks to ensure new uses are not detrimental to the character, fabric or appearance of conservation areas and their settings.

8.0 Conclusions

- 8.1 All other relevant policies and considerations have been taken into account. The Council consider Planning permission should be granted for the reasons set out in the RECOMMENDATION section at the beginning of this report.

Committee: Development	Date: 18 th August 2010	Classification: Unrestricted	Agenda Item Number: 7.x
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Nasser Farooq	Ref No: PA/10/00037
	Ward: Weavers (February 2002 onwards)

1. APPLICATION DETAILS

Location: Rochelle School, Arnold Circus, London, E2 7ES
Existing Use:
Proposal: Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.

Drawing Nos/Documents: 1. Un-numbered Site Plan
2. Un-numbered Location Plan
3. 4SK.008
4. Supplementary documents for Rochelle School
5. Design and Access Statement
7. Planning Impact Statement
8. Management Plan

Applicant: Mr Anthony Bennett
Ownership: Mr James Moores
Historic Building: Grade II (the site is comprised of two Grade II listed buildings. The main building is located nearest to Arnold Circus and the second building fronts Club Row, the former school walls are also grade II Listed).
Conservation Area: Boundary Estate

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this planning application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance for the purposes of Development Control (October 2007), Core Strategy Development Plan Document (Submission Version December 2009) associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
- 2.2 Subject to conditions, the proposed independent café and ancillary catering facilities would not have an adverse impact upon amenities of neighbouring residential properties and therefore accords with Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to

protect the amenity of residents of the Borough.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent.
- 3.2 That the Corporate Director of Development and Renewal is delegated power to impose the following conditions [and informatives] on the planning permission to secure the following:

3.3 Conditions

- 1) Development approved in accordance with the plans
- 2) Hours of operation
Canteen: 9.30am to 4pm Monday to Fridays
Off-site Catering: 7.30am to 11pm
- 3) Implementation of service management plan.
- 4) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives for Planning Permission

- 3.5 1) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This planning application is for the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with an ancillary off - site catering operation. The application form states that the use has been occurring since 2006.
- 4.2 A previous planning application was submitted and granted consent for an ancillary café at the application site. The consent was granted on 16/01/2006 under planning reference PA/04/1790. Condition 3 of the planning permission restricted the use of the café, it reads:
- 4.3 *'The accommodation hereby approved for café purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principal Rochelle Centre building's uses.*
- Reason: As requested by the applicant and to safeguard the amenity of adjacent residential properties and the area generally. The local planning authority has had regard to the circumstances of the case and considers that use by way of separate occupants would not have been granted planning permission. '*
- 4.4 The main planning consideration during the above application would have been the whether an ancillary café for the occupiers of the main Rochelle Old College building and Club Row building was acceptable. The above condition was included as part of the approval.
- 4.5 This condition has not been adhered to, as the café that has occupied the premises

since 2006 is not ancillary. Arnold & Henderson caterers are currently based in the café and provide weekday lunches. Given, this is not what was sought for nor granted, this planning application has been submitted to regularise the situation.

Site and Surroundings

- 4.6 The application site, 'The Rochelle Centre' is comprised of two Grade II listed buildings, which lie within the Boundary Estate Conservation Area. The main building is located nearest to Arnold Circus and the second building fronts Club Row. The café, the application site, is in the centre of the Rochelle Centre, and has a floor area of approximately 68 square metres.
- 4.7 It is concealed to an extent by Grade II listed brick walls, however some views of the canteen exist from the upper floors of neighbouring residential properties.
- 4.8 The vast majority of buildings around Arnold Circus are residential in nature, with some commercial uses at ground floor level on Calvert Avenue. Walton House is a 5/6 storey building to the east of the subject site and several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.
- 4.9 The Rochelle Centre consists of a mix of different uses including artists studios and small creative businesses (Use classes B1/D1). According to the applicant 44 people regularly work within the Rochelle Centre building.
- 4.10 The canteen building is a single storey structure within the compound of the site. The structure holds 36 covers with additional space externally used in the summer. The applicant suggests a maximum of 56 people could be accommodated in total.

Planning History

- 4.11 The following planning decisions are relevant to the application:
- 4.12 PA/04/1790 Full planning application for external alterations to outbuilding in connection with provision of ancillary café for the occupiers of the main Rochelle Old College building and Club Row building only with cooking extract system linked to the main Rochelle Old College Building. Approved 16 January 2006.
- 4.13 PA/04/1791 Listed Building Consent for external and internal alterations to outbuilding to create cafe ancillary to the main Rochelle Old College building and Club Row building with cooking extract system linked to the main Rochelle Old College building. Approved 16 January 2006.
- 4.14 EN/07/0098 Alleged use of cafe as a restaurant and also as a catering business in breach of Planning Permission PA/04/01790 Condition 3. No enforcement notice was issued, however a letter was sent to the owner on 30 April 2007 advising of the conditions of permission ref: PA/04/1790.
- 4.15 PA/07/1669 Variation of Condition 3 (use only to be ancillary to functions of the Rochelle Centre) of planning application PA/04/01790, dated 16th January 2006, to allow canteen to provide external catering.

Variation of Condition 6 (opening hours) of planning application PA/04/01790, dated 16th January 2006, to extend opening hours of the canteen from 11am to 6pm on Sunday and from 6pm to 11pm on Monday to Friday.

This application was not determined, and has been closed for 'No Further Action'

- 4.16 PA/08/544 Removal of Condition 3 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses).
- Application was refused on 03/07/2008 due to insufficient information to demonstrate the removal of the conditions would be acceptable. The reasons for refusal read as follows:
- 1. The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.*
 - 2. The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with saved policy DEV2 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 and CON2 of Interim Planning Guidance 2007 which seek to ensure and protect the amenities of the residents of the Borough.*
- 4.17 PA/08/829 Erection of two new buildings to adjoin the existing roof building in order to create an additional 3 x B1 (office) units (311m² in total). Application approved on 15/07/2008
- 4.18 PA/08/830 Conversion and refurbishment of existing roof building to provide office accommodation. Application approved 15/07/2008
- 4.19 PA/09/804 Removal of condition 3 of planning permission PA/04/1790 dated 16/01/2006 to allow for the use of Rochelle Canteen kitchens for preparation of food for off-site consumption. Application was withdrawn on 26/06/2009
4. PA/10/183 Listed Building Consent for the erection of three new single storey roof extensions on the north, south and west elevations for office Class B1 Use and refurbishment of existing roof building. Granted consent on 03/04/2010
- 4.23 PA/10/89 Erection of a roof extension on the southern side of existing roof space for use as an office (Use Class B1).

Granted consent on 16/03/2010

- 4.24 PA/10/36 Change of use of the "Old College" Building within the Rochelle Complex from D1 (non - residential training and education centre) to mixed D1/B1 use (artists studios and small creative businesses).
Granted consent 12/04/2010

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals		Not Subject to site specific proposals
Policies:	DEV1	Design Requirements
	DEV2	Amenity
	DEV50	Noise
	HSG15	Residential Amenity
	S7	Special Uses
	T16	Traffic Priorities for New Development

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Not Subject to site specific proposals
Core Strategies:	CP1	Creating Sustainable Communities
	CP7	Job Creation and Growth
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV17	Transport Assessment
	DEV19	Parking for Motor Vehicles
	CON1	Listed Buildings
	CON2	Conservation Areas

5.4 Core Strategy 2025: Development Plan Document (Submission Version December 2009)

	SO22	Protecting historical and heritage assets
	SO25	Placemaking

5.5 Spatial Development Strategy for Greater London (London Plan)

	3C.22	Parking Strategy
	4B.5	Creating an inclusive environment
	4B.6	Sustainable design and construction
	4B.7	Respect local context and communities
	4B.10	London's built heritage
	4B.11	Heritage conservation
	4B.12	Historic conservation-led regeneration

5.6 Government Planning Policy Guidance/Statements

	PPG1	General Policy and Principles
	PPS1	Urban Design
	PPS5	Planning and the Historic Environment

- 5.7 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living safely

A better place for living well
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

6.3 **LBTH Environmental Health** – Comments have been received regarding the extraction system. The existing system is not causing nuisance and no change is proposed to the system, as such officers consider this acceptable.

In addition, Environmental Health have confirmed that whilst the area in general suffers from some anti-social behaviour, there have not been any complaints specifically regarding the canteen. As such, no objection is raised to this use.

6.4 **LBTH Highways** –

Welcome the provision of a 'Management Plan' which sets out exactly how the canteen is currently managed and operated.

6.5 The servicing described currently is low-key and using small vehicles, on-site, however it is imperative that any intensification of the use will trigger a review of the Management Plan alongside a planning application. It is recommended that the servicing is conditioned, possibly under the heading of 'Servicing/Management Plan'.

6.6 (Officer comment: has included a recommended condition requiring the applicant to implement the Management Plan and acknowledges that any future change in operation of the canteen (such as more deliveries, longer opening hours etc) would require an amendment to this Management Plan and, consequently, a fresh planning application.

7. LOCAL REPRESENTATION

7.1 A total of 198 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	Objecting: 89	Supporting: 67
No of petitions received:	0	

7.2 The letters of support include around 18 addresses and organisations outside the borough.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Increase in traffic, parking problems and congestion, generated by both suppliers and the general public.

- Noise associated with visitors to the canteen, and general operation (i.e., kitchen, machinery, refuse disposal, staff).
- Intensification of use, with increased levels of activity resulting in a detrimental impact on surrounding properties.
- Use out of character with predominantly residential nature of the conservation area
- Failure to comply with Council policy.
- Previous refusals on the application site (for the same development).

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider is whether or not the use of the Rochelle canteen as an independent canteen as opposed to an ancillary canteen would have a significantly amenity impact on residents of the Boundary Estate and if there was a impact whether it could be controlled via the imposition of conditions.

8.2 The key considerations are:

1. Amenity of neighbouring residential occupiers
2. Generation of traffic

Amenity of neighbouring residential occupiers

8.3 Saved policy DEV2 of the Tower Hamlets UDP (1998) and Policy DEV1 of the Interim Planning Guidance (2007) seek to ensure development will not result in an unduly detrimental loss of amenity for neighbouring properties. Policy DEV50 of Tower Hamlets' UDP (1998) seeks to ensure development will not result in an unduly detrimental increase in noise levels, and policy HSG15 of Tower Hamlets' UDP (1998) seeks to ensure development within residential areas is appropriate, and will not result in an unduly detrimental loss of amenity for residents.

8.4 Walton House is a 5/6 storey building to the east of the subject site. Several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.

8.5 The centre of the outdoor area is some 52 metres from Walton House, and 32 metres from the northeast corner of Clifton House. It is considered that this is an acceptable distance to ensure amenity will not be impeded upon during the operational hours.

8.6 It is noted the PA/08/544 to remove condition 3 (The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses) was refused on 03/07/2008 for the following reasons:

1. The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.

2. The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with saved policy DEV2 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 and CON2 of Interim Planning Guidance 2007 which seek to ensure and protect the amenities of the residents of the Borough.

- 8.7 The previous application, seeking to remove the condition, did not provide enough evidence that the existing operations would not have impacts on residential amenity. At the time, it was also felt that the removal of the condition could lead to an unacceptable intensification of use, hence the two reasons for refusal.
- 8.8 In order to mitigate this, the applicant has drawn up a detailed management plan which sets out the details of the canteen operation. It includes information in relation to hours of operation, number of seats, details of deliveries, waste proposals and the nature of the off-site catering operation. The applicant is committed to adhering to this management plan which will be secured by planning condition.
- 8.9 The implementation of the Management Plan will ensure that no unacceptable impacts to residential amenity occurs.

Hours of operation

- 8.10 The proposed hours of operation are as follows:

Use	Monday to Friday	Saturdays	Sundays and Bank holidays
Canteen	9.30am to 4pm	Not applicable.	Not applicable
Off site Catering	7.30am to 11pm	Not applicable	Not applicable

- 8.11 The proposed hours of operation for the canteen between, Mondays to Friday, 9.30 to 4pm. These hours are outside the noise sensitive hours and are not considered by officers as being contentious. Furthermore, these hours are likely to be similar to the sites historic use as a school.
- 8.12 In addition to this, the earlier consent allowed the canteen use on Saturdays. Whilst the applicant chose not to use the canteen on Saturdays, it is still considered that the hours and proposed use is acceptable on Saturdays. Therefore the planning department would like to allow the canteen operations on Saturday's 9.30am to 4pm.
- 8.12 Given, the existing nature of the use, officers from the Environmental Health team have confirmed that no noise complaints have been registered. As such, the Environmental Health Department raise no objections to the use.
- 8.13 The applicant has submitted a management plan which outlines the functions of the café and off-site facilities.
- 8.14 In summary the management plan outlines the following:
1. There are approximately 6 off-site events per month
 2. Food deliveries for the off-site events are made with normal canteen food

deliveries by the same supplier

3. Rubbish collections are made from the event.
 4. Any goods returns to the school are made before 10pm or the next morning.
 5. Loading is from the Club Row parking area within the School walls or the Arnold Circus entrance
- 8.15 A condition will be included on the consent to ensure that the applicant complies with the management plan which will ensure that the retention of the independent café does not have an adverse impact on the amenity of neighbouring properties.

Intensification of Use

- 8.16 The proposal does not involve any intensification of use; it simply seeks to regularise the existing operations. No changes are proposed to the current canteen / catering facilities (e.g. opening hours, physical expansion, alcohol sales, parties, types of foods, deliveries, servicing arrangements etc).
- 8.17 There are only a small number of covers at the canteen (up to 36 inside and a landscaped area outside which can cater for around 20 people) in good weather and this will not change.
- 8.18 The Management Plan, which accompanies the application, sets out all of the limits, restrictions and principles governing the café operation that the applicant abides by and will continue to abide by. As stated at paragraph 8.15 the implementation of the management plan will be conditioned.

Traffic Generation

- 8.18 Policy T16 of Tower Hamlets' UDP (1998) together policy DEV19 of the Interim Planning Guidance (2007) seek to ensure developments will not prejudice the free flow of traffic, and highway safety.
- 8.19 The streets surrounding the site are designated residents only parking, and the site has good access to public transport with a PTAL of 5. The Councils Highways section had no adverse comments to make in respect of the proposal in particular noting that the scale of vehicles and operations are not envisaged to have a detrimental impact on the vicinity
- 8.20 The applicant will be required to comply with the management plan, via the imposition of a condition, to ensure that this remains the case and that no intensification can occur without a new application being considered.

Other Planning Issues

Intensification of use, out of character with residential nature of conservation area;

- 8.21 The use of the cafe is established, having been in operation since 2005. It is therefore not considered that an ancillary café or an independent café will have a detrimental effect on the character of the surrounding area nor the Boundary Estate Conservation Area.

In particular, the Rochelle Centre currently caters for a variety of uses currently and the western side of Arnold Circus includes a number of different uses. It is considered that given the scale and intensity of use that it is an acceptable use within the area.

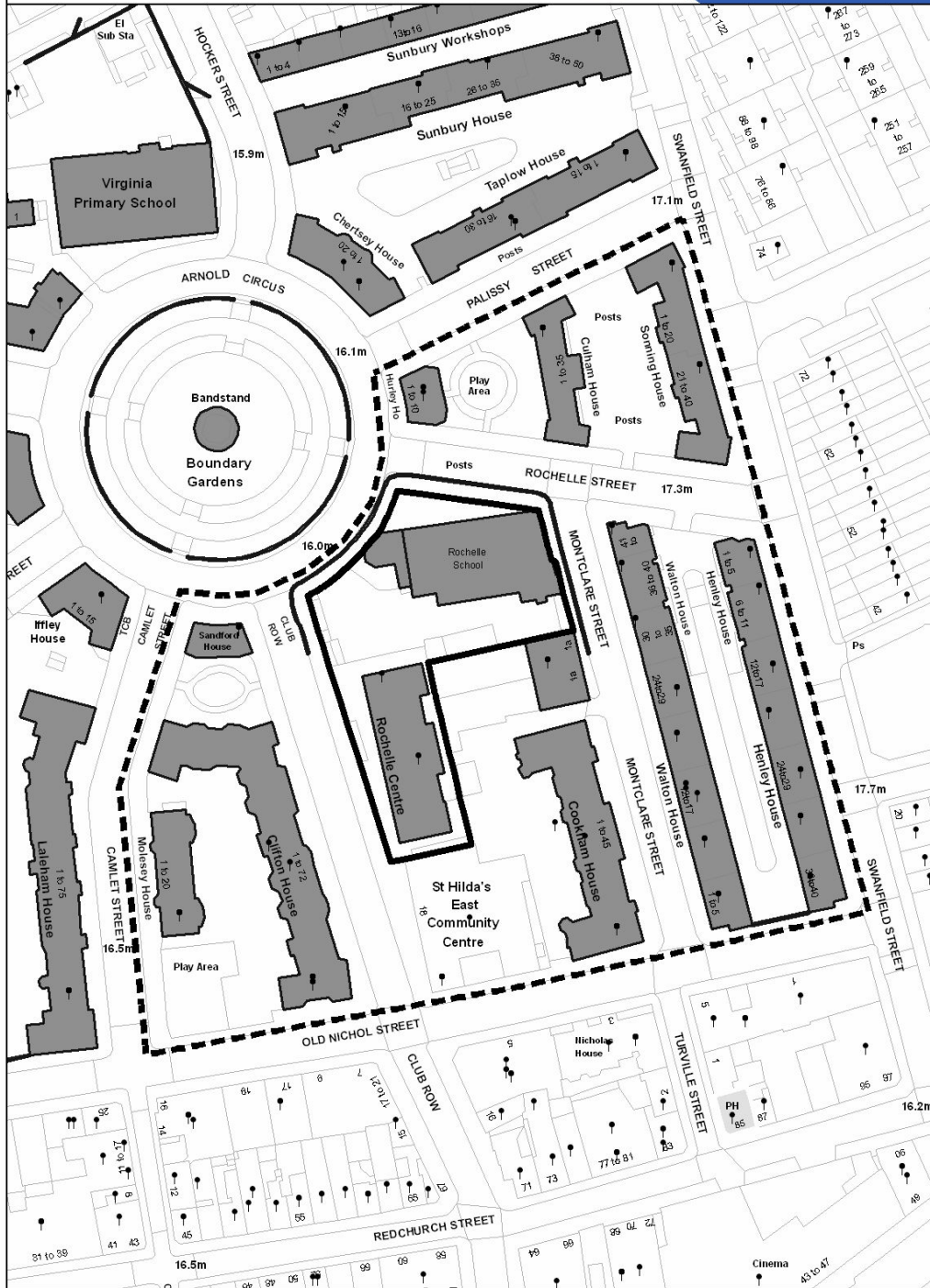
8.22 Enforcement

In 2007 a complaint was received by the Councils' Enforcement Department in relation to a breach of condition 3 of full planning permission: PA/04/1790 which stated the use of the cafe should be ancillary to the Rochelle Centre. A letter dated 30 April 2007 was sent to the owner, reminding them of the requirements of the conditions. However, it was not considered expedient, nor practical to take action against the applicants given an application to remove condition 3 is before the planning authority for consideration.

9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address
	Consultation Area		Statutory Listed Buildings	 0 30 m 1:1,250	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

18TH August 2010 at 5.30 pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/10/00037	Rochelle School, Arnold Circus, London, E2 7ES	Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.
7.2	PA/10/01177	Site at 1-3 Muirfield Crescent and 47 Milharbour, London	Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission ref: PA/06/893 [Outline permission to provide 143 residential units in buildings up to 10 storeys in height with an A1 and A3 use at ground floor level with reconfiguration of existing basement car parking, associated servicing and landscaping].
7.3	PA/10/00774	Radford House, St Leonards Road, London	Erection of a mansard roof extension to existing building to provide three flats comprising one x one bedroom and two x two bedroom flats and the erection of a lift shaft to the rear.

Agenda Item number:	7.1
Reference number:	PA/10/00037
Location:	Rochelle School, Arnold Circus, London, E2 7ES
Proposal:	Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.

1 SUMMARY

Additional reasons for approval

- 1.1 The Council would like to include the following reasons for approval to be read in conjunction with section 2 (Summary of material planning considerations)
- 1.2 2) The proposed change of use is not considered to have an adverse impact on the character and appearance of the Boundary Estate Conservation Area. As such the proposal is considered acceptable and in line with policy CON2 of the Council's Interim Planning Guidance (2007), which seeks to ensure development proposals preserve the setting of the Boundary Estate Conservation Area.
- 1.3 3) Subject to condition 3 (implementation of the service management plan) transport matters, including access and servicing, the proposal is considered acceptable and in line with saved policies DEV1 and T16 of the adopted Unitary Development Plan (1998) and policies DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

Paragraph 3.1 - Typological error

- 1.4 There is a typographical error in paragraph 8.10 which should read:
 "That the Committee resolve to GRANT planning permission". Instead of
 "That the Committee resolve to GRANT planning permission and conservation area consent."

Hours of operation

- 1.5 There appears to be some confusion with regards to the hours of operation proposed. To clarify the hours of operation proposed are ;

Use	Monday to Friday	Saturdays	Sundays and Bank holidays
Canteen	9.30am to 4pm	Not applicable.	Not applicable
Off site Catering	7.30am to 11pm	Not applicable	Not applicable

Paragraph 8.21 - Typological error

- 1.6 There is a typographical error in paragraph 8.21 which should read:
 "The use of the cafe is established, having been in operation since **2006**." Instead of;
 "The use of the cafe is established, having been in operation since 2005".

2 RECOMMENDATION

- 2.1 The Councils recommendation remains unchanged.

Agenda Item number:	7.2
Reference number:	PA/10/1177
Location:	Site at 1-3 Muirfield Crescent and 47 Millharbour, London
Proposal:	Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission ref: PA/06/00893 [Outline permission to provide 143 residential units in buildings up to 10 storeys in height with A1 and A3 uses at ground floor level with reconfiguration of existing basement parking, associated servicing and landscaping].

1. ADDITIONAL REPRESENTATIONS

- 1.1 The Environment Agency have now confirmed that they are satisfied with the submitted Flood Risk Assessment and have withdrawn their objection, subject to a planning condition specifying minimum finished floor levels.

Comment: An additional planning condition will be imposed as per Environment Agency's requirement.

2 RECOMMENDATION

- 2.1 Recommendation remains approval.

Agenda Item number:	7.3
Reference number:	PA/10/00774
Location:	Radford House, St Leonards Road, London
Proposal:	Erection of a mansard roof extension to existing building to provide three flats comprising one x one bedroom and two x two bedroom flats and the erection of a lift shaft to the rear.

1 SUMMARY

Point of clarification

- 1.1 The Council would like to clarify that the proposed description should also include a rear lift extension to facilitate the proposal, as shown on the submitted plans.

2 RECOMMENDATION

- 2.1 The Council's recommendation remains unchanged.

Agenda Item 6.2

Committee: Development	Date: 14 th September 2010	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Director of Development and Renewal	Title: Town Planning Application		
Case Officer: Mary O'Shaughnessy	Ref No: PA/10/00742		
	Ward: Bow East		

1. APPLICATION DETAILS

Location:	71A Fairfield Road, London
Existing Use:	
Proposal:	Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units.
Drawing Nos/Documents:	Drawings: jw372_100, jw372_101, jw372_102, jw372_103 REVA, jw372_104, jw372_105, jw372_106 and jw372_107. Documents: Design Statement, 11 th September 2009, prepared by JDW architects, incorporating: Design and Access Statement Impact Statement REVA, 11 th September 2009, prepared by JDW architects, incorporating: Daylight/Sunlight Report, 5 th February 2010 prepared by Drivers Jonas.
Applicant:	Hannah O'Brien
Ownership:	As above
Historic Building:	Not applicable
Conservation Area:	Adjacent to Fairfield Road Conservation Area.

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission:

For the following reasons:

2.2 The proposal would result in overdevelopment of the site and this is identified by the following:

- a) 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 its proximity to the adjacent properties to the east at 71 and 73 Fairfield Road, would result in an unacceptable 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 poor standard of accommodation for future occupants, by virtue of its small internal floor areas (Flat 1, 6, 7 & 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.

3. BACKGROUND

- 3.1 This application for planning permission was reported to Development Committee on 18th August 2010 with an Officer recommendation for approval.
- 3.2 Members indicated that they were minded to refuse the planning application because of serious concerns over:
 - The bulk, scale and height of the proposed building
 - The amenity impact of the proposed building in respect of privacy issues
- 3.3 Nevertheless, members resolved to defer making a decision to allow the applicant the opportunity to amend the scheme in order to address their concerns.
- 3.4 Since the deferral of the decision, the case officer has been in contact with the applicant in respect of amending the scheme in order to reduce the bulk and mass of the third and fourth storeys of the building. The applicant has advised that it would not be possible to remove elements of the building without removing the whole building. Given, the applicant is of the opinion that the building cannot be amended in order to satisfy the concerns of members, the application is being presented to members with reasons for refusal.

Implications of the Decision

- 3.5 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not limited to):-
 1. Resubmission of an amended scheme to overcome reasons for refusal;
 2. Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal.

4. Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

5. APPENDICIES

5.1 Appendix One – Committee Report to Members on 18th August 2010.

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Committee: Development	Date: 18 th August 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/10/00742
	Ward: Bow East

1. APPLICATION DETAILS

Location:	71A Fairfield Road, London
Existing Use:	
Proposal:	Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units.
Drawing Nos/Documents:	Drawings: jw372_100, jw372_101, jw372_102, jw372_103 REVA, jw372_104, jw372_105, jw372_106 and jw372_107. Documents: Design Statement, 11 th September 2009, prepared by JDW architects, incorporating: Design and Access Statement Impact Statement REVA, 11 th September 2009, prepared by JDW architects, incorporating: Daylight/Sunlight Report, 5 th February 2010 prepared by Drivers Jonas.
Applicant:	Hannah O'Brien
Ownership:	As above
Historic Building:	Not applicable
Conservation Area:	Adjacent to Fairfield Road Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, 1998, (UDP), the Council's Interim Planning Guidance, 2007, (IPG) and the Core Strategy Submission Version December 2009, (CS), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposed part 3 part 5 storey residential development is considered appropriate in terms of design, bulk and scale. The design of the new building is in keeping with the surrounding properties in terms of general building height and use of materials. This is in line with saved policy DEV1 of the adopted UDP (1998), policy DEV2 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate design within the Borough which respects local context.

- 2.3 The proposal is considered appropriate in relation to the residential amenity of the site in terms of daylighting and sunlighting, sense of enclosure, outlook, overlooking and privacy. This is in line with saved policy DEV2 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 In reference to transport matters, including provision of cycle parking, access, servicing the creation of a car free development, the proposal is considered acceptable and in line with policies 3C.1, 3C.2, 3C.21 and 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, T16, T19 of the adopted UDP (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007) and policy SP09 of the Core Strategy Submission Version December 2009. These policies seek to ensure developments can be supported within the existing transport infrastructure.
- 2.5 The proposal provides an increase in the supply of housing with an acceptable mix of units. As such, the proposal is in line with policies 3A.1, 3A.3 and 3A.5 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the adopted Unitary Development Plan (1998), policies CP21 and HSG2 of the Interim Planning Guidance (2007) and policies SO7, SO8, SO9 and SP02 of the Core Strategy Submission Version December 2009, which seek to encourage new housing and ensure that new developments offer a range of housing choice.

3. RECOMMENDATION

- 3.1 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1 Time Limit condition – 6 months
- 2 Development to be carried out in compliance with approved drawings.
- 3 Retention of opaque glazing and cedar louver system to be implemented within 3 months
- 4 Contaminated Land Report to be submitted within 3 months.
- 5 Development to be carried out in compliance with submitted noise report within 3 months.
- 6 Restriction of use of roof of three storey element as terrace.
- 7 Landscaping to be implemented and retained in perpetuity within 3 months.
- 8 Car free development scheme to be submitted within 3 months.
- 9 No on-site car parking.
- 10 Refuse to be provided within 3 months and retained for perpetuity.
- 11 Cycle parking to be provided within 3 months and retained for perpetuity.

Any other planning condition(s) considered necessary by the Corporate Director

Development & Renewal

Informatives

1 Associated Section 106

Any other informative(s) considered necessary by the Corporate Director
Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the retention and alteration of the existing part three part five storey building which has been constructed on site and was the subject of enforcement action by the Council.
- 4.2 On 18th January 2006 the Council granted planning permission for the demolition of the existing building on site and the erection of a part three part five storey building comprising of eight residential flats. During the course of construction the applicant varied the design of the building in order to comply with the requirements of Network Rail. However, they failed to make an application to alter the approved building. As such, the building currently on the site is not authorised and the purpose of this application is to remedy this situation. The full planning history is discussed further in the planning history section of this report at paragraphs 4.7 – 4.11.

Site and Surroundings

- 4.3 The application site is located on the western side of Fairfield Road. Access is provided from Fairfield Road along a roadway between 71 Fairfield Road to the north and the railway line to the south.
- 4.4 The site is landlocked at the rear, with the railway line to the south, a vacant site with trees to the west, and parking associated with a residential development to the north and 71 and 73 Fairfield Road which are residential properties to the east.
- 4.5 On the opposite side of Fairfield Road to the east of the Site are a group of Grade II listed buildings. The application site is not located within a Conservation Area, however to the east and south is the boundary of the Fairfield Road Conservation Area.
- 4.6 The character of Fairfield Road is currently changing from an industrial area to a residential area. There is a mix of Victorian properties to the south with larger residential developments to the north of Fairfield Road.

Planning History

- 4.7 The following planning decisions are relevant to the application:
- 4.8 PA/04/01757 The Local Planning Authority (LPA) granted planning permission on 18th January 2006 for the “Demolition of existing building and construction of a part 3 and part 5 storey building to provide 8 flats.”
- 4.9 PA/06/01436 Conditions 3a, 3b, 3c, 4, 8 and 9 attached to this planning permission were discharged by the LPA on 14th March 2007.

- 4.10 EN/08/00101 During the course of construction, the LPA opened an enforcement investigation in order to investigate if the building was built in accordance with the approved plans. Following a site visit it was evident that the applicant had altered the design, bulk and massing of the building and that it had not been built in accordance with the approved plans.

The LPA served a Temporary Stop Notice on 30th June 2008.

The LPA served an Enforcement Notice on 30th July 2008.

The Council entered into pre-application discussions with the applicant and architect following the issue of the Enforcement Notice in order to discuss options available in respect of retaining the building.

- 4.11 PA/09/01491 An application for the “Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units” was submitted to the LPA and was withdrawn by the applicant on 14th December 2009. The submitted Daylight and Sunlight Report was not adequate to allow Officers to make an assessment of the impact of the scheme as built on the amenity of the adjacent residential occupiers.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy Guidance/Statements

- 5.2 PPS5 Planning and the Historic Environment

Spatial Development Strategy for Greater London (London Plan)

- 5.3 Policies:
- | | |
|-------|---------------------------------------|
| 3A.1 | Increasing London’s supply of housing |
| 3A.3 | Maximising the potential of sites |
| 3A.5 | Housing Choice |
| 3A.6 | Quality of new housing provision |
| 3C.1 | Integrating transport and development |
| 3C.3 | Sustainable transport in London |
| 3C.21 | Improving conditions for walking |
| 3C.22 | Improving conditions for cycling |
| 3C.23 | Parking Strategy |
| 4B.1 | Design principles for a compact city |

Unitary Development Plan 1998 (as saved September 2007)

- 5.4 Policies:
- | | |
|-------|---|
| DEV1 | Design Requirements |
| DEV2 | Environmental Requirements |
| DEV12 | Provision of Landscaping in Development |
| DEV50 | Noise |
| DEV51 | Soil Tests |
| DEV55 | Development with Waste Disposal |
| DEV56 | Waste Recycling |
| HSG7 | Dwelling Mix and Type |
| HSG13 | Standards of Converted Dwellings |
| HSG15 | Preservation of Residential Character |
| HSG16 | Housing Amenity Space |

Interim Planning Guidance for the purposes of Development Control

- 5.5 Core Strategies: CP4 Good Design
- CP19 New Housing Provision
- CP21 Dwelling Mix and Type
- CP25 Housing Amenity Space
- CP40 A Sustainable Transport Network
- Policies: DEV1 Amenity
- DEV2 Character and Design
- DEV10 Disturbance from Noise Pollution
- DEV13 Landscaping and Tree Preservation
- DEV15 Waste and Recyclable Storage
- DEV16 Walking and Cycling Routes and Facilities
- DEV17 Transport Assessments
- DEV19 Parking for Motor Vehicles
- DEV22 Contaminated Land
- HSG2 Housing Mix
- HSG7 Housing Amenity Space
- CON2 Conservation Areas

Core Strategy Submission Document December 2009

- 5.6 Urban living for everyone SO7, SO8, SO9 and SP02
- Creating attractive and safe streets and spaces SO20, SO21 and SP09
- Creating distinct and durable places SO22, SO23 and SP10
- Delivering placemaking SO25 and Bow Vision Statement

Supplementary Planning Guidance/Documents

- 5.7 SPG Residential Space Standards

Community Plan The following Community Plan objectives relate to the application:

- 5.8 A better place for living safely
- A better place for living well

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health – Daylight and Sunlight

6.3 The Environmental Health Daylight and Sunlight Officer advised that the daylight/sunlight report prepared by Drivers Jonas dated 05/02/10 has been assessed. The impact on 71 and 73 Fairfield Road in terms daylight/sunlight has been reviewed and the contents of the report are acceptable.

Network Rail

6.4 Network Rail advised that the alterations to the building will not encroach toward Network Rails operational land and a 1.5 metre gap has been left between the building and the viaduct. Therefore Network Rail has no objection to the principal of the development and advises the potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24

and the local planning authority should use conditions as necessary.

Crossrail

6.5 To date no comments have been received.

7. LOCAL REPRESENTATION

7.1 A total of 90 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	1	objecting containing	34	signatories	
		0	supporting		

7.2 A letter of objection was received from the local ward Councillor.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.4 The building was not built in accordance with the approved plans which granted planning permission in 2006 and the amended drawings should not be approved.

7.5 Impact in term of daylight and sunlight on the residents of 71 and 73 Fairfield Road. Concern about the Daylight and Sunlight Report and the fact that nobody visited the property.

7.6 The proximity of the proposed development and the impact in terms of overlooking on the residents of 71 and 73 Fairfield Road.

7.7 The increased mass of the building in comparison with the 2004 approval and the impact this has in terms of sense of enclosure on existing residents at 71 and 73 Fairfield Road.

7.8 [**Officer Comment:** *Daylight and Sunlight, Overlooking and Sense of Enclosure are discussed at paragraphs 8.24 – 8.41 of this report within the Amenity section.*]

7.9 Parking provision on site – there are currently eight cars parked on site, this is not in line with policy.

7.10 [**Officer Comment:** *This matter is discussed within the Highways section of this report at paragraphs 8.42 – 8.48.*]

7.11 The alterations to the plans are cosmetic measures which are not acceptable. How will the LPA control the retention of the cedar panels and ensure overlooking does not become an issue.

7.12 [**Officer Comment:** *This matter is discussed within the Design section of this report at paragraphs 8.3 – 8.14 and the Amenity section of this report at paragraphs 8.24 – 8.41. It is noted that the retention of the cedar panels and obscure glazing would be controlled via condition.*]

7.13 There is rubbish strewn around the site because the condition in respect of the bin stores was not complied with and the landscaping details were never implemented.

- 7.14 [**Officer Comment:** Landscaping is discussed within paragraphs 8.22, 8.42 and 8.47 and refuse is discussed within paragraph 8.46 of this report. The retention of the bin stores and the implementation of landscaping will be controlled via condition.]
- 7.13 The following procedural issues were raised in representations, and are addressed below:
- 7.14 The LPA did not take timely and appropriate Enforcement Action.
- 7.15 [**Officer Comment:** Please refer to the Planning History section of this report which sets out the action taken by the Enforcement Team. This does not include the correspondence and meetings which also took place. Officers' consider that the LPA acted appropriately and when expedient took the necessary enforcement action.]
- 7.16 Why were residents not involved in discussions in respect of amendments to the scheme?
- 7.17 [**Officer Comment:** The LPA carried out the necessary public consultation in compliance with Statutory Guidelines. It is also noted that Officers' were aware of resident's concerns during the course of these discussions.]

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design
- Housing
- Amenity
- Highways
- Other

Land Use

8.2 The principle of a residential use at this location was established when the LPA granted planning permission in January 2006. Fairfield Road contains a mix of industrial and residential uses and it is considered that the principle of a residential use at this location is acceptable.

Design

8.3 Saved policy DEV1 of the adopted Unitary Development Plan (UDP) outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, development should take into consideration the safety and security of the development.

8.4 Policy CP4 and DEV2 of the Interim Planning Guidance (IPG) seek to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensuring the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.

8.5 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the Core

Strategy Submission Version 2009 (CS).

8.6 The LPA approved planning permission for the construction of part three part five storey building under planning reference PA/04/01757. For clarity this scheme shall be referred to as the '2006 scheme' as this was the year when it received planning permission. The building which is currently on site will be referred to as the 'as built scheme' and the plans currently under consideration will be referred to as the 'proposed scheme'.

8.7 Following an enforcement investigation it was evident that the building on site was not built in accordance with the approved plans.

8.8 The main differences between the '2006 scheme', the 'as built scheme' and the 'proposed scheme' are set out in Table 1.

8.9 Table 1: Comparison between three schemes

	'2006 scheme'	'as built scheme'	'proposed scheme'
Height	Part three part five storey	Part three part five storey	Part three part five storey
Ground Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Private amenity space • Communal amenity space • No on-site car parking 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No private amenity space • No communal amenity space • On-site car parking 	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Private amenity space • Communal amenity space • No on-site car parking
First Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies (northern elevation) 	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • No balconies and louvers introduced (northern elevation)
Second Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies and louvers introduced (northern elevation)
Third Floor	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of between 3.7 and 9.8 metres 	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of 2.7 metres 	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of 2.7 metres

	<ul style="list-style-type: none"> No set-back from railway line to the south Flat roof 	<ul style="list-style-type: none"> French doors and roof terrace Set-back from railway line to the south of 2.6 metres Pitched roof 	<ul style="list-style-type: none"> French doors replaced with window with opaque glazing. No roof terrace. Louvers introduced (northern elevation) Set-back from railway line to the south of 2.6 metres Pitched roof concealed behind parapet
Fourth Floor	<ul style="list-style-type: none"> Set back from eastern (front) elevation of between 3.7 and 9.8 metres No set-back from railway line to the south 	<ul style="list-style-type: none"> Set back from eastern (front) elevation of 2.7 metres Set-back from railway line to the south of 2.6 metres 	<ul style="list-style-type: none"> Set back from eastern (front) elevation of 2.7 metres Window with opaque glazing Louvers introduced (northern elevation) Set-back from railway line to the south of 2.6 metres

8.10 Table 1 provides a detailed comparison between the three schemes setting out the main differences. In design terms the 'as built' scheme was not considered acceptable. This was because design features which formed part of the '2006 scheme' had been omitted.

8.11 Following discussion with officer's the 'proposed scheme' has been submitted to the Council for consideration. The proposed building is similar in terms of design and appearance to the scheme approved in 2006. The introduction of a cedar louvre system adds interest to the northern elevation and the introduction of a parapet to conceal the pitched roof to adjacent to the railway line to the south is considered acceptable in design terms. Furthermore, the oriel window to the eastern elevation would now form part of the design.

8.12 The main alteration in respect of the '2006 scheme' and the current proposal is to the bulk and massing of the building. In assessing the bulk and massing of the proposed scheme reference is made to the character and appearance of the surrounding area. 71 and 73

Fairfield Road to the east of the proposed building are two storeys in height plus a basement level. Directly to the north of these properties is a six storey mixed use development. It is considered that in respect of bulk and massing the erection of a part three part five storey building in this location would be in keeping with the character and appearance of the surrounding area in respect of bulk, scale and massing.

- 8.13 The details of the cedar louver system as set out in the detailed drawings are considered satisfactory.
- 8.14 It is considered that the proposed building in respect of design, bulk, scale, massing and use of materials would be acceptable and in keeping with the character and appearance of the surrounding area in line with Council policies.

Housing

Housing Mix

- 8.15 The Borough is in short supply of suitable family sized accommodation (3-6 units) as demonstrated in the Strategic Housing Market and Needs Assessment (2009) which forms part of the CS evidence base. Saved policy HSG7 of the adopted UDP requires new developments to provide a mix of unit sizes including a substantial proportion of family housing. Policy CP21 Dwelling Mix and Type of the IPG seeks new developments to contribute to the creation of mixed communities by offering a range of housing choices including a mix of dwelling sizes, family housing and accessible homes. Furthermore, policy CP19 New Housing Provision of the IPG seeks that new housing developments contribute to the Borough's housing need in particular contributing to family housing. These aims are reiterated within policies SO7, SO8 and SP02 of the CS.
- 8.16 The 2006 scheme was for the provision of 8 residential units comprising 1 x 3 bed and 7 x 2 bed. The proposed scheme is for the provision of 8 residential units comprising 2 x 3 bed and 6 x 2 bed.
- 8.17 The increase in provision in family housing is welcome and is in line with policy. The proposed housing mix is considered acceptable.

Residential Space Standards

- 8.18 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments. In terms of unit size table 1 below sets out the overall unit sizes. It is noted that four of the units do not meet the minimum space standards. It is necessary to balance the numerical standards against the overall layout of the units, the fact that they are occupied and the level of provision of communal amenity space. In this instance, it is not considered that this would justify refusal of the scheme.

8.19 Table 2: Residential Space Standards

Flat No.	Target Size	Actual Size
1 (3 bed 4 person)	70	60
2 (2 bed 3 person)	57	61
3 (2 bed 3 person)	57	60
4 (2 bed 3 person)	57	67
5 (2 bed 3 person)	57	68
6 (2 bed 3 person)	57	50
7 (2 bed 3 person)	57	50
8 (3 bed 5 person)	84	75

Amenity Space

- 8.20 Saved policies HSG16 of the adopted UDP and Policy CP25 of the IPG provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme.
- 8.21 There are two residential units at ground floor level and these both have private amenity space which is welcome. The proposed residential units at the upper floors do not include the provision of private amenity space. It is noted that the 2006 scheme included the provision of private amenity space in the form of recessed balconies. Given, the form of the building, the addition of balconies would result in overlooking to the adjacent residential property. As such, the constraints of the building as built would not allow for the provision of private amenity space in the form of balconies.
- 8.22 The submitted drawings include a landscaping scheme for the communal areas of the development which includes hard and soft landscaping at ground floor level. In order to ensure that the proposed landscaping is implemented this matter would be controlled via condition. (This matter is also referred to at paragraphs 8.42 and 8.44.)
- 8.23 It is not considered that the lack of provision of private amenity space for six of the proposed residential units would be justified in this instance given that the proposal includes a communal amenity area and given the constraints of the existing building form.

Amenity

- 8.24 Saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that adjoining buildings are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylighting and sunlighting conditions.

The submitted daylight and sunlight report assessed the daylight and sunlight levels for the existing residential properties at 71 and 73 Fairfield Road, prior to the construction of the building on site with the '2006 scheme' and the 'proposed scheme'. For the purposes of this report, officers have compared the 'proposed scheme' against the figures prior to the erection of a building on site.

Impact on Residential Properties – Sunlight

- 8.25 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The Sunlight figures have been compared between the 'proposed scheme' and the '2006 scheme'.

71 Fairfield Road

- 8.26 In respect of 71 Fairfield Road, the figures for Annual Probable Sunlight Hours (APSH) for winter and summer are acceptable and in line with BRE Guidance. All of the windows either receive a minimum of 5% APSH for winter and 25% APSH overall or there has been no change as a result of the erection of a building on site.

73 Fairfield Road

- 8.27 In respect of 73 Fairfield Road, four windows were tested. In respect of APSH and winter levels two were above BRE guidance. However, the lower ground floor window and one of the windows tested at ground floor level fall below BRE guidance.
- 8.28 The winter APSH figures drops from 2% to 0% for the lower ground floor window and from 4% to 0% for the ground floor window. To conclude of the four windows tested, two would not meet the guidance set out within BRE guidance. It is considered that a balanced view of the level of failure needs to be taken given the urban nature of the site and the fact that 73 Fairfield Road is a dwelling house which is dual aspect. On balance it is not considered that the 'proposed scheme' should be refused on the basis of the failure of two windows in respect of APSH for winter sunlight given the dwelling house as a whole would have acceptable sunlight levels for winter and summer.

Daylight

- 8.29 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests. The Daylight figures have been compared between the 'proposed scheme' and the results prior to the erection of a residential building on site.
- 8.30 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.31 In respect of VSC and NSL, at 71 and 73 Fairfield Road, where losses occur between the '2006 scheme' they are less than 20% of the former value and this in line with BRE Guidance and Council policy.

Overshadowing

- 8.32 BRE Guidance states that open spaces should receive no less than 40% of available annual sunlight hours on the 21st March. Furthermore, any additional loss must be within 20% of the former conditions.
- 8.33 In respect of 71 Fairfield Road, the garden would receive 20% sunlight in March. There is no change between the baseline figure (prior to the construction of a residential building on site) and the current situation and this in line with BRE guidance.
- 8.34 In respect of 73 Fairfield Road, the garden would receive 76% sunlight in March which is above BRE guidance and acceptable.

Conclusion

- 8.35 The Environmental Health Daylight and Sunlight Officer, has reviewed the submitted Daylight and Sunlight Report and has raised no objections. He carried out a site visit with the Daylight and Sunlight Consultant in order to ensure that the proposed calculations were carried out correctly. It is considered that the 'proposed scheme' would have a negligible impact when considered against the results prior to the erection of a residential building on site and the report demonstrates that the windows and rooms tested are broadly in line with BRE Guidance and Council policy.

Sense of Enclosure, Outlook, Privacy and Overlooking

- 8.36 Firstly, in respect of 71 and 73 Fairfield Road, it is not considered that the proposed development would have an adverse impact on the existing residents in respect of sense of enclosure, outlook, privacy and overlooking.
- 8.37 In respect of sense of enclosure and outlook, the minimum separation distance at ground, first and second floor level is approximately 13.9 metres and this increases at third and fourth floor level to approximately 16.6 metres. Consequently, it is not considered that the proposed building would have an adverse impact on the existing residents in respect of sense of enclosure. It is also noted that 71 and 73 Fairfield Road are dwelling houses which are dual aspect and benefit from views onto the site and across Fairfield Road.
- 8.38 In respect of privacy and overlooking, it is noted that the minimum separation distance would be approximately 13.9 metres. At ground and first floor level there would be no direct overlooking because the design of the proposed scheme reinstates oriel windows which were part of the '2006 scheme'. At second floor there are no windows along the eastern elevation. At third and fourth floor level the building line is set back to create a separation distance of approximately 16.6 metres; furthermore these windows would have opaque glazing which would prevent direct overlooking and loss of privacy. The retention of this opaque glazing would be controlled via condition. To ensure that the roof of the three storey element of the building would not be used as a roof terrace, the French doors have been removed. This matter would also be controlled via condition.
- 8.39 In respect of the windows along the northern elevation, a cedar louver system has been attached in order to prevent direct overlooking and loss of privacy for the residents to the north of the site.
- 8.40 To conclude, it is considered that the proposed development would not have an adverse impact on the adjacent residents in respect of amenity and would be in line with Council policy.

Noise

- 8.41 It is noted that Network Rail, have stated that the necessary acoustic remediation should be controlled via condition in order to ensure that the amenity of future residents would not be adversely affected by the adjacent railway line. The previous decision notice had a condition which stated the development had to be carried out in line with the submitted noise report. This is considered acceptable and the matter would be controlled via condition again. This is in line with saved policy DEV50 and HSG15 of the adopted UDP and DEV10 of the IPG which seek to protect residential amenity.

Highways

- 8.42 Policy CP40 of the IPG seeks to ensure that the Council will create a sustainable transport network in the Borough which would seek to minimise car travel and support walking, cycling and public transport. Saved UDP policies T16, T17 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, which outline that in respect of new development consideration, should be given to the impact of the additional traffic which is likely to be generated. Furthermore, policies 3C.1, 3C.2, 3C.21, and 3C.23 of the London Plan and policy SP09 of the CS reflect these policies.
- 8.43 The site has a combined PTAL range of 4 and 5. The '2006 scheme' secured the development as car free with a Grampian condition requiring a Section 106 Car Free Agreement. This would prevent occupiers of the building from applying for on-street car parking permits. The 'proposed scheme' would also be secured as a car free development which is welcome and in line with policy.
- 8.44 However, the occupiers currently use the hard landscaped section of the development to park their cars. In order to ensure that there would be no car parking within the site by residents it is proposed to attach a condition restricting the use of the site for car parking. Furthermore, as discussed at paragraphs 8.22 and 8.44 the implementation of the proposed landscaping plan would be controlled via condition.
- 8.45 The level of cycle parking provision within the scheme is acceptable and a condition would be used to ensure the retention of these spaces if planning permission were to be granted.

Other Planning Issues

Refuse Storage

- 8.46 The proposed refuse storage appears acceptable and in line with saved policy DEV56 of the adopted UDP and policy DEV15 of the IPG and planning standard 2. In order to ensure that it will be retained in perpetuity this matter will be controlled via condition.

Landscaping

- 8.47 The proposed landscaping scheme is considered acceptable and includes both hard and soft landscaping. Residents raised concerns about the removal of trees during the course of construction and the lack of any landscaping within the current scheme. It is considered that the submitted landscaping plan which includes the provision of trees would be acceptable. Furthermore, in order to ensure that the proposed landscaping plan would be implemented this matter would be controlled via condition. This is in line with saved policy DEV12 of the UDP and policy DEV13 of the IPG. (This matter is also referred to at paragraphs 8.22 and 8.42.)

Contaminated Land

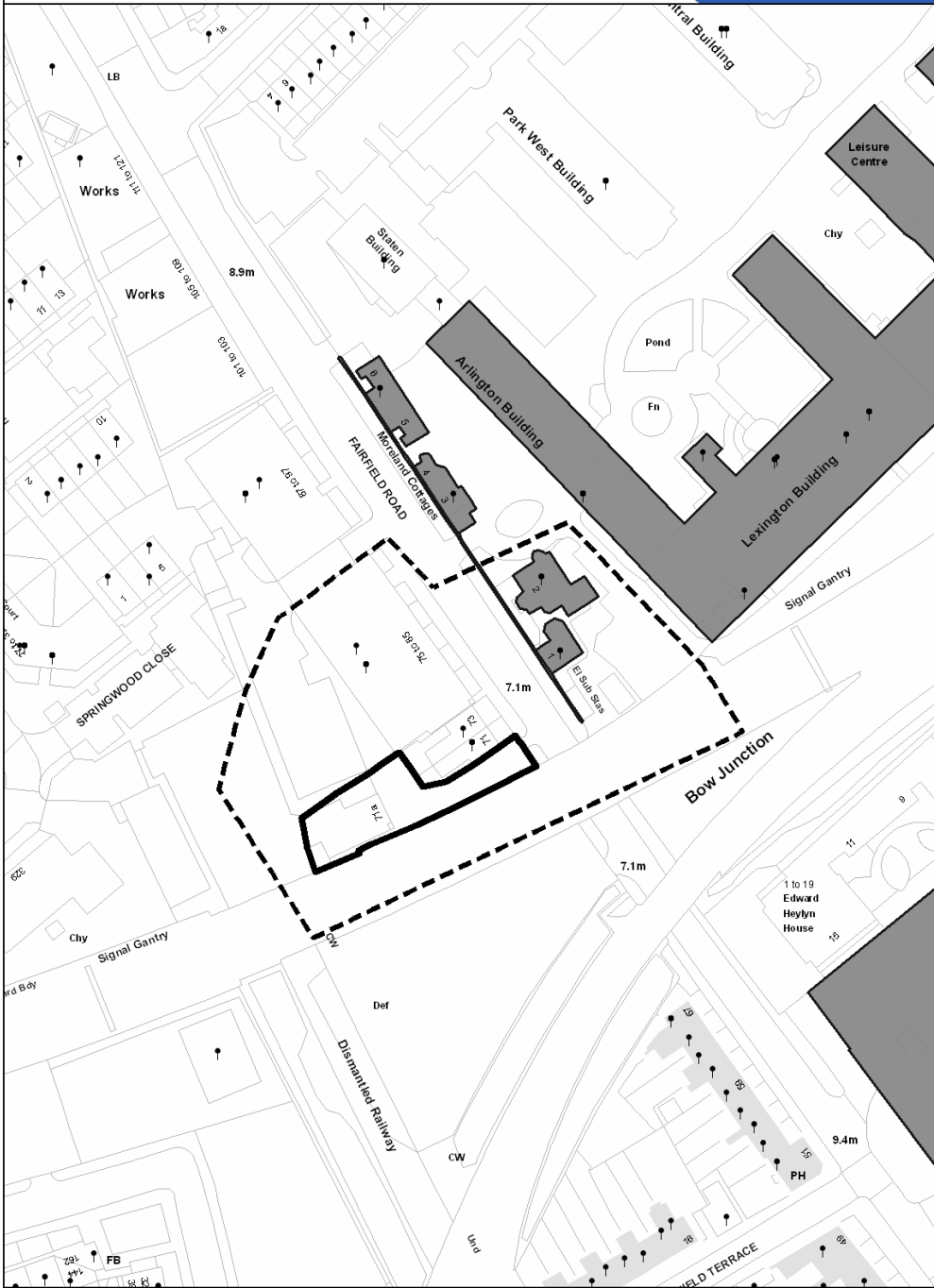
- 8.48 It is noted that the previous application had a condition requiring the submission of a contaminated land report which has not been complied with. It is considered that a land contamination condition should be attached to this consent in order to ensure any necessary remediation is carried out. This is in line with saved policy DEV51 and DEV55 of the adopted UDP and policy DEV22 of the IPG.

Conclusions

- 8.49 All other relevant policies and considerations have been taken into account. Planning

permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

Agenda Item 7

Committee: Development	Date: 14 th September 2010	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Development	Date: 14 Sept 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/10/00893	
		Ward(s): Bethnal Green North	

1. APPLICATION DETAILS

- Location:** 47a St Peters Close, London, E2 7AE
- Existing Use:** Pram store facility and open communal amenity space.
- Proposal:** Conversion and extension of the pram store facility into a two bedroom ground floor flat with associated private amenity space.
- Drawing Nos:** OS plan, E 001, E 002, E 003, E 004, E 005, P 101 REV. A, P 102 REV. A, P 103 REV.A, P 104 REV.A, P 105
- Documents**
- Impact Statement, dated 26 April 2010
 - Design and Access Statement, August 2010
 - Mansford Estate Tree Specifications, May 2010
- Applicant:** Tower Hamlets Community Housing
- Owner:** Tower Hamlets Community Housing
- Historic Building:** N/A
- Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Core Strategy Submission Version November 2009, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

1. The loss of the existing pram store facility and amenity land is acceptable as the proposal would provide additional housing and maximise the potential of the site. As such the proposal accords with the objectives of policies 2B.1, 3A.3 and 4B.1 of the London Plan (consolidated with alterations since 2004) 2008, saved policy OS7 of the Unitary Development Plan and policy SP03 of the Core Strategy November 2009, which seek to maximise the supply of housing and ensure development is compatible with the local context of the site.
2. The external alterations and extension to convert the pram store are applicable to local context and of suitable design. As such, the proposal accords with

saved policy DEV1 of the Unitary Development Plan 1998 and DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure a high standard of design and materials for new developments within the Borough.

3. The conversion of the pram store into a two bedroom flat would assist the supply of a larger housing unit in the Borough and accords with an identified housing need. The proposed dwelling houses would offer an acceptable standard of accommodation with access to adequate amenity space. The proposal therefore accords with London Plan (consolidated with alterations since 2004) 2008 policy 3A.5 and saved policies HSG7, HSG13 and HSG16 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to ensure a good standard of new housing provision.
4. The scale of development, and separation distances to neighbouring properties, is such that the proposal would not result in any significant loss of daylight, sunlight, privacy or an increased sense of enclosure to the occupiers of neighbouring residential properties. As such the proposal accords with the aims of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, which seeks to preserve residential amenity.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.

3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

3.3 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.

3.4 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.5 Informative:

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The design proposes a conversion and extension of the existing pram store into a two bedroom (3 person) flat. The proposal would extend the ground floor building line by 3.5 metres to the east to achieve the appropriate interior area and provide sufficient private external & defensible amenity space. The proposed extension would align with No. 49 St Peters Close.

- 4.2 The proposal is set back more than 3 metres from the boundary line, to allow for private amenity space. The conversion would use red bricks and aluminium joinery; the roof would be finished as a green roof and covered in sedum.
- 4.3 Cycle storage would be provided within the private amenity space. The proposal would not alter any existing points of access.

Site and Surroundings

- 4.4 St Peters House is a 3 and 4 storey block of flats. It is located on the Mansford Estate. The site is part of a large housing estate of red brick, concrete framed residential blocks constructed in the 1970's. The buildings on the estate are surrounded by landscaped amenity spaces and car parks.
- 4.5 The site, 47A St Peters Close is located on the ground floor of St. Peters House and is currently used as a pram storage facility. It sits in between Zander Court & Mullet Gardens, bordered by St. Peters Close.
- 4.6 The application site has an area of 100 square metres and is roughly rectangular in shape.
- 4.7 The Mansford Estate is bordered by Old Bethnal Green Road to the south with Bethnal Green Road beyond and Hackney Road to the north. Numerous buses routes traverse east/west along both Hackney Road and Old Bethnal Green Road. Cambridge Heath Railway Station is a short walk east of the site and Bethnal Green underground station is a 15 minute walk southeast of the site.
- 4.8 The site currently houses 15 pram storage sheds, four of which are currently being rented to occupants of the estate. The remaining 11 are vacant. THCH has offered alternative facilities in a nearby pram store within the estate for the existing leaseholders.
- 4.9 The site is not part of a Conservation Area or near to any listed buildings. However, the Old Bethnal Green Road, Hackney Road and Jesus Hospital Estate Conservation Areas border the estate. The site has no other specific designations in the Unitary Development Plan or any other emerging Council planning policy.

Planning History

- 4.10 Planning permission PA/10/01047 was granted on 09 August 2010 for the conversion of existing pram store into a 1 x 1 bed flat including a ground floor extension, private amenity area and landscaping to facilitate the conversion. (Pram store adjacent to 13 St Peters Close)
- 4.11 Planning permission PA/10/00606 was granted on 10 June 2010 for the change of use and conversion of existing ground floor pram stores with additional extension to form a new 3 bedrooms self contained flat. (9A St Peters House, St Peters Close)
- 4.12 Planning permission PA/08/01985 was granted on 30 October 2008 for the conversion of pram store to form a two bedroom flat works include an 8m (width) x 3.5m (length) x 3m (height) extension and 17m² amenity space. (9A St Peters Close)

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan (as saved September 2007)

Policies:	ST1	Deliver and Implementation of Policy
	ST23	Quality Housing Provision
	ST28	Restrain Private Car
	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV12	Landscaping in development
	DEV50	Noise
	DEV55	Waste recycling facilities
	HSG7	Housing Mix and Type
	HSG13	Residential Space Standards
	HSG15	Preserving Residential Character
	HSG16	Amenity space

5.3 Core Strategy 2025: Development Plan Document

SO3: Achieving wider sustainability
SO7, SO8, SO9 and SP02: Urban Living for everyone
SO10 and SP02: Creating healthy and liveable neighbourhoods
SO12, SO13 and SP04: Protecting Open Space

5.4 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP19	New Housing Provision
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Spaces
	CP46	Accessible and Inclusive Environments
	CP40	A sustainable transport network
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility and inclusive design
	DEV5	Sustainable Design
	DEV15	Waste and Recyclables storage
	DEV19	Parking for Motor Vehicle
	HSG1	Determining Residential Density
	HSG7	Housing Amenity Space
	OSN2	Open Space
	PS2	Refuse and Recycling Provision

5.5 Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements

5.6 Spatial Development Strategy for Greater London 2008 (London Plan)

- 2A.1 Sustainable development
- 3A.1 Increasing London's Supply of Housing
- 3A.2 Borough Housing Targets
- 3A.3 Maximising the potential of sites
- 3A.4 Efficient Use of Stock
- 3A.5 Housing Choice
- 3A.6 Quality of new housing provision
- 3C.1 Integrating transport and development
- 3C.3 Sustainable transport in London
- 3C.21 Improving conditions for walking
- 3C.22 Improving conditions for cycling
- 3C.23 Parking strategy
- 4B.1 Design principles for a compact city
- 4B.3 Maximising the potential of sites
- 4B.5 Creating an inclusive environment
- 4B.6 Sustainable Design and construction
- 4B.7 Respect Local context and communities

5.7 Government Planning Policy Guidance/Statements

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG13 Transport

5.8 Community Plan:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

No external body consultation was required for the application.

7. LOCAL REPRESENTATION

7.1 A total of 39 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 3 Objecting: 2 Supporting: 1
No of petitions received:
1- of objection containing 38 signatories

7.3 The letters and petitions of objection raised the following planning issues:-

- The loss of communal / open space – please refer to sections 8.4 – 8.6 of the report.
- Over -development of the estate resulting in enclosure and restricting outlook - please refer to sections 8.20 – 8.23 of the report.
- Lack of natural light and ventilation into the proposed conversion - please refer to sections 8.09 – 8.11 of the report.
- Quality of design and finishes to proposal - please refer to sections 8.12 of the report.
- Unpractical 'defensible space' for amenity usage - please refer to sections 8.18 of the report.

7.4 The letter of support raised the following issues:

No objection to proposal. Supportive of existing trees remaining on site.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that Members must consider are:

Land Use
Design
Amenity
Highways

Land Use

8.2 The land use issues relate to the existing pram store facility, the loss of the existing communal amenity space and the principle of providing new housing.

Loss of pram stores

8.3 The site currently houses 15 pram storage sheds, 4 of which are currently being rented to occupants of the estate. The remaining 11 are vacant. THCH has offered alternative facilities in a nearby pram store within the estate; this is considered acceptable.

Loss of amenity space

8.4 Saved policy OS7 of the adopted Tower Hamlets Unitary Development Plan states that planning permission '*will not normally be given for any development that result in the loss of public or private open space having significant recreation or amenity value*'. The policy also states that housing amenity land can be laid out as individual gardens for adjoining homes by agreement with residents. The aims of this policy are reflected in policies CP30 and OSN2 of the Council's Interim Planning Guidance.

8.5 The application encroaches onto the area of amenity land to the east of St Peters Close. The proposal would involve the loss of approximately 64 square metres of existing communal amenity space. This space would be incorporated into the site to provide the additional floor space and private amenity space for the new dwelling.

- 8.6 Officers consider that the loss of the amenity land is acceptable because:-
- i) The amenity space is being lost to provide private garden space,
 - ii) The proposal affects a relatively small amount of land, with the majority of land with significant amenity value retained.

8.7 Principle of additional housing

Policies 3A.1 and 3A.2 of the London Plan (consolidated with alterations since 2004) 2008 seek the maximum provision of additional housing in London. Policy SP02 of the Core Strategy 2025 Development Plan Document sets Tower Hamlets a target to deliver 43, 275 new homes (2, 885 a year) from 2010 to 2025.

- 8.8 The application proposes to convert an existing vacant pram store and communal amenity space to provide a new ground floor dwelling house. The site is in a predominantly residential area. The use of the site would respond to an identified priority on land-use in the Borough and is compatible with the character of the area. As such, the proposal is acceptable.

Design

- 8.9 Saved Policy DEV 1 of the adopted Tower Hamlets Unitary Development Plan 1998 states that all development proposals should:-

1. Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
2. Be sensitive to the development capabilities of the site, not result in over development or poor space standards; be visually appropriate to the site and its setting;
3. Normally maintain the continuity of street frontage, and take into account of existing building lines, roof lines and street patterns;
4. Provide adequate access for disabled people in respect of the layout of sites and the provision of access to public buildings;
5. Be designed to maximise the feeling of safety and security for those who will use the development; and
6. Include proposals for the design of external treatments and landscaping.

- 8.10 Policies DEV2 and DEV4 of the Interim Planning Guidance (October 2007) reinforce this position by requiring that all development is of a high quality design is appropriate to local context and ensures that the safety and security of the development is maximised.

- 8.11 The proposal involves a small single storey extension adjoining the pram store to facilitate the creation of a residential unit. The ground floor flat would consist of a kitchen/dinning area, lounge, two bedrooms and a private front amenity space. The existing trees adjoining the store would be retained. The new extension would receive adequate natural light and ventilation as two windows are proposed at front elevation together with the main door. Furthermore, a skylight with obscured glazing is to be installed on the roof of the extension for additional lighting.

- 8.12 Given the importance on high quality design and the need for the extension to be matching to the adjoining existing buildings, it is recommended that a condition is included to ensure the materials are appropriate.

- 8.13 Subject to conditions, it is considered that the overall design, scale and layout of the

conversion and extension are sympathetic to the capabilities of the site. As such, the proposal accords with saved policy DEV1, DEV9 and HSG13 of the Tower Hamlets Unitary Development Plan (1998) and DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure a high standard of design and materials for new developments within the Borough.

Standard of accommodation and Amenity Space Provision

- 8.14 Saved policy HSG13 of the Unitary Development Plan, and advice in Supplementary Planning Guidance Note 1, set space standards for new residential development. Saved UDP policy HSG16 and IPG policy HSG7 set standards for the provision of amenity space for new residential development. London Plan policies 3A.5 and 3A.6 seek quality in new housing provision, and compliance with accessibility standards.
- 8.15 The internal layout of the proposed flat is logical, with dedicated circulation allowing access to all rooms from a central hallway. Rooms benefit from appropriately positioned windows, to provide adequate daylight and sunlight. The dwellings also have dedicated areas for storage indicated on the plans.
- 8.16 Supplementary Planning Guidance Note 1: Residential Space details minimum unit and room sizes for new development. A standard of 57 square metres is set for a 2 bedroom (3 person) ground floor dwelling house. The proposed dwelling has an internal floor area of 61.5 square metres.
- 8.17 Saved UDP policy HSG16 and IPG policy HSG7 require new residential development to provide adequate amenity space. A minimum of 50 square metres is specified for a 2 bedroom dwelling. The development would provide a 36sqm of private amenity space to the front of the property.
- 8.18 Given the constraints of providing amenity space in an urban location, the overall amount and quality of the amenity space provision is considered acceptable. It is considered that the provision is in keeping with other private amenity spaces on the site.
- 8.19 Overall, in design terms, the proposed dwelling would offer a good standard of accommodation for future occupiers.

Amenity

- 8.20 Saved policy DEV2 of the UDP and policy DEV1 of the IPG requires development to protect, and where possible improve the amenity of the surrounding area. Policy DEV2 seeks to ensure that the occupiers of adjoining buildings are not adversely affected by a material deterioration of their day lighting and sun lighting conditions, or by loss of privacy.
- 8.21 The impact of the development has been considered on the following neighbouring properties, namely Nos. 47 St Peters Close and Mullet Gardens. As the extension is only a single storey addition, no loss of light or sense of enclosure is envisaged to the property at No. 47 and those at Mullet Gardens. It is not considered that the conversion and extension constitutes overdevelopment of the site.
- 8.22 The main orientation of the unit is to St. Peters Close. There is one double glazed PVC window which is proposed to be installed on the south flank wall of the new extension. This window would be at an oblique angle to the entrance to the ground

floor unit of Mullet Gardens. However, this window would also be curtained by the proposed 1.4m high fence around the external amenity space. All other windows do not directly overlook any adjoining neighbours. The proposed fence would also ensure the privacy of the new occupiers of this new flat.

- 8.23 In conclusion, there would not be any loss of daylight or sunlight, given the scale of the extension and separate orientation to adjoining properties. It is also not considered that the proposal would lead to any unreasonable loss of privacy or sense of enclosure and is therefore acceptable.

Highways

Access

- 8.24 Saved policy T16 of the adopted UDP seeks to ensure that the operational traffic from a proposed use is taken account of when granting planning permission for a development. Saved policy T18 seeks to give priority to the safety and convenience of pedestrians.
- 8.25 This application has no significant Highways impacts. The proposal does not encroach onto the public highway/footpath. However a Car Free condition is recommended given the council's drive to reduce car use within the borough.

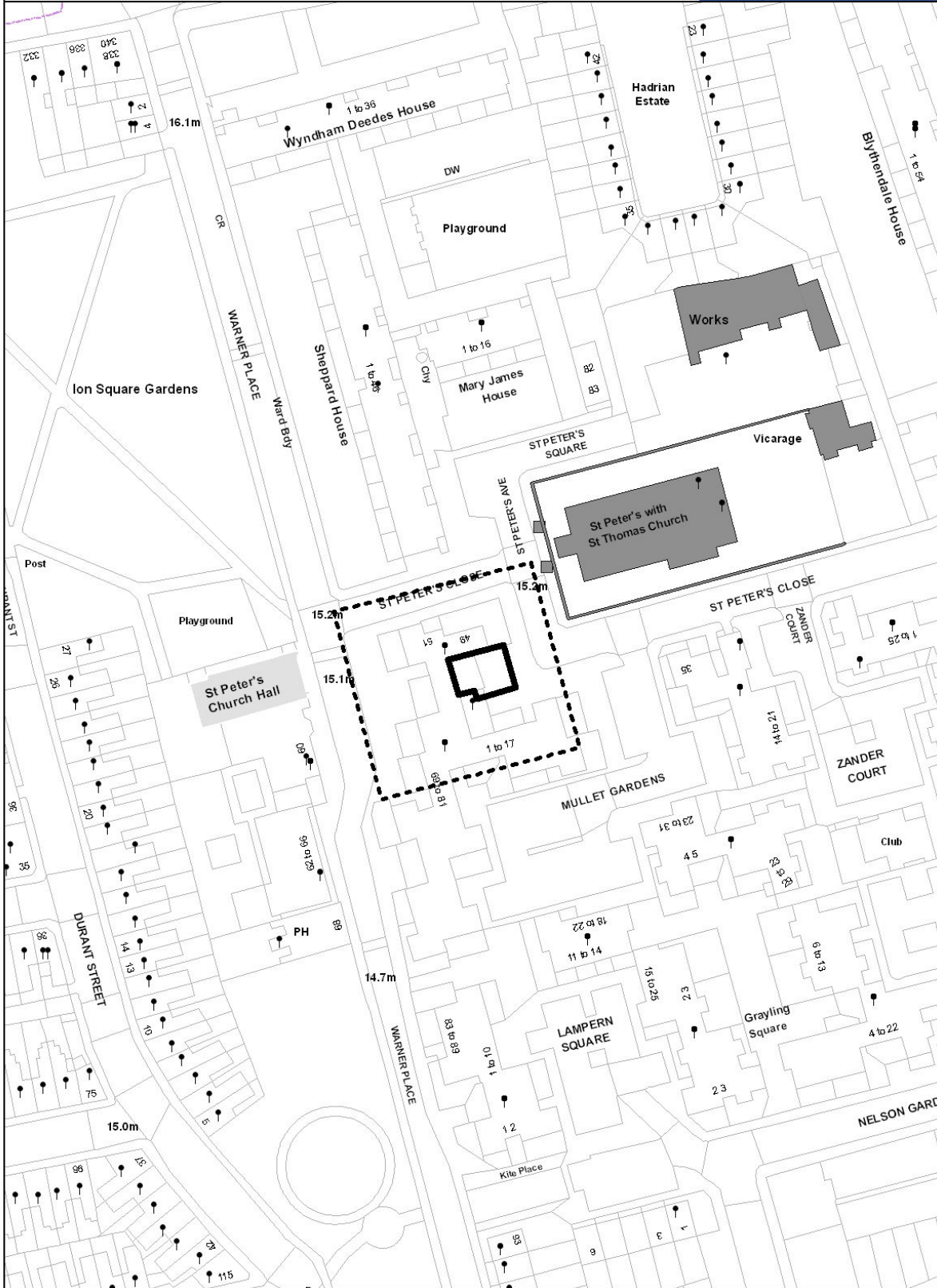
Servicing and refuse

- 8.26 Saved policy DEV55 of the UDP requires that adequate provision is made for waste and recycling storage in new development. The application proposes an enclosed store at the front of the dwelling. These are suitably located to allow for the collection of refuse. Refuse collection would take place as part of the existing arrangements for collection from the properties St Peters Close. This is considered acceptable.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:1,250
 Consultation Area	 Statutory Listed Buildings	0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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