



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 1 June 2011 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair:	
Councillor Kosru Uddin Councillor Gloria Thienel Councillor Helal Uddin Councillor Shiria Khatun Councillor Marc Francis 1 Vacancy	Councillor Peter Golds, (Designated Deputy representing Councillor Gloria Thienel) Councillor Tim Archer, (Designated Deputy representing Councillor Gloria Thienel) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Gloria Thienel)
<b>[Note: The quorum for this body is 3 Members].</b>	

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](mailto:zoe.folley@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 1 June 2011

7.00 p.m.

### 1. ELECTION OF VICE-CHAIR

At the Annual Meeting of the Council held on 18<sup>th</sup> May 2011, Councillor Helal Abbas was appointed Chair of the Development Committee for the Municipal Year 2011/2012.

However, it is necessary to elect a Vice-Chair of the Development Committee for the Municipal Year 2011/2012.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. 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.

### 4. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Development Committee held on 6<sup>th</sup> April 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

### 5. 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.



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# Agenda Item 3

## 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 7.00 P.M. ON WEDNESDAY, 6 APRIL 2011**

**M71 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Judith Gardiner (Vice-Chair)

Councillor Peter Golds

Councillor Ann Jackson

Councillor Kosru Uddin

Councillor Stephanie Eaton

**Other Councillors Present:**

Councillor David Snowdon

Councillor Amy Whitelock

**Officers Present:**

- |                 |   |
|-----------------|---|
| Jerry Bell      | – (Strategic Applications Manager Development and Renewal)        |
| Richard Murrell | – (Deputy Team Leader, Development and Renewal)                   |
| Jen Pepper      | – (Affordable Housing Programme Manager, Development and Renewal) |
| Ila Robertson   | – (Applications Manager Development and Renewal)                  |
| Pete Smith      | – Development Control Manager, Development and Renewal            |
| Shay Bugler     | – (Strategic Applications Planner, Development and Renewal)       |
| Fleur Brunton   | – (Senior Lawyer - Planning Chief Executive's)                    |
| Alan Ingram     | – (Democratic Services)   |

**COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Mohammed Abdul Mukit MBE and from Councillor Judith Gardiner for lateness.

**2. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item(s)</b>	<b>Type of Interest</b>	<b>Reason</b>
Carli Harper-Penman	7.2	Personal	She lived in a gated community and the application sought the provision of gates to a discrete residential estate.
Peter Golds	7.2	Personal	He lived in close proximity to the application site. He had received information from the applicant but had only read this and drawn no conclusions about his likely decision.
	7.3	Personal	

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10<sup>th</sup> March 2011 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, together with details of persons who had registered to speak at the meeting.

## 6. DEFERRED ITEMS

## 7. PLANNING APPLICATIONS FOR DECISION

### 7.1 Land Adjacent To Bridge Wharf, Old Ford Road, London

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update concerning the application for planning permission at land adjacent to Bridge Wharf, Old Ford Road, London (Ref. No. PA/10/02510).

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

Mr Tom Ridge, a local resident, indicated that he was also a representative of the East London Waterways Group and was speaking in objection to the application. He pointed out that he had sent a letter to all Members of the Committee commenting on the matters of whether or not the site adjacent to Bridge Wharf had brownfield status, however his letter had been reduced to four bullet points in the report. He expressed the view that the site was not brownfield and had not been previously developed land, as there had only been a temporary structure there in the late 1980s. The proposed residential use did not comply with PPS3 as claimed in the report. The fact that the front view of the site was obscured by a wall was irrelevant as it could be seen well from other locations. To open up and develop the site would destroy a unique feature in two conservation areas, which also provided a green corridor, with Mile End Park and Victoria Park. This was also maintained by two small, wooded areas opposite the lock.

Ms Emily Greaves, a resident and owner at Bridge Wharf, speaking in objection stated that the proposed building would have a severe negative impact on open space, security, outlook and view, natural light and a quiet community. Development would produce dust that would affect the health of residents and wildlife. The size was unsustainably large and there would be no parking for builders or residents. There would be no waste disposal facilities and security would be compromised. The scheme would be at odds with the surrounding area and quality of life would be compromised. Environmental issues included the removal of a willow tree and damage to the roots of others. The site provided a breeding ground for birds, animals and bats, which should be protected so as to comply with legislation and the Council's own policies.

Councillor Amy Whitelock commented that she and Councillor Bill Turner had sent written objections when the application had been put before the Committee on 10<sup>th</sup> March 2011 and she had been delighted that Members had heeded her concerns about over-development, loss of open space and

loss of wildlife habitat. There had since been no substantial changes to the concerns she had raised and she was further concerned that Officers were still supporting the development. She felt that the report did not adequately address the concerns and objections raised. She could not understand why two large houses were being built in such a small space and this would not benefit the local community. Officers admitted that concerns about scale were sound and there was no mention of matters affecting wildlife. Many residents had commented on highways issues and the site linked two conservation areas and two parks, therefore the previous decision should be upheld. She noted that she lived on Old Ford Road and heard of near misses along this stretch of road all the time. She was therefore surprised that this concern had been dismissed by Officers.

Mr Andrew Hamilton, the applicant's agent, stated that he had worked in conjunction with the Planning Design Team on preparing the scheme. The site was not greenfield as it had been occupied by community buildings and a restaurant. It had been earmarked for future development. The site was currently walled, with no public access and had been subject to flytipping. The proposed two houses had been carefully designed for the site, with the scale and mass being subservient to existing houses. The development would contribute to the conservation area, not detract from it and there would be no overlooking of windows.

At the request of the Chair, Mr Richard Murrell, Deputy Team Leader, made a detailed presentation of the report and update including powerpoint maps relating to the application. He pointed out that the site history confirmed its status as brownfield, there having been a previous development, and earmarked for a social club but that proposal had fallen through. The housing provision would also help in meeting Borough targets. The development was clean and crisp and trees would be retained, with unattractive parkside fencing being removed. Windows relative to buildings to the south of the site were more than the standard distance away at 19m and there would be no direct overlooking. Nor would there be overshadowing of existing houses. Tree roots would be protected and there would be some pruning of willows, that would soon grow back. A condition of the planning approval would be to protect the use of the area by bats as a corridor and roost. Following earlier concerns raised by residents on highways matters, he pointed out that the houses would be set further back than the existing wall line, which would reduce footpath congestion. There had been one serious accident and two others around the location in the last 36 months and Officers felt that the development would improve the road situation.

There being no questions from Members, on a vote of 5 for and 0 against, the Committee **RESOLVED**

That planning permission at land adjacent to Bridge Wharf, Old Ford Road, London, for the erection of 2 no. three storey, four bed houses be **REFUSED** for the following reasons:

1. The proposed development, by reason of its scale, mass and increased sense of enclosure, would result in an overdevelopment of

this restricted site and a loss of open space, detrimental to the open character and visual amenities of the area and the character and appearance of the Victoria Park Conservation Area and the Regents Canal Conservation Area, contrary to polices SO23, SP02 and SP10 of the adopted Core Strategy Development Plan Document (2010), policy DEV1 and OS7 of the Unitary Development Plan 1998 ("saved") and polices DEV2, CON2 and HSG1 of Tower Hamlets Interim Planning Guidance (2007).

2. The proposed development, in view of the restricted pavement width found within this stretch of Old Ford Road, the highway alignment in the vicinity of the site and the proposed layout of the buildings close to the back edge of footway, would be detrimental to highway/pedestrian safety, contrary to policies SO20, SO21, SP03 and SP09 of the adopted Core Strategy Development Plan Document (2010) and policy DEV17 of Tower Hamlets Interim Planning Guidance (2007).

## **7.2 St David's Square, Westferry Road, E14**

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update report concerning the application for planning permission at St David's Square, Westferry Road, E14, for the erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate.

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

Mr Tim Edens, the applicant's agent, spoke in support of the application, stating that there was a high incidence of anti-social behaviour affecting the estate. This category of offence was not investigated by the Police but included vehicular damage, theft, graffiti and personal abuse. The gates at the main entrance would be set back and not be an alien or oppressive feature. There was no requirement for a public right of way through the estate and there was already clearly marked public access via Ferry Street. There was no record of any accidents at the entrance but Officer proposals would lead to vehicular/pedestrian conflict. He felt that there were shortcomings in the circulated report and it would be unsafe for Members to endorse that.

Ms Suzanne Parker, a resident of St David's Square, spoke in support of the application pointed out that there had been problems in contacting the local Crime Prevention Officer. Access to the walkway was much easier through Ferry Street. There were many incidents of anti-social behaviour, including constant ringing of doorbells, defecation in the estate and noisy behaviour of young people around the pool made her nervous. She was also nervous about using the car park at night.

Councillor David Snowdon, a Millwall Ward Councillor, spoke in support of the application, stating that there were clear problems with anti-social behaviour on the estate. Residents were trying to solve this themselves using their own resources. There were clear precedents for approvals of estate gates, at

Langbourne Place and Lockesfield Place on the Isle of Dogs and other locations throughout the Borough. Other partially social housing estates were gated and the issue did not relate solely to private housing. The measures had been taken principally to combat anti-social behaviour. He did not think there would be any impact on the Thames Walkway access. As a local resident he lived nearby and would not walk through the estate as there was no need to.

Ms Ila Robertson, Applications Manager, gave a detailed presentation based on the circulated report, **Tabled** update and a powerpoint map display. She pointed out that:

- St David's Square had 484 households and over 1,000 residents, with the front entrance to the estate being the main vehicular access to Westferry Road. There were three pedestrian access routes to the site and a circular link road around the estate was a shared surface for cars, pedestrians and other vehicles.
- Statutory consultation had resulted in concerns being raised about crime, anti-social behaviour, precedents of gated developments and the use of the car park and water feature by non-residents. Objections to the application were that a gated community would create a prison-like environment.
- This was one of the largest riverside sites on the Isle of Dogs, which comprised mainly ungated sites. It was 18 months since the application for gates at Lockesfield Place had been approved. Other such requests had been denied on appeal and security issues could be addressed by means other than gates.
- Borough policy was against gated sites so they would be permeable and to avoid dividing communities.
- The Crime Prevention Officer had advised that there were few problems on this site and were not of a level to justify gates. Vehicle crimes were low in relation to other areas and security measures such as rising bollards were available. Specific security measures for particular buildings would be preferable.

The Chair then invited questions from Members.

Members then asked questions relating to: access routes through the site, recording of crime and anti-social behaviour, attendance at Ward panel meetings, the doctrine of precedent in planning law; impact on people who wanted to access the Thames Walkway and alternative routes; lack of community meetings regarding security and anti-social behaviour issues; whether the levels of reported crime were sufficient to over-ride wider planning policies; the need for the size of the proposed gates compared with the general design of the area.

In response, Ms Robertson indicated that:

- The information from the Crime Prevention Officer had been given in good faith and the Safe Neighbourhood Team had discussed issues of crime and anti-social behaviour on the estate. She made the point that a number of other appeals had been won for gated estates. The

policy position had strengthened further since the adoption of the Core Strategy.

- Original commissions for the current gated estates would have been made in 1990 and 1997, when the London Docklands Development Corporation controlled planning matters. Subsequent projects such as the Millennium Quarter etc. were ungated.
- All other avenues should be exhausted before gating was considered.
- There had been discussions with the Crime Prevention Officer and Local Police Sergeant and there was no reason to doubt their advice. Much of what residents had said was not logged as evidence in the planning submission.
- The gate design had been provided by the applicants.

The Chair stated that, on the basis of comments made by Members during debate, there would be a vote on whether the report should be deferred.

Councillor Ann Jackson proposed a **motion**, seconded by Councillor Kosru Uddin and, on a vote of 5 for and 1 against, the Committee **RESOLVED**

That the application for planning permissions at St David's Square, Westferry Road, E14, for the erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate be **DEFERRED** to enable further information to be obtained on:

- the levels of anti-social behaviour at St David's Square and comparable levels with the remainder of the Isle of Dogs and the Borough;
- the availability of alternate routes to Thames Walkway and Westferry Road and any likely access restrictions.

The Committee also recommended that a meeting of Millwall Crime Team, the local Police and residents should be arranged to discuss problems of anti-social behaviour affecting St David's Square.

### 7.3 Site L11, Chrisp Street, E14

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the report and **Tabled** update concerning the application for planning permission at Site L11, Chrisp Street, E14.

There being no registered speaker, Mr Shay Bugler, Strategic Applications Planner, made a detailed presentation of the application, making the points that:

- Access to public transport from the site was good.
- The density of 700 habitable rooms per hectare was acceptable.
- Affordable and social housing provision conformed to Borough policies.
- Massing of the development was appropriate for its context and quality materials were to be used.
- One letter of objection had been received but there was no loss of daylight/sunlight; loss of outlook or lack of amenity space.

There being no questions from Members, on a vote of 5 for and 0 against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Site L11, Chrisp Street, E14, for the demolition of existing garages and erection of four residential buildings ranging from 2-9 storeys in height providing 75 residential units (comprising 25 x 1 bed; 34 x 2 bed; 12 x 3 bed; 4 x 4 bed) and associated child playspace; public and private amenity space, subject to the prior completion of a legal agreement to secure planning obligations, and to the planning conditions and informatives as set out in the circulated report and amended by the update report **Tabled** at the meeting.
- (2) That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated in resolution (1) above.
- (3) That the Corporate Director Development & Renewal be delegated authority to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.
- (4) That, if by 6<sup>th</sup> July 2011 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

#### **7.4 Blitkehale Court, 10 Witan Street, London**

Councillor Judith Gardiner declared a pecuniary interest as she was a member of the Olympic Development Authority Planning Committee. She left the meeting room and did not participate in discussion, nor vote upon the matter.

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the report concerning the application concerning Blitkehale Court, 10 Witan Street, London.

As there were no registered speakers, Ms Ila Robertson, Applications Manager, made a detailed presentation of the application as contained in the circulated report. She added that there had been no objections received from residents.

Members then asked questions relating to the possibility of obtaining S106 financial contributions; what would happen to students displaced by the temporary change of use of accommodation.

Ms Robertson explained that there was no supplementary guidance documentation for S106 monies in these circumstances, particularly as the use would only be for two months. Most students went home during the period that the Olympics were in progress and the use as student accommodation would revert immediately afterwards.

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

- (1) That planning permission be **GRANTED** at Blithehale Court, 10 Witan Street, London, for temporary change of use from Student accommodation (Sui Generis use class) to allow occupation by officials and other persons associated with the London Olympic Games between 12/07/12 and 07/09/12 inclusive; reverting to original use as student accommodation thereafter, subject to the planning conditions as set out in the circulated report.
- (2) That the Corporate Director Development & Renewal be delegated power to impose planning conditions to secure the matters listed in the circulated report.

## 8. OTHER PLANNING MATTERS

### 8.1 Planning Appeals

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

In response, the Committee discussed the main findings and noted with thanks successful appeals and enforcement action at 1 Kingfield Street and Platinum Court.

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

That the details and outcomes of the appeals be noted as outlined in the report.

## CHAIR'S COMMENTS

The Chair stated that this would be the final meeting of the Committee she chaired in the Municipal Year and thanked Members and Officers for their contributions in undertaking the business of the Committee.

Councillors Golds and Jackson requested that their thanks be recorded for the work of the Chair over the past year.

The Chair then declared the meeting closed.

The meeting ended at 9.10 p.m.

Chair, Councillor Carli Harper-Penman  
Development Committee



# Agenda Item 6.1

<b>Committee</b>	<b>Date</b>	<b>Classification</b>	<b>Report No.</b>	<b>Agenda Item No.</b>
Development Committee	1st June 2011	Unrestricted		5.1
<b>Report of:</b> Assistant Chief Executive		<b>Title :</b> Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings		
<b>Originating Officer(s) :</b> Alan Ingram, Democratic Services		<b>Ward(s) affected:</b> N/A		

## 1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2011/12 for the information of members of the Committee.

## 2. Recommendation

- 2.1 That the Development Committee agrees to note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

## 3. Background

- 3.1 At the Annual General Meeting of the full Council held on 18<sup>th</sup> May 2011, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council on 18<sup>th</sup> May 2011, are as set out in Appendix 3 to this report.
- 3.4 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm with the exception of one meeting which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

## 4. Comments of the Chief Financial Officer

- 4.1 There are no specific comments arising from the recommendations in the report.

**5. Concurrent report of the Assistant Chief Executive (Legal)**

5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 18<sup>th</sup> May 2011.

**6. One Tower Hamlets Considerations**

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

**7. Sustainable Action for a Greener Environment**

7.1 There are no specific SAGE implications arising from the recommendations in the report.

**8. Risk Management Implications**

8.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

**9. Crime and Disorder Reduction Implications**

9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

**10. Appendices**

Appendix 1 Development Committee Terms of Reference and Quorum

Appendix 2 Development Committee Membership 2011/2012

Appendix 3 Development Committee Meeting Dates 2011/2012

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**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied  
Name and telephone  
number of holder

None

Alan Ingram  
Democratic Services  
020 7364 0842

## APPENDIX 1

### EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

#### 3.3.4 Development Committee

<p><b>Membership:</b> Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Function
<p><b>1. Planning Applications</b></p> <p>a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p style="margin-left: 40px;">i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p style="margin-left: 40px;">ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p style="margin-left: 40px;">iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p style="margin-left: 40px;">iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to</p>	<p>The Corporate Director, Development and Renewal (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p style="margin-left: 40px;">(i) these are expressly delegated to her/him or</p> <p style="margin-left: 40px;">(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

the development, and the Corporate Director, Development and Renewal considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.

- b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.
- c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.

(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)

## 2. Observations

- d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues

## 3. General

- e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).

*It shall be for the Corporate Director Development &*

<i>Renewal to determine whether a matter meets any of the above criteria.</i>	
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<b>Quorum</b>
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Three Members of the Committee
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## APPENDIX 2

### DEVELOPMENT COMMITTEE (Seven members of the Council)

<b>Labour Group (5)</b>	<b>Conservative Group (1)</b>	<b>Respect Group (0)</b>	<b>Others (1)</b>
<p>Cllr Helal Abbas (Chair)            Cllr Helal Uddin            Cllr Kosru Uddin            Cllr Shiria Khatun            Cllr Marc Francis</p> <p>Deputies:-            TBC</p>	<p>Cllr Gloria Thienel</p> <p>Deputies:-            Cllr Dr Emma Jones            Cllr Tim Archer            Cllr Peter Golds</p>	n/a	

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### **APPENDIX 3**

#### **SCHEDULE OF DATES 2011/12**

##### **DEVELOPMENT COMMITTEE**

1<sup>st</sup> June 2011  
29<sup>th</sup> June 2011  
27<sup>th</sup> July 2011  
24<sup>th</sup> August 2011  
21<sup>st</sup> September 2011  
19<sup>th</sup> October 2011  
16<sup>th</sup> November 2011  
14<sup>th</sup> December 2011  
11<sup>th</sup> January 2012  
8<sup>th</sup> February 2012  
8<sup>th</sup> March 2012  
5<sup>th</sup> April 2012  
9<sup>th</sup> May 2012

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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# Agenda Item 7

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- 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 8

<b>Committee:</b> Development	<b>Date:</b> 1 June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Deferred items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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.
- 1.2 There are currently no items that have been deferred.

## 2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background papers:  
Application, plans, adopted UDP. draft  
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

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# Agenda Item 9

<b>Committee:</b> Development	<b>Date:</b> 1 June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley Service Head, Planning & Building Control		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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)
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 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

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**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:  
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

Development Plan unless material planning considerations support a different decision being taken.

- 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 9.1

<b>Committee:</b> Development	<b>Date:</b> 1 <sup>st</sup> June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/11/00206
	<b>Ward:</b> Weavers (February 2002 onwards)

## 1. APPLICATION DETAILS

<b>Location:</b>	17 Calvert Avenue, London, E2 7JP
<b>Existing Use:</b>	Unauthorised use of site as a Café (lawful use A1 retail)
<b>Proposal:</b>	Retention of A3 Café.
<b>Drawing Nos/Documents:</b>	Letter dated 31 <sup>st</sup> January 2011, Design Statement, Impact Statement, lease plan and Os Plan.
<b>Applicant:</b>	Leila McAllister
<b>Ownership:</b>	LBTH
<b>Historic Building:</b>	Grade II
<b>Conservation Area:</b>	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, Core Strategy Development Plan Document (adopted 2010), the Council's Interim Planning Guidance for the purposes of Development Control (October 2007), the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:

2.2 1) The continued use of the premises as a A3 Café does not result in the loss of an essential retail shop and provides an active frontage which contributes to the streetscene along Calvert Avenue. As such, the loss of the A1 use is considered acceptable in-line with saved policy S5 of the Unitary Development Plan (1998), which assesses the loss A1 uses outside designated shopping parades.

2) The retention of the café does not have an adverse impact upon the amenity of neighbouring residential properties in terms of adverse smell pollution and an unacceptable level of noise. The proposal 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 seeks to protect the amenity of residents of the Borough.

3) The retention of the café is not considered to have an adverse impact on the appearance of the Boundary Estate Conservation Area or to be out of character with it. 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) The proposed change of use is not considered to have an adverse impact on the historic fabric, setting or identity of the listed building. As such the proposal is considered acceptable and in line with adopted Policy SP10 of the Core Strategy 2010 and 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**

Condition 1. Development approved in accordance with the plans

Condition 2. Hours of operation and servicing.

Monday to Friday 10am to 6pm

Saturdays 10am to 6pm and;

Sundays (10am to 5pm)

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

#### **3.4 Informatives for Planning Permission**

1) Advising the applicant of limited cooking on site.

2) Outdoor seating.

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

4.1 The application seeks the retention of a café located at 17 Calvert Avenue.

4.2 According to planning records the lawful use of 17 Calvert Avenue, is retail (use class A1). When the applicant began operating from the premises around 7 years ago, the A1 operations were continued with additional 'light snacks'. These snacks were raw ingredients which were purchased from the premises and cooked on site. The cooking of snacks was ancillary to the use of the premises as a retail shop and did not require the installation of any mechanical plant. Given it was a relatively small-scale operation; it did not require planning permission.

4.3 However, the applicant has expanded her business into number 15 Calvert Avenue. It appears that the A1 element of her business has transferred and expanded into 15 Calvert Avenue, thus leaving 17 Calvert Avenue, effectively as a café.

- 4.4 As a result the applicant has sought planning permission to retain the café element of her business within 17 Calvert Avenue.

**Site and Surroundings**

- 4.5 The application site is located at the ground floor of Marlow House, 17 Calvert Avenue, which is a Grade II listed building and lies within the Boundary Estate Conservation Area. The café has a floor area of approximately 47 square metres and consists of tables and chairs to the front of the premises with an open plan kitchen at the rear. The café has a capacity of 28 covers.
- 4.6 The majority of buildings around Arnold Circus are residential in nature, with a number of commercial uses at ground floor level on Calvert Avenue.
- 4.7 Planning permission and listed building consent were granted on 13/01/1992 for the installation of a replica shopfront to replace a lost original. The history file contains photographs taken at time revealing the premises as a newsagent.
- 4.8 This application is a result of an enforcement investigation ENF/10/00302. The complainant is the applicant who made a complaint on her property to enable officers from the Enforcement Team to identify whether planning permission was required for the change in operations at 17 Calvert Avenue. The applicant was advised that planning permission was required and was requested to submit a planning application to regularise the use.

**5.0 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
	S5	Other shopping parades
	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
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 (Adopted 2010)**

SO22	Protecting historical and heritage assets
SP10	Amenity and Design
SP09	Highway network

## **5.5 Spatial Development Strategy for Greater London (London Plan)**

- 4B.10 London's built heritage
- 4B.11 Heritage conservation

## **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

## **6.0 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** – Primary concern is to ensure that there will be protection of noise sensitive buildings and the noise is controlled from the commercial activity to safeguard the amenity of surrounding premises. In addition to this, Environmental Health have suggested a condition restricting cooking so that smells should not impact neighbouring residents' (Officer comment: it is considered that a suitable condition restricting hours of operation will prevent any adverse amenity impacts, with regards to limiting cooking, it is considered that a condition to this effect would be difficult to enforce against).

6.4 **LBTH Highways** - This business had migrated gradually from being an A1-type to an A3-type business, given the relatively small size of the operation and the similarity in servicing patterns for the two uses no objections are raised.

## **7.0 LOCAL REPRESENTATION**

7.1 A total of 65 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: 7	Supporting: 74
No of petitions received:	1 in objection containing 25 signatures	1 in support containing 502 signatures.

7.2 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:

### Land use

- Having a café in a historic parade of shops, located on the ground floor of a residential block, is an unacceptable change of character to a long standing conservation area and listed building.

### Amenity

- There is no extraction system.
- The premises are noisy and used into the evenings for candlelit private dinners and parties.

### Highways

- Customers arrive by car or taxi creating further traffic.

### Other

- Seating on the public highway causing obstructions\_(Officer Comment: this matter is regulated by the Council's Licensing department.)
- The owner's flat is being used to provide toilet facilities to customers (Officer comment: site visits by the case officer revealed the premises have toilet facilities).
- Unauthorised use (Officer comment: this is not a valid reason for refusing the application).
- 16 Calvert Avenue refused change of use in 1996, this application should be consistent with that decision (Officer Comment: the planning records do not show a planning application for a change of use on the site. As such, limited weight can be given to this matter).

The letters of support make the following comments

- Brings trade to the area
- Proposed use does not create a disturbance
- No parking issues
- Does not contribute to anti-social behaviour issues
- Increases security
- Provides local employment
- Provides refreshments for Sunday markets
- Supports local communities and initiatives

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The key considerations are:

1. Land use
2. Amenity of neighbouring residential occupiers
3. Generation of traffic

### **Land Use**

8.2 The application site is not allocated within the adopted Unitary Development Plan as a protected shopping parade or centre. Similarly it is not designated as a Town Centre within the adopted Core Strategy (2010).

8.3 Therefore, when assessing a change of use from retail, saved policy S5 of the Unitary Development Plan (1998) is relevant. This policy states applications for changes of use from A1 use outside district centres and local parades may be

favourably considered where:

1. In the case of a vacant property, the applicant can demonstrate the property has been marketing for retail reuse
  2. There is adequate provision of retail shops within the vicinity
  3. Proposed uses would not be detrimental to local amenity
- 8.4 In addition to this, saved policy S7 of the Unitary Development Plan provides the criteria for allowing special uses including A3, these include impact on:
1. Amenity of residents
  2. On street parking
  3. Free flow of traffic
  4. Other policies
  5. Adequate ventilation for food prepared on the premises.
- 8.5 In respect of the above policies, whilst the applicant has not provided any marketing evidence for site to be used within A1, a site visit revealed that the site is located in a parade of retail A1 shops including the 15 Calvert Avenue which is a grocery shop. Along with this, the site is located within walking distance of Shoreditch High Street, where there is adequate provision of retail shops. As such, it is considered that the loss of the A1 unit can be supported.
- 8.6 With regards to the proposed café use. The recent appeal decision on the Rochelle Canteen (PA/10/00032) allowed an A3 use within the Boundary Estate Conservation Area. In the appeal decision dated 6<sup>th</sup> May 2011 (appeal reference APP/E5900/A/11/2144732) the inspector commented with regards to the Rochelle Canteen:
- 18. Although the site lies within a predominantly residential area, commercial uses are evident on the ground floors of some residential blocks close to the Circus. Other uses, including a school, the Rochelle Centre itself, and a nearby community centre, whilst not commercial, nevertheless attract a substantial number of people, thus creating a significant level of activity during the day within the area close to the Circus.*
- 19. Against this background I do not consider that the continued daytime use of the Canteen as a cafe and catering service would materially affect the character of the CA. At worst, it would have a neutral effect, and the character of the CA, accordingly, would be preserved.*
- 8.7 In addition to this, several site visits have revealed that the premises provides natural surveillance on the street and is considered to positively contribute to the street scene.
- 8.8 Therefore, taking the above into consideration, the provision of an A3 use (and therefore the loss of an A1 use) in this location is considered acceptable by planning officers and it is noted that an A3 use in this type of location has also been considered acceptable by planning inspector at Rochelle Canteen. As such, in principle it is considered that an A3 Café use is acceptable on site subject to other planning considerations, in particular those identified within saved Policy S7 of the Unitary Development Plan (1998).

**Amenity of neighbouring residential occupiers**

- 8.9 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.

8.10 Proposed hours of operation

Use	Wednesday to Friday	Saturdays	Sundays (not bank holidays)
Café	10 am to 6pm	10am to 6pm	10am to 5pm

8.11 These hours are outside the noise sensitive hours and are not considered by officers as contentious. Furthermore, these hours are similar to the retail use within the area. It is considered that the hours can be conditioned in any planning permission. In addition to this, officers would have no objection to similar opening hours on Monday and Tuesday and recommend that this be provided for within the condition.

8.12 In addition to this, the premises measures 47sqm of which an area is allocated as an open kitchen area, therefore the actual amount of people that can be seated at any one time is limited to 28.

Noise and smell pollution

8.13 Officers from the planning department viewed the premises in October 2010, and twice during the course of this application. The visits revealed that the cooking on site was low scale domestic type with the resulting product having no odour or smell issues. As such, the planning department considers that the premises can operate without the need for an extraction system. The applicant has also confirmed that as part of her lease with the Council she has a condition requiring that any cooking is low scale and does not cause smell/odour issues.

8.14 As well as this, given Environmental Health are able to issue Abatement notices should the applicant's cooking have an adverse impact on residential amenity. Overall, it is considered that the current cooking arrangements are acceptable and the planning department are satisfied that the proposal would not have an adverse impact on the amenity of local residents.

8.15 As such, subject to conditions restricting the hours, the proposed retention of the café would not have an adverse impact upon the amenity of neighbouring residential properties in terms of unacceptable levels of noise or smell. The proposal 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.

Traffic Generation

8.16 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 highways safety.

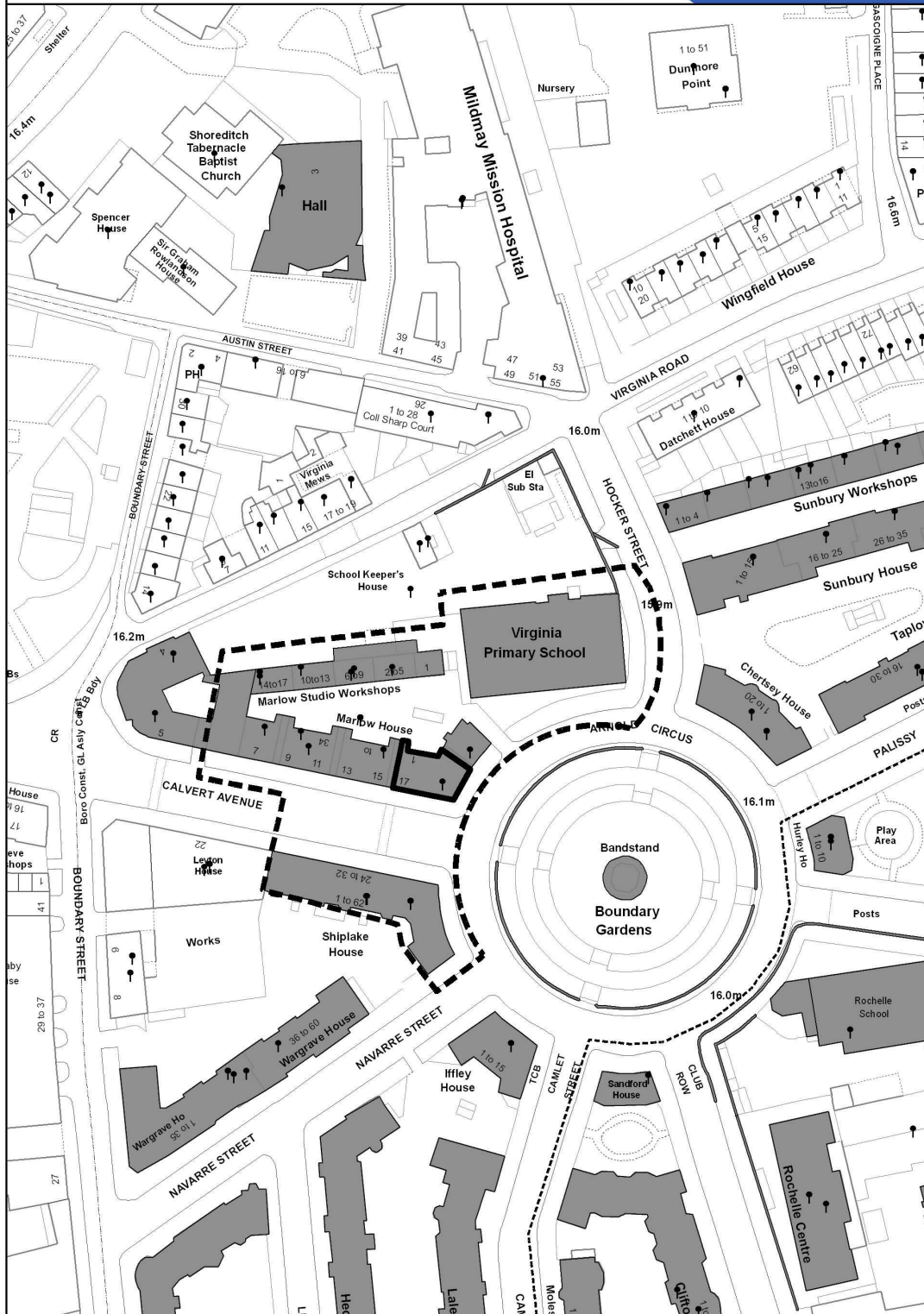
- 8.17 The streets surrounding the site are designated as residents only parking, and the site has good access to public transport with a Public Transport Accessibility level (PTAL) of 5. The Councils Highways section do not oppose the proposal, in particular noting that the scale of vehicles and operations are not envisaged to have a detrimental impact on the vicinity.
- 8.18 An objection has been received from a local resident regarding the impact on traffic from vehicles parking and taxi drop off. It is envisaged that given the high PTAL rating many of the customers will travel by public transport, In addition, given the proposed hours which are to be conditioned, the size of the premises at 47sqm and the views of the Councils Highways officer, it is considered that an objection on these grounds cannot be justified. This is further emphasised by the Inspector's decision on the Rochelle Canteen, in which the Inspector did not consider highway matters as a concern within the locality.
- 8.19 As such, taking all of the above into consideration, it is considered that the proposed retention of the existing café does not have an adverse impact on the amenity of local residents or the free flow of traffic. As such, the proposal accords with adopted policies SP09 and SP10 of the Core Strategy and saved policy S7 of the Unitary Development Plan (1998), which seeks to ensure special uses such as cafés are suitably designed to protect residential amenity and not have an adverse impact on the highway or free flow of traffic.


## **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		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 9.2

<b>Committee:</b> Development	<b>Date:</b> 1 <sup>st</sup> June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/11/00227
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

<b>Location:</b>	22 Fournier Street
<b>Existing Use:</b>	Residential
<b>Proposal:</b>	Refurbishment, alteration and extension of the building to form a single residential unit. The work includes the construction of an additional storey at 3rd floor level and a new roof terrace garden at 1st floor level to the rear.
<b>Drawing Nos:</b>	1121/001, 1121-002A, 1121-003A, 1121-004, 1121-005, 1121-100E, 1121-101F, 1121-102E, 1121-103D, 1121-104E, 1121-105D, 1121-106C, 1121-107C, 1121-108B and 1121-109A.
<b>Applicant:</b>	Channel East Pension Scheme
<b>Ownership:</b>	The applicant
<b>Historic Buildings:</b>	Adjacent to a Grade II* listed building: 59 Brick Lane-London Jamme Masjid. Adjoining a Grade II listed terrace: 6-20 Fournier Street. Adjacent to a Grade II listed terrace: 15-39 Fournier Street.
<b>Conservation Area:</b>	Within the Brick Lane/Fournier Street 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 for the purposes of Development Control (2007) (IPG) and the Core Strategy Adoption Version September 2010 (CS), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) (LP) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed roof terrace is suitably designed to protect the amenity of adjoining properties in terms of overlooking, daylight and noise. As such, the proposal conforms to policy SP10 of the adopted Core Strategy (2010) and saved policy DEV2 of the Unitary Development Plan (1998) which seeks to protect the amenity of local residents.

- 2.3 The proposed works including the erection of the roof extension are acceptable in terms of design on the host building and will enhance the appearance of the building within the streetscene. As such, the proposal conforms to adopted policy SP10 of the Core Strategy (2010) and saved policies DEV1 and DEV9 of the Unitary Development Plan (1998), which seek to ensure an acceptable standard of design.
- 2.4 The proposed works including the additional roof extension, which will not be easily visible at street level will preserve the setting of the adjoining listed buildings and preserve and enhance the setting of the Brick Lane/Fournier Street Conservation Area. As such, the proposal accords with Policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV27 of the Unitary Development Plan (1998), policies CON1 and CON2 of the Interim Planning Guidance as well as government guidance within PPS5 - Planning and the Historic Environment. These policies and guidance seek to preserve the boroughs heritage assets.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.3 That the Corporate Director Development & Renewal is granted delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
3. Materials of the roof extension.
4. Sample and retention of the screening to the terrace.
5. Method statement for the removal of render and how the adjoining Listed house No 20 will be protected during the works.
6. New windows to match existing in terms of profile and colour.
7. Sample of the proposed railings.

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

#### **Informatives**

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 4.1 The application site is a three storeys plus basement, residential building built post World War II. The front elevation consists of red stock brickwork, with large rectangular steel framed windows.

- 4.2 A small brick wall forms the boundary of the site with the highway.
- 4.3 Access to the site is from Fournier Street, via a series of steps under a lightweight canopy structure.
- 4.4 The rear elevation contains similar windows; however the rest of the façade has been concreted over.
- 4.5 The site has been developed across its entire width at ground floor level, with an additional structure at first floor level built during the buildings former use as warehouses/offices.
- 4.6 The site is located within the designated Brick Lane/Fournier Street Conservation Area and adjoins a Grade II Listed terrace. Opposite the site, is the grade II\* Listed East London Mosque, and further along the street is the Grade I Listed Christ Church.
- 4.7 The rear of the property is enclosed on all three sides by the adjoining commercial building at 22-24 Fournier Street, Seven Sisters Yard and the Boundary Wall of 20 Fournier Street.

### **Proposal**

- 4.8 The proposal is to refurbish and redevelop the existing dwelling house.
- 4.9 The proposed works include the following:
- 4.10 The construction of an additional roof storey at 3<sup>rd</sup> floor level with a new chimney stack adjoining 24-28 Fournier Street.
- 4.11 At the front elevation, the existing canopy at ground floor level is to be repaired and the low level brick wall is to be replaced with new metal railings.
- 4.12 The existing windows are to be replaced with windows of a similar profile and appearance.
- 4.13 At basement level a new window and door are proposed to match the style of the rest of the façade.
- 4.14 To the rear, the applicant is proposing the removal of the existing cement render which covers the rear façade. The applicant is intending to expose and make good the original brickwork.
- 4.15 An outbuilding at first floor level is to be removed and replaced with a zinc roof.
- 4.16 A rear terrace is proposed between the rear façade and the zinc roof. This is screened by a 1.9m high timber framed wall. Rooflights are proposed to the side nearest to 20 Fournier Street.
- 4.17 Internal alterations are also proposed, however given they are internal they do not require planning permission.
- 4.18 The applicant was intending to demolish part of the listed wall adjoining 20 Fournier Street, however following amendments to the scheme, it has been decided to retain the wall at its existing height.

## Planning History

4.19 The following planning decisions are relevant to the application:

- 4.20 09/09/1952 - Planning permission granted for the erection of first and second floors at 22 Fournier Street, Stepney, and their use for any purpose specified in Class III of the Town and Country Planning (Use Class) Order, 1950.
- 4.21 24/11/1967 -Planning permission granted for the installation of a new entrance door with canopy over and other external alterations.
- 4.22 BG/89/249 Planning permission refused on 10/08/1989, for the erection of a mansard roof at third floor level for use with the existing floors as offices within Use Class B1 of together with the demolition of the rear first floor.
- An appeal was lodged against this decision on 23/05/1991. The appeal was allowed and planning permission was granted on 11/10/1991.
- (A site visit confirmed that this consent has not been implemented).
- 4.23 BG/94/171 Conversion and changes of use to provide either Class B1 use, or two (1no. three bedroom and 1no, four bedroom) self-contained maisonettes for temporary period of 10 years, together period of 10 years, together with alterations to the rear elevation. Permitted on 04/10/1994
- 4.24 BG/95/306 Conversion and change of use to provide either Class B1 use, two self-contained flats or single family dwelling for temporary period of 10 years, together with alteration to the rear elevation. Permitted on 11/06/1998
- 4.25 PA/97/1148 Erection of a third floor (mansard) extension for purposes with Class B1 (Business), together with alterations to the front and rear elevation, including the removal of the existing rear first floor extension. Permitted on 08/04/1998
- 4.26 PA/99/366 Change of use and conversion to three self-contained flats, together with the erection of third floor (mansard) addition and alteration to the elevation. Permitted on 14/09/1999
- 4.27 PA/99/457 Change of use to create a single family dwelling house, together with the erection of a third floor extension (mansard) addition and alterations to the elevations. Permitted on 18/08/1999
- 4.28 PA/03/1480 Demolition of 22 Fournier Street and redevelopment to provide single dwelling house, of four storeys plus basement, in modern design, withdrawn on 14/11/2005
- 4.29 PF/10/288 Pre-application advice given for the works to property to include internal alterations; a single storey roof extension; removal of 1st floor level & external repairs to restore 1960's building.

4.30 PA/11/228 Conservation Area Consent submitted for the current proposal. A letter was sent informing the applicant that consent was not required given no substantial demolition was proposed.

4.31 Whilst it is not clear which of the above consents have been implemented, The Valuation Office revealed that with effect from 01/08/1997, the site has had a Council Tax band as a single unit. Therefore, it is considered that the sites current lawful use is as a single residential unit.

## 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 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS5	Planning and the historic environment

### 5.4 Core Strategy (Adopted September 2010)

Strategic Policies:	Policy No	Title
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP10	Creating distinct and durable places

### 5.5 Unitary Development Plan 1998 (as saved September 2007)

Policies:	Policy No	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV30	Roof extensions in conservation areas
	DEV50	Noise
	HSG16	Housing Amenity Space

### 5.6 Interim Planning Guidance for the purposes of Development Control

Policies:	Policy No	Title
	DEV1	Amenity
	DEV2	Character and Design
	CON1	Listed Buildings
	CON2	Conservation Areas
	HSG7	Housing Amenity Space

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

## 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:

6.3 Environmental Health - Noise and Vibration

Comments have been received stating that the premises must comply with the relevant housing standards (Officer comment: this has been achieved)

6.4 LBTH Highways- No objections raised

## 7. LOCAL REPRESENTATION

7.1 A total of 21 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: 23                      Supporting: 1  
No of petitions received:                      0

7.2 Following re-consultation on amended plans the Council received an additional 7 objection letters from those who had objected to the revised plans.

7.3 The following local groups/societies made representations:

The Spitalfields Trust – Object to rear terraces that overlook neighbouring properties and the design and placing of the attic window. (**Officer comment:** These concerns are noted. With regards to overlooking, the applicant has identified that the proposal will not result in any overlooking into the adjoining habitable room of the neighbouring property. With regards to the attic window, given the styles and types of windows vary within the silk weavers lofts and given the existing building is a modern building it is considered that the location and design of the proposed window is acceptable.)

- 7.4
- Roof storey out of character of the host building, the Conservation Area and the grade II listed terrace (**Officer comment:** the impact of the proposal on the adjoining listed buildings and the conservation area are assessed in the material planning considerations section of this report within section 8 of the report).
  - Lack of external amenity space (**Officer comment:** This is discussed in the amenity section of the report. In summary, it is considered that given the site constraints and the lack of existing amenity space, the principle of additional amenity space is considered to be an improvement to the existing situation).
  - Party wall disputes (**Officer comment:** this objection centred on the partial demolition of the adjoining wall, following revisions this element was withdrawn from the proposals. Notwithstanding this, party wall issues are matters outside the control of planning and are civil matters covered in other legislation).
  - Proposed wooden fence is out of character within the Conservation Area and would create a sense of enclosure and spoil the external outlook from adjacent properties (**Officer comment:** This is discussed further in the design section of the report. In summary, it is considered that a fence in an enclosed area at the rear is not considered to have an adverse impact on the conservation area).
  - Lack of detail regarding the fence (**Officer comment:** Details of the fencing and its permanent retention are considered matters which can be conditioned in any planning permission).



- Lack of information to support the 'acoustic infill' proposed for the partition would be satisfactory in terms of protecting residential amenity from noise generation. The applicant has failed to provide any technical data or evidence to support its use (**Officer comment:** given the size of the terrace and the timber screening it was not considered necessary to request this information, however should members disagree, it is considered that the matter can be conditioned).
- Zinc roofing inappropriate within the conservation area and the height of the proposed zinc pitch to the rear roof is overly prominent and would harm the outlook from adjoining properties (**Officer comment:** Given the previous structure on the roof the proposed zinc roof is considered to have a neutral impact on the conservation area).
- The loss of the stucco strip at the front elevation (**Officer comment:** The loss of a stucco strip between 20 and 22 Fournier Street is not considered to cause any harm or have an adverse impact on the setting of the adjoining listed building or the Brick Lane/Fournier Street Conservation Area).
- Overdevelopment of the site (**Officer comment:** The council in its assessment considers that the development is acceptable in relation to the site and does not consider it overdevelopment).
- The applicant should completely demolish the ground floor rear extension and provide a garden at ground floor level (**Officer comment:** the applicant considered this option and discounted it given the high boundary walls and lack of daylight that would be afforded to the ground floor level. It is noted that the provision of a ground floor garden was the Council's preferred option in the 1980's. However, the Council's listed building/Conservation officer has confirmed that this is no longer pursued since the adoption of the Conservation Area appraisal and government guidance within PPS5).
- Views into the Mosque (**Officer comment:** The mosque has been consulted on the planning application and has raised no objections to the proposals. It is important to note that the mosque is already overlooked by the offices at nos. 24-28 Fournier Street where no harm is considered to occur. In addition to this, views have always existed within the building and have done so since its construction. Furthermore, praying at the mosque is considered a public act, not a private discreet act. As such, taking the above into consideration views into the mosque are considered acceptable).
- The applicant and agents involvement within CADAG Conservation and Design Advisory Group (**Officer comment:** The applicants and agents involvement within CADAG has had no bearing on the planning application which is assessed on its individual merit).
- Roof terraces have caused noise nuisances in other locations within the Conservation Area (**Officer comment:** each application is assessed on its own merits, in this case the roof terrace has been substantially reduced in size and is considered acceptable on the site).
- Loss of lantern rooflight (**Officer comment:** Given, this is not sought for as part of the application and the applicant can remove this light without the need for planning, the loss of the lantern is acceptable).

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Design and Local Heritage Impacts
2. Impact on adjoining property

### 1. Design

8.2 Adopted policy SP10 of the Core Strategy seeks to ensure new development protects the boroughs heritage assets. In addition, saved policy DEV30 of the Unitary Development Plan (1998) states within Conservation Areas additional roof storeys may be allowed except :

1. Where they would harm the appearance and character of the terraces or groups of building where the existing roof line is of predominantly uniform character; and
2. On buildings where the roof construction is unsuitable for roof extensions

8.3 The proposed roof storey is proposed of a steel cladding, in a mansard type design. A single large window is proposed at the front elevation, with a door proposed at the rear elevation.

8.4 In terms of height, the proposed roof extension is set lower than the grade II listed terrace and is considered to be a subservient addition to the host building. A large portion of the roof extension will also be screened by the existing parapet wall.

8.5 In the street context, it is considered that the proposed roof extension is well designed to form a discreet addition that is built lower than the silk weaver's lofts on the adjoining terrace, and viewable from limited vantage points along the street. As such, the proposed extension is considered to be suitably designed to preserve the character and appearance of the Brick Lane/Fournier Street Conservation Area.

8.6 It is also noted that the Council lost an appeal on a refusal of a mansard extension in 1991 and has subsequently granted a mansard extension on the application site, three times (1997 and twice in 1999). As such, the principle of a roof extension is well established.

8.7 A new chimney stack is proposed between the application site and the commercial building. It is considered to be suitably designed to preserve the Brick Lane/Fournier Street Conservation Area.

8.8 In addition to this, the repair works to the existing canopy and the new metal railings are all considered acceptable in terms of design and will help improve the appearance of the building within the conservation area.

8.9 Similarly, the new windows and door proposed at basement level to match the style of the rest of the façade are considered appropriate on the host building and acceptable within the Brick Lane/Fournier Street Conservation Area.

8.10 To the rear, the applicant is proposing the removal of the existing cement render which covers the rear façade. The applicant is intending to expose and make good the original brickwork. In terms of appearance, the existing cement render is considered to be of poor quality. The removal of this cement will expose the original

brick which is characteristic of the properties within the conservation. Therefore, it is considered that this element is considered to enhance the Brick Lane/Fournier Street Conservation Area.

- 8.11 An outbuilding at first floor level is to be removed and replaced with a zinc roof. The applicant was intending to demolish part of the listed wall adjoining 20 Fournier Street, however, following amendments to the scheme, has decided to retain the wall at its existing height. It is considered that this demolition will be an enhancement to the conservation area by the removing a non-original dilapidated structure of no historic interest.
- 8.12 A rear terrace is proposed between the rear façade and the zinc roof and covers a floor area of 12 sqm. This is screened by a timber framed wall, set off the boundary of 20 Fournier Street by 1.5m and is 1.9m in height. Rooflights are proposed within the 1.5m gap between the timber screen and the boundary of the adjoining property 20 Fournier Street to ensure adequate light reaches the ground floor living room.
- 8.13 In the context of the building or the wider townscape, it is considered that this terrace is not harmful to the conservation area or the setting of the adjoining listed building by nature of the extra enclosure. Given, the higher walls of 24/28 Fournier Street and the Seven Sisters Yard, it is considered that limited views of the terrace will be available from the adjoining properties.
- 8.14 Overall, the application has been the subject of detailed discussions with the Councils listed buildings officers, who following revisions are fully supportive of the scheme as presented to committee.
- 8.15 Taking the above into consideration, it is considered that the proposed works including the erection of the roof extension are acceptable in terms of design on the host building. As such, the proposal conforms to adopted policy SP10 of the Core Strategy (2010) and saved policies DEV1 and DEV9 of the Unitary Development Plan (1998), which seek to ensure an acceptable standard of design.
- 8.16 In addition, it is considered that the proposed works preserve the setting of the adjoining listed buildings and the preserve and enhance the setting of the Brick Lane/ Fournier Street Conservation Area. As such, the proposal accords with Policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV27 of the Unitary Development Plan (1998), policies CON1 and CON2 of the Interim Planning Guidance as well as government guidance within PPS5- planning and the historic environment. These policies and guidance seek to preserve the boroughs heritage assets.

## 2. Amenity

- 8.17 Adopted policy SP10 of the Core Strategy 2010, seeks to protect the amenity of adjoining properties, this is emphasised further by saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007).
- 8.18 The main impact of the development on the amenity of local residents is the impact from the proposed rear terrace on the residents of 20 Fournier Street in terms of, potential overlooking, loss of outlook and noise.
- 8.19 The upper floors of the rear façade of 20 Fournier Street contains four windows. The two at first floor level serve a common staircase and a living room. The two windows at second floor level serve a staircase and a bathroom. In terms of overlooking, the

most significant window is the habitable living room at first floor level. A site visit to this room revealed, the window serving this room is located close to the wall of the adjoining staircase/lobby area and not centrally located. Therefore, views into this window from the adjoining terrace are already limited.

- 8.20 Notwithstanding this, the applicant is proposing the terrace to be set away from the boundary by 1.5 metres with a 1.9m high timber fence. This would ensure that the proposed development does not result in overlooking into the adjoining property.
- 8.21 With regards to loss of outlook, given the proposed height and distance away from the windows of 20 Fournier Street, it is considered that the proposal will not have an adverse impact on outlook that would justify a refusal of the application. This is taking into account the existing structure and the angle of view when looking out of the windows of 20 Fournier Street.
- 8.22 In order to overcome the concern regarding shadowing and overlooking into 20 Fournier Street's garden at ground floor level, the applicant has submitted a drawing confirming that the proposed roof terrace will not be visible to anyone over 1.5m in height within the garden area of 20 Fournier Street, as it would be screened by the existing high party wall.
- 8.23 With regards to noise, the proposed terrace has been reduced in size from around 23 sqm to 12 sq.m. This reduction is considered to overcome the planning department concerns that the roof terrace could be used for large gatherings causing noise disturbance. In addition to this, the applicant is proposing a timber fence as a form of screening. This also acts as a noise barrier reducing noise to the adjoining property.
- 8.24 Over all, it is considered that the proposed roof terrace is suitably designed to protect the amenity of adjoining properties in terms of overlooking, daylight and noise. As such, the proposal conforms to adopted policy SP10 of the adopted Core Strategy (2010) and saved policy DEV2 of the Unitary Development Plan (1998) which seek to protect the amenity of local residents.

### **Any other issues**

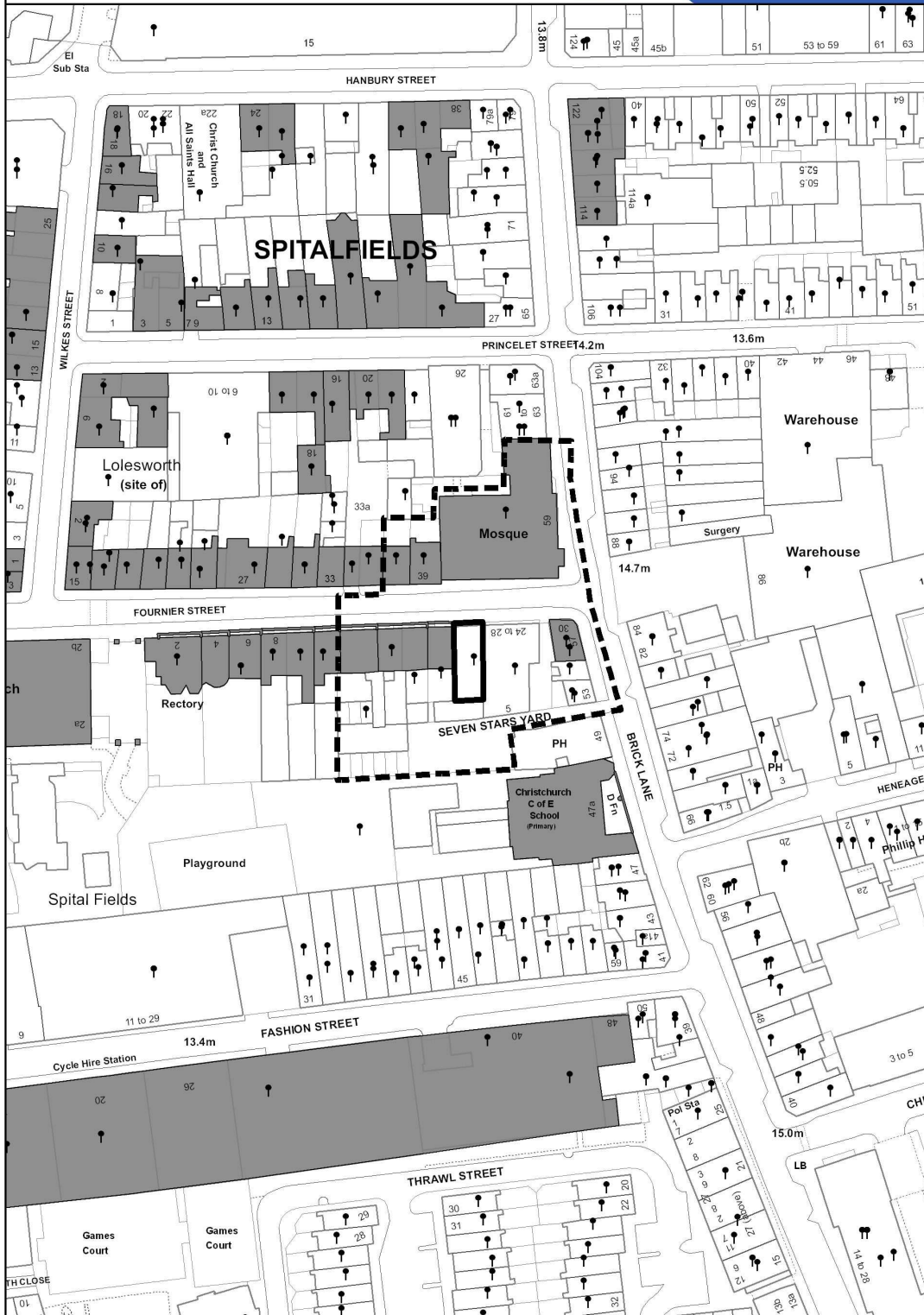
#### Provision of amenity space.

- 8.25 Given the site is suitable to be classed as a single family dwelling house; concerns have been raised by objectors regarding the lack of external amenity space. However, given the site constraints and no new use is proposed, and the existing floor area of the unit measures 184sqm, It is considered that the limited provision of external amenity space is acceptable in this instance.

### **Conclusions**

- 9.0 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.  
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# Agenda Item 10.1

<b>Committee:</b> Development	<b>Date:</b> 1 <sup>st</sup> June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Listed Building Consent
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/10/01432
	<b>Ward:</b> St Dunstan's and Stepney

## 1. APPLICATION DETAILS

<b>Location:</b>	Marion Richardson School, 71 Senrab Street, London, E1 0QF
<b>Existing Use:</b>	Primary school
<b>Proposal:</b>	Retention of 30no. replacement timber windows on ground to second floors of south and south - west elevations. Works to include the replacement of rotting sash and casement frames with identical units and the replacement of single glass panes, within those frames with double glazed sealed units of similar size.
<b>Drawing Nos:</b>	Site location plan, Window section details existing and window section details proposed. Photographs identifying replacement windows
<b>Documents:</b>	Historical Statement, Heritage Statement, Design and Access Statement.
<b>Applicant:</b>	LBTH Children Services Directorate.
<b>Owner:</b>	LBTH
<b>Historic Building:</b>	Grade II Listed.
<b>Conservation Area:</b>	Albert Gardens 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 adopted Core Strategy (2010) Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The replacement windows are considered to be high quality and would represent an improvement on the existing windows which are in a poor state of repair. The size and location of the openings would remain the same and the pattern of glazing bars would be replicated. As such, the proposal would enhance the character and appearance of the adjoining Albert Gardens Conservation Area and the character,

fabric and identity of the listed building. This proposal therefore meets the requirements outlined in Policy SP10 of the adopted Core Strategy (2010) and saved policies DEV1 and DEV37 of the Unitary Development Plan (1998) as well as policy DEV2, of the Council's Interim Planning Guidance (2007).

### **RECOMMENDATION**

3. That the Committee resolve to refer the application to the Government Office for London with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below.
- 3.1 1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule to this planning permission.

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 The Council seeks listed building consent for the replacement of no. 30 windows. Eight on the southern elevation and 22 on the southern part of the eastern elevation. These vary in style and size but all of them are single glazed timber sash windows. The application seeks permission to replace each of these windows with double glazed windows of the same design, style and size.
- 4.2 These windows have already been replaced and this is therefore a retrospective application to retain the windows. The other windows on the building, which do not form part of this application were replaced prior to the listing of the building 2009 as part of a programme to upgrade the quality of the teaching environment within the school and improve the thermal performance of the building.
- 4.3 The council is prohibited from granting itself listed building consent. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

#### **Site and Surroundings**

- 4.4 Marion Richardson School is located to the north of Commercial Road. The main entrance is from Senrab Street at the northern edge of the site. It is situated between Senrab Street to the east and Arbour Square to the west.
- 4.5 The school was constructed in 1907 and was listed in 2009. The building is three storeys in height with square towers and circular turrets. The reasons for listing are partly due to the good quality craftsmanship and materials. There is an unsympathetic extension constructed on the western elevation in the 1970's.
- 4.6 The school is a London County Council school, of which there are a number of examples throughout London.
- 4.7 The school is within the Arbour Square conservation area.

#### **Relevant Planning History**



- 4.9 There are a number of previous applications on the site but none are relevant to the determination of this application.

## **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 Government Planning Policy Guidance/Statements**

PPS5- Planning and the historic Environment.

### **5.3 Adopted Core Strategy (2010)**

SP07 - Improving education and skills  
SP10 - Creating distinct and durable places

### **5.4 Unitary Development Plan (UDP)(as saved September 2007)**

Policies:           DEV1 Design Requirements  
                      DEV2 Environmental Requirements  
                      DEV27 Impact of minor alterations in conservation area on the building in question and the conservation area  
                      DEV37 Alterations to listed buildings to preserve special architectural or historic interest of the building, repair original features and replace missing items, traditional materials

### **5.5 Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)**

Policies           DEV 1 Amenity  
                      DEV 2 Design  
                      CON 1 Listed buildings  
                      CON 2 Conservation Areas.

## **6. CONSULTATION RESPONSE**

- 6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **English Heritage**

- 6.2 The East London volume of Pevsner’s ‘Buildings of England Series’ states that Marion Richardson School is ‘A majestic design of 1907 by TJ Bailey in a free Baroque with plenty of flourish..... The rear elevation is classical symmetry par excellence .....
- 6.3 English Heritage has consistently resisted the removal of original windows from London’s listed ‘Board Schools’. Even where prolonged lack of maintenance has led

to pronounced deterioration, it has often been proved possible to carry out sensitive repair. Where it has been proved that repair is impossible, because of the state of decay, like for like timber, single glazed replacements have been installed in many cases.

- 6.4 We regret the removal of the original window frames and the installation of the double glazed windows, the subject of the current notification. The submitted sketch sections clearly indicate the differences between the original glazing bars and the replacements, as installed. We note, for example that the replacement glazing bars project far less from the face of the glazing than is the case with the original, giving a much flatter surface with less modelling.
- 6.3 If the Authority is minded to grant consent comments and relevant documents should be sent to the Government Office for London for consideration on behalf of the Secretary of State.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 116 neighbouring addresses were consulted by letter, a site notice was erected on 18<sup>th</sup> October 2010 and a press notice published 11<sup>th</sup> October 2010. No responses have been received.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

### **Land Use**

- 8.1 There are no land use issues. The proposals are to upgrade the school facilities in line with national, regional and local policies.

### **Design and Impact on the setting of the Listed building.**

- 8.2 Adopted Core Strategy policy SP10 encourages development that preserves and enhances development that the heritage value of the immediate and surrounding environment. This is supported by saved Policy DEV 1 of the Unitary Development Plan (UDP) which states 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.
- 8.3 Policies DEV 27 and DEV37 seek to ensure that development is appropriate to the setting of conservation areas and listed buildings. The policies state that new proposals should not have an adverse impact on the character, fabric or identity on the historic buildings.
- 8.4 Policy CON1 and CON2 of the Interim Planning Guidance (IPG) seeks to ensure development will not have an adverse impact on the character, fabric or identity of the listed building, and that it preserves or enhances the setting of the boroughs conservation Areas.
- 8.5 The replacement of windows in historic buildings, where the fenestration is original to the construction date, are to be replaced as only a last resort. The first principal of good conservation should always be to repair original windows in-situ as an important part of the historic fabric. This is particularly important with Listed buildings.

- 8.6 Where replacement is considered as an appropriate option, the windows to be replaced should, as far as is practical, be replaced with like-for-like copies, respecting the original design. This is only really appropriate where existing windows are beyond repair, as in this case.
- 8.7 In this instance the replacement fenestration generally follows the proportions and pattern of the original design by the well respected school architect TJ Bailey. The glazing bars are slightly flatter - and the glass beaded in rather than puttied, to accommodate the double-glazing. However, overall this is considered to be an acceptable approach where windows cannot be repaired. The previous replacement of the windows on the northern and eastern elevations also adds weight to the recommendation and the retention of these windows would allow a consistent approach to the design of the window frames to be maintained throughout.
- 8.8 Taking the above into account it is considered that the proposal conforms to saved UDP policies DEV 27 and DEV 37 and CON1 and CON2 of the IPG which seek to ensure that development preserves the conservation areas and listed buildings and that new proposal does not have an adverse impact on the character, fabric or identity of the building.

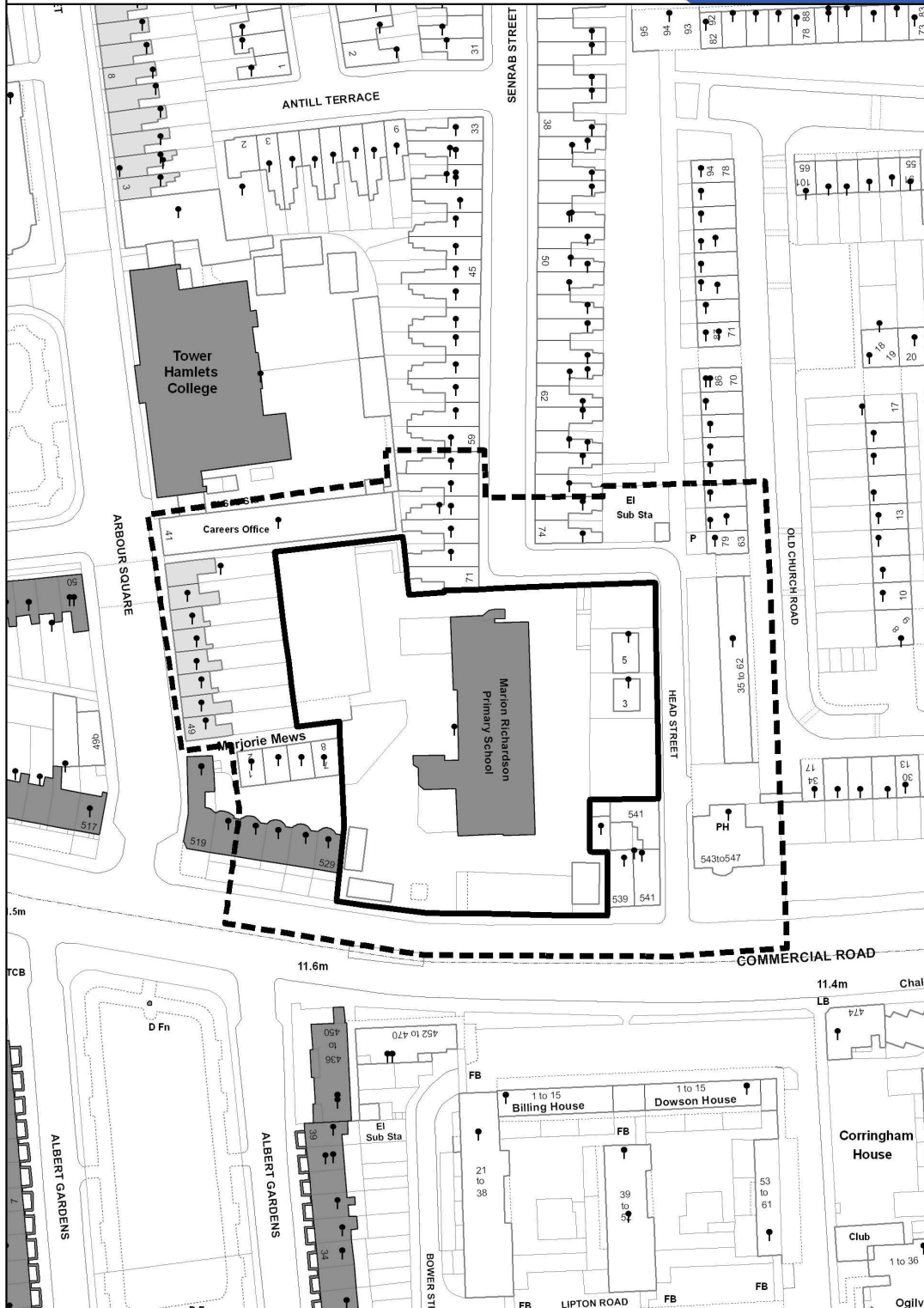
**Amenity:**

- 8.9 The replacement of the windows is not considered to have any adverse impact upon the amenity of surrounding residents and would upgrade the internal environment for the pupils and staff of the school.

**9 Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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.  
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# Agenda Item 10.2

<b>Committee:</b> Development	<b>Date:</b> 1 June 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
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## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/10/00131</b>
<b>Site:</b>	<b>4 Hollybush Lane E2 9QX</b>
<b>Development:</b>	<b>Erection of an additional floor to form a new flat (front section) with pitched roof and address board over the gates.</b>
<b>Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The main issues in this case involved the availability of employment opportunities in the Borough generally, the impact of the extension on the character and appearance of the property, the area and the general streetscene and finally, the quality of the living conditions for future occupiers in terms of noise, vibration and outdoor amenity space.

- 3.3 The Council argued that there was potential for further employment use of the property and that the principle of residential use was unacceptable in policy terms. The Planning Inspector noted that there was little if any vacant commercial floorspace in Hollybush Lane and with lack of any marketing evidence submitted by the appellant, he was satisfied the proposed residential use would have been inconsistent with the key objective to promote employment opportunities in such circumstances.
- 3.3 On the second issue, whilst the Inspector supported contemporary forms of design within a more traditional context, he was not satisfied that the scale, height, form and proportions of the new development had been suitably addressed. He felt that the proposed extension would not have related to the host building in any meaningful way.
- 3.4 Regarding the final issue, the Planning Inspector was less concerned by the potential noise and vibration, bearing in mind the property is located close to the elevated railway between Bethnal Green and Cambridge Heath stations. He was also satisfied that outdoor amenity space was not necessarily a requirement in this case, bearing in mind the proposed size of the unit and the close proximity of the property to existing public open space. However, acceptance of the standard of residential amenity for future occupiers did not outweigh his concerns in respect of the other issues.
- 3.5 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/09/02978/02490</b>
<b>Site:</b>	<b>Crown yard, 47 Temple Street, London E2 6QQ</b>
<b>Development:</b>	<b>Demolition of the existing two storey building and construction of a two bedroom house (Planning Application and Conservation Area Consent).</b>
<b>Council Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.5 The main issues in this case included the impact of the proposed development on the character and appearance of the Old Bethnal Green Conservation Area, the impact on the setting of the listed Keeling House, whether the proposal materially affected the range of employment opportunities within the Borough and finally, the impact of the proposed development on the outlook enjoyed by neighbouring occupiers.
- 3.6 The Planning Inspector noted that the existing two storey building on the site formed part of the planned layout of the estate and concluded that the demolition of the building would have substantially harmed the heritage asset. As a consequence, the appeal against the conservation area consent was dismissed.
- 3.7 As regards the merits of the planning application, the Planning Inspector noted that the character of the area and the make up of the estate provided employment spaces at ground floor and he concluded that the introduction of a residential unit into the core of the street would have altered the pattern of uses, to the detriment of the planned layout of the Winkley Estate. He also concluded

that the modern appearance of the proposed dwelling would have been at odds with the prevailing architectural characteristics.

- 3.8 He was similarly concerned that there had been no marketing of the employment space to determine the level of interest in terms of re-occupation as employment use. He was also concerned about the impact of the two storey building on the outlook of neighbours (with existing windows close by) which would block neighbours outlook and views, detrimental to existing amenity conditions.
- 3.9 The appeal was comprehensively DISMISSED.

<b>Application No:</b>	<b>PA/07/03290</b>
<b>Site:</b>	<b>375 Cable Street, London, E1 0AH</b>
<b>Development:</b>	<b>Change of use from retail to hot food take-away (Class A5)</b>
<b>Decision:</b>	<b>REFUSE (Committee) - Recommendation - Approve</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED (Cost application dismissed)</b>

- 3.10 The main issues in the case were as follows

1. The effect of the proposal on the health and well-being of local residents, having regard to the aims and objectives of promoting healthy eating and lifestyles;
2. The effect of the proposal on parking availability and any impact on highway safety.

- 3.11 The Planning Inspector acknowledged that the impact of the proposed take-away in terms of encouraging healthy lifestyles was a material planning consideration. The Council's Core Strategy seeks to support healthy and active lifestyles.

- 3.12 The issue with the Cable Street case was that the proposed use would not have resulted in an over-concentration of unhealthy eating uses. In this case, officers argued that hot food take-away uses should be located in town and local centres where they can be grouped alongside healthier food outlets, thus giving the public wider choice and encouraging residents to consider healthier options. Officers argued that local residents would have been restricted in terms of choice (with the take-away being the only option). However, the Planning Inspector concluded that there were other nearby facilities (around Shadwell DLR) and that residents would not be restricted solely to the options offered by the proposed take-away.

- 3.13 In terms of the close proximity to Bishop Challenor Secondary School and primary schools, whilst the Planning Inspector acknowledged that all schools promoted healthy eating and that a wealth of health-related documents had been produced by various professional bodies which recognised the role town planning can play in promoting health in local communities, he concluded that in the case of Cable Street, no evidence had been produced which clearly indicated that the location of a single take-away within easy walking distance of schools had a direct correlation with childhood obesity. He concluded that the presence of the use would not harm or undermine school healthy eating

policies. The Planning Inspector referred to the many third party letters submitted in relation to the appeal, but none was sufficient to alter the considerations that led to his conclusions.

- 3.14 Officers suggested a condition should be imposed (if the appeal was allowed) requiring the take-away to be closed during school lunchtimes and at the end of the school day. The Planning Inspector felt that the condition put forward would have been unduly restrictive.
- 3.15 As regards highways impact, the Planning Inspector concluded that the modest sized operation would not have a material harmful effect.
- 3.16 The appeal was ALLOWED
- 3.17 The appellant applied for an award of costs against the Council (which the Planning Inspector DISMISSED). He was satisfied that when Members refused planning permission, they gave a different weight to the impact of fast food outlets on community health than officers and he concluded that the Council had reasonable planning grounds, supported in the evidence in the Council's statement to come to that conclusion. Similarly, the Planning Inspector was satisfied that the Council had adequately explained its objections in relation to highway safety. Overall, the Planning Inspector was satisfied that the Council had adequately substantiated both reasons for refusal, based on the development plan and all other material considerations.
- 3.18 This appeal decision, in itself, does little to progress the debate in respect of the link between fast food take-away uses and the prevalence of obesity and unhealthy eating.
- 3.19 Whilst healthy eating is clearly material consideration and will need to be considered in relation to all similar applications for planning permission in the future, the current Core Strategy is relatively non specific and there is a need to focus a future Development Management policy to deal with this specific issue.
- 3.20 There is also a need to develop a robust evidence basis to provide a clear link between hot food take-away uses and childhood obesity. The Council should think very carefully before refusing planning permission on health grounds alone, until such time as a detailed Development Management policy is in place, following detailed examination of the "soundness" of an eventual policy.
- 3.21 An initial Development Management DPD (Engagement Document) is currently out for consultation and the issue is highlighted as part of this process. Officers are reviewing work undertaken in the States, which appears to be defining the scale of linkage. There are also UK specific studies which have identified a high correlation between the lack of available fresh food and areas of social deprivation. However, the evidence is somewhat contradictory – with other studies suggesting there is no causal link. Consequently, it might be necessary to focus purely on overconcentration of hot food take-away uses, linked to vitality and viability and indices of deprivation, rather than to focus explicitly on the linkage between fast food take-away uses and obesity.
- 3.22 The benefit of developing the policy through the Development Management DPD process is that it provides an opportunity to properly test the evidence base and develop a more robust policy position. This will enable the Council to determine these proposals in the future more effectively and with a more limited



threat of appeal or challenge through the courts.

<b>Application No:</b>	<b>PA/10/01604</b>
<b>Site:</b>	<b>Cabinet adjacent to 465 Bethnal Green Road E2 9QW</b>
<b>Development:</b>	<b>Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.</b>
<b>Council Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>HEARING</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>

3.23 This is the first of many pending appeal decisions against the display of small scale advertisements on telecommunications equipment cabinets across the Borough.

3.24 In this case, the main issue was the effect of the proposed advertisement on the amenities of the area.

3.25 The cabinet is located within Bethnal Green Town Centre. Whilst the Planning Inspector noted that the proposed advertisement would be displayed close to 465 Bethnal Green Road which he accepted was a "handsome, classical building" he noted that the cabinet was located towards the front edge of the pavement and would face away from the footway. He felt that the proposed arrangement of the display would avoid harm.

3.26 The Planning Inspector recognised that the Council was inaugurating a programme of street scene improvement, including the removal of unauthorised advertisements. However, he was satisfied that the proposed advertisement display would not prejudice the programme in place.

3.27 The appeal was ALLOWED

<b>Application No:</b>	<b>PA/10/01603</b>
<b>Site:</b>	<b>Cabinet outside 267-269 Bethnal Green Road, London E2</b>
<b>Development:</b>	<b>Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.</b>
<b>Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>HEARING</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>

3.28 Similar to the appeal outcome listed above, the Planning inspector did not feel that the proposed advertisement display would have an unacceptable impact on the amenities of the area. He concluded that low level posters, was a particular feature of the town centre (with low level displays forming part of existing window displays).

3.29 The appeal was ALLOWED

<b>Application No:</b>	<b>PA/10/01605</b>
<b>Site:</b>	<b>Cabinet in Hague Street – outside 340</b>

<b>Development:</b>	<b>Bethnal green Road, London E2</b>
	<b>Display of a temporary, laminated, non illuminated, anti-graffiti sticker on an existing telecommunications cabinet.</b>
<b>Council Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>HEARING</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.30 The relevant consideration in this case was that the character of the area was not one where one would expect to find advertisements not related to an existing business trading in the street. The Planning Inspector commented that there was already an ill matched assortment of signs on the property.

3.31 There is currently a large advertisement hoarding above the existing cabinet – which the Council is currently seeking to remove and the Inspector felt that with the removal of the existing sign (if successful) would leave a handsome, competent, classical design. If the Council failed to secure the removal of the hoarding, he still felt that the proposed advertisement would have resulted in advertisement clutter. He concluded that the proposed sign in these circumstances would not be acceptable.

3.32 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/10/010199</b>
<b>Site:</b>	<b>11, Gibraltar Walk, London E2</b>
<b>Development:</b>	<b>proposed refurbishment of former light industrial unit to live/work</b>
<b>Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED (Costs application Dismissed)</b>

3.33 The main issue in this case was the supply of employment floorspace in the area. The Council refused planning permission on the grounds of loss of employment floorspace

3.33 The proposal involved the use of the basement accommodation as two offices with the remainder of the property used residentially – with a new first floor mezzanine to provide additional residential space. The property was last used as a photographic studio.

3.34 The Planning Inspector made specific reference to the London Plan policies which specifically support live work units as a sustainable form of urban living and he referred to Government Policy which supports enterprise and facilitates housing, economic and other forms of sustainable development necessary to support economic growth.

3.35 In conclusion, whilst he acknowledged that the scheme did result in the loss of some employment floorspace which EMP1 of the Unitary Development Plan seeks to retain, more recent policy considerations weighed in favour of the scheme. Conditions were imposed to control the nature of the live-work use – to ensure that the business element was retained and not overtaken by the residential element.

- 3.36 The appeal was ALLOWED subject to conditions.
- 3.37 As regards the cost application, the Planning Inspector felt that the Council had not been unreasonable in refusing planning permission in the first instance. The application for costs was therefore DISMISSED

<b>Application No:</b>	<b>PA/10/00037</b>
<b>Site:</b>	<b>Rochelle Canteen, Arnold Circus, London, E2</b>
<b>Development:</b>	<b>Continued use of Rochelle Canteen (use Class A3) independent from the Rochelle Centre with ancillary off site catering operation</b>
<b>Council Decision:</b>	<b>REFUSE (Committee)</b>
<b>Appeal Method:</b>	<b>Recommendation – Approve</b>
<b>Inspector’s Decision</b>	<b>WRITTEN REPRESENTATIONS ALLOWED (Cost Application – Allowed)</b>

- 3.38 The main issues in this case were as follows:

- The impact of the development on the living conditions of neighbours – in terms of privacy, noise and disturbance and anti social behaviour
- Whether the development preserved or enhanced the character and appearance of the Boundary Estate Conservation Area

3.39 As regards living conditions, the Planning Inspector noted that the Canteen had operated ancillary to the Rochelle Centre – and in fact attracted custom from beyond the Centre. He noted that the external areas of the Rochelle Centre are separated from the nearby blocks of flats by walls, providing a high incidence of screening and that windows of several flats look down across the external area. The Inspector was not convinced that the use has a harmful impact on the levels of privacy experienced by residents. He did not feel that the change in the nature of the canteen use, irrespective of the increase in the number of customers, would be materially greater than its use in compliance with the earlier planning permission (when the canteen was used ancillary to the Rochelle Centre use).

3.40 The Planning Inspector highlighted that the Council’s environmental health department had not received any complaint about the conduct of the canteen use since it was first established. The Inspector also witnessed the use in operation during the day, which he was satisfied with. He felt that nuisance during the evening could be suitably controlled through the use of conditions.

3.41 The Inspector made specific reference to the Council’s fourth reason for refusal – relating to anti-social behaviour, prevalent in this part of the Borough. The Inspector was not convinced with this reason and concluded that there was no evidence to suggest that the canteen use contributed to such behaviour

3.42 As regards impact on the character of the conservation area, the Inspector noted that whilst the site is located in a predominantly residential area, commercial elements are found elsewhere in and around Arnold Circus. He concluded, at worst, that the canteen would have a neutral impact on the character of the conservation area.

- 3.43 The appeal was comprehensibly ALLOWED.
- 3.44 As regards the application for costs, the Planning Inspector did not feel that the Council's statement adequately supported any of the four reasons for refusal. He felt that the statement contained little more than unsubstantiated assertions or expressions of concerns in support of each reason for refusal. The Planning Inspector did not consider the Council's decision to be reasonable, particularly since planning conditions could have adequately controlled the conduct of the use. He also felt that the Council did not afford sufficient weight to the existing planning permission – which allowed the canteen to operate ancillary to the Rochelle Centre
- 3.45 The Inspector awarded a full award of costs in favour of the appellant
- 3.46 The outcome of this appeal process is not surprising, bearing in mind that the differences between the existing canteen operation (ancillary to the use of the Rochelle Centre) and the proposed separate A3 use are limited in terms of noise and disturbance. Night time activity can be adequately be controlled through the use of conditions. Your officers worked hard to prepare and submit a comprehensive statement which sought to defend the Council's stated reasons for refusal. Unfortunately, there was little evidence available to substantiate the stated reasons for refusal.

<b>Application No:</b>	<b>PA/09/01380</b>
<b>Site:</b>	<b>600 Roman Road E3 2RW</b>
<b>Development:</b>	<b>Appeal against imposition of conditions (4 and 6) of planning permission dated 17 May 2010 relating to analysis of historical fabric and adequate recording and ensuring that the development is "car free"</b>
<b>Council Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.47 The Planning Inspector considered that there are a number of features, both internally and externally which justified the imposition of the condition which required proper recording. Similarly, the Planning Inspector considered it to be entirely reasonable to require the imposition of conditions limiting the availability of on street car parking to future residents in this particular case. He noted that this part of Roman Road is currently suffering from on street car parking stress.
- 3.48 Both planning conditions were considered reasonable and in compliance with Circular advice. The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/10/01849/01850</b>
<b>Site:</b>	<b>Dockmasters House, 1 Hertsmere Road E14 8JJ</b>
<b>Development:</b>	<b>Extension at the rear and side alley to provide a night-watchman's flat at 1<sup>st</sup> and 2<sup>nd</sup> floor level with a store under the access stairs</b>
<b>Council Decision:</b>	<b>REFUSE (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.49 The issues in this case involved the impact of the extension works on the special architectural and historic interest of the listed Dockmasters House and whether the proposed development preserved or enhanced the character and appearance of the conservation area.

3.50 The Dockmasters House is Grade II listed and is located within the West India Dock Conservation Area. The Inspector felt that the proposed extension would have had an uncompromisingly modern appearance which would have been unrelated to the scale and classical detailing of the host building. He concluded that the proposal, in view of its scale and position would have been too strident. He also concluded that the proposed development would have failed to preserve or enhance the character and appearance of the conservation area.

3.51 The appeal was therefore DISMISSED

<b>Application No:</b>	<b>ENF/09/00558</b>
<b>Site:</b>	<b>396 Manchester Road E14 3ES</b>
<b>Development:</b>	<b>Appeal against enforcement action – erection of an unauthorised extension and wooden fence to the rear of the property and use of the property as a house in multiple occupation</b>
<b>Council Decision:</b>	<b>AUTHORISE ENFORCEMENT ACTION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.52 The issues associated with this appeal centred on whether the development undertaken required a planning application (in other words, was permitted development) and whether the extension works were acceptable. The Council had previously accepted that with changes to the Use Classes Order, a change from a dwelling house to a small house in multiple occupation was permitted.

3.53 As regards the merits of the extension, the Inspector considered the extension to be over bulky and over-dominant, out of scale with the original house. He concluded that it is an unattractive and incongruous addition to the house and the terrace which it forms part. He was also concerned about the fence and gate which are also a rusty red colour which he considered to be visually dominant and inappropriate in the context of the rear of the terrace or seven modest houses. He also concluded that the extension impacted detrimentally on neighbouring properties with increased overshadowing and an increase sense of enclosure.

3.54 The appeal was DISMISSED and the enforcement notice UPHELD.

<b>Application No:</b>	<b>PA/10/01479</b>
<b>Site:</b>	<b>60-61 Squirries Street (52 Florida Road) E2 6AJ</b>
<b>Development:</b>	<b>The erection of 2x2 bed duplex units on the roof of the existing 4 storey block of flats</b>
<b>Council Decision:</b>	<b>REFUSE – (Committee)</b>
<b>Appeal Method:</b>	<b>Recommendation – Approve WRITTEN REPRESENTATIONS</b>

**Inspector's Decision****ALLOWED (Award of Costs – Allowed)**

3.55 The main issues with this proposed development were as follows:

- The impact of the development on the character and appearance of the area;
- The impact on the living conditions of residents of neighbouring properties with particular reference to privacy, sunlight and daylight.

3.56 The Planning Inspector made specific reference of an earlier grant of planning permission in respect of the same site (for the erection of a two storey roof top development to provide two residential units) dated 24 March 2010 – which signified in his view, the Council's recent acceptance of the addition of a further two floors to the building.

3.57 The Inspector was not surprised by this earlier planning permission as he saw that buildings in the area had varying heights and he felt that an additional two storeys to the appeal premises would not have introduced an uncharacteristic element to the locality. Whilst he accepted that the amount of floorspace provided would be greater than that previously permitted, he did not feel that the enlarged addition would have materially affected the comparative massing, scale, height and bulk. He concluded that the scheme would sit comfortably in its visual context.

3.58 The Inspector was satisfied that the BRE daylight and sunlight study indicated conclusively that neighbouring properties would not suffer a loss of daylight and sunlight to the extent that living conditions would be harmed. He was also satisfied that any issues of privacy could be suitably controlled through the use of conditions. He also noted that the previous permitted scheme would have had similar consequences for the residents of nearby properties.

3.59 The appeal was ALLOWED.

3.60 In allowing an award of costs against the Council, the Planning Inspector made particular reference to the previous grant of planning permission and he considered that the Council, in deciding to refuse planning permission, gave insufficient weight to the existence of the previous planning permission which remains capable of implementation.

3.61 The Inspector also concluded that the Council presented little empirical evidence to substantiate the daylight/sunlight reason for refusal. Furthermore, he again felt that the Council gave insignificant weight to the existence of the 2010 planning permission. On the privacy point, the Inspector noted that the Council had not produced significant or relevant evidence relating to loss of privacy and did not consider whether conditions could have overcome its privacy objections.

**Application No:****PA/10/00742****Site:****71A Fairfield Road, London E3 2QA****Development:****proposed amendments to the façade of the façade, to rectify variations to the original consent.****Council Decision:****REFUSE – (Delegated Decision)****Appeal Method:****HEARING**

## **Inspector's Decision**

## **DISMISSED**

- 3.62 The background to this case is that the Council granted planning permission back in 2006 for a part 3, part 5 storey building comprising 8 flats. During the course of the construction, it became clear that the development was being implemented not in accordance with approved drawings. The Council served a temporary stop notice and a subsequent enforcement notice. The application the subject of this appeal sought retrospective planning permission for the works undertaken (the "as built scheme"). The main difference between the originally permitted scheme and the "as built" scheme relates to the mass and scale of the building.
- 3.63 In terms of character and appearance, the Planning Inspector concluded that whilst the visual relationship with 71 and 73 Fairfield Road is fairly poor, he acknowledged that the previous planning permission was also for a part 3, part 5 storey building (which would not have been subservient to the neighbouring properties). Overall he concluded that the design of the building as altered was not detrimental to the character and appearance of the area.
- 3.64 Similarly, he was satisfied that the amended scheme would adequately deal with neighbour amenity – subject to the imposition of conditions. Whilst he accepted that there would be some loss of sunlight/daylight to 71/73 Fairfield Road, he acknowledged that the BRE Sunlight and Daylight Report confirmed that the loss was within acceptable limits.
- 3.65 The area that the Inspector was not content with was the quality of the accommodation (even though the amended scheme proposed more family sized units). He found internal space standards inadequate, with the layout of some units contrived with awkward room shapes. He was also concerned about outlook from some of the rooms. He agreed with the Council's view that the deficiencies in both the internal and external space was symptomatic of the over development of the block. Irrespective of the amended scheme providing one further family unit, he concluded that the living conditions for future occupiers would be unacceptable
- 3.66 On balance, the appeal was DISMISSED.
- 3.67 This is a welcome outcome and your officers are now in discussions with the developer, in relation to compliance with the enforcement notice. It is possible that further application might be submitted to seek to further amend the scheme – in order to deal with the quality of internal space standards and the inadequacy of amenity space

## **4. NEW APPEALS**

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

***Application Nos:***

***PA/11/00214***

***Sites:***

***61-67 Cahir Street, E14***

***Development***

***Conversion of four single family dwelling to provide 8x2 bed flats with associated three storey extensions and roof extensions***

***Start Dates***

***9 May 2011***

**Appeal Method****WRITTEN REPRESENTATION**

- 4.2 The Council refused planning permission on the grounds of loss of family accommodation and the poor standards of external amenity space to support the proposed units.

**Application No:** PA/10/02698  
**Sites:** 7-8 Manningtree Street E1 1LG  
**Development:** Erection of a third floor addition – to provide additional accommodation as 4x1 bed flats.  
**Council Decision:** Refuse (delegated decision)  
**Start Date:** 1 April 2011  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.3 Only limited information was submitted as part of this application to properly assess the impact of the development on daylight and sunlight. The application was refused on this basis. It is unclear how the appeal will progress at this stage – as the appellants have not provided clear grounds of appeal. It is understood that the appellants are preparing a fresh planning application submission, accompanied by a daylight and sunlight report.

**Application No:** PA/11/00265  
**Site:** 47 Mile End Road, London E1 4TT  
**Development:** Change of use for an existing travel agents (Class A1) to a restaurant/take-away (Class A3/A5)  
**Council Decision:** Refuse (delegated decision)  
**Start Date:** 19 April 2011  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.4 The Council refused planning permission for this proposed change of use for a number of reasons including an over-concentration of restaurant/take-away uses, inappropriate design of the proposed extract ducting/flue, amenity impacts (noise, smells and inadequate details for the storage of refuse and recyclables).

**Application No:** PA/10/02723/02722  
**Site:** Units 110, 120 and 122, 100-136 Cavell Street E1 2JA  
**Development:** Unit 116 110-136 Cavell Street  
Change of use of commercial (B type) employment floorspace to non residential institutional use (Class D1)  
**Council Decision:** Refuse (delegated decision)  
**Start Date:** 3 May 2011  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.5 These properties are currently being used for educational purposes without the benefit of planning permission. The reason for refusal in both instances was based on the loss of employment floorspace and the general lack of marketing evidence to demonstrate the loss of the commercial accommodation.

**Application No:** PA/10/02510  
**Site:** Land adjacent to Bridge Wharf, Old Ford



**Development:** *Road*  
**Council Decision:** *Erection of 2x3 storey, 4 bed houses*  
**Start Date:** *Refuse (Development Committee)*  
**Appeal Method:** *16 March 2011*  
**WRITTEN REPRESENTATIONS**

- 4.6 This application was refused on grounds of excessive scale and mass of building and loss of open space, failing to preserve or enhance the character and appearance of the Regent Canal and Victoria Park Conservation Areas and on grounds of highway safety in the vicinity of the site.

**Application No:** *PA/10/01376*  
**Site:** *81 Watney Street, E1 2QE*  
**Development:** *Change of use for retail to cafe/restaurant (Use Class A3) including the erection of a kitchen extract system.*  
**Council Decision:** *Refuse (delegated decision)*  
**Start Date:** *29 March 2011*  
**Appeal Method:** *WRITTEN REPRESENTATIONS*

- 4.7 This appeal was refused on the grounds of inadequate kitchen ventilation which was likely to cause noise, disturbance and smell nuisance to neighbouring residential occupiers.

**Application No:** *PA/10/02813*  
**Site:** *7 Teesdale Close E2 6PH*  
**Development:** *Demolition of existing house and the erection of a 5 storey (plus basement) building to provide 1x1 bed basement flat and 4x2 bed flats*  
**Council Decision:** *Refuse (delegated decision)*  
**Start Date:** *5 April 2011*  
**Appeal Method:** *WRITTEN REPRESENTATIONS*

- 4.8 This application was refused on grounds of excessive height and unsympathetic design and resultant massing, failing to respect the character of the immediate area and the Hackney Road Conservation Area.

**Application No:** *ENF/10/00315*  
**Site:** *54 Westferry Road e14 8LW*  
**Development:** *Appeal Against Enforcement Notice – Unauthorised extension of single storey rear extension*  
**Council Decision:** *Instigate Enforcement Action (delegated decision)*  
**Start Date:** *4 April 2011*  
**Appeal Method:** *WRITTEN REPRESENTATIONS*

- 4.9 The reason for issuing the enforcement notice related to the impact of the ground floor extension in terms of design, bulk, scale and use of materials, detrimental to the character of the area. It was also considered that the extension constituted over-development of the site and the loss of amenity space. The enforcement notice required the removal of the structure.

**Application No:** *ENF/10/00315*

<b>Site:</b>	<b>566-568 Mile End Road E3 4PH</b>
<b>Development:</b>	<b>Change of use from retail (Class A1) to use as a hot food take-away (Class A5)</b>
<b>Council Decision:</b>	<b>Refuse (delegated decision)</b>
<b>Start Date</b>	<b>11 April 2011</b>
<b>Appeal Method</b>	<b>WRITTEN REPRESENTATIONS</b>

- 4.10 This appeal was refused on the grounds of the loss of a retail unit, an over-concentration of A5 uses, the cumulative impact and levels of disturbance associated with these uses and lack of details as to how kitchen ventilation might be provided on site.