

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 6 JANUARY 2010

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Alibor Choudhury (Vice-Chair)

Councillor Helal Abbas

Councillor Harun Miah

Councillor Muhammad Abdullah Salique

Councillor Shahed Ali

Councillor Rupert Eckhardt

Other Councillors Present:

Councillor Marc Francis

Councillor Peter Golds

Councillor Dulal Uddin

Officers Present:

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| Jerry Bell | – (Strategic Applications Manager Development and Renewal) |
| Bridget Burt | – (Senior Planning Lawyer, Legal Services) |
| Ila Robertson | – (Applications Manager, Development and Renewal) |
| Richard Murrell | – (Interim Deputy Team Leader, Development and Renewal) |
| Paul Ward | – (Senior Committee Officer, Democratic Services Chief Executive's) |
| Zoe Folley | – (Committee Officer, Democratic Services Chief Executive's) |

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Tim O'Flaherty, Fazlul Haque, Shirley Houghton and Shiria Khatun.

It was also noted that Councillor Rupert Eckhardt was deputising for Councillor Shirley Houghton and Councillor Shahed Ali was deputising for Councillor Shiria Khatun.

2. DECLARATIONS OF INTEREST

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

Councillor	Item(s)	Type of Interest	Reason
Helal Abbas	7.2	Personal	Ward Member
Shahed Ali	8.2	Personal	Former pupil
Shafiqul Haque	7.1 and 7.2	Personal	Correspondence received from concerned parties.
Harun Miah	7.1	Personal	Ward Member

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 25th November 2009 be confirmed as a correct record of the proceedings.

4. RECOMMENDATIONS

The Committee **RESOLVED** that

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the hearing.

6. DEFERRED ITEMS

None.

Following this, Jerry Bell (Strategic Applications Manager, Development and Renewal) advised that paragraph 3.1 of page 11 (bullet point 2) should read 'the adopted London 2008 Plan (consolidated with amendments since 2004).

7. PLANNING APPLICATIONS FOR DECISION

7.1 375 Cable Street, London E1 0AH

Jerry Bell (Strategic Applications Manager, Development and Renewal) introduced the application which sought permission to discharge Condition 6 (Bicycle Parking Provision), Condition 7 (Refuse), Condition 8a (Detailed Drawings of Extract Flue), Condition 8b (Sample of Proposed Brick) and Condition 9 (Noise and Vibration Report) of Planning Permission (ref PA/07/3290) dated 9th April 2009.

In reply to a question from Members, Mr Bell advised that officers had the delegated authority to determine the application. However, due to the number of public objections and public interest in the application, officers considered that it would be in the public interests to present this application to the Committee for determination.

Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report. Ms Robertson reported that planning permission for change of use of the premises to a hot food takeaway was granted by the Committee on 9th April 2009. There had been numerous conditions attached to the planning permission for which this application sought to discharge five of those conditions. There had been a public consultation on the original and discharge proposals to which the same 692 neighbouring properties had been notified with 229 objections received and 1 objecting petition containing 28 signatures. The objections centred around the following issues: cycle parking, refuse, design of the extract flue, noise and vibrations.

Planning officers had considered the submitted details and had concluded that they were acceptable and were in line with planning policy. The Council's Environmental Health, Highways and Cleansing Departments were consulted regarding the application and were of the view that it was satisfactory.

The Chair asked those registered to speak in objection to the application to address the Committee.

Ms Emma Davidson commented that planning permission in April 2009 had only been granted provided all the conditions were met. When residents were notified in June 2009 of this application they raised objections again which had still not been addressed. There was particular concern at the loss of cycling facility and the placing of the location bins, which would be directly under residents windows. There were also concerns about the location of and the changes to the design of the extract flue as this would have a negative impact on the surrounding residents in terms of noise and fumes. She also disputed the assertion that the minimum noise level complied with the minimum noise standards as the noise assessment was not carried out in the correct location and therefore the revised noise report was inaccurate and a new assessment was required. She considered that if the application to

discharge these condition was approved that there would be a loss of local amenity.

Mr Charles Copeland considered that the application now before the Committee did not satisfy the original conditions attached to the 9th April 2009 planning permission and that it would adversely affect the quality of life of residents. Therefore he considered that officers and Members were going back on their original decision, particularly as Councillor Heslop had stated that at the April 2009 meeting that he did not considered the premises to be in the right location for a fast food outlet and it was only granted due to the numerous conditions. He expressed concern about the location of the refuse bin under residents properties. He queried how bad it would smell in the summer. There was not one person in favour of the application which was borne out in the report. He considered that the Committee should retain the original conditions approved in April 2009.

Councillor Dulal Uddin speaking in support of the Applicant questioned the need for this application to be brought back to the Committee for variation after two years during which time the Appellant had been left in 'limbo'. He expressed concern at the delay in resolving these matters and considered that the matters should be resolved at this meeting.

Councillor Marc Francis speaking as an objector and also on behalf of the local MP Mr Jim Fitzpatrick considered that the proposals would have a detrimental affect on the local community. The application was refused in 2007 as it was contrary to UDP. The noise report contradicted planning policy, specifically the policies within the emerging Local Development Framework. He considered that the close proximity of the premises to local schools contributed to the problem of childhood obesity. He expressed concern over the loss of the cycling provision as this would increase traffic congestion. In relation to the plans for the refuse, this contradicted the principles of the original condition. The applicant had provided no reassurances as to the level of disturbance from the extract duct.

Councillor Peter Golds speaking as an objector stated that the application was contrary to planning policy and had no support from local residents. There were concerns over the plans to locate the refuse bin at the front of the unit given its close proximity to Fisher House and a local school. He asked would anyone like a refuse bin and a flue for cooking directly under their properties. In relation to the loss of the cycle provision, having cycling provision was intricate to the granting of the original conditions as there were double yellow lines on the highway so no one could park there and to do so would create significant problems. The premises used to operate as community shop which was welcomed. He urged the Committee to reject the discharge of the conditions.

Mr Bell stated that the application centred around if the conditions had been properly discharged and the Council's experts were advising that they had been. In relation to the flue the original recommendation was to build it at ground level but there were concerns that it would obstruct the pavement and pedestrians so it was now proposed to build it higher up the building.

Furthermore, the original application was for the flue to be enclosed in brick work, but this would be too bulky. The revised flue was to be enclosed in brick cladding was much more appropriate and more in keeping with the surrounding area and design of the building. The main entrance was located at the rear of the premises and it was therefore considered that it would be inappropriate to locate the refuse bin at the rear near the entrance as this would create problems. As there had to be a refuse bin, whilst offers did want cycle provision, the refuse bin took priority. The refuse bin would be moved to the rear of the building to avoid traffic delays on Cable street during collection. The bin would be covered and locked at all times.

In response to questions from Members, Mr Bell confirmed that when the shop was open the refuse was collected from the front of the building. Officers were confident that all conditions had now been met and therefore the Committee would need other reasons to refuse the discharge.

Mr Bell confirmed that there was a condition in the application stipulating where the bin could be stored. In relation to the odours emanating from the bin, Mr Bell confirmed that there were drawings submitted with the application to discharge the conditions that showed where the bins could be stored. This allowed the Council to take enforcement action if the bins were not kept in the location shown on those drawings. Officers in Environmental Services have enforcement powers and could exercise these powers if the odours from the bin becomes a statutory nuisance.

There was a need to ensure the adequate storage of refuse and this took precedence over the provision of cycling stands.

On a vote of 6 for and 1 against, it was

RESOLVED that planning permission be GRANTED to discharge conditions 6 (Bicycle Parking Provision), 7 (Refuse), 8a (Detailed Drawings of Extract Flue), 8b (Sample of Proposed Brick) and 9 (Noise and Vibration Report) of Planning Permission ref PA/07/3290 dated 9th April 2009.

At this point 7:15pm the meeting adjourned to allow people to the leave the public gallery. The meeting reconvened at 7.20pm.

7.2 23 Casson Street, London E1 5LA

Jerry Bell (Strategic Applications Manager, Development and Renewal) introduced the item for the conversion of an existing 6 bedroom house into 4 flats consisting of 1 x 3 bedroom maisonette at ground and lower ground floor level, and 3 x 1 bedrooms flats at the upper floors. It also sought permission for the erection of a rear extension at lower ground floor level and creation of balconies at ground, first and second floor level at the rear.

Ila Robertson (Applications Manager, Development and Renewal) presented the detailed reported. Ms Robertson stated that 102 neighbouring properties had been notified with one petition in objection received which contained 21

signatures. There were concerns that there would be a loss of family housing increased car parking in the areas, increased refuse being disposed outside the property, loss of sunlight and privacy and an increase in noise and disturbance. The premises was currently a house but had twice been converted previously and it did comply with HSG12. Officers had investigated residents concerns and were of the view that that the proposals were appropriate in relation to the retention of suitable family housing and were in line with the saved policy which sought to ensure a suitable supply for family housing in the Borough. There would be no sunlight impact or additional noise nuisance.

The application would result in the retention of a three bedroom maisonette with sole access to a rear garden. There was no parking associated with the development as a car free agreement would be secured via condition for the three x one bedroom units. There was not a communal refuse store so refuse would be stored in the house/flats and put outside the development on refuse collection days. Balconies did overlook open space and some adjacent properties to the south but screen would be installed to minimise this.

Ms Robertson addressed the concerns around loss of privacy, specifically the overlooking to the south and the issues around noise and disturbance and loss of sunlight.

In reply to questions from Members, Ms Robertson stated that she had attended the site today and whilst the proposed balconies would overlook a children's playground and neighbouring properties to the east of the site, there were already properties there that overlooked the play areas and this development would not adversely affect that.

Councillor Abbas also expressed reservations at to the plans to divide the property into smaller units given there was a shortage of larger units in the area.

On a vote of 3 for and 2 against and 2 abstentions, it was

RESOLVED that planning permission be GRANTED for the conversion of the existing 6 bedroom house into 4 flats consisting of 1 x 3 bedroom maisonette at ground and lower ground floor level, and 3 x 1 bedrooms flats at the upper floors and the erection of rear extension at lower ground floor level and creation of balconies at ground, first and second floor level at the rear; and

That the Corporate Director Development & Renewal be delegated power to impose the conditions and informative on the planning permission set out in the report.

8. OTHER PLANNING MATTERS

Jerry Bell (Strategic Applications Manager) advised that the next three items on the agenda were reported to the Committee as the scheme of delegation required this even though any decision was limited to the referral of the

applications to the Government Office for London as the Council was prohibited from granted itself listed building consent.

8.1 Phoenix School, 49 Bow Road, London E3 2AD

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application which sought listed building consent for the replacement of an existing roofed structure by the erection of a pavilion to provide new teaching space, play and storage areas, including library facilities within the School's courtyard. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

RESOLVED that the application for the erection of a pavilion detached from the main school building to provide new teaching space, play and storage areas plus a library facility be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to the conditions detailed in the report.

8.2 Harry Gosling Primary School, Henriques Street, London E1 1NB

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application which sought consent to refurbish the interior of the school to allow for the relocation of two service provisions being the pupil referral unit and the city learning centre. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

RESOLVED that the application for internal refurbishment works comprising minor improvements, decoration and upgrading works, renewal of original features and removal of non-original internal additions be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to the conditions detailed in the report.

8.3 Boundary Gardens, Arnold Circus, London E2

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application. The council was seeking listed building consent to repair, re-decorate and slightly alter the appearance of the bandstand at Boundary Gardens, to renovate the park railings and add benches and bins. The proposal also includes upgrading hard and soft landscaping. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

RESOLVED that the application for the bandstand alterations, to replace damaged ship-lap panelling around the structure with a timber post and rail enclosure; repair and restoration of roofing, ceiling slats, gutters and rain-water pipes; replace burnt sections of timber structure; clean and restore finial; repaint visible timber surfaces 'Deep Brunswick Green', install a ceiling mounted luminaire and

The gardens removal of low railing around bandstand; renovation of boundary railings and gates; renovation of terrace and stair railings including addition of new top rail and handrail; installation of timber benches and waste-bins attached to terrace railings; new hard and soft landscaping and water and electrical supplies, be referred to the Government Office for London with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that the Head of Planning and Building Control be delegated power to recommend to the Secretary of State the conditions and informatives detailed within the report.

The meeting ended at 7.39 p.m.

Chair, Councillor Shafiqul Haque
Development Committee