

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.55 P.M. ON THURSDAY, 4 MARCH 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 Shiria Khatun

Councillor Harun Miah

Councillor Tim O'Flaherty

Councillor Peter Golds

Councillor Muhammad Abdullah Salique

**Other Councillors Present:**

**Officers Present:**

Stephen Irvine – (Development Control Manager, Development and Renewal)

Jerry Bell – (Strategic Applications Manager Development and Renewal))

Ila Robertson – (Applications Manager, Development and Renewal)

Bridget Burt – (Senior Planning Lawyer, Legal Services Chief Executives)

Zoe Folley – (Committee Officer, Democratic Services Chief Executive's)

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Rupert Eckhardt for whom Councillor Peter Golds was deputising.

**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
Shafiqul Haque	7.2	Personal	Correspondence received from concerned parties.  Resides in the ward concerned.
Shiria Khatun	7.3, 8.1  7.3	Personal  Personal and Prejudicial	Ward Councillor  Resides in the area concerned.  Board Member of Poplar HARCA (Applicant)
Muhammad Abdullah Salique	7.2	Personal	Resides in the area concerned.

### 3. UNRESTRICTED MINUTES

**RESOLVED** that the unrestricted minutes of the meeting held on 3<sup>rd</sup> February 2010 be confirmed as a correct record of the proceedings subject to the inclusion of the following Councillors in the list of 'other Councillors present':

Councillor Lutfur Rahman  
Councillor Abdal Ullah  
Councillor Rofique U Ahmed  
Councillor Ohid Ahmed.

A Member also requested that in future, wards be correctly recorded in reports.

### 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**

Nil Items.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Brick Lane Arches, London (PA/09/02087 and PA/09/02062)**

The item was withdrawn from the agenda by the Applicant.

### **7.2 83-89 Fieldgate Street, London E1 1JU (PA/09/02660)**

Mr Stephen Irvine, (Development Control Manager, Development and Renewal), introduced the application regarding 83-89 Fieldgate Street, London.

Ms Ila Roberson (Applications Manager, Development and Renewal) presented the detailed report. The application sought to provide additional seating for the existing restaurant located on the ground floor including alterations to the existing shop front.

The previous application (PA/09/01407) was refused and this application sought to overcome the reasons for that refusal. Since that time, officers had worked with the applicant to obtain an acceptable scheme.

In relation to the consultation, 214 neighbouring properties were notified and invited to comment on the proposal. To which a petition containing 128 signatures and 3 responses objecting to the proposal were received.

A key concern was that the proposal would result in increased noise nuisance and disturbance at the premises. However it was considered that the application would address the existing issues at the premises through, amongst other things, the removal of the external seating, the provision of a dedicated function area and a dedicated internal lobby where patrons could wait to be seated. It was emphasised that there was no proposed change to the number of seating at the restaurant. LBTH Environmental Health had reviewed the application and considered that it was acceptable.

Ms Robertson also addressed the concerns about the adequacy of the ventilation system.

In conclusion it was considered that given the number of seats in the restaurant would remain as at present and the mitigation measures proposed, the scheme was acceptable and the impact was satisfactory. As a result Members considered that the application should be approved.

On a vote of 5 for and 0 against, it was –

### **RESOLVED**

1. That planning permission be granted for the conversion of part basement floor (currently used as storage area) and first floor (currently used as residential) into seating area for the existing restaurant located on the ground floor including alterations to existing shopfront subject to:
2. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Full implementation of the service management plan
3. Retention of the waiting areas
4. Removal of the redundant extract ducts
5. Condition restricting hours of operation
6. In accordance with the approved drawings.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

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

### **7.3 Site at Land Bounded by Cordelia Street, Carron Close and Chrisp Street, London E14 (PA/09/02657)**

Mr Stephen Irvine, (Development Control Manager, Development and Renewal) introduced the report, regarding the Site at Land Bounded by Cordelia Street, Carron Close and Chrisp Street.

Mr Jerry Bell (Strategic Applications Manager, Development and Renewal) presented the detailed report. Officers considered that the height, scale and design of the proposal was acceptable and in line with relevant planning policy. The application would provide high quality affordable housing including social rented units and a good provision of open space. In fact there would be a marginal increase in open space. Planning contributions had been secured towards education, healthcare, leisure, open space and highways.

Councillor Shiria Khatun left the meeting at 8:15 pm for the consideration and voting on this application.

On a unanimous vote, it was –

### **RESOLVED**

1. That planning permission be granted for the demolition of existing residential buildings on site and construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution (Use Classes A1, A3, B1 and D2). Provision of open space improvements and car parking subject to

2. A Any **direction** by **The Mayor**

3.B The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Contributions

a) Provide a contribution of **£130,973** towards the provision of future health and social care facilities.

b) Provide a contribution of **£221,156** towards the provision of primary school places.

c) Provide a contribution of **£63,239** towards the provision of Leisure facilities.

d) Provide a contribution of **£59,998** towards the provision of Open Space.

e) Provide a contribution of **£100,000** towards highways improvements.

#### Non-financial Contributions

d) Affordable Housing (40%)

f) Car Free Development for all new units

g) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

- h) Travel Plan to encourage sustainable travel to and from the development by residents.
  - i) Construction Logistics Management Plan
  - j) Servicing Management Plan
  - k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
4. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

1. Time Limit
2. Accordance with the approved plans
3. Contaminated land survey
4. Full landscaping details including playspace details to be approved
5. Proposed disabled parking to be implemented prior to occupation of the units and retained.
6. Location and appearance of photovoltaic panels to be approved
7. Samples / pallet board of all external facing materials to be approved
8. Extraction or ventilation equipment to be approved
9. Hours of operation for the commercial use (8:00-21:00 Mons-Sun)
10. Delivery hours for commercial use (8:00-19:00 Mon-Sat, 10:00-18:00 Sun)
11. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
12. Control of hammer driven piling or impact breaking development works (Only 10:00 – 16:00 Monday to Friday. No works Saturday, Sunday or bank holidays).
13. Impact piling method statement to be approved
14. All residential accommodation to be completed to lifetimes homes standards
15. At least 10% of homes wheelchair accessible or easily adaptable
16. Code for Sustainable Homes Assessment (level 3)
17. Heat Network to be operational prior to occupation
18. Photovoltaic panels to be installed prior to occupation
19. Air Quality details to be approved prior to commencement
20. Scheme of Highways improvements (S.278 agreement)
21. Surface Water Drainage details to be submitted and approved
22. Details of any fencing / boundary treatments prior to erection

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

**Informatives**

1. Contact Thames Water
  2. Contact Building Control
  3. S278 Highways Agreement and Oversailing license
  4. Highways Informatives
  5. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
6. That, if by 26<sup>th</sup> March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Shiria Khatun rejoined the meeting at 8:20 pm for the consideration of the remaining items of business.

#### **7.4 137 Tredegar Road, London E3 2EA (PA/09/02084)**

Addendum Update Report Tabled.

Mr Stephen Irvine, (Development Control Manager, Development and Renewal), introduced the application for change of use.

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

Mr Omar Khahraman the Applicant's agent speaking in support of the application presented the reasons why the planning permission should be granted. He reported that the Applicant had already invested a substantial amount of funding into the scheme. His client had sought professional advice hence had carefully gone through all of the previous concerns raised in November 2009. He considered that the proposal would provide the local community with seven jobs. He considered that the application now contained provisions to deal with the concerns around pollution and odour. He considered that the ventilation system proposed was adequate and the noise assessment complied with the BSI requirements. The noise levels would fall below ten decibels. There would be a carbon energy filter. The application would be prepared to install a second carbon energy filter if necessary. In relation to noise disturbance, the premises had CCTV, the staff would discourage patrons from parking outside. The application would also display signs asking people to leave quietly. He considered that there would be no adverse traffic issues as the road outside was relatively quiet. He urged the Committee to support the application.

Councillor Marc Francis, speaking in objection to the application, reported on the reasons why he objected to the conversion. He stated that whilst there was a policy to reduce obesity in young people, which was welcomed, his objection was not so much based on that, but on the specific concerns stated in the report regarding noise nuisance, increased parking and traffic congestion. He expressed concern at the impact on the Roman Road Market Conservation Area and the nearby residents of the area. He also considered

that the ventilation and storage systems were inadequate. He considered that the application should be refused.

Ms Robertson (Applications Manager Development and Renewal) presented the detailed application. Ms Roberson addressed the issues raised in representations to the application regarding impact on the surrounding residential area.

Ms Robertson also drew attention to the premises close proximity to the Roman Road Market Conservation Area. The proposal would fail to enhance the conservation area. It would also result in an unacceptable increase in noise and disturbance to residential occupiers through increased activity. LBTH Environmental Health did not consider that the proposed extraction flue would neutralise the odours from the premises. It would also be visible from the Conservation Area.

Members queried how the application differed from the two previous rejected applications which was answered by officers. Mr Irvine also clarified the scope of the pre application negotiations.

Members considered that the proposed conversion would attract traffic in an area that was already congested, would result in an unacceptable increase in noise disturbance and pollution. For the reasons set out in the report, Members considered that the planning permission should be refused as per officers recommendations.

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

### **RESOLVED**

That planning permission be refused for the change of use of retail shop (Use Class A1) to restaurant (Use Class A3) and installation of fume extraction system.

## **8. OTHER PLANNING MATTERS**

### **8.1 Lansbury Lawrence Nursery School, Cordelia Street, London E14 (PA/09/02134)**

Ms Ila Roberson (Applications Manager, Development and Renewal) presented the application.

On a unanimous vote it was –

### **RESOLVED**

1. That the application for internal and external alterations and refurbishments to the nursery school buildings including some demolition, connecting and enlarging the two buildings on Cordelia



Street by infilling a small yard and raising the roof of the lower building and the re-location of pupils toilets in south block from within classrooms to a single central area be referred to the Government Office for London with the recommendation that were it within its authority to do so the Council would be minded to grant Listed Building Consent and that power be delegated to the Head of Planning and Building Control to recommend to the Secretary of State conditions and informatives to secure the following matters:

2. 1. Development to be implemented within three years
2. Details of the following to be submitted and approved before work commences:
  - a) revised drawings to show the north elevation of the proposed infill set back from the building line of the two existing buildings
  - b) detailed drawings of the junction between the retained roof of the original 'blue class' building and the proposed extension
  - c) bricks (including sample panels to show bond, mortar and pointing) roofing, coping, roof lights and windows for proposed parents/dining room. Re-use salvaged bricks.
  - d) retention, cleaning and re-use of terrazzo lavatory partitions and omission of encasement panels.
  - e) internal finishes for new toilet areas.
  - f) all new work and work of making good to original fabric to match original in terms of materials, detailed execution and finished appearance
- 3.3 Informatives .  
Listed building consent would be required for the incorporation of security fencing above the altered building and you are advised that such structures are considered detrimental to the character and appearance of the conservation area.

The meeting ended at 8.30 p.m.

Chair, Councillor Shafiqul Haque  
Development Committee