

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

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

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor Mohammed Abdul Mukit MBE
Councillor Kosru Uddin

Councillor Gloria Thienel

Other Councillors Present:

Councillor Marc Francis

Officers Present:

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

COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

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

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

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

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13 July 2010 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Harper-Penman then left the meeting.

COUNCILLOR ANN JACKSON IN THE CHAIR

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

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

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

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

In accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

8. OTHER PLANNING MATTERS

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

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

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

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

The meeting ended at 7.30 p.m.

Chair, Councillor Carli Harper-Penman
Development Committee