

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 30 NOVEMBER 2005

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Muhammed Ghulam Mortuza

Councillor Martin Rew

Councillor Ashton McGregor

Councillor Salim Ullah

Councillor Janet Ludlow (In place of Councillor Ray Gipson)

Other Councillors Present:

(none)

Officers Present:

Stephen Irvine – (Applications Manager, Planning)

Scott Hudson – (Development Control)

Richard Humphreys – (Development Control)

Alison Thomas – (Manager, Social Housing Group)

Andrew Wiseman – (Legal Advisor, Trowers and Hamblins)

Brian Bell – (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Julian Sharpe and from Councillor Ray Gipson, for whom Councillor Janet Ludlow deputised.

2. DECLARATIONS OF INTEREST

None were made.

3. MINUTES OF 9TH NOVEMBER 2005

The minutes of the Development Committee held on 9th November 2005 were confirmed as an accurate record and signed by the Chair.

4. DEPUTATIONS

The Chair advised that, with the agreement of the committee, he would be accepting the following deputation requests:

- agenda item 5.1, Jeff Jones for the objectors, and Shirley Karat for the applicant
- agenda item 5.3, Kate Webber for the objectors and Charles Cheesman, Corporation of London, for the applicant.
- agenda item 5.7, Councillor Alan Amos, Millwall Ward and Shirley Houghton for the objectors

He also advised that he would be taking item 5.7 immediately after 5.1 to facilitate the large number of members of the public in attendance for that item.

5. PLANNING APPLICATIONS FOR DETERMINATION

5.1 "Floating Hotel", Mooring in Millwall Cutting and South Dock, Thames Quay, Marsh Wall, E14 (Report number DC027/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, and drew attention to the additional information, representations and recommended conditions contained in the tabled Addendum report. A previous permission for a similar vessel known as the 'Chrome Castle', which had been larger than the current application, had been granted in October 2000. He pointed out that many of the issues raised during consultation were in fact commercial and legal ones between the applicants and adjoining landholders, rather than planning matters. Although the scheme was highly unusual, Canary Wharf and Docklands were well known for contemporary design, and the proposal would bring an additional attraction with associated employment, to the area.

Mr Jeff Jones addressed the committee on behalf of the objectors and in particular the freeholders and residents of Meridian Place, a development to the immediate southeast of the application site. They had had previous experience of disturbance caused by naval and other visiting vessels, and feared even more from a permanently moored one. On several of these occasions they had received assurances from the relevant parties but these had proven ineffective. They were particularly concerned that whatever the operators intentions, significant numbers of staff and guests would access the site through their property. This would severely affect their amenity and security, and he urged the committee to reject the application.

In response to Members' queries, he acknowledged that the applicants had made some efforts to address their concerns including by the construction of a new service road and pontoon as the principal means of access.

Nevertheless they still believed that it would lead to much greater congestion and nuisance on their estate, as guests and staff were dropped off on Marsh Wall and elsewhere and cut through to the hotel.

Ms Shirley Karat addressed the committee on behalf of the applicants, stressing that they had tried to address all those matters which were within their power. Her clients planned to operate a 5 star hotel and to attract the requisite guests. It was therefore in their interests to minimise noise or other nuisance on board, or originating from, the vessel. They intended to provide consistently high levels of management and security. It had been agreed that most servicing would be via the water, and this was covered by both the proposed conditions and legal agreement. Alternative direct means of access would be provided for vehicles and pedestrians, so they could not foresee many visitors choosing to approach it through Meridian Place or other neighbouring sites.

In response to Members' queries, she argued that the proposal would not be out of character with the area, as very little of the traditional dockside was left and all of the adjacent developments were of modern design. She confirmed that a new swing bridge would be constructed across Millwall Cutting to provide easier pedestrian access to South Quay DLR and Canary Wharf. The hotel would have both patrolling security and a 24 hour staffed entrance, as set out in the legal agreement. She reminded the committee that although the hotel would have the appearance of a ship, it would not have its own means of propulsion and was not intended to move.

Councillor Janet Ludlow proposed an addition to the legal agreement to require "security, signage and other measures to be taken to endeavour to ensure visitors and staff respect the boundaries of other local residences and properties, in particular those with Meridian Place."

The amendment was agreed on a vote of

4 IN FAVOUR
1 AGAINST
1 ABSTENTION.

On a vote of

5 IN FAVOUR
1 AGAINST

it was **AGREED** that planning permission be **GRANTED** subject to the conditions and S106 legal agreement outlined below:

Conditions

- 2.1.1 Time period for commencement (5 years).
- 2.1.2 Construction hours (8am-6pm Mon to Fri, 8am-1pm Sat, no Sundays or Public Holidays).
- 2.1.3 Approval of Highways details prior to commencement of works.
- 2.1.4 Detailed landscape plan prior to commencement of works.

- 2.1.5 British Waterways conditions detailing surfacing materials, pontoon details and the means of securing/mooring of the boat to the quay.
- 2.1.6 Environment Agency conditions requiring ecological mitigation plan, pontoon design details, UK native planting, external lighting details and no storage on dock.
- 2.1.7 Servicing arrangements by water vehicles.
- 2.1.8 Disabled/bicycle parking to be permanently retained.
- 2.1.9 Restriction of use for external public decks (for restaurants/bar areas).
- 2.1.10 Use class restrictions (C1 hotel and ancillary uses).
- 2.1.11 Plant & associated equipment noise restrictions.
- 2.1.12 Extract duct and fumes restrictions.
- 2.1.13 Refuse and recycling facilities in accordance with plans.
- 2.1.14 Crossrail Safeguarding conditions.

Section 106 Legal Agreement to secure the following:

- 2.2.1 Completion of a Management Plan to incorporate the following details;
 - (i) Details of the day to day servicing arrangements for the vessel.
 - (ii) Details of the proposed valet parking arrangements.
 - (iii) Details of community liaison officer and a 24-hour liaison telephone number for local residents.
 - (iv) Security details, including patrolling security staff to ensure visitors to the vessel do not disturb local residences and 24 hour manned security entrance.
 - (v) Security, signage and other measures to be taken to endeavour to ensure visitors and staff respect the boundaries of other local residences and properties, in particular those with Meridian Place.
- 2.2.2 £100,000 financial contribution towards education and training initiatives within the Borough.
- 2.2.3 £50,000 financial contribution towards a new pedestrian crossing on Marsh Wall.
- 2.2.4 £30,000 financial contribution towards bus stops on Marsh Wall.
- 2.2.5 £20,000 financial contribution towards the provision of cyclist and pedestrian facilities in the Isle of Dogs.
- 2.2.6 £9,000 financial contribution to the London Docklands Angling Consortium.
- 2.2.7 The applicant agrees to revoke the planning consent PA/00/1439 at the western end of South Dock when the current application PA/05/1227 is consented.
- 2.2.8 Additional parking to be made available to LDAC, of a maximum of 5 spaces during the week and a maximum of 10 spaces at weekends.
- 2.2.9 Additional 6 access gates in Millwall Cutting (total of 10) for LDAC to gain access to the dock.
- 2.2.10 British Waterways to exchange the permitted angling area on the western side of Millwall Inner Dock, once the vessel's use is implemented.

5.2 Former Goodman Fields, Land North of Hooper Street and East of 99 Leman Street, E1 (Report number DC028/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, explaining that the main amendment was to reduce the number of affordable housing units in order to provide a better mix with more family sized units, as detailed in paragraph 6.6.

It was unanimously **AGREED** that planning permission be **GRANTED** subject to the conditions and S106 legal agreement outlined below:

Conditions:

- 1 Time limit for commencement (5 years).
- 2 Construction hours (8am-6pm Monday to Friday, 8am-1pm Saturday, no Sundays or Public Holidays).
- 3 External materials & finishes samples.
- 4 Landscaping plan/Maintenance plan.
- 5 External lighting plan.
- 6 Sound insulation between flats/external noise provision.
- 7 Contamination investigations.
- 8 Environmental Agency conditions.
- 9 Implementation of a program of archaeological work.
- 10 Refuse/recycling facilities.
- 11 Residential Parking Only.
- 12 Vehicular Access.
- 13 Wheel Cleaning.

Section 106 Legal Agreement to secure the following:

- 1 25% (62 units/5,184sq.m.) of the dwellings proposed in this application are to be made available for affordable housing provision.
- 2 Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
- 3 Introduction Of Car Share Club To Assist In Reducing Car Usage And Ownership.

5.3 Billingsgate Market, Trafalgar Way, London E14 (Report number DC029/056)

Mr Richard Humphreys (Planning Applications Manager) reported that since the application had been deferred at the last meeting, the required site visit had now taken place. The applicants, the Corporation of London, had clarified several matters including that the number of vehicles quoted in the report was a maximum, and that it was their aim to keep as many as possible in use or at their current transfer station. They had agreed to provide a contact number for complaints, which was to be an additional condition. They had also stated that traffic congestion at the gates of the market was extremely rare, happening on only a few occasions each year.

Objector Ms Cate Webber addressed the committee. She continued to be of the view that use of the site as a temporary vehicle park would generate unacceptable additional levels of noise and traffic. She also queried why this particular part of the site, which was the only one with residential neighbours, was being proposed and urged the committee not to agree the application.

Mr Charles Cheesman addressed the committee on behalf of the Corporation of London. He repeated that it was their intention to keep as many vehicles as possible either in use, or at their original depot as much as the renovation programme there allowed. This depot had residential accommodation immediately adjacent to it so they were well used to minimising the disruption to neighbours.

In response to a member's query, officers advised that the Corporation had made a convincing case that the rest of the site was needed for its main use as London's fishmarket, and that this corner was the most suitable.

It was unanimously **AGREED** that planning permission be **GRANTED** subject to the conditions outlined below:

- 1 Temporary planning permission for 24 months.
- 2 No washing and servicing of cleansing vehicles to be carried out within the Billingsgate Market site.
- 3 Applicant to provide a 24 hour/7 day a week contact number for complaints, to be made available to local residents in a manner to be agreed with the LPA.

5.4 East End Mission, 583 Commercial Road, London E1 (Report number DC030/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, and drew attention to the fact that since the applicant had already appealed against non-determination, it was therefore a "minded to approve" recommendation. The percentage and mix of affordable housing to be provided was far from ideal, but the applicant had used the GLA "toolkit" to contend that the development was only viable at that level, and it was therefore recommended on balance.

On a vote of

4 IN FAVOUR
2 ABSTENTIONS

it was **AGREED** that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** full planning permission, subject to the following conditions and S106 legal agreement:

Conditions:

- 1 Time Limit for commencement (5 years).
- 2 Development in accordance with submitted amended plans.
- 3 Amending condition, prior to the commencement of development, detailing;
 - All room and unit sizes to accord with the Council's SPG Residential Space.
- 4 Amending condition, prior to the commencement of development, detailing;
 - Provision of security gates to secluded entrances, or deletion of secluded entrances to units located in the Bromley Street Wing.
- 5 Amending condition, prior to the commencement of development, detailing;
 - Details of CCTV and secure entrance from Commercial Road.
- 6 Amending condition, prior to commencement of the development, detailing;
 - Conservation design conditions requiring full details of materials, joinery and repairs to the existing building.
- 7 Contaminated land reporting.
- 8 Air quality reporting.
- 9 Facing material details required.
- 10 Sound insulation between individual units required.
- 11 Sound insulation to protect against external noise required.
- 12 Wheel cleaning during construction required.
- 13 Provisions for disabled access and cycle facilities.
- 14 Provision for cycle facilities.

Section 106 Legal Agreement to secure the following:

- 1 Provision of 19 units (1,276sq.m and the following mix: 4 one-bed, 7 two-bed, 6 three-bed, and 2 four-bed) of the dwellings proposed in this application, to be made available for affordable housing provision.
- 2 Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
- 3 Management of ground floor retail units.

PA/05/00488 – Conservation Area Consent:

AGREED that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** Conservation Area Consent, subject to the following conditions:

- 1 Time Limit for commencement (5 years).
- 2 Demolition shall not be carried out until a valid Full Planning Consent is issued.

5.5 5-10 Corbridge Crescent, London E2 (Report number DC031/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, which assessed amendments to a permission granted in December 2004. The site was now to be entirely acquired by a housing association who wished to increase the affordable housing provision to 100% and change the unit mix to reflect their requirements and planning policy.

Members urged that as this was a canalside development, particular attention be paid to the quality of design and materials on the canal frontage during condition approval.

It was unanimously **AGREED** that the amendments to the planning permission agreed on 13th December 2004, as summarised in Section 4 of the report, be **GRANTED** subject to the following conditions and legal agreement:-

Conditions

- 1 Five year time limit.
- 2 Reserved matters:- (i) details (samples) of external materials; (ii) lighting to all external areas; (iii) balconies; (iv) shopfront details (to scale 1:20).
- 3 Construction works restricted to between 8.00 am to 18.00 pm on Mondays to Fridays and 8am to 1pm on Saturdays only, and not on Sundays or Public Holidays. Any driven piling shall only occur between 10am and 4pm Mondays to Fridays.
- 4 Archaeological access to be provided for investigation.
- 5 Site investigation regarding any possible soil contamination to be carried out, and any remedial works to be agreed in writing by the Council.
- 6 No doors to open over or across the public highway.
cycle facilities, which are to be provided before the flats are occupied.
- 8 Details of scheme of opaque glazing for the rear external staircases to be approved in writing, and shall (i) be fitted before the occupation of any of the flats; (ii) be permanently fixed so that the windows do not open, and (iii) thereafter be permanently retained as long as the flats are occupied.
- 9 Details of sound insulation/noise attenuation measures, including to windows, to be submitted.
- 10 Details of surface water drainage works to be submitted and approved before works are carried out on site.
- 11 No solid matter shall be stored within 10m of the banks of the canal during construction works.

Section 106 legal agreement to secure:

- 1 Affordable housing in line with Policy HSG3 of the Adopted UDP and Policy HSG4 of the First Deposit Draft UDP.
- 2 Car-free agreement.
- 3 Financial contribution of £108,000 for environmental improvement works within the immediate vicinity of the site (to include works to the canal/towpath, repaving/highways works, and any changes deemed necessary to on-street parking restrictions within the vicinity of the site).

5.6 Stour Wharf, Stour Road, E3 (Report number DC032/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report which contained a “minded to refuse” recommendation as the applicant had already appealed the case to the Planning Inspectorate. The application had originally been considered and deferred in October 2004. Subsequent to this greater safeguarding of employment use in this area had been introduced as part of the East London Sub-regional Framework of the draft London Plan. The London Development Agency had also pointed out that part of the site had been earmarked for a bridge to provide emergency access to the Olympic precinct.

It was unanimously **AGREED** that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:

- 1) The proposed development represents a loss of employment generating uses in the industrial employment location. As such the proposal is contrary to:
 - (a) Policy EMP1, EMP2, and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough;
 - (b) Policy EMP7 of the First Draft Deposit UDP, which seeks to ensure that composites of business and residential space in the same self-contained unit are resisted;
 - (c) Policy EE2 of the Draft LDF: Preferred Options: Core Strategy and Development Control Development Plan, which seeks to ensure that any development that includes a change of use from B1 and B2 is strongly resisted and any development that is proposed in the vicinity of a Strategic Employment Location that may give rise to pressure to curtail the industrial use is resisted;
 - (d) Policy 2A.7 of the London Plan, which requires Boroughs to identify Strategic Employment Locations in UDP's; and the Draft Sub Regional Development Framework – East London, which seeks to protect East London's strategic reservoir of land for industrial type activities.

- 2) The proposed non-industrial use would detrimentally affect the continued ability to use this area for industrial uses. The non-industrial may give rise to pressure to curtail the industrial use. As such, the proposal is contrary to:
 - (a) Policy EMP5 and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that incompatible development in the vicinity of existing industrial use is not normally permitted;
 - (b) Policy EMP7 of the First Draft Deposit UDP which states that composites of business and residential space in same self contained unit will be resisted;

- (c) Policy EE2 and EE5 of the Draft Core Strategy and Development Control Development Plan (CSDCD) which seeks to safeguard the retention, expansion and growth of employment provided by general industrial uses, resist the change of use from B1 and B2 uses, and resist development that may give rise to pressure to curtail the industrial uses.
- 3) The premises would provide sub-standard accommodation due to:
- (a) evidence that suggests that live/work units are being used purely as residential units;
 - (b) the lack of appropriate transport and social (education, health, shopping and open space facilities) infrastructure in the locality expected in an environment where people live; and
 - (c) the amenity problems associated with adjoining industrial uses, such as noise, vibration, dust, odour, fumes, heavy vehicle traffic, safety and security, and hours of operation.
- As such, the non-industrial use is incompatible with the industrial employment location and is therefore contrary to:
- (a) the policies referred to in 2) above;
 - (b) Policy DEV2 of the UDP (1998), which seeks to ensure that amenity of occupiers is protected; and
 - (c) Policy ENV1 of the First Draft Deposit UDP, which seeks to ensure that the development that causes demonstrable harm to the amenity of occupiers or neighbours is not permitted.
- 4) The proposal is contrary to Olympic Precinct OLY1 under the proposals for the new Olympic stadium. Stour Road will be extended across the canal via bridge "R11" to provide access for emergency services to the Olympic precinct during the construction phase. The bridge will also provide vehicle, pedestrian and cycle access across the Hackney Cut to serve the post Olympic legacy development. Therefore the proposed bridge fundamentally conflicts with the development as proposed. As such the proposed development is considered to be premature and in direct conflict with the planning permission issued for OLY1.

5.7 Mooring, West India Pier, Cuba Street, E14 (Report number DC033/056)

Mr Richard Humphreys (Planning Applications Manager) introduced the report, which assessed an application for the permanent mooring of a 4-berth residential vessel, and change of use of the pier to provide access. The pier had been disused since a riverbus service had failed in 1993 and had fallen into disrepair. The pier entrance was 10m from the nearest residential development, and the vessel itself would be 45m away. The more recently constructed Canary Wharf Pier would be the one used in any relevant emergency, but in any event it would be possible to move the vehicle moored there if West India Pier was required. Other matters had been dealt with by condition, and on balance he recommended the application as acceptable.

He also highlighted a recent letter from GLA member John Biggs reiterating the concerns of the Environment Agency and Port of London Authority, copies of which had been laid round.

Councillor Alan Amos addressed the committee in opposition to the proposal, referring to a previous refusal in Millennium Harbour and stating his belief that the vessel would cause nuisance to adjoining residents. Emphasising the current lack of parking provision in Cuba Street, he felt that any servicing from the pier would exacerbate this. He queried whether it would in fact be possible to enforce against holiday lets, and wished to allow for the possibility of alternative proposals to bring the pier back into use. Drawing attention to the comments of the EA and PLA, he argued that the issues were too serious to be addressed by way of conditions or a temporary permission, and urged the committee to reject the application.

Objector Ms Shirley Houghton addressed the committee, stressing the scale of local opposition to the application and again underlining the comments of the EA and GLA. She understood that use of riverbus services was now increasing, and therefore thought that West India Pier should be protected as an asset for the future. Disagreeing with the planners view that the London Plan "Blue Ribbon Network" policy supported reuse of the pier in this manner, she felt that a thorough environmental impact assessment should have been required. She believed that the proposed vessel's impact on neighbouring properties would be substantial, and also urged the committee to reject the application.

In response to Members' queries, officers stressed the requirement to determine the current application properly rather than speculate about possible alternative proposals. It was for a 4-berth vessel intended to accommodate a single family. Holiday lets were expressly forbidden as one of the recommended conditions of the planning permission, and this could certainly be enforced against if breached. They repeated that the vessel itself would be 45m away from the nearest neighbour, and so the potential for nuisance was very low. Parking was restricted along the length of Cuba Street, and this would apply to the applicant as much as any other resident. In relation to its possible reuse as a riverbus station, although this was not strictly a relevant consideration, it was felt that the new Canary Wharf Pier was in a much more suitable position and any new services would be more likely to seek to use this. Finally, it was clarified that although the EA and PLA had been consulted and their views taken into account (resulting in recommended informatives), they had no statutory role in determining the application.

On a vote of

3 IN FAVOUR
1 AGAINST
2 ABSTENTIONS

it was **AGREED** that planning permission be **GRANTED** subject to the conditions and informatives outlined below:

Conditions

- 1 Limited time period for one year.
- 2 No houseboat – being a structure without means of propulsion, which rests on a floating raft or pontoon – shall be moored from the pier.
- 3 Only one vessel is to be moored at the site at any one time.
- 4 The vessel shall not be used as temporary sleeping accommodation or for holiday lets.
- 5 Reserved matters:
 - a. Any material alterations at the pier
 - b. Details of the means for storage and collection/disposal of rubbish
 - c. Details sewage disposal.
- 6 There shall be no discharge of sewage to the river.

Informatives

- 1 Works to pier may require planning permission.
- 2 Prior consent from Environment Agency required for works within 16 metres of the tidal flood defence structure.
- 3 River works license from Port of London Authority required for all works in, on or over mean high water.

The meeting ended at 9.30 p.m.

Chair, Councillor Rofique U Ahmed
Development Committee