

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 22 AUGUST 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun (Vice-Chair)

Councillor Craig Aston (7.1, 7.3-8.3)

Councillor Anwar Khan

Councillor Kosru Uddin

Councillor Peter Golds (6.1, 7.2)

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Jerry Bell	– (Applications Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Iyabo Johnson	– (Planning Officer, Development and Renewal)
Angelina Eke	– (Planning Officer, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Md. Maium Miah.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the extraordinary meeting of the Committee held 25th June 2012 and the ordinary meeting held on 10th July 2012 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

6.1 Ability Place, 37 Millharbour, London (PA/12/00023)

In accordance with paragraph 11.4 of the Council's Development Committee procedure rules, the Members that voted on this item were Councillors Helal Abbas, Peter Golds, Kosru Uddin and Anwar Khan.

Jerry Bell (Applications Manager) presented the deferred report. The application was reported to the last meeting of the Committee on 10th July, 2012 and Members resolved to defer the application due to a series of concerns set out in the report. Officers interpretation of their reasons/concerns were set in paragraph 3.3 for consideration.

Whilst Officers considered that the reasons could be defended on appeal, subject to the submission of one additional representation, the material circumstances remained unchanged. Therefore Officers recommendation to grant remained the same.

Councillors Shiria Khatun and Craig Aston did not vote on this item having not been present at the 10th July 2012 Committee when it was previously considered.

(Councillor Peter Golds was deputising for Councillor Craig Aston)

On unanimous vote the Committee **RESOLVED**

That planning permission (PA/12/00023) at Ability Place, 37 Millharbour, London be **REFUSED** for the reasons set out at paragraph 3.3 of the report.

7. PLANNING APPLICATIONS FOR DECISION

7.1 4-6 Spey Street, London E14 6PT (PA/12/01088)

Update Report Tabled

Jerry Bell (Applications Manager) introduced the proposal regarding 4-6 Spey Street.

There were no speakers registered.

Iyabo Johnson (Planning Officer) presented the detailed report and the power point presentation for retrospective planning consent. She detailed the site location within a parade of shops and near a Conservation area and listed buildings. She confirmed the outcome of the consultation.

The proposal was for the retention of 6 fridge units with 2 timber cladding enclosures. One of the key considerations was the impact of noise on surrounding properties. However the noise assessment (undertaken over a 24 hour period recently) satisfied the Council's requirements in respect of the most noise sensitive properties and therefore was considered acceptable.

Given the lack of impact, the scheme should be granted.

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

That planning permission (PA/12/01088) at 4-6 Spey Street, London E14 6PT be **GRANTED** subject to the conditions and informative set out in the report.

7.2 Land at Commercial Road, Basin Approach, London (PA/12/00925)

Update Report Tabled

Councillor Craig Aston declared that he had received correspondence on this item and considered it appropriate that he step down from the Committee for this item and that Councillor Peter Golds would deputise for him.

As a result, Councillor Peter Golds deputised for Councillor Aston on this item (7.2).

Jerry Bell (Applications Manager) introduced the proposal regarding Land at Commercial Road, Basin Approach, London.

The Chair invited registered speakers to address the Committee.

Malcolm Tucker speaking in objection stated that he was speaking on behalf of the Greater London Industrial Archaeology Society (GLIAS). He objected to the impact on views from the Hydraulic Accumulator Tower by the proposed 6 storey tower. The tower was refurbished in the mid 1990s and provided a public viewing station for enjoyment of views. They were a unique aspect of the area. It was open to the public for 2 days a year. The proposed 6 storey tower would damage views from the tower to the north west replacing them with views of the flats.

He objected to the cumulative impact on views from previous Bellway Homes schemes. This scheme was the last straw.

The impact on the views to the tower was a material consideration but the report and application failed to give sufficient weight to these issues. He requested that the height of the proposed tower be lowered by 2 stories.

In response to Members questions regarding his involvement in the consultation, Mr Tucker reported that he had written a letter to the Council's Planning Officers that was noted in the report. However he had no other contact with the Council as he lived outside the Borough. In relation to the engagement with the applicant, he stated that early on in the process he attended a meeting with the applicant where they showed him some plans. They were only outline plans of the scheme with no detail. During the meeting he voiced his concerns about the views to the north west of the accumulator tower. He also raised issues about the ground floor of the scheme that the applicant said would be dealt with in the plans.

Tom Ridge spoke in objection on behalf of residents and the East End Waterway Group. He referred to the group's letter of objection. The report made no mention of these facts. He emphasized the concerns over the proposed 6 storey tower in terms of its impact on views to the accumulator tower. He highlighted the steps taken by the London Docklands Development Corporation to refurbish the tower. A considerable amount of public money had been spent on the tower. He read extracts from the Tower Hamlets Watch Magazine highlighting the unique views from the tower and its value. He questioned how public access to the tower would be maintained. Experience showed that gated communities prevented public access. He therefore requested that the arches in front of the tower be maintained to allow public access.

In reply to questions about use of the tower, he concurred with a Member's point that it was in reality used for public viewing more than twice a year. In

terms of the consultation by the applicant, there was none. However he did speak to the Council's Planning Officers.

He was in the process of finishing a guide on the East End Waters Ways. The tower was a unique part and feature of this guide and should be used more on a regular basis. This could only be achieved if public access via the arches was maintained. His letter from the East End Waterway group included his request for the proposed tower to be lowered by 2 storeys and was sent to the Council's planning department without reply. It was also sent to some Councillors.

Kieran Wheeler spoke in support on behalf of the applicant. He outlined the proposal based on extensive consultation with the Council and the community. The existing site was a derelict eye sore and this scheme would greatly improve the site for the benefit of all. The applicant was committed to maintaining public access to the tower. This would be secured by the S.106 agreement. The applicant had given a great deal of consideration to the impact on the views. It was felt that by setting back the scheme and providing the court yard the scheme would provide a good setting for the tower. Overall he disputed that any loss to the tower outweighed the many benefits of the scheme.

The issues around the railway arches fell outside the scope of the application because they were outside the development site and in different ownership. However the applicant was committed to working with British Waterways to provide public access via the arches to the tower.

In response to Member questions about the perceived lack of consultation by the applicant, Mr Wheeler stated that the applicant had been in contact with Mr Tucker's group (GLIAS) and were aware of their concerns. The design of the landscape had been amended to move it away from the tower. They had received their letter and had tried to contact Mr Tucker. He also confirmed receipt of Mr Ridges group's letter and had responded to it. Alongside this, the applicant had carried out widespread consultation and had offered amongst other things continued access to the tower and to engage in discussions with British Waterways to facilitate this. In relation to maintaining access to the tower, the committee were advised that this could be managed by the same management company appointed to manage the estate and as such there would not be any additional costs or financial impact on the s106. Details of the access would be worked up in the s106.

In response to questions about reducing the height by 2 stories and the impact on viability, Mr Wheeler could not comment on this as it would require further analysis and a tool kit assessment. Members were asked to deal with this scheme on its merits.

Chris Trap also spoke in support as the architect. He highlighted the applicant's impressive record in providing developments in the area for which they had won awards that he listed. The site fell outside the Conservation Area and was suitable for such development. However the tower was protected. The scheme fully took into account the impact on the tower and

had been sympathetically designed to respect the heritage assets. The height of the scheme accorded with the nearby developments along Commercial Road that comprised a wide number of housing sizes. The materials were in keeping and the landscaping would enhance the area. The applicant did meet with the objectors early on in the process where they were shown the plans. In response to Members about the brick colour, Mr Trapp reported that details of this would be secured via condition to ensure it blended in with the area.

A member expressed support for a bright colour brick that enhanced the area rather than a dark coloured brick.

Nasser Farooq (Planning Officer) presented the detailed report supported by a power point presentation. He explained the site location and the nature and proximity of the nearby heritage assets. He confirmed the outcome of consultation as set out in the report. He fully addressed the objections in particular those made by the GLIAS around the views to the accumulator tower that were sent into Officers as part of the consultation. Officers considered that given the accumulator tower's infrequent use as a public viewing platform (two days a year) and lack of weight normally given to loss of views the overall benefits of the scheme outweighed them.

He addressed the objections made about the archway sent to Officers. Any plans for the arches would need to be subject to a fresh application and considered separately. He also explained in detail the key aspects of the scheme including the affordable housing mix and the amenity space. Overall the scheme complied with policy and should be granted.

The Committee then asked questions around the following points:

- Loss of light, especially to the proposed ground floor properties from the 6 storey tower.
- Overshadowing from the proposed tower.
- The discussions with the applicant to mitigate this.
- The proposal to reduce the proposed tower by two floors. The merits in terms of reducing the impact.
- The statistics for number of affordable flats in p 8.62 of the report.

Officers responded to each point. In terms of sun light, the impact on the worst affected properties was considered acceptable on balance. Given that many were dual aspect units they should receive satisfactory levels of light from other facades. Furthermore, many also benefited from balconies and the benefit of these should be balanced against any minor losses in light. Overall, Officers considered that the impact was acceptable and quite usual for a development of this nature and the position of the flats.

The applicant had undertaken further work resulting in improvements to the daylight levels as set out in the update report. No existing properties would lose light. The minor failings in light solely related to the proposed units.

The number for affordable housing (p 8.62 of the report) should read 18 not 28.

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

That planning permission (PA/12/00925) at Land at Commercial Road, Basin Approach, London be **DEFERRED**.

Members agreed to defer the application so that the following issues could be addressed:

- The sunlight and daylight impact.
- The impact on the Hydraulic Accumulator Tower in terms of public use and loss of views.
- The potential to reduce the height of the six storey element to minimise the impact.

Accordingly, in accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to work with the Applicant to see if the above aspects of the scheme can be addressed and clarified and for the application to be reported back to a future meeting.

(The Members that voted on this item were Councillor Helal Abbas, Shiria Khatun, Kosru Uddin, Peter Golds and Anwar Khan)

7.3 Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 (PA/12/00358)

(Councillor Craig Aston rejoined the Committee for the remaining items of business)

Jerry Bell (Applications Manager) introduced the proposal regarding Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 (PA/12/00358)

The Chair invited registered speakers to address the Committee.

Councillor Marc Francis asked if a resident could address the meeting in objection. The Chair replied that as they had not registered in accordance with the speaking procedures, he could not allow the request.

Councillor Francis spoke in opposition to the scheme. He supported the overall principle of the TFL docking scheme and its expansion into the east end. However this scheme would have a serious impact on the area. It would lead to a loss of parking; attract anti social behaviour and harm amenity given it's proximity to residents properties. He suggested that it be relocated to Wick Lane.

In response to questions, he considered it fairer to relocate it to Wick Lane given the occupants there were most likely to use the docking station. This would prevent the users having to walk to the docking station at night. The applicant had made many amendments to the scheme subjecting the

residents to constant consultation. He disputed that a reduction in size of the station would help. If only few were provided, it would still attract nuisance behaviour outside peoples properties.

Laura Stritch spoke in support of the scheme on behalf of the applicant. The scheme formed part of the London wide TFL docking scheme – phase 2. The aim was to have docking stations every 300 metres to ensure adequate coverage and make the scheme viable. She explained the substantial reductions in length of the station to address the concerns following extensive consultation with Officers and the community. Highways had raised no objections regarding the loss of parking given the level of parking elsewhere in the area and that it provided a sustainable form of transport. TFL liaised regularly with the police and the station would have good overlooking from the residential properties. If there were any issues with ASB, the scheme would be reviewed and it was possible it could be removed if issues couldn't be resolved. The removal/return of the cycles made minimal noise.

There was a detailed site selection process. From this, the site was chosen as the best site to meet the requirements of the scheme. It would be located approximately 5 metres away from properties. The many stations elsewhere had been well received and she was not aware of complaints. In response to Members about whether Wick Lane had been considered, Ms Stritch stated she was not aware of this option until now. However the scheme should be considered in the first instance on its own merits. In choosing the scheme, many considerations were taken into account as well as residential amenity, and based on this, it was considered that the site provided the best location. All suitable sites were looked at and assessed. She did not believe that people gathered around the stations in groups or that they encouraged nuisance behaviour based on experience with other schemes. Action would be taken to address ASB. They would work with LBTH and the Police to prevent this. The applicant could possibly install CCTV. She could not confirm the distance of the nearest docking station.

Angelina Eke (Planning Officer) presented the detailed report supported by a power point presentation. She explained the principle of the scheme. She referred to the previously withdrawn scheme and the amendments made to overcome the issues. She addressed the objections as set out in the report. Officers considered that the location of the station near properties was acceptable in term of land use. It was planned to remove 4 parking spaces and redesign the layout to maintain current access arrangements. (Servicing, ambulance and disabled access). The Highway's Team approved of the changes especially as there was sufficient parking in the area to accommodate the scheme.

Overall Officers considered that the scheme was acceptable without adverse impact on access or impact on amenity. It should be granted.

Members raised a number of questions around:

- The distance away from residential properties.
- Experience with other schemes near people properties.

- The noise impact and the risk of ASB given the residential nature of the area. It was suggested that there was anecdotal evidence to support this from other docking stations.
- The possibility that people would use the scheme in groups.
- Whether Wick Lane had been considered as a possible alternative site.
- The use of credit card payment for cycles and impact of this in terms of disturbance.
- The impact on parking.

In response, Officers explained the method for using the cycles at the stations. Customers usually touched in and out with their Oyster cards which made minimal noise. There was no evidence to suggest that the stations caused ASB and that groups gathered around them. Customers normally just take the cycles and did not congregate. All sites chosen by TFL were checked by the Police who were involved in the initial canvassing for sites. It was required to consider this application on its own merits not potential alternatives sites.

On a vote of 2 in favour and 2 against with 1 abstention with the Chair using his casting vote in favour, the Committee **RESOLVED**

That planning permission (PA/12/00358) be **GRANTED** at Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 subject to the conditions and informatives set out in the report.

7.4 Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE (PA/11/02704)

Jerry Bell (Applications Manager) introduced the proposal at Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London. There were no speakers registered.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power point presentation.

He explained the site location and the existing uses of the site. He explained in detail the proposals showing recent photographs of both the existing site and the proposals. He explained the outcome of the two consultation exercises advertised on site, a local newspaper, and the subject of notification letters to nearby properties. To which a total of 105 representations (94 in favour and 10 against) were received and 1 petition containing 64 signatures. He addressed the objections raised as set out in the report and the material considerations. The proposal was considered acceptable in terms of the material issues.

TFL had raised no objections. Highways were satisfied with the scheme given the scale of the proposal and restrictions on the scheme. However were recommending that it be subject to a temporary consent to monitor and review the impact.

In reply, Members noted the advantages of a temporary consent in principle. However, Members queried the reasons for proposing a 1 year permission. There was some support for extending this given the lack of anticipated impact, the position of the premises, the start up costs and financial pressures that it may place on the business in the current economic climate. They also questioned the adequacy of the measures to prevent non customers using the car wash (particularly condition 5 prohibiting on site advertising) given the premises visibility on the street. They also asked about the suitability of a permanent consent with strong controls.

In response, Officers referred to the issues originally raised by highways (about servicing and possible congestion). They also referred to the objections. Officers were now satisfied with the scheme given the assurances offered by the applicant. However, in view of the issues, considered it necessary to monitor and review the permission for a 1 year period to fully assess the impact in practice. Any breaches would be enforced. Officers would have a better ability to address impacts arising with a temporary consent than a permanent permission.

Officers explained the measures to minimize the impact. The car wash would be for use of the on site retail shops only. This should prevent any queuing onto the highway. The shop was located on a side road and relatively non visible from the street, therefore unlikely to attract non customers to the car wash without publicity.

Councillor Kosru Uddin moved an amendment to condition (1) seconded by Councillor Shiria Khatun that the temporary permission be extended from 1 year to 3 years. On a vote of 3 in favour, 0 against and 2 abstentions this was agreed.

On a vote of 4 in favour and 0 against with 1 abstention, the Committee **RESOLVED**

That the temporary planning permission (PA/11/02704) at Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE be **GRANTED** subject to the amendment agreed by the Committee that the temporary planning permission be extended from 1 to 3 years.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

8. OTHER PLANNING MATTERS FOR DECISION

8.1 Professional Development Centre, English Street, London, E3 4TA (PA/12/01672)

Nasser Farooq (Planning Officer) presented the detailed report regarding works to the Professional Development Centre. It was noted that the Council could not determine applications for listed building consent for its own buildings.

He explained the scope and the need for the works. Officers and English Heritage were supportive of the proposals. As a result, it was recommended that it should be granted.

On a unanimous vote the Committee **RESOLVED**

That the application (PA/12/01672) Professional Development Centre, English Street, London, E3 4TA be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.2 Bromley Public Hall, Bow Road, London E3 (PA/12/00787)

Angelina Eke (Planning Officer) presented the proposals for works to Bromley Public Hall to existing panelled doors to improve surveillance. It was noted that the Council could not determine applications for listed building consent for its own buildings.

On a unanimous vote the Committee **RESOLVED**

That application (PA/12/00787) Bromley Public Hall, Bow Road, London E3 be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.3 Planning Appeals Report

Jerry Bell presented the report

At the request of Members, it was agreed that that the schedule for the Public Inquiry for Poplar Business Park should be reported to the Strategic Development Committee as the Committee that determined the application.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 9.25 p.m.

Chair, Councillor Helal Abbas
Development Committee