

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 7.00 P.M. ON WEDNESDAY, 27 JULY 2011****COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun
Councillor Marc Francis
Councillor Craig Aston

Councillor Anwar Khan

Other Councillors Present:

Councillor Sirajul Islam

Officers Present:

Pete Smith	– (Development Control Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Jen Pepper	– (Affordable Housing Programme Manager, 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 Helal Uddin. and Councillor Kosru Uddin for whom Councillor Anwar Khan was deputising.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
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Marc Francis	7.3	Personal	Had received representations from interested parties.
Anwar Khan	7.2	Personal	Lived in ward concerned.
	7.3	Personal	Had received correspondence from interested parties.
Shiria Khatun	7.4	Personal	Had received representations from interested parties.
	7.5		
	8.1		
Craig Aston	7.2	Personal	Had received representations from interested parties.
Helal Abbas	7.1	Personal	Had received representations from interested parties.
	7.5		
	7.2	Personal	Had received representations from interested parties.
			Ward Councillor for Spitalfields and Banglatown.
			School used as Polling Station at local elections for his ward.
			Had visited the site but had not expressed an opinion.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 29th June 2011 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

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546)

Update Report tabled.

Pete Smith, Development Control Manager introduced the report concerning the application for planning permission at Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546) He also drew attention to the update (tabled), which amongst other things, updated policy to reflect the new 'London Plan 2011'.

The Chair then invited registered speakers to address the meeting.

Charles Walker stated that he was present to represent the residents of Burrells Wharf Square. He raised several concerns about the extension of hours. It would create late night disturbance when residents were sleeping. He doubted that additional worshippers would travel to the centre by foot. Conversely the plans would intensify existing parking problems in the area.

The streets affected were residential streets. They simply could not cope with such additional pressure. The bus routes mentioned in the report were not 24/7 and did not run during the extended hours. Anti social behaviour was also a problem as evidenced by the previous incidence and Police action. He felt that the 1996 planning permission should be maintained and that the Committee should undertake a site visit prior to making a decision.

In response to questions from Members, Mr Walker considered that the surrounding area was predominantly residential in nature. There was an assault at the site and this was then subject to Police action.

Ryan Fuller addressed the Committee in support of the application. This was an important community facility. The extended hours would allow worshippers to pray in accordance with their faith. The report addressed all concerns. The premises operated lawfully with no complaints in the last 15 years and would continue to do so. Disturbance from the extra worshippers would be undetectable given the restrictions on noise. Furthermore the attendees of the centre lived within walking distance of the premises and would walk. Therefore, noise from the vehicles would be negligible. Mr Fuller requested that the application should be granted. In reply to questions, he referred to the noise restrictions ensuring quiet prayer early in the morning.

Richard Murrell (Deputy Planning Team Leader) presented the detailed report and the update. He explained the planning history, site and surrounding area and the existing and proposed hours of operation. He addressed the main issues and objections. Overall the proposals complied with policy on all of these ground with no significant adverse impacts.

Mr Murrell addressed the concerns around the bus times as covered in report. It had since come to light that the buses did in fact finish at approximately 1am in the morning. However it was still felt that the impact on traffic at that time would be insignificant.

The Committee then asked a number of questions regarding: the impact on parking; disturbance from vehicle activity; noise nuisance early in the morning; experience with other centres with early morning prayer times and the measures available to prevent breaches of the conditions.

In response, Mr Murrell reiterated that the conditions would restrict the number of users at the early hours and this would limit any amenity impacts even if users did come by car instead of walking. The majority of worshippers would travel to the centre on foot with minimal car use. The conditions would be monitored for compliance and could easily be enforced. Other Prayer facilities had been granted permission with similar opening times, and there had been no need for enforcement action to be used to enforce the hours so far as Mr Murrell was aware.

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

1. That planning permission for the variation of condition 1 (hours of operation) – 08:00am to 22:45pm Mondays to Saturdays (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369, with proposed new hours of operation: 08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday be **GRANTED** subject to conditions set out in the circulated report.
2. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters listed in the circulated report.

7.2 Christchurch Primary School, 47A Brick Lane, London, E1 6PU (PA/11/733 and PA/11/715)

Update Report Tabled.

Pete Smith, (Development Control Manager) introduced the report and tabled update report concerning Christchurch Primary School, 47A Brick Lane, E1 6PU.

The Chair then invited registered speakers to address the meeting.

Donna Dewick addressed the committee as an objector on behalf of the Spitalfields Society. She objected on the grounds of loss of open space. She requested that consideration be given to the alternative options which could create 1500 metres of additional space. The calculation included the community gardens but they had been made inaccessible. They could be returned to community use through better management but not by this scheme. It was indicated that the plans would protect the Conservation Area but this was too large for the site and would be out of keeping with it. Ms Dewick acknowledged Ofsted's report. However this fell short of addressing this. The plans for the community facility conflicted with the old application and would not meet young peoples needs. She requested that all other options be investigated. In reply to questions from the Committee, she considered that the design extended across a much wider foot print of the grounds. The design was very contemporary and therefore out of keeping with the Churchyard and the surrounding area.

David Brymol Thomas addressed the Committee as an objector. He stated that he was a Trustee of the Friends of Christchurch and Spitalfields and had been directly appointed to speak on their behalf. He stated that the Church was a Grade 1 listed building which attracted a lot of public interest and the Churchyard was a separate asset and the setting itself listed. The report failed to recognise these points.

The plans contradicted planning policy (PP05). He contested the status of the 2009 lease agreement. It was merely an agreement to agree nothing more. The school only had a licence for the play area and nothing more. Therefore it should not be paid attention to. The impact from the re-development of Fruit

and Wool exchange should also be taken into account when assessing the proposals.

In reply to questions from Members, Mr Brymol Thomas considered that the traffic assessment was inadequate. He requested that the impact on Commercial Road and the Fruit and Wool in terms of overall foot traffic be taken into account

Indigo Woolf addressed the Committee in support of the application. He drew attention to concerns of the London Diocesan Board about inadequate facilities. The school now had a strong management structure in place, performance was improving. The plans would provide the school with better facilities and eventually secure more gardens for public use. The applicant had devoted a lot of time to consultation and had fully considered the alternatives options. However all of the alternatives schemes had significant drawbacks. He also referred to the design of the building to be build as low as possible to fit in with the area. He was proud of the Church's involvement in education. The application should be granted.

Richard Wasserfall also spoke in favour of the application as a school parent and a Trustee of the school. The school was working with Ofsted to raise standards at the school. Despite improvements there was evidence that the school was still underperforming. The scheme would enable it to realise this aim and meet its targets. The hall would be used for a range of school and community activities. There would also be a family learning room enabling the school to work closely with parents including a crèche and more space for special needs services. He considered that the plans were in keeping with the site recognising it was a national heritage site. It would much improve the learning environment leading to a healthier community overall.

Ila Robertson (Planning Applications Manager) made a detailed presentation of the report and the update. She described the planning history and the nature of this scheme.

She addressed the main issues and the objections. The scheme complied with planning policy with no significant impacts. The plans were supported by the Council's Conservation team and broadly supported by English Heritage who felt that it would enhance the area.

Members than asked a number of questions around the following issues:

- The fall in pupil numbers at the school and the lower than expected capacity. How would the additional building help address this?
- The need for the materials to compliment the surrounding area. Clarification of how this would be managed.
- The involvement of Children's Schools and Families.
- Scope of the plans. Whether it was just for nursery places.
- Presentation of the representations in the report. Noted that it now specified number of out of Borough representations.
- Clarification of the lease agreement.

Officers addressed each question. In relation to the capacity shortfall, a key reason for this was lack of space and inadequate facilities. The expansion would enable the school to take on more students addressing the shortfall. It was also proposed to upgrade the facilities which were currently below standard. LBTH Children's Services were supportive of the scheme and had been fully involved from the start.

It was also required that details of the materials be submitted for approval to ensure they were suitable. In relation to the representations, they should be given equal weight regardless of where they lived. It was usually to specify whether they were out of borough in accordance with the terms of reference for the Development Committee set out in the Council's Constitution.

Ms Robertson also clarified the terms of the lease agreement allowing for the alterations.

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

1. That planning permission and conservation area consent for the demolition of the existing youth centre and the building of a new nursery and community building in its place, along with a new primary school boundary wall and landscape works to the community gardens and school playgrounds be **GRANTED**.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure matters listed in the circulated report.

7.3 Site at 58-64 Three Colts Lane and 191-205 (PA/11/00885)

Update Report Tabled.

Pete Smith, Development Control Manager introduced the report and tabled update concerning Site at 58-64 Three Colts Lane.

The Chair then invited registered speakers to address the meeting.

Councillor Sirajul Islam addressed the Committee. He stated that he was not opposed to the application in principle but had a number of questions about the S106 agreement. He wished to see it spent on local projects in the Bethnal Green South area. In considering the contributions, he requested the following:

- Health and Education. He was happy for this to be spent borough wide. However projects in the Bethnal Green South area should be prioritised if possible.
- Communities Facilities. Be allocated to Bethnal Green South area in

particularly Collingwood Estate.

- Public Realm. Be allocated to traffic management schemes in his ward.

Overall he requested that Officers work with ward Councillors in allocating the contributions.

In response to the S106 issues, Officers clarified the assessment process requiring proposals to be considered by Communities Localities and Culture in accordance with the principles set out in the report. Officers would work with them and ward Councillors in considering how it should be allocated

Members then asked a number of questions of Councillor Islam.

Reference was made to traffic in the area. Specifically congestion caused by black cabs. A Member asked whether funding from (d) (Public Realm Contribution) could be put towards dealing with this specific issue in the area. In reply Councillor Islam stressed that officers should work with ward Councillors in addressing the traffic issue and that consideration should be given this request.

Simon Granger addressed the Committee in support of the application. The applicant had undertaken detailed consultation with the community and also the Council to secure a high quality scheme that addressed the concerns. This area was in need of regeneration and additional affordable housing to address local housing needs. The proposal was viable and included a high proportion of family sized affordable housing for local families.

Simon Ryan (Planning Deputy Team Leader) made a detailed presentation of the report and the update. He outlined the planning history and the results of the consultation. He also addressed the main planning considerations. He referred to a similar application submitted for this site in August 2010 now subject of Appeal. The Committee would be asked to consider this separately under 8.1 of the agenda.

Overall, the proposal would provide much needed affordable housing with additional commercial space. The scheme would regenerate the area without any significant impacts. In view of the benefits it should be supported.

The Committee raised a number of questions around: the impact on parking and transport; the on site recycling facilities; the acceptability of the affordability housing element given the policy target.

Officers address each question. In relation to affordable housing, Officers explained in detail the viability testing. The plans secured the highest number possible with a S106 agreement in view of viability. Anything higher could not be supported and would make it undeliverable. Given the benefits of the scheme in terms of family sized housing and contributions, the proposal of 32% was considered acceptable.

In relation to the accumulation of black cabs in the local area, Officers were aware of this issue and there were strict measures in place and also policies in the Core Strategy aimed at addressing such issues. Careful consideration would be given to the Committees remarks regarding use of the contributions to deal with this issue.

The development would be car free. The occupiers would also be prevented from obtaining parking permits. A total of 9 parking spaces would be provided with 2 disabled bays. The site had an excellent Public Transport Level rating.

Accordingly a Member moved an amendment to the conditions that (c) of the Financial Contributions (Community Facilities) be allocated to the Bethnal Green South area only. The motion fell.

Concern was also expressed at the car free agreement given the importance of cars to families who often relied on them. For example for school trips. It was also felt that there was sufficient parking provision in this area to accommodate the scheme. Councillor Francis moved an amendment to the proposals seconded by Councillor Shiria Khatun, "That the car free agreement (condition g) in the legal agreement be deleted". On a vote of 3 in favour 0 against and 2 abstentions this amendment was **AGREED**.

Accordingly on unanimous vote, the Committee **RESOLVED**

1. That planning permission for the demolition of existing buildings and erection of two blocks comprising a part 6, part 7 storey buildings plus basement for plant; to provide 1,762 sq.m of commercial floor space (Use Classes A1-A4 & B1) and 141 dwellings; provision of 9 on site parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road be **GRANTED** subject to:
2. The prior completion of a legal agreement as set out in the circulated report subject to the removal of condition (g) car free Agreement.
3. Any other planning obligation(s) considered necessary by the Corporate Director Development and Renewal.
4. The full planning permission conditions and informatives as set out in the circulated report.
5. That if within 1 month of the date of this Committee the legal agreement has not been completed the Corporate Director Development & Renewal is delegated power to refuse planning permission.

7.4 Greenheath Business Centre, 31 Three Colts Lane, London (PA/11/00829)

Update Report Tabled.

Pete Smith, Development Control Manager introduced the report and tabled update report concerning Greenheath Business Centre, 31 Three Colts Lane.

Councillor Sirajul Islam addressed the Committee regarding the S106 agreement. He considered that the sum for Community Facilities should be allocated to the local ward Bethnal Green South. He also expressed reservation at the proposal to allocate the Public Realm sum to the three areas mention. He feared that this could disperse problems elsewhere. Officers should consult Ward Members to mitigate this risk.

Tim Gaskell spoke on behalf of the applicant. He reported that the Housing Association would be managing the development. It would deliver high quality affordable homes. Although the level proposed fell marginally under the level required by policy, they were committed to escalating the affordable housing number upwards should housing grant be received. In reply to questions, he clarified that the scheme was currently not dependant on grant support. However he was hopeful that some would be secured. In reply to Members, he reassured them that the affordable rents proposed in the report would be honoured and be maintained and were indeed accurate.

Ila Robertson (Planning Applications Manager) made a detailed presentation of the report and the update. She explained the planning history, the main issues and addressed the issues raised in objections.

The plans provided an acceptable level of affordable housing in view of viability, policy and local rents. It was also proposed that the level of which would be escalated upwards should housing grant be secured.

Contributions had been secured to mitigate the impact of the proposals. Officers noted the need to engage with ward Councillors in allocating this as requested by Councillor Islam. This message would be passed to Communities Localities and Culture who managed this process. There would be some loss of car parking. However this was considered acceptable given planning policy which sought to minimise on site parking.

Officers also addressed the issues around design, loss of light, overlooking and noise. It was felt the scheme was acceptable on all these grounds with no undue impacts.

Questions were then raised regarding the affordability of the rents; whether they complied with the targets in the Local Development Framework and the nomination process should housing grant be provided.

In reply Ila Robertson also Jen Pepper (Affordable Housing Programme Manager), addressed the points. It reported that the Officers had undertaken extensive research looking at incomes in the Borough and also recent Housing benefit changes. The research also took into account new national policy regarding affordable housing. Based on this latest research, it was considered that the rents proposed were affordable and the proposal acceptable subject to the conditions.

On a vote of 3 in favour and 2 against, the Committee **RESOLVED**

1. That planning permission for the redevelopment to provide a building of seven storeys comprising 67 dwellings (26 x 1 bed, 22 x 2 bed and 19 x 3 bed) with associated landscaping, cycle storage and car parking be **GRANTED** subject to
2. The prior completion of a legal agreement to secure the planning obligations, as set out in the circulated report.
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement as set out in the circulated report.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters as set out in the circulated report.
5. That, if the legal agreement referred to in resolution 2 above has not been completed by the 1st of August 2011, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

7.5 Wood Wharf, Preston's Road E14 (PA/11/01000)

Update Report Tabled.

Councillor Marc Francis left the meeting at 9:30pm prior to the start of this item.

Pete Smith, Development Control Manager introduced the report and tabled update report concerning Wood Wharf, Preston's Road.

Mr Murrell presented the report. He drew attention to the update amending one of the conditions.

Mr Murrell presented the report. He drew attention to the update amending one of the conditions and providing new summary of recommendations for approval.

Mr Murrell explained the application. Permission was sought to use Plots A – D throughout the two year period . Plots E and F would only be used during the period around the Olympic and Para Olympic 2012 Games. S106 obligations would require the developer to comiit to use Skillsmatch to promote on site-local employment and to facilitate school and community use.

Mr Murrell addressed the objections and material planning issues.

In response, Members expressed concern at the impact on the transport network, especially during peak hours, given the number of expected visitors

and the many other new developments in the area also increasing pressure on transport.

In response Officers expressed confidence in the transport plans. They included a temporary bridge to direct customers away from residential areas. It also included a management plan to secure this and carefully manage exits. It was also expected that many of the visitors would travel in from the nearby Canary Wharf area. So it was unlikely that this would seriously increase use of the transport system at peak times.

Members also considered that all events should close at 11pm to avoid late night disturbance given experience at similar events. Accordingly. Councillor Anwar Khan proposed an amendment seconded by Councillor Craig Aston requiring "That events at all plots close at 11pm". On a vote of 3 in favour 0 against and 1 abstention, this amendment was **AGREED**.

Accordingly on a unanimous vote the Committee **RESOLVED**

That planning permission for temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1]) and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years be **GRANTED** subject to the conditions, informatives and S106 obligations set out in the circulated report, the amendments in the Update report and the additional condition agreed at the meeting requiring all events to close at 11pm.

8. OTHER PLANNING MATTERS

8.1 58 - 64 Three Colt Lane (PA/10/01757)

Update Report Tabled

Pete Smith, Development Control Manager presented the report and tabled update concerning 58 - 64 Three Colt Lane

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

That the reasons to refuse the planning permission for the demolition of existing buildings and erection of two part 6, part 7 storey building plus basement to provide 1690sq.m of commercial floor space (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 on-site parking spaces within the basement and creation of access onto Buckhurst Street be **ENDORSED** had the Committee had jurisdiction to do so, for the reasons set out in the circulated report.

8.2 Appeal Report

Pete Smith, Development Control Manager, presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions. Members expressed satisfaction with the format of the information provided.

RESOLVED

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

The meeting ended at 9.55 p.m.

Chair, Councillor Helal Abbas
Development Committee