

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 DECEMBER 2011

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

Members Present:

Councillor Shiria Khatun (Vice-Chair)
Councillor Kosru Uddin
Councillor Md. Maium Miah
Councillor Marc Francis
Councillor Helal Uddin
Councillor Craig Aston

Other Councillors Present:

Councillor Gloria Thienel
Councillor Abdul Asad
Councillor Alibor Choudhury

Officers Present:

Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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Please note that the order of business was varied by resolution of the Committee, however for ease of reference the decisions taken are set out below in the order detailed on the agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Abbas.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Councillor Md. Maium Miah	8.2	Personal	Lived in the Ward concerned. Had received correspondence from interested parties.
Kosru Uddin	8.2	Personal	Had received correspondence from interested parties. Council Representative on the Thames Gateway Development Corporation Planning Committee.
Marc Francis	7.1	Personal	Ward Member for Bow East Had received correspondence from interested parties.
	8.2	Personal	Had received correspondence from interested parties.
Helal Uddin	8.2	Personal	Had received correspondence from interested parties.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16th November 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 Old Ford Lock, 51 Dace Road, London (PA/11/01263)

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Old Ford Lock, 51 Dace Road, London

The Chair then invited registered speakers to address the meeting.

Francis Luke spoke in objection to the application. Mr Luke reported that he lived near the Old Ford lock around 35 meters from the proposed mast. He considered that the area was largely residential. The view that it was largely industrial was out of date. Over 1000 people lived in the area and the signals from the mast would travel directly over them. Whilst the permission was for a year, the applicant could seek to extend it or could attempt to stay their longer

on their own accord. The residents would then be subjected to a lengthy enforcement process trying to get the mast removed. The application should be rejected.

In reply to Members about the perceived health risks, Mr Luke considered that it was a large mast. He felt sure that the signals would affect him and his family.

Mr Bryan Passmore spoke on behalf of Vodafone, the applicant. He reported that the mast would cover the west of the Olympic Stadium. The Olympics were expected to produce an unprecedented demand for information. The coverage was required to delivery this. The mast would be shared by a number of operators. The applicant had held regular meetings with LOCOG to facilitate the project. Alternative sites around the Olympic Park and the surrounding area had been looked at and discounted as they did not offer adequate coverage. This was the only suitable location within the search area. It would preserve and fit in well with the area.

In reply to Members, Mr Passmore considered that this was a complex project. It was necessary to begin work on the project in January 2012 to allow enough time to properly install the mast.

Mandip Dhillon (Planning Officer) presented the detailed report. Ms Dhillon explained the site and surrounding uses, including the location of the residential properties. She also highlighted the outcome of the local consultation generating 23 objections. The applicant had carried out a full assessment of the area and were of the view that there were no other suitable sites in the defined search area other than the site proposed. Officers did not consider that the scheme would affect pedestrian access, given the reductions in the foot path and that it would impact on the conservation area. There was a condition to ensure that the mast would be removed no later than 31st December 2012 and that at which time, the site would be reinstated to its former standard.

In terms of the health issues, the applicant had submitted an up to date radiation certificate to demonstrate that the radiation levels were safe as required by policy. Therefore the scheme was satisfactory on these grounds. Officers also clarified the need for the preparation time to allow for the mast to be installed and tested before use.

In response, Members sought assurances that the time limit was enforceable given experiences with temporary permissions elsewhere overrunning. To avoid this, it was asked if the time period for the permission could be reduced to the lowest practical.

Accordingly, Councillor Marc Francis moved an amendment to the recommendation, seconded by Councillor Kosru Uddin reducing the time period for the permission to 1st March 2012 to 31st October 2012 (from 1st January 2012 to 31st December 2012). On a vote of 5 in favour 0 against and 1 abstention, this was **AGREED**.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the installation of a 25m temporary lattice mast, complete with 12 antennas and four dish antennas, associated radio equipment cabinets within a secure compound, for a period not exceeding 1st March 2012 to 31st October 2012 (as amended by the Committee) subject the imposition of the conditions and informatives set out in the report; and
2. 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

8.1 Appeals 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.

RESOLVED

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

8.2 Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

Special Reasons for Urgency Agreed.

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14. Mr Smith reminded Members that the application fell within the planning functions of the London Thames Gateway Development Corporation (LTGDC) therefore it was not for decision by the Authority.

However the Council, as a statutory consultee, had been invited to make observations on the application. The Committee were therefore asked to consider and endorse Officers recommendations on the application to form the Council's observations.

The Chair then invited registered speakers to address the meeting.

Cliff Prior spoke in objection to the proposal. He stated that 650 residents of the area had signed the petition against the scheme. The proposal was far too great for the site, twice in excess of policy requirements. The number of family sized homes and room sizes were also inadequate and fell short of

policy requirements. There would be inadequate amenity space. The scheme was out of character. The right to light report shows breaches in the minimum levels. Mr Prior referred to other new developments in the area. In his opinion only two of which included affordable housing. Together with these developments, the proposal would create a sense of overdevelopment.

There were also no parking or deliveries spaces or room for reversing. The site had a poor Public Transport Accessibility Level (PTAL). Unauthorised parking was a problem in this area and often a source of hostility. Therefore, this proposal would put additional pressure on parking and could generate further conflict.

In reply to Members, Mr Prior commented on the consultation undertaken with residents. He was of the opinion that everyone who lived by the site objected to the scheme. According to the report, a number of the units exceeded the affordability threshold. Therefore were not affordable.

Dr. Mubeen Khan spoke in objection to the scheme. He also expressed concern over lack of parking, overshadowing, density, and loss of trees. He referred to a previous permission for the site. He expressed concern that the original use and Section 106 Agreement could be changed. He questioned the policy and exceptional circumstances justifying this. There was also a lack of children's facilities in the area and often fights over car parking spaces given the car free nature of area. Currently the green spaces were used by children. However the Applicant was now requesting that some of the amenity space (roof terraces) could only be used by the private units reducing community space.

Councillor Gloria Thienel spoke in opposition to the scheme welcoming the opportunity to voice her views at the Committee. She expressed objection at the design, overdevelopment of the area as the population had already reached its maximum potential. It would block views to Greenwich. The new development would also place additional pressure on existing infrastructure, (schools, health services etc) already stretched to full capacity. There would be little improvements in such services to cope with this. The Councillor asked the Committee to oppose the application.

Tim Holtham spoke in support of the scheme. The developers had engaged extensively with the local community as well as LBTH and the Greater London Authority in preparing the plans since 2010. There was a need for additional housing in the Lower Lea Valley area. A region identified in the London Plan as an area to provide more affordable housing. Its population was also set to rise as recognised in Council policy. Therefore, the proposal would assist in meeting these demands. The plans also sought to mitigate impact on views and amenity. Parking would be kept to a minimum in line with policy. Mr Holtham also highlighted the plans for amenity space. Overall the scheme would provide much needed new homes, be environmentally friendly and sustainable and make a positive contribution to the area.

In response to Members, Mr Holtham acknowledged that there was a mixed response to the consultation. Whilst most of the surrounding residents

were opposed to the scheme, those living further away were quite supportive. The applicant was currently still in discussions with LTGDC about the affordability of the social housing. The feedback from residents had been taken into account in designing the scheme. As a result it had been designed to address the objections as far as possible. A key safeguard was the adequate distances between buildings and the fact that the roof terrace would be set back to prevent overlooking and loss of sunlight. The design was in keeping with the area. The architectural quality was very high.

Mr Jerry Bell (Strategic Applications Manager, Planning Services) presented the detailed report. He reminded Members that the request for observations was originally dealt with by Officers under delegated powers in line with the Council's Constitution. However at the request of Members and residents, Officers had since reviewed this decision and had decided to take the request to Committee for open discussion.

Whilst Officers had already formally responded, should the Committee agree differently, their response would be withdrawn and replaced by the Committees.

Mr Bell explained in detail the scheme including the layout, the location and nature of the surrounds, the current use of the site and the location of the community space. Mr Bell explained the benefits of the scheme including 35% affordable units in line with policy. Overall officers were of the view that the scheme in principle was acceptable but were recommending a number of additional conditions as set out in the report.

In response, the Committee raised a number of questions covering the following issues:

- The decision to deal with the matter under delegated powers.
- Adequacy of the affordable housing given the breaches in policy.
- Affordability of the rents for such units (particularly the 4 bed unit) given it exceeded the accepted threshold.
- Lack of family sized units.
- The density in view of the modest PTLA rating.
- Inadequate information.
- That some of properties fell short of the Space Standards in the London Plan.
- Clarification of the loss of light to surrounding properties.

Officers then responded to the questions from Members.

The request was initially dealt with under delegated authority as Officers considered that the scheme did not raise any Borough wide issues of significance. However on request, the Service Head had decided to exercise discretionary powers in taking the matter to Committee for open discussion. In considering the density range, it was necessary to take into account the overall impact of the scheme when considering its acceptability. Whilst there

would be some impact, it was not considered great enough to refuse the scheme.

In relation to the affordable rents, the figures in the report were correct. The adjusted figures were £279 for three beds and £242 for 4 beds. This anomaly (in the rents for four beds being lower than three) was due to location. Officers also confirmed that a sun/daylight report had been submitted. They explained the results of the testing on the properties affected. Whilst there would be some reduction in light, the impact was considered acceptable in line with the required standards.

Overall the shortfalls of the scheme were not considered great enough to warrant a refusal. Given this and the need for affordable housing in the area, Officers were of the view that in principle the scheme was acceptable.

In response, the Committee welcomed the opportunity to make observations on this application. Members also requested that a threshold be set for referring requests for observations on planning applications to the Committee. It was **Agreed** that this be referred to the Constitutional Working Party for consideration.

On a unanimous vote it was **RESOLVED**

- (1) That the Development Committee formally object to the application made by the London Thames Gateway Development Corporation (LTGDC) at Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14 for the Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works
- (2) That such formal objection be made on the grounds of:
 - Overdevelopment in the form of loss of day light/sunlight.
 - Increased overshadowing.
 - The proposed density of the scheme given the low Public Transport Accessibility Level rating.
 - Concerns over the provision of affordable housing given the proposals fell short of policy requirements.
 - That a number of the proposed units fell below the space standards required in policy.
 - Inadequate details regarding: sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration.
 - Inadequate consultation.

The meeting ended at 8.50 p.m.

Chair,
Development Committee