

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 10 JULY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Anwar Khan

Councillor Peter Golds

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Strategic Applications Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
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 Councillors Shiria Khatun, Md. Maium Miah and Craig Aston for whom Councillor Peter Golds was deputising.

Apologies for lateness were submitted on behalf of Councillor Kosru Uddin.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Helal Abbas	6.1	Personal	Ward Member
	7.2& 7.4	Personal	Had received emails from objectors concerning the applications.
Peter Golds	6.1	Personal	Committee member at the last meeting on 10 th May 2012 where the application was considered.
	7.1	Personal	Ward Members for the adjacent ward and lived by the area. Therefore was very familiar with area.
Anwar Khan	6.1	Personal	Live in ward concerned.
	7.2	Personal	Had received representations from the Councillors and residents, however had disregarded them.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10th May 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.

(Councillor Kosru Uddin arrived at the meeting at 7:05pm and reported that he had no declarations of interest to make).

6. DEFERRED ITEMS

6.1 4 Wilkes Street, London E1 1QF (PA/11/02495)

Update Report Tabled.

The 3 Members that voted on this item were Councillors Helal Abbas, Peter Golds and Kosru Uddin.

Councillor Anwar Khan did not vote on this item having not been present at the previous meeting (10th May 2012 Committee) where this item was considered.

The voting was in accordance with paragraph 11.4 of the Council's Development Committee procedure rules.

Jerry Bell (Applications Manager) introduced the proposal regarding 4 Wilkes Street, London E1 1QF.

Richard Murrell (Planning Officer) presented the report giving a brief presentation of the scheme.

He drew attention to the reasons for refusal drafted by Officers based on the reasons given by the Committee at the 10th May 2012 meeting.

He also highlighted the additional information submitted by interested parties since the 10th May 2012 meeting.

This included:

- A report from the applicant addressing the concerns raised at the 10th May 2012 meeting (Appendix 3)
- A letter from objections requesting that two additional/alternative reasons for refusal be approved to strengthen the Committees decision (Appendix 4 as listed in paragraph 4.5.)
- A further report from the applicant addressing the above letter from objectors (summarised in the update report before Members).

Councillor Peter Golds moved that the two reasons for refusal submitted by objectors in paragraph 4.5 of the report be included in the reasons for refusal. This was seconded by Councillor Anwar Khan. On a unanimous vote this was AGREED.

On unanimous vote the Committee **RESOLVED**

That planning permission (PA/11/02495) at 4 Wilkes Street, London E1 1QF be **REFUSED** for the reasons set out at paragraph 3.3 of the report and the reasons set out in paragraph 4.5.

7. PLANNING APPLICATIONS FOR DECISION

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

Jerry Bell introduced the proposal regarding Ability Place, 37 Millharbour, London.

Holger Wessling spoke in objection. He stated that he was speaking on behalf of the Ability Place Residents Association. The residents had strongly objected to the scheme as detailed in the consultation response in the report. There were concerns over impact on amenity space, loss of light and of the construction work on occupants of Ability Place. The anticipated impact of which was unacceptable. He doubted that a site visit took place to fully assess the impact of the scheme. The scheme put the needs of the 7 additional penthouses ahead of the 500 plus units. It was a political decision. There were no benefits for the community. Only the developer and the additional units.

Richard Washington spoke in support of the application. He considered that the report fully address the concerns raised by the objectors regarding loss of privacy and also loss of amenity space. The light and overshadowing impact fell within acceptable levels despite minor failings as demonstrated in the technical report. There was a condition to implement a construction plan to ensure the impact from this phase was acceptable.

In response, Members queried the plans to provide compensation to residents for loss of amenity during the construction phase. They asked for specific details of the plans. (For example to mitigate for any dust impact, the need to close windows during construction).

Mr Washington confirmed that there was a code of conduct required by a condition which would control this. (The Construction Management Plan). However he could not provide the exact details of this.

Regarding the consultation, Mr Washington confirmed that the applicant did consult with local residents.

Amy Thompson (Planning Officer) presented the detailed report assisted by a power point presentation. She explained the consultation carried out by the Council and the applicant. The latter included the distribution of leaflets and meetings with residents to discuss the concerns. She explained in detail the proposed plans. The separation distances complied with policy with no directly facing habitable rooms. As a result the scheme protected privacy. Despite some loss of light, the light levels met the key tests. All windows would receive adequate light.

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

Members then raised questions/comments around the following issues:

- The lack of affordable housing.
- The benefits to the existing occupants of Ability Place.
- The impact on services charges arising from the works to the amenity space.
- The loss of amenity space given the high density and shortage of such space in the area. It was commented that the loss of just a small area of amenity space in such circumstances was a major loss.
- The measures to control the construction work and potential health risks from it. For example the dust damage to the occupants below that could include children.
- The absence of a Council policy for incremental development.

In reply, Officers explained the threshold in policy for providing affordable housing. The number of new housing units fell under this threshold. Therefore, none was sought in compliance with policy. Nevertheless the plans would provide much needed additional housing that would help ease the housing shortage.

Officers described the impact on amenity space. The proposed space was of a much better quality than the existing space. Given this and the provision of the additional units, Officers felt that on balance, the benefits outweighed any loss.

Officers could not comment on the impact on services charges. However it was understood that the levels of which would be reviewed to take into account the loss of amenity space during the construction phase. The proposal would be car free.

It was required that a detailed Construction Management Plan be submitted prior to construction to mitigate the impact of construction. It was also required

that this be subject to approval by the Council's relevant experts prior to construction taking place.

In addition, there were measures within Environmental Health legislation to prevent any health risks from the construction phase. Any concerns about such issues could be taken up by Environmental Health under this law.

On a vote of 3 in favour 0 against and 1 abstention the Committee **RESOLVED**

1. That the Officer recommendation to grant planning permission (PA/12/00023) at Ability Place, 37 Millharbour, London be **NOT ACCEPTED**

The Committee indicated that they were minded to refuse the planning permission because of Members' concerns over the following:

- Given the existing high density of the site, the proposal represents an overdevelopment of the site resulting in a loss of communal amenity space.

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

7.2 1-26 Emmott Close, London, E1 4QN (PA/12/00706)

Update Report Tabled.

Jerry Bell (Applications Manager) introduced the report.

Pieter Zitman spoke in objection. He drew attention to the 30 representations in objections from residents, which he stated were from Emmott Close. He referred to the letter from the Twentieth Century Society regarding the proposed PVC windows and a letter from Councillor Amy Whitelock sent to Committee members criticising the consultation process with residents. In his mind, it was done just to secure the developers position. The existing building, built in the 1970s was an elegant building and the windows allowed in a good quality of light. PVC windows would restrict natural light into the flats, be high maintenance, would only last 15 years compared to wooden frames that would last a lifetime and were more costly. He disputed the cost assessment in the report. Indeed, he had recently received a letter from the Wates Group saying that they were only an estimate.

He also considered that front doors of all units should be part of the works.

In response to Members about the local consultation, Mr Zitman considered that residents had sent a number of representations to get the applicant to

speak to them but with little response. The applicant had only held one meeting where they primarily pushed their case. In relation to the costing, Mr Zitman referred to expert advice indicating that wood window frames were less expensive than in the report and PVC windows.

Mr Gary Tidmarsh spoke in support of the scheme. The scheme was in line with the applicant's wider programme of works for blocs of flats in the area. The site had no designation. Therefore the proposed windows in this context were acceptable and would vastly improve the appearance of the building. In view of the objections, the Council had asked that the applicant reconsider all options, including the maintenance of wooden window frames. It was found that none of the alternative options were feasible given the costs and the high maintenance requirements. The scheme proposed was the best scheme available on such grounds. The applicant had undertaken consultation with residents. They had held events with residents where no objections to the plans were raised. Residents had also been given the opportunity to influence the design of the front doors, as part of the consultation.

In reply to Members about the links with the Decent Homes Programme and the consultation, Mr Tidmarsh stated that every resident affected had been given the opportunity to comment. None of the residents from the other blocs in the Ocean Estate subject to refurbishment plans had raised any objections to the plans. It was proposed to refurbish the windows of all units but not the doors of the leaseholder units.

In relation to the costs, Members were advised that the service charge impact was not a material consideration.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power presentation. He explained in detail the planned refurbishments. He considered that the PVC windows were appropriate in this location given the site had no designation. He referred to the cost assessment that supported the scheme. There were conditions to regulate the hours of works. The applicant had also given an undertaking that no work be undertaken in the Olympic period to allay those concerns.

He also explained the number of applications approved in the surrounding area for similar works raising no objections.

Overall the plans would significantly improve the appearance of the building, complied with policy therefore should be granted.

On a vote of 3 in favour and 1 against with 0 abstentions, the Committee **RESOLVED**

1. That planning permission (PA/12/00706) be **GRANTED** at 1-26 Emmott Close, London, E1 4QN subject to conditions.
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.

7.3 Unit A, Thames House, 566 Cable Street, London, E1W 3HB (PA/12/00462)

Update Report Tabled.

Jerry Bell introduced the report

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

He explained in detail the plans including the outcome of the consultation as set out in the committee report. He addressed the concerns around anti social behaviour, noise and parking that were not considered to have an undue impact. Furthermore, there were a series of conditions to protect amenity and the highways impact.

The scheme would bring the site back into use with job opportunities for local residents. It complied with policy so subject to conditions should be granted.

Members questioned the impact on parking in the vicinity, particularly around the nearby Troxy nightclub given the likelihood that its customers would use the taxi rank.

In reply, Officers confirmed that there would be no on site parking under the application. Accordingly Officers drew attention to the incorrect reference to on street parking on the circulated map and it was agreed that a revised map be submitted to omit this. Officers also referred to the parking controls in the vicinity to regulate parking in the surrounding areas. However, the issues around parking at other sites fell outside the remit of this application. Therefore the Committee could not influence this as part of the application.

On a vote of 2 in favour 0 against with 2 abstentions the Committee **RESOLVED**

1. That planning permission (PA/12/00462) be **GRANTED** at Unit A, Thames House, 566 Cable Street, London, E1W 3HB subject to conditions and the submission of an amended site plan omitting details of the car parking spaces
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.

Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.4 Site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London (PA/11/03785)

Update Report Tabled.

Jerry Bell introduced the report regarding site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London (PA/11/03785)

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

He explained in detail the proposals and the key differences between the scheme and the previous scheme approved by the committee in July 2011. The key changes related to the housing mix (as detailed in the tables in the report) the parking plans and height. The plans continued to comply with policy, was in keeping with the area in terms of material and design and would provide new job opportunities. The outcome of the light assessment also met the required standards. The s106 package was subject to a successful viability assessment carried out by independent experts.

Mr Bell read out a statement submitted by Councillor Sirajul Islam requesting that the contributions for community benefit be ring fenced for projects in the LAP 2 area in accordance with the request he made at the July 2011 Committee meeting.

In response to questions, Officers confirmed the process for allocating s106 funding. The Council pooled the funding and allocated it according to need. Where necessary, it may be allocated towards addressing a specific local impact from a development. Members were sympathetic to Councillor Islam's request and noted that it would be taken on board in accordance with this process.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/11/03785) be **GRANTED** at Site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report.
3. That the Corporate Director Development & renewal is delegated power to negotiate the legal agreement indicated above.

Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. 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.
5. That, if within 3 months 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.

8. OTHER PLANNING MATTERS

8.1 100 Minorities, London EC3N 1JY (PA/12/00844)

Jerry Bell introduced the report

On a unanimous vote the Committee **RESOLVED**

That the officers' views on the application be agreed for the reasons set out in section 2 of the report

8.2 Planning Appeals Report

Jerry Bell presented the report

On a unanimous vote the Committee **RESOLVED**

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

9. UPDATE REPORT

The meeting ended at 9.20 p.m.

Chair, Councillor Helal Abbas
Development Committee