

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 19 JUNE 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Anwar Khan
Councillor Tim Archer
Councillor Judith Gardiner
Councillor Gulam Robbani

Other Councillors Present:

None.

Officers Present:

Richard Murrell	– (Deputy Team Leader, Planning, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Iyabo Johnson	– (Planning Officer, Development and Renewal)
Graham Harrington	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. ELECTION OF VICE-CHAIR FOR 2013/2014.

It was proposed by Councillor Helal Abbas and **RESOLVED**

That Councillor Anwar Khan be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2013/2014.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor Kosru Uddin.

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Helal Abbas declared a personal interest in agenda item 9.4, 86 Brick Lane, London, E1 6RL (PA/13/00494, PA/13/00495). He indicated that his interest was prejudicial and that he would leave the meeting for the consideration of this item.

Councillor Judith Gardiner declared an interest in item 9.3, 225 Armagh Road (PA/13/00683) as she was a tenant of an Old Ford Housing Association property.

4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 15th May 2013 be agreed as a correct record and signed by the Chair.

5. 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

6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

The Committee **RESOLVED** that

That the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings for 2013/14 as set out in Appendices 1, 2 and 3 to the report be noted.

7. 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.

8. DEFERRED ITEMS

Nil Items.

9. PLANNING APPLICATIONS FOR DECISION

9.1 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372)

Update Report tabled.

The Committee considered the scheme regarding the site at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London (PA/11/03371 - 3373). The Chair invited registered speakers to address the Committee.

Tom Ridge of the East London Waterways Group spoke against the scheme. He considered that Bow Wharf was the main asset of this waterway network due to the unique assets including the canal, bridge and the warehouse. The warehouse was one of the few surviving historic canal side warehouses. Therefore, they needed to be preserved. The plans contradicted the Planning Inspectors report that any scheme should be no higher than the converted warehouse. Therefore, could not be successfully defended on appeal.

He drew attention to the suggested reasons for refusal in the May Committee report - that the bulk, height, mass etc. would fail to protect and preserve the Regents Canal Conservation Area. The applicant and the Canal Trust had a duty to protect the setting of the Canal so were failing in their duty.

Malcolm Tucker from the Greater London Industrial Archaeology Society spoke against the scheme. He highlighted the key features of the site that made it a unique and special place in the Regent's Canal Conservation Area, including the historic canal junction and bridge, the warehouse, the old low density quality of the canal side. Therefore, it should be protected.

He considered that the plans would overhang the court yard, dominate and obscure views of the warehouse due to the height and scale of the development.

He expressed concern about overdevelopment, as shown by the lack of space to recess the balconies and the overconcentration of small flats.

The Officers report was biased in terms of the impact on the Conservation Area in favour of the developer. The May 2013 update report was very selective.

The scheme failed to protect the Conservation Area so should be refused.

Kieran Rushe spoke in support of the application as the agent. He reported that the scheme was a joint venture with the applicant and the Canal and Rivers Trust. It was designed to preserve and protect the canal and area. The scheme would generate revenue for the Canal Trust to invest in the canal. The plans were the result of close engagement with Council Officers since

2010 and also community consultation to overcome the previous issues of concern with the scheme.

He considered that the impact was acceptable as set out in the report in terms of design, height density etc. He highlighted the merits of the scheme, including 34 new houses, 29% affordable housing with a high percentage of family housing, good public transport links and a full s106. The restrictions on the protected bridge were to be maintained and the Fire Service were satisfied with the access plans from Grove Road.

In reply to Members, he stated that Block C included commercial space that could be used for community facilities. The applicant would be exploring different uses for the building so this option could be looked at. There was also scope for a D1 use that could be used to provide community space. The plans should help reactivate the Bow Wharf complex, due to the improved security, public space and the increase in population.

Amy Thompson (Planning Officer) presented the detailed proposal including the update report. The application was for both planning permission and conservation area consent (as the listed building consent had already been granted at the 15th May 2013 meeting of the Committee for works to the bridge). The Committee were reminded that the scheme had been considered by the Committee on two previous occasions. These were in April 2013 where Members were minded to refuse the scheme and then in May 2013 as a deferred report where (subject to the agreement of the listed consent), the Committee deferred the report again to explore the possibility of ring fencing the s106 agreement to the Bow West ward.

However, since that time, the membership of the Committee had changed at Annual Council and it was now required that the item be reported back to the Committee as a new item.

Officers gave a detailed presentation of the proposals including the site and surrounds, the nature and views of the protected buildings and the proposed demolition works. The scheme had been subject to two rounds of consultation in November 2011 and October 2012 and the key issues raised were highlighted.

Officers explained the key improvements compared to the previous scheme including the reduced height and revised design. It was considered that the current plans were more in keeping with the Conservation Area compared to the 2009 scheme. Officers detailed the main materials to be used. The Fire Authority were now satisfied with the access plans from Grove Road and had removed its objection subject to the condition to remove the chalet and for post-completion testing.

Officers had considered the request to ring fence the s106 to the Bow West ward. Given the requirements in Council policy that say such funding should be pooled, it was recommend that the contributions not be ring fenced.

On balance, the scheme complied with policy with no undue impact on amenity so should be granted.

In reply to the presentation, the Committee asked questions about:

- The shortfall in the health contributions compared to the PCT request.
- The level of social housing and the policy targets for this matter.
- Density as it exceed policy.

In response to Members, Officers described the viability assessment and the factors taking into account. It was considered that the maximum amount of affordable housing (29%) and s106 has been secured based on the viability testing. Officers had tested various scenarios with the proposal coming out as the best outcome. It was confirmed that capital contributions had been secured for health services in accordance with policy. The revenue costs should be met by central government for the increase in population (rather than via a s106). Officers explained the need to pro rata each contribution in view of viability. It was noted that the density range marginally exceeded the guidance. However, in view of the lack of adverse impact, this was considered acceptable.

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

That the Officer recommendation to grant Planning Permission and Conservation Area Consent (PA/11/03371 - 3372) at Site At Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **NOT ACCEPTED** for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

The Committee were minded to refuse the scheme due to concerns over:

- Height and design that would have a detrimental effect on the heritage value of the Regent's Canal Conservation Area.
- Overdevelopment of the site given the density of the proposal
- The s.106 agreement particularly the health contributions
- Lack of social housing.

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.

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Tim Archer, Judith Gardiner and Gulam Robbani).

9.2 11 Solebay Street, London E1 4PW (PA/13/00444)

Update Report tabled.

The Committee considered the schemes regarding 11 Solebay Street, London E1 4PW for change of use at the site for a new primary school.

The Chair invited registered speakers to address the Committee.

John Veness spoke in objection to the scheme. He expressed concern about health and safety matters given the proximity of the proposed school to industrial units and other places such as the Council depot and ambulance station. He highlighted the difficulties in educating very young children about the traffic from such units. Therefore, the pupils were at risk of having accidents. He drew attention to the concerns of Environmental Health about the noise from the roof top terrace. This needed to be looked at. It was stated that the site had been marketed since August 2011. However, this was at a very high rate. Based on a more fairer price, it could be occupied and create jobs in the area.

In response to Members, he stated that his premises was an electrical contractor business with entrances that were very close to the entrance to the school. When open, this gave direct access to the shop. Also, their trucks would reverse outwards at a very short distance to the school. He suggested that both entrances be located in Toby Lane to protect pupil safety. He had submitted a written letter of objection to the Planning Department detailing these concerns.

Eion O'Connor spoke in support as the applicant's agent. He highlighted the need for school places in the Borough and to relocate the existing school on this site as shown by the evidence. The policy stated that new schools should be positively considered. The new guidance on free schools supported this further. The site had been marketed since 2011 (without success) and had no site allocation. The relevant professionals including TfL and the Council's Highways Officers had considered that the scheme was acceptable on highways grounds.

Members sought assurances regarding the health and safety of the pupils. In reply, Mr O'Connor highlighted the steps to ensure this. It was proposed to provide two entrances with an internal waiting area for pupils and to stagger opening hours. He also highlighted the Voluntary One Way System to manage traffic. All of this would be secured by the Travel Plan and would be constantly monitored. The applicant had explored other sites. However, it was felt that the site was the most suitable given the proximity to the pupil base and for viability reasons.

Members questioned whether both entrances could be located on Toby Lane in view of the safety concerns? In response, it was considered better to have

the entrances at separate points and there were measures as listed above to minimise congestion on the street.

Benson Olaseni (Planning Officer) presented the detailed report and update. He explained the application site, the existing use, the surrounding buildings, the access routes and the outcome of the statutory consultation. He addressed the main issues raised in objection around land use, highways impact, noise and pollution. It was considered that the site was suitable for a school use given the policy support for new schools and the unsuccessful attempts to market the site.

Officers also explained the proposed catchment area for the school, the trip forecast (that showed that most trips would be by sustainable means) and the measures to protect amenity and minimise the highway impact. Officers were recommending that the scheme should be granted.

In reply to the presentation, Members asked questions about the following points:

- The concerns of Environmental Health regarding the noise impact from the roof top place space.
- The impact of vehicle trips and pedestrian congestion from the school. Members questioned the adequacy of the plans to manage this. (paragraphs 8.33 and 8.34 of the report).
- The accidents rates in the area. It was considered that the rates were relatively high. Members sought comparative data to put the figures into context.
- The lower standard of accommodation for free schools.
- The quality of the teaching standards. Further information was sought on this.
- The room for expanding the site should demand increase in future
- The availability of the places to local children to address the shortage.

Officers addressed each point. The school would be a free school so would be subject to monitoring by central government (Ofsted) to ensure it was fit for purpose. There were conditions on the roof top play space to ensure the impact was acceptable including restrictions on the hours of use. A key concern was the impact of the play space on residents. However, the nearest properties were some distance away so it was unlikely that it would have an undue impact on residents in terms of noise. It was considered that the floor size was acceptable and could accommodate the expected pupil numbers.

Officers had carefully considered the accident statistics based on TfL data. Officers displayed a map of the area of reported accidents in a 400 metre radius of the site. Given that most of the incidences did not affect the site, Officers were satisfied with the safety of the site.

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

That the Officer recommendation to grant planning permission (PA/13/00444) at 11 Solebay Street, London E1 4PW be **NOT ACCEPTED** for change of use from office/warehouse use (Use Class B1/B8) to a two form entry primary school (Use Class D1) involving minor alterations to infill existing parking and service bays and a roof-top extension providing additional teaching and external play space.

The Committee were minded to refuse the scheme due to concerns over:

- Health and safety matters.
- Congestion.
- Noise and Vibration – with relation to the rooftop playspace

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.

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Tim Archer, Judith Gardiner and Gulam Robbani).

9.3 225 Armagh Road (PA/13/00683)

Update Report tabled.

The Committee considered the scheme at 225 Armagh Road for the demolition of existing building on site and the erection of 8 new residential units and an ancillary caretakers facility.

Iyabo Johnson (Planning Officer) gave a detailed presentation of the scheme covering the site and surrounds, existing use and the outcome of the statutory consultation. The proposal was for eight affordable units with five family sized units. All of the units would be provided with private amenity space and would be made available within the affordable rent tenure. The existing training facility will be relocated nearby. The design comprised three parts of varying heights to reflect the area. The materials were in keeping with area. The details would be submitted for approval. There were some minor failings in sunlight in respect of existing and the proposed units. However, given that the properties were generally dual aspect and have private gardens, it was considered to be acceptable. There were also measures to prevent any undue impact on amenity. Overall, the scheme complied with policy and should be granted.

In reply to Members, it was reported that the scheme would be subject to a car free agreement. However, the occupants could apply for a private parking permit under the estate management scheme. The scheme would also be subject to the Council's parking permit transfer scheme.

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

1. That planning permission (PA/13/00683) at 225 Armagh Road be **GRANTED** for the demolition of existing building on site and the erection of No. 8 new residential units and ancillary caretakers facility SUBJECT to:
2. The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services) to secure the obligations set out in the report.
3. That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.
4. That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters in the report.
6. Any other informative(s) considered necessary by the Head of Development Decisions.
7. That, if within three 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.

Councillor Helal Abbas (Chair) left the meeting for the remaining items of business.

As a result, Councillor Anwar Khan, (Vice-Chair) acted as Chair for the rest of the agenda.

Councillor Anwar Khan (Chair)

9.4 86 Brick Lane, London, E1 6RL (PA/13/00494, PA/13/00495)

Update Report Tabled.

The Committee considered the scheme at 86 Brick Lane for the demolition of existing building and erection of a hotel.

Graham Harrington (Planning Officer) gave a detailed presentation of the scheme. He explained the site location and surrounding area including the Brick Land and Fournier Street Conservation Area. He explained the planning history and the extant schemes for a similar proposal that was a material

consideration and could be built out. He explained the outcome of the consultation and the re-consultation on the amended plans (as revised in May 2013). The Conservation and Design Advisory Panel were generally supportive of the revised scheme. The Spitalfields Community Group also welcomed the revisions and had withdrawn their petition subject to the imposition of the s106 to manage the traffic movements on Fournier Street. Mr Harrington described the improvements on the extant scheme. He also highlighted the trip forecast for the development (with worse case scenarios) and explained the proposed s106 regarding Fournier Street. The amenity impact was considered acceptable. Overall, Officers considered that the scheme was acceptable on planning grounds and should be granted.

In reply to Members, Officers explained the revised layout compared to the extant scheme. A key change was the removal of leisure facilities and an increase in bedroom units. Officers noted the concerns about increased traffic and disturbance from late night visitors to the surrounding residential areas such as Brick Lane. They reported on the measures to minimize this and protect amenity, including restrictions on coach bookings and the opening hours for the retail use. Furthermore, the trip forecast showed that most of the visitors would travel to the facility by public transport and that there would be a major reduction in traffic from the change of use.

The hotel would be fully accessible for disabled people in general and 10% of rooms would be wheel chair accessible. There were parking bays available for disabled people. There were also controls on the hours of construction to be secured under a Construction Management Plan and measures to prevent vehicles travelling the wrong way up Fournier Street. The listed buildings should not be affected by construction as they were some distance away.

It was required that details of the materials be submitted including those for the windows that should address the comments of the Spitalfields Community Group.

It was considered that the Crossrail funding was acceptable given the full package of contributions and the revisions to the design secured after negotiation. Officers also clarified the waste and servicing plans and the fire access plans. The Fire Authority were satisfied with these plans.

Members raised questions about the taxi drop off/pick up points. It was considered that the streets around the site were very narrow so such activity could cause problems. As a result, support was expressed for the provision of a taxi bay within the development if possible. Councillor Anwar Khan proposed a condition to reflect this that was agreed by the Committee.

(The Committee voted separately on the Planning Permission and Conservation Area consent but for ease of reference they are recorded together in the decision)

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

1. That Planning Permission and Conservation Area Consent PA/13/00494, PA/13/00495) at 86 Brick Lane, London, E1 6RL be **GRANTED** for the demolition of existing building and erection of a part 4 and part 5-storey (plus lower ground floor) building to provide a hotel (5,077sqm) and a ground floor level unit (15sqm) for use as A1 (Shops) or A2 (Financial & professional services) 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 authority to negotiate the legal agreement indicated above.
 4. That if, within three months of the date of this committee meeting the legal agreement has not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
 5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the Planning Permission and Conservation Area Consent to secure the matters set out in the report.
 6. AND the additional condition agreed by the Committee:
 - That the possibility of creating a taxi bay within the scheme be explored and, if possible, provided.

10. OTHER PLANNING MATTERS

11. PLANNING APPEALS REPORT

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 10.10 p.m.

Chair, Councillor Helal Abbas
Development Committee