

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 23 MAY 2007

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Helal Abbas
Councillor Alibor Choudhury
Councillor Shamim A. Chowdhury
Councillor Rupert Eckhardt
Councillor Tim O'Flaherty
Councillor Ahmed Adam Omer
Councillor Lutfur Rahman
Councillor Oliur Rahman

Other Councillors Present:

Councillor Motin Uz-Zaman

Officers Present:

Michael Kiely	– (Service Head, Development Decisions)
Stephen Irvine	– (Development Control Manager, Planning)
Dianne Phillips	– (Legal Adviser)
Graham White	– (Legal Adviser)
Louise Fleming	– Senior Committee Officer

1. ELECTION OF VICE-CHAIR

The Committee RESOLVED that Councillor Helal Abbas be elected Vice-Chair of the Development Committee for the 2007/08 municipal year.

2. APOLOGIES FOR ABSENCE

There were no apologies received.

3. DECLARATIONS OF INTEREST

Councillor Helal Abbas declared a personal interest in item 7.1, which related to Repton Street and Parnham Street, as he had received phone calls from residents.

Councillor Alibor Choudhury declared a personal interest in item 7.1, which related to Repton Street and Parnham Street, and 7.2, which related to 45-51 Redman's Road, as the ward member for St Dunstan's and Stepney Green.

Councillor Shamim Chowdhury declared a personal interest in item 7.1, which related to Repton Street and Parnham Street, as he had been lobbied and in 7.3 as he was a current leaseholder with the applicant.

Councillor Tim O'Flaherty declared a personal interest in item 7.2, which related to 45-51 Redman's Road, as he had been lobbied.

Councillor Ahmed Omer declared a personal interest in item 7.2, which related to 45-51 Redman's Road, as he had been lobbied by both objectors and the applicant.

Councillor Oliur Rahman declared a personal interest in item 7.1, which related to Repton Street and Parnham Street, and 7.2, which related to 45-51 Redman's Road as the ward member for St Dunstan's and Stepney Green and he had been lobbied by objectors and the applicant.

Councillor Rofique Ahmed declared that he had received a number of letters e-mails relating to the applications on the agenda.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 2nd May 2007 were confirmed as a correct record subject to the following amendments:

"Members asked questions relating to the number of similar facilities in the Borough and the freehold/leasehold on the property. *In particular, the Chair made reference to an application for a change of use in Brick Lane which had lease issues involved.* Mr Kiely advised Members that they could not take lease issues into consideration, but must have regard to the Development Plan relating to the existing use and that the existing use is protected by policies in the Plan and therefore, *in this case*, its loss would be unacceptable."

5. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development and Renewal along the broad lines indicated at the meeting.

6. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

7. DEFERRED ITEMS

The Committee noted the position in relation to deferred items.

8. PLANNING APPLICATIONS FOR DECISION

8.1 Site between Repton Street and Parnham Street on East Side Bordering Canal, Repton Street, London

Mr Shahanur Khan addressed the Committee in respect of the application for the redevelopment to provide a 7 and 10 storey building providing 86 residential units and a commercial unit (145m²) on the lower ground floor that will be used for either Class A3 (café), or Class D1 (community) use on the ground floor at Repton Street and Parnham Street on east side bordering Canal, Repton Street, London, on behalf of the Limehouse Fields Residents Association. He detailed the consultation which had taken place since the last meeting and what the applicant had agreed to provide for the residents. He informed Members that the residents were in support of the application on the condition that they received what had been promised.

Mr Muhammad Shamim had registered to speak but was not present at the meeting.

Mr Jeff Field spoke on behalf of the applicant. He also detailed the consultation which had taken place and the community facilities and money for improvements which would be on offer as part of the proposal.

Mr Stephen Irvine presented a detailed report on the application. He outlined the reasons why the application was recommended for approval. The proposal was in line with Policy, consistent with the surroundings, had no problems with associated with density, its amenity space was in excess of the Council's requirements and was supported by the local residents.

Members asked a number of questions relating to the inclusion of wind turbines as a means of energy efficiency; the length of tenure, charges and management arrangements for the community use; the financial contributions as part of the Section 106 agreement; and the loss of employment.

The Committee was advised that issues relating to the tenancy of the community use were not material planning considerations. Members were informed that the use of wind turbines on site was still under investigation as part of condition 17.

Members thanked the applicant for his goodwill and the consultation which had taken place with residents. However, they expressed concern that the

intended tenants of the community centre be offered a tenure of between 20-25 years, on a peppercorn rent and that the reference to a café use in the building be deleted.

Mr Michael Kiely, Head of Development Decisions, advised the Committee that it could not insist on these restrictions, as it would go beyond its powers and place the Council in an invidious position. However, when questioned, the representative of the applicant informed the Committee that the applicant would be prepared to accept those requests as conditions. The applicant also agreed to delete the request for A3 use from the application.

The Committee RESOLVED that planning permission for the redevelopment to provide a 7 and 10 storey building providing 86 residential units and an area of 145m² on the lower ground floor that will be used for Class D1 (community) use at Repton Street and Parnham Street on east side bordering Canal, Repton Street, London be GRANTED subject to

- A The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
- a) A minimum of 35% (by habitable rooms) on-site affordable housing accommodation.
 - b) A financial contribution of £185,130 to mitigate the demand of the additional population on education facilities.
 - c) A financial contribution of £324,870 to mitigate the demand of the additional population on healthcare facilities.
 - d) A financial contribution of £50,000 to enable the Council to fund the costs of environmental improvements which could include child play space on the Carr Street open space.
 - e) The provision and maintenance of a new public canal footpath along west bank of canal (providing unrestricted public access).
 - f) Implementation of Public Art works (to sum of at least £35,000).
 - g) TV reception mitigation measures where impacts identified.
 - h) Local access to employment agreement.
 - i) Implementation of sustainable design/construction and energy efficient and renewable measures.
 - j) A 'Car Free' arrangement to prevent the occupants of the development from applying for residents parking permits.
 - k) A financial contribution of £10,000 to the Limehouse Community Association to assist with set up costs within the proposed community facility.
 - l) The community centre on the ground floor is offered on usual commercial lease terms and conditions for a period of at least 20 years on a peppercorn rent.
- B An agreement under section 278 of the Highways Act to fund highway works around the perimeter of the site (e.g. redundant cross-overs, damaged footways etc).

- C That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Permission valid for 3 years.
- 2) Details of the following to be submitted:
 - a) the materials to be used on the external faces of the building;
 - b) the landscaping treatment (including detailed design of the canal-side walkway);
 - c) provision to be made for disabled access;
 - d) balcony details;
 - e) shopfront design for the Class A3/Class D1 unit;
 - f) the design and location of the public art works;
 - g) details of all roof level plant equipment;
 - h) details of refuse/waste recycling, and refuse storage arrangements;
 - i) external lighting; and
 - j) Lifetime homes and wheelchair units.
- 3) All planting, seeding or turfing to be carried out in the first planting and seeding seasons.
- 4) Investigation and remediation measures for land contamination.
- 5) Limit hours of building, engineering or other operations to between 8.00 am and 6.00 pm Mondays to Fridays and 9.00 am and 1.00 pm Saturdays.
- 6) Limit power/hammer driven piling to between the hours of 10.00 am and 4.00 pm Monday to Friday.
- 7) Submission of construction management plan.
- 8) All plant and machinery noise emissions to be controlled.
- 9) Submission of details of all necessary fume/ventilation for the Class A3/D1 use.
- 10) Any fume/ventilation and air conditioning equipment shall only operate between the hours of 8.00 am and 10.00 pm.
- 11) The Class A3/Class D1 use to operate only between the hours of 8.00 am to 10.00 pm on any day.
- 12) No music, PA system or other amplified sound to be played within the Class A3/Class D1 unit so as to be audible from nearest residential premises.
- 13) No doors or gates shall be hung so as to open over or across any pedestrian or public footpath.
- 14) Submission of details of measures to prevent the transmission of noise and vibration from the adjoining railway, and the sound insulation measures for the ceiling and walls of the approved Class A3/Class D1 premises.
- 15) Submission of details of surface water drainage works/control measures.
- 16) Submission of Air Quality Assessment
- 17) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.

- 18) Limit use to Class D1 use and delete reference to Class A3 use.
- 19) Community organisation lease to be of 20-25 years duration, reviewed every 3-5 years.
- 20) Community use to be leased at a peppercorn rent.
- 21) Explore use of turbines for energy efficiency on site.
- 22) Any other conditions considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement.
 - 2) Consult the Council's Environmental Health Department regarding soil contamination, sound insulation and air quality assessment.
 - 3) Council operates a Code of Construction Practice.
 - 4) Consult the Council's Highways Development Department regarding any alterations to the public highway.
 - 5) Any structures balconies etc, overhanging or connecting to the canal will require the approval of British Waterways.
 - 6) Consult the Environment Agency with regard to surface drainage measures and soil contamination investigations.
- D That if by 23rd August 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.2 45-51 Redman's Road, London E1 3AQ

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and redevelopment of the site with the erection of buildings between 3 storeys and 5 storeys in height in connection with their use as a 600 sq m of commercial floorspace (B1), 142 ensuite study rooms (arranged in clusters of two, three, four and five bedrooms) and 27 studio flats of student housing plus cycle parking and communal courtyard at 45-51 Redman's Road, London E1 3AQ.

Mr Peter Curry spoke in objection on the grounds of the height and size of the proposal and the proximity to neighbouring properties. He felt that the proposal would cause overlooking and suggested that the design be amended to move the building back from neighbouring properties.

Mr Nick Clough spoke in objection on the grounds that he felt the proposal was contrary to Policy; would cause overlooking; noise and disturbance; and loss of light to neighbouring properties.

Mr Duncan Parr spoke on behalf of the applicant. He drew Members attention to the conditions which had been recommended to mitigate against any noise disturbance and advised that the proposal complied with local Policy.

Mr Jari Ylipaavalniemi spoke on behalf of London Metropolitan University. He advised the Committee of the demand for student housing in the area.

Mr Stephen Irvine, Development Control Manager, presented a detailed report and update report on the application. He advised Members of the numbers of student accommodation units approved in the last year and listed the other boroughs in London which were also providing the same type of accommodation. The application was in line with Policy and there were no live planning applications in the immediate vicinity. One invalid application referred to by the objectors would not be affected as the facing wall had no windows which would be affected. He advised Members of the weight which the Committee should give to the issue. He also advised that the area, in its current state, was no longer suitable for light industrial use due to the narrow access and egress.

Members asked questions relating the amount of student accommodation in the Borough, the consultation which had taken place with local residents, the noise which would be generated by the application and the residential properties in the vicinity.

Mr Irvine advised the Committee that any noise would be controlled through conditions and the entrance to the site was in an enclosed area, which would also mitigate any noise nuisance. He advised the Committee that there were no residential properties directly adjacent as it was a commercial/industrial area, and that the site was a significant distance to the nearest residents.

The Committee adjourned at 8.50 pm to enable a member of the public who was causing a continued disturbance to be removed from the Council Chamber. The Committee resumed at 8.55 pm.

The Committee **RESOLVED** that planning permission for the demolition of existing buildings and redevelopment of the site with the erection of buildings between 3 storeys and 5 storeys in height in connection with their use as a 600 sq m of commercial floorspace (B1), 142 ensuite study rooms (arranged in clusters of two, three, four and five bedrooms) and 27 studio flats of student housing plus cycle parking and communal courtyard at 45-51 Redman's Road, London E1 3AQ be **GRANTED** subject to

A The following conditions:

- 1) Planning permission valid for 3 years.
- 2) Construction hours restricted to 8.00 am - 6.00 pm weekdays and 8.00 am – 1.00 pm Saturdays only.
- 3) Sample of facing materials to be submitted for approval.
- 4) Details of proposed hard and soft landscaping.
- 5) Details of plant, including design and acoustic treatment.
- 6) Land contamination – Investigation and remediation.
- 7) Details to be agreed to demonstrate energy efficient measures proposed.
- 8) Student accommodation to meet Lifetime Homes Standard and be wheelchair compliant.

- 9) Provision of RW34 acoustic glazing.
- 10) Details of storage and refuse and recycling for occupiers of the development.
- 11) Details of cycle storage facilities.
- 12) Provision of statement to minimise the negative impacts of air quality.
- 13) Piling or similar operations to take place between 10.00 am and 4.00 pm weekdays only.
- 14) On site drainage.
- 15) Wheel washing.
- 16) Travel plan required.
- 17) Community management plan.
- 18) Agreement to secure a section 278 highways agreement to secure funding/improvement to the adjoining public highway.
- 19) Grampian condition to secure a car free arrangement.
- 20) Condition restricting residents to be students of Queen Mary & Westfield College (QMWC) and London Metropolitan University.

B That conservation area consent for the development be granted subject to

- i) Works authorised being implemented within 3 years.
- ii) Demolition, engineering or other operations in pursuance of this consent to be carried out between 8.00 am and 6.00 pm Mondays to Fridays and 8.00 am and 1.00 pm Saturdays only.
- iii) Wheel washing.
- iv) Piling or similar operations to take place between 10.00 am and 4.00 pm weekdays only.

Informatives

- 1) Thames Water advise
- 2) Means of escape and relevant building regulation
- 3) Air Quality
- 4) LBTH construction Code of practice to be obtained from Environmental Health.

8.3 Site bounded by Claredale Street, Sheldon Place and Mansford Street, Claredale Street, London, E2

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of site bounded by Claredale Street, Sheldon Place and Mansford Street, Claredale Street, London E2.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. Members asked questions relating to the affordable housing provision and the difference in size between the new building and Bradley House. The Committee was informed that there would be an increase in size. However, the area would be improved.

The Committee RESOLVED that planning permission for the redevelopment of site by the erection of 6 buildings from 2 -7 storeys in height and the provision of 77 new homes (4 x 2 bed houses, 3 x 3 bed houses, 11 x 4 bed houses and 59 apartments) on site bounded by Claredale Street, Sheldon Place and Mansford Street, Claredale Street, London E2 be GRANTED subject to

A The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

- 1) Affordable housing provision of 36% of the proposed habitable rooms as set out within the tenure mix table dates 1st March 2007 and as summarised in paragraph 8.7 of this report.
- 2) A financial contribution of £24,684 to mitigate the demand of the additional population on education facilities.
- 3) A financial contribution of £100,000 to mitigate the demand of the additional population on health care facilities.
- 4) 'Car Free' agreement, to prohibit residents of the development from applying for residents parking permits in the area.
- 5) Provision and maintenance of pedestrian link through the site between Teesdale Street and Teesdale Close.
- 6) Green Travel Plan.

B That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Samples of the following external finishes are required:
 - Engineering Brick
 - Aluminium window frames
 - Timber
 - Copper cladding
- 3) Landscape management plan.
- 4) 278 agreement to be entered into for Highway works surrounding the site.
- 5) Hours of construction limits (0800 – 1800, Mon-Fri)
- 6) Construction Management Plan
- 7) Land contamination study
- 8) Cycle storage details
- 9) Air Quality Assessment
- 10) Eco Homes
- 11) Lifetime homes
- 12) 10% disabled access
- 13) Secure by design statement
- 14) Any other conditions considered necessary by the Head of Development Decisions.

Informatives

- 1) Accompanying S106
 - 2) Consult Highways regarding any alterations to the public highway
 - 3) Consult building control
- C That if by 23rd August 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.4 Site Bounded by 41-56 Three Colts Lane & 14-20 Glass Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a part 5 part 6 storey building comprising basement plus ground and 6 storeys to provide ground floor commercial uses with 203 student residences above at site bounded by 41-56 Three Colts Lane and 14-20 Glass Street, London.

Mr Stephen Irvine, Development Control Manager, presented a detailed report and update report. Members asked questions relating to disabled access and a contribution to the Primary Care Trust. Mr Irvine informed the Committee that in student accommodation applications, a contribution to the local Primary Care Trust was not required as the medical care was invariably provided for by either the university or the students' home area. Mr Kiely explained the formula used for contributions.

The Committee unanimously RESOLVED that planning permission for the erection of a part 5 part 6 storey building comprising basement plus ground and 6 storeys to provide ground floor commercial uses with 203 student residences above at site bounded by 41-56 Three Colts Lane and 14-20 Glass Street, London be GRANTED subject to

- A The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
- a) Contributions to Bethnal Green gardens: £160,000.
 - b) Public realm improvements including footpath upgrade, signage and street furniture: £100,000.
 - c) Preparation of a Green Travel Plan.
 - d) Car Free Agreement
 - e) An agreement under S278 of the Highways act to fund highways works around the perimeter of the site.
 - f) Code of Construction practice.
 - g) Local labour in construction.

- B That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission.
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building.
 - Ground floor public realm (amenity courtyard as well as roof garden and ground floor public realm improvements).
 - The design of the lower floor elevations of commercial units including shop fronts.
 - Location and detail of railing for the roof terrace. Must be setback from the building edge to match with communal facilities footprint.
 - Deletion of the car parking spaces to the north west of the site and replacement with suitable landscaping scheme for the site.
 - Cycle parking associated with the commercial component to be provided at ground level in close proximity to the commercial units.
- 3) Submission of an amended landscape plan to include details of the landscaped area to the north west of the site.
- 4) Landscape Management Plan required.
- 5) Student housing Management Plan required.
- 6) Secured by Design Statement required.
- 7) Submission of full details of the proposed lighting and CCTV scheme.
- 8) Full particulars of the refuse/recycling storage required.
- 9) Submission of an Investigation and remediation measures for land contamination.
- 10) Submission of a Noise and Vibration Survey to ensure minimal impact during construction to surrounding properties and to protect future residents from surrounding industrial impacts.
- 11) Submission of details of sound insulation/attenuation measures to ensure minimal impact during construction to surrounding properties and to protect future residents from surrounding industrial impacts.
- 12) Restriction on hours of use of 6th floor roof terrace: 8 am to 8pm.
- 13) Lifetime Homes.
- 14) 10% Disabled Access.
- 15) Renewable Energy Measures (at least 20%) reduction in carbon dioxide emissions.
- 16) Provision of a minimum of 203 cycle spaces.
- 17) Parking, access and loading/unloading, manoeuvring, must be used for these purposes only.
- 18) 278 (Highways) agreement required.
- 19) Hours of construction limits (0800 – 1800, Mon-Fri, 0800 – 1300 Sat).
- 20) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday).

- 21) Code of Construction Practice, including a Construction Traffic Management Assessment required.
- 22) Details of insulation of the ventilation system and any associated plant required.
- 23) Details required for on site drainage works.
- 24) Details of surface water source control measures required.
- 25) Details of finished floor levels required.
- 26) Any other conditions considered necessary by the Head of Development Decisions.

Informatives

- 1) Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to (Decontamination), contact Council's Environment Health Department.
- 3) Code of Construction Practice, discuss this with the Council's Environmental Health Department.
- 4) Consult with the Council's Highways Department regarding any alterations to the public highway.
- 5) Any work that is being carried out near the rail bridge will need to be approved by our structural engineer, Martin Waugh, prior to work commencing.
- 6) Site notice specifying the details of the contractor required.
- 7) Standard of fitness for human habitation means of fire escape and relevant Building Regulations.
- 8) The developer should be directed to 'Design for Biodiversity'. A publication jointly produced by the LDA, Greater London Authority and English Nature which illustrates how ecologically sensitive designs and features can be integrated into new development.
- 9) Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 10) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 11) There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form, or any other information relating to Thames Water's assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

- 12) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.
 - 13) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
 - 14) The local sewers are small and there is evidence of historic surcharging of sewers. Basement drainage should pump to ground level and surface water attenuation applied such that overall discharge from the site does not exceed historic.
- C That if by 23rd August 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The meeting ended at 9.25 p.m.

Chair, Councillor Rofique U Ahmed
Development Committee