

DEVELOPMENT COMMITTEE

Wednesday, 17 October 2018 at 6.30 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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For further information including the Membership of this body and public information, see the main agenda.

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To confirm as a correct record the minutes of the meeting of the Development Committee held on 27 September 2018		

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.34 P.M. ON THURSDAY, 27 SEPTEMBER 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor Mufeedah Bustin
Councillor Peter Golds
Councillor Gabriela Salva Macallan
Councillor Helal Uddin
Councillor Bex White

Other Councillors Present:

Councillor Asma Begum
Councillor Val Whitehead

Others Present:

Katherine Williams – Item 5.1 (Agent)
Sharon Mills – Item 5.1 (representing the Applicant)
Anthony Hart – Item 5.1 (Objector)

Jane Abraham – Item 5.3 (Applicant)

Apologies:

Councillor Ruhul Amin
Councillor John Pierce

Officers Present:

Solomon Agutu	– Interim Team Leader Planning, Legal Services
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Elizabeth Donnelly	– (Senior Planning Officer, Place)
Nasser Farooq	– (Team Leader, Planning Services, Place)
Max Smith	– Team Leader, Planning and Building Control
Hoa Vong	– (Planning Officer, Place)
John Miller	– Planning Officer
Antonella Burgio	– (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meetings held on 23rd August 2018 be approved as a correct record of proceedings.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. 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, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS**4.1 Raine House, 16 Raine Street, London, E1W 3RL - PA/18/01477 and PA/18/01478**

It was noted that:

- Councillor Bex White had not participated in the discussion which took place at the previous meeting and therefore she did not participate in the consideration of the item.
- Councillor Helal Uddin was not present for the consideration of this item.

An update report was tabled

Councillor Golds:

- Noted that, in his view, the report placed new information before the Committee.

- Noted that the minutes of the previous meeting recorded that the Chair had varied procedures around public speaking to permit objectors to further address the Committee and
- Asked for clarification on the application of public speaking rights, referencing the deferral as recorded at paragraph 2 of the minutes of the previous meeting and paragraph 5.2 of the report.

The Legal Adviser to the Committee advised that speaking rights were governed by the Constitution, Section 5.5 Planning Code of Conduct, Appendix B Rules 11.1 and 11.2. He explained the clause around what constituted substantive information and that the minutes of the previous meeting indicated that the reason for deferral was to undertake a site visit; this aligned with Rule 11.1. The Legal Adviser enquired and the Area Planning Manager advised that there had been no substantive changes relating to the application.

The Committee noted that the reason for deferral had been to undertake a site visit to apprise themselves of heritage issues that had been raised during the discussion of the application at the meeting on 23 August 2018.

Having received advice, the Chair confirmed that speaking rights did not apply and requested that the planning case officer present the technical report.

The Committee heard from the Planning Case Officer who advised that the matters raised at the previous meeting by those who spoke in objection had been investigated; responses to these were provided in the report. Additionally a petition had been received highlighting concerns that the proposal did not include refurbishment of the basement and decant of the building. The Committee was advised that these issues were not planning matters and that officers' recommendation remained to grant the application on the basis that refurbishment would constitute a benefit to the building and its character over the present arrangements.

Responding to a Member enquiry on what alternative accommodation would be provided to the organisations required to vacate the premises for the refurbishment, the Committee was informed that it had been suggested that groups could re-locate to Glamis Hall however groups were concerned that the venue was not ready to receive them. The Interim Head of Capital Delivery informed the Committee that the venue would be available from 13 October. The Committee noted the Area Planning Manager's advice that the matters that had been raised by groups were not material planning considerations.

The Chair then proposed and on a vote of 1 in favour, 2 against and 1 abstention the Committee **did not support** the officer recommendation to approve the application.

The meeting was adjourned between 6:52pm and 7:00pm to enable Members to consider what alternative motion they wished to bring forward.

Councillor Golds highlighted that Members had voted not to support officers' recommendation because of concerns that the refurbishment would adversely affect the historicity and visual amenity of internals of the building. The Committee was not satisfied that these adverse amenity impacts were compensated by the resulting improvements. The Committee was of the view that it was necessary to preserve the building and that its character and appearance would not be retained should the proposed refurbishment take place.

An alternative proposal was moved that the application be refused and on a vote of 3 in favour and 1 against, it was

RESOLVED

That planning permission **be refused**.

Members voted to refuse the application on the grounds that the internal specifications of the application would not preserve or enhance the appearance of the building and that the proposed internal alterations would have an adverse impact on the special architectural and historic character of the listed building.

Following the determination of the application, the meeting was adjourned from 7:03pm to 7:06pm.

5. PLANNING APPLICATIONS FOR DECISION

VARY PROCEDURE FOR PARTICIPATION

The Chair advised that to facilitate discussion of the applications before the Committee, he had agreed to vary the order of participation. Therefore the following procedure for considering applications would be adopted for each application; the Area Planning Manager would introduce the item following which the Planning Case Officer would present the technical report. Members would ask questions of Planning Case Officer. Afterwards registered public speakers would be invited to make their presentations, objectors first and then supporters and applicant. Members would question each party respectively. Finally the committee would discuss and vote on the application.

5.1 Regency Court, 10 Norman Grove, London, E3 5EG - PA/18/00065

The report was considered in conjunction with item 5.2.

An update report was tabled

The Committee was informed that the implementation of the proposal at agenda item 5.2 (Appian Court) was contingent upon approval of the application at agenda item 5.1 (Regency Court) and therefore the Chair

agreed that the items may be considered concurrently. However each application would be determined individually..

The Area Planning Manager introduced the report which concerned an application to demolish existing buildings at Regency Court, 10 Norman Grove, London, E3 and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary service and plant, car and cycle parking, and associated works.

At the Chair's invitation the Planning Case Officer presented a summary of his report outlining the proposed elements of the development and the key attributes. He advised that relevant planning issues to be considered were; the improvement of outdated housing stock, the conservation area adjoining the proposed development site, that the land-use contributed to the council's housing targets, that the design and heritage of the adjoining conservation area had been factored into the revised design, that although the separation distance was 3 metres shorter than that recommended, the Council's policy did not specify a minimum separation distance, that there were daylight impacts to 2 units to the north but these were within acceptable levels, there would be a loss of sheltered units at the Regency Court development but this would be mitigated by the additional number of units that would be provided through the development of Appian Court. The Officer then presented a summary of the technical report for the development at Appian Court; this is recorded at minute 5.2.

The following relevant matters were highlighted:

- The distance between Regency Court and Appian Court was 1/2 mile.
- Sheltered housing lost from the redevelopment of Regency Court would be re-provided at Appian Court.
- The development was not assessed to have impact on the adjoining Bow neighbourhood conservation area.
- The proposal was assessed for impacts on overlooking and these were considered to be mitigated by the location of the proposed internal balconies.
- The sale of units at Regency Court would fund the development of Appian Court.
- The development scheme also included Vic Johnson House which was launched in December 2017 and also contained a sheltered housing element to mitigate loss at Regency Court.

In response to member questions The Planning Case Officer, then provided the following information:

- The three sites in the development scheme, Vic Johnson house, Regency Court and Appian Court were owned by Gateway Housing Association.
- These three developments were linked and their delivery would yield a net gain of 14 social and sheltered housing over the whole scheme.

- The current sheltered occupancy at Regency Court was 21 dwellings. The applicant intended to vacate these sheltered housing units in preparation for development through natural transfers; once void the units would not be re-let.
- Council consultation on the proposal had comprised letters and site notices. 150 letters had been sent; 56 responses had been received, 54 of these objected to the proposal. Details of all representations were included in the report.
- There were also press notices on the proposed development
- The proposal would require 2 trees to be replaced.
- Concerning how the issues raised had been addressed, in the context of the high number of objections received as a proportion of the consultation letters sent, the Committee was advised that issues raised had focussed on the design and the distance between the proposed development and the adjacent conservation area.
- Although the separation distance was 15 metres and less than the recommended 18 metres, overlooking of nearby properties in Norman Grove conservation area would be mitigated by internal balconies. The 18 m recommendation was a guideline.
- In urban settings it was not unusual for separation distances to be smaller than which was policy recommended. If the recommended 18 metre separation distance were to be imposed on the development, it would impact negatively on the number of residential units that could be achieved. Notwithstanding, all applications were assessed on their own merits.
- Concerning what other methods might minimise the impacts of overlooking, the Committee was informed that overlooking issues had been dealt with during pre-application discussions with the applicant together with issues of height and separation. Should the development be stepped back, the provision would be reduced. Additionally, during these discussions the initial proposal which included external balconies had been revised to recessed balconies as mitigation. Officers had been mindful of the extent of the representations concerning overlooking and therefore had sought suitable mitigation not only in this regard but also in relation to heritage and design.
- Concerning issues around massing, Members were advised that the height differential between the existing buildings at Norman Grove and the proposed development was between 0.6 – 2.6 metres across the development site. Additionally considerations of enhancement not only related to reducing impact but also inclusion of other desirable features and benefits that the development would bring.
- The children's centre to the north of Regency Court was Council owned.
- The provision of play space in the scheme exceeded the minimum required under the Council's planning policy
- The results of the consultations revealed concerns around design, amenity and housing. Officers' responses were provided in Sections 5.10 – 5.21 and in Section 6 of the report.

- In regard to concern around the existing social infrastructure, three disabled parking bays were planned. Members were also advised that the development fell within car-free zone.

Councillor Golds contended that the scale of the development and the narrowness of the separation were such that the bedrooms of residents in the adjacent Norman Grove terrace would be overlooked by occupants of the first and all upper floors of the development; this contravened the Council's planning policy.

The Committee then heard from registered speakers. Representations against the proposals were made by 2 members of the public who highlighted the following areas of concern:

- The applicant had not offered mitigation for the negative impacts of the proposals such as balconies and the scale of the proposed development.
- The proposal
 - did not adopt a place sensitive approach
 - had failed to take account of the scale of existing buildings in the locality and
 - did not take account of the former grain of the neighbourhood

Responding to Members' questions, objectors also provided the following information:

- most of the existing properties in Norman Grove did not have mansard roof extensions.
- One of the existing properties would be completely overlooked by the proposed development.
- The separation between the existing properties and the proposed development was 15 metres, less than that recommended in the planning policy. The applicant, notwithstanding the complaints asserted that the proposed development was in keeping with the conservation area.
- Objectors acknowledged that outdoor space was a necessary part of the scheme however the separation distance was narrow and therefore they asked that the balconies should be located internal to the development.
- Additionally objectors asked that the applicant to consider a break in the rhythm of the roof heights.
- Concerning whether objectors had viewed plans with alternative proposals for the location of balconies, objectors present informed The Committee that there had been paper position statements which indicated that balconies could be sited to face the internal courtyard. The Committee noted this assertion.

The Committee then received representations from Ward Councillors Asma Begum and Val Whitehead; Councillor Begum addressed the Committee on their behalf.

Councillor Begum reiterated the issues brought forward by objectors and contended that the applicant had not listened to concerns highlighted by residents during the consultation. Furthermore, being aware of these, the developer had not demonstrated that any had been addressed.

Responding to Members' questions, the Ward Councillors also provided the following information:

Concerning the nature of the separate consultation carried out by Ward Councillors, the Committee was informed that they had canvassed extensively and many concerns had been raised. These centred around proposals relating to Regency Court. Here there had been poor consultation with local residents and issues of overlooking and design of balconies had not been satisfactorily addressed.

A Committee Member observed that the financial viability of the redevelopment of Appian Court depended on the completion of the development at Regency Court and enquired whether there had been discussions around how the density of the development might be retained and the appearance changed. Councillor Begum informed the Committee that the developer had failed to listen to the issues raised by the consultees and this was the issue at hand. The revised proposal before the Members had not greatly affected density. Furthermore the desired outcomes depended on delivery of a scheme which involved redevelopment of three sites, namely Vic Johnson house, Appian Court and Regency Court; of these was the proposal for Regency Court which were a source of local concern.

The Committee then heard from the applicant's, agent. She informed Members that the proposed scheme would improve sheltered accommodation facilities in the borough and, to achieve this outcome, it was necessary to undertake cross-development with private provisions.

Noting:

- The allegations of poor consultation, the agent contended that extensive consultation had been carried out, indeed revised proposals before Members had emerged from these.
- The discussions around the design and siting of balconies, the agent advised that these were recessed to preserve the amenity of Norman Grove. They also provided internal in amenity space for the proposed dwellings, therefore it was not expected that these balconies would be in continuous use.

Additionally the scheme included provision for cycle space.

Concerning whether amendments to the design could be made, the agent contended that the density of the private development was necessary to fund the sheltered housing development at Appian Court.

Concerning reports that tenants had complained about the proposal, the agent submitted that no current tenants had objected to that which had been put before the Committee. Gateway Housing Association had

worked/engaged with the Council and had factored that the pace of development would be slower.

The Committee then heard from the Gateway Housing Association Operations Manager, She informed Members that the scheme had been brought forward because the present facilities at Regency Court were out of date and did not provide appropriate facilities. The development of modern sheltered accommodation at Appian Court, would be funded by returns achieved from the development of private dwellings at Regency Court; residents of Regency Court had been consulted and supported this proposal.

The Operations Manager wished to read a letter of support however the document had not been submitted in the time allowed and therefore for procedural reasons the letter was refused.

Responding to questions from the Committee the Agent and Operations Manager provided the following information:

- The decant would be undertaken in an incremental way by not re-letting vacated flats.
- Responding to issues around shape and size raised during consultation, the design had been varied to incorporate set-back storeys. Councillor Golds observed that the variation appeared to address issues around overlong however the variation had appeared to be translated into the design placed before Committee. The Agent advised that the design and access statement sets at the pre-application consultation with the diagrams of models (November 2016), these demonstrate recessed balconies at that time.
- In regard to the concern that the proposal did not take account of the adjacent conservation area in terms of the quality of the development, the Committee was informed that the test was whether to preserve or conserve the character. The focus of the proposal has been to redevelop and improve that which presently exists. The scheme was deemed to be acceptable in terms of density and well suited its surroundings in terms of amenity and materials used. It was assessed that the proposal would not impact residents of Norman Grove.
- Concerning the assertion that the Regency Court development would cause bedroom windows of properties in the opposite terrace to face into living rooms and balconies of the new properties, the Committee was advised that the scheme was flatted and included duplex units. In the Capital it was not unusual for flatted schemes to be located opposite housing; it was assessed that the scheme would not affect others' amenity.
- Concerning why consultation on the proposal had not extended to Rosebank Gardens the Committee was informed that the applicant had been unaware of this. However there would also have been consultation by the Council at the application stage which would have included this area. The Team Leader, Planning Services referred Members to the site map printed at Appendix I to the report, this demonstrated the consultation boundary implemented and included Rosebank Gardens.

Having considered the matters at issue the Committee moved to vote upon each application individually.

The Chair proposed and on a vote of 5 in favour and 1 against, the Committee **did not support** the officer recommendation that the application be approved.

Councillor Golds proposed that the application for the redevelopment of Regency Court be deferred to enable a site visit to be undertaken and the issues of the impacts of balconies and massing be investigated. The Committee felt that more need to be done to explore if a solution for everyone was achievable.

The alternative proposal was moved and on a unanimous vote in favour, it was

RESOLVED

That the application **BE DEFERRED** for a site visit. The Committee was minded to undertake a site visit because of issues raised around the impacts of the balconies and massing leading to a perception that there would be overlooking of the terraced properties in the conservation area opposite the development.

5.2 Appian Court, 87 Parnell Road, London, E3 2RS - PA/18/00092

The application was considered and discussed in conjunction with item 5.1 and the matters discussed relating solely to the proposed redevelopment of Appian Court are recorded here for clarity.

An update report was tabled.

The Planning Case Officer presented his report. He informed the Committee that the application proposed demolition of the existing buildings and construction of a part 4/5, plus lower ground floor, storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.

The Committee noted:

- That the, there had been no requests to speak in objection to the application at Appian Court and since the application was recommended for approval, the applicant, in accordance with speaking rules, was not invited to make a presentation to the Committee.
- The child play space allocation was lower than that recommended; however this was considered acceptable since the sheltered housing development was were targeted at over 55s.
- Council consultation on the proposal had comprised letters and site notices. 104 letters had been sent and three responses received, 2

supported the proposal and one objected. Details of the representations received were included in the report.

- There were also press notices for the proposed development

The Planning Case Officer, responding to Members' questions advised that the Appian Court proposal would provide 46 social housing units.

Later, the Agent, responding to Members' questions advised that disabled parking provision at Appian Court had been assessed to be sufficient..

The meeting was adjourned from 8:36pm to 8:40pm.

Councillor Salva-Macallan requested that, since the applications for Regency Court and Appian Court were linked, it was appropriate to undertake a site visit at Appian Court also to enable the committee to further its work on the issues raised.

The Chair proposed and on a vote of 5 in favour and 1 against, it was

RESOLVED

That the application **BE DEFERRED** for a site visit. Since the development of Appian Court was linked to the development of Regency Court, the Committee deemed it necessary to visit both sites.

SUSPEND STANDING ORDERS

At 9:20pm, during the consideration of agenda item 5.3, the Chair moved and the Committee

RESOLVED

To suspend standing orders for up to 30 minutes to enable the business of the meeting to be concluded.

5.3 Site Rear of 225 to 347, Hanbury Street, London E1 - PA/18/01776

An update report was tabled

The Area Planning Manager introduced the report which concerned an application to demolish existing garages at the site rear of 225 – 347 Hanbury Street E1 and construct 4 x three-bedroom and 3 x four-bedroom affordable houses, proposal to develop 7 family-sized dwelling houses with the redevelopment of the existing open space.

The Planning Case Officer presented the technical report which outlined the key features of the application. He highlighted that the proposal would provide 7 affordable family dwellings comprised of 4 social housing units and 3 Local Authority units. The properties would be located in a car free zone;

however where applicable, car parking would be provided to those transferring to these dwellings on fire the Council's permit transfer scheme.

The Case Officer, responding to members questions provided the following information:

- Concerning the impact on the loss of garage facilities to those currently renting them, Members were informed that the garages were not used for residents' parking but for storage.
- The re-provided play space would be accessible to the public. The provision would be across the entire site with 17 new play space facilities.
- Under the scheme 11 trees would be lost; of these three were deemed to be in poor condition and one was of a low quality and value. The proposal would re-provide landscaping including the replanting of 4 semi-mature trees while the loss of the remaining 7 trees would be mitigated by planting 14 semi-mature trees.
- The density of the scheme had been determined by the following considerations; local and national policy targets for family-sized dwellings and also the physical constraints of the site.

The Chair then invited 2 objectors which had registered to speak to each make their presentations before the Committee.

The objectors offered the following arguments against the grant of planning permission:

- The proposal was not in sympathy with the existing surrounding developments.
- The proposed play-space did not fully replace the existing green space which also provided amenity for the surrounding densely populated residential blocks.
- The consultation did not clearly indicate that the proposed development was to be sited to the front of Hanbury Street and therefore it would be overlooked.
- The design of the proposed development would attract antisocial behaviour and there was no indication of how this would be addressed/mitigated.
- There were concerns about impacts on biodiversity in that the loss of the mature trees would affect a local colony of bats.
- The proposal did not take account of residents of the surrounding residential blocks which used the garages.

Responding to questions from the Committee objectors provided the following information:

- Concerning what type of consultation should more appropriately have taken place, the Committee was informed that the proposal before members would result in the loss of 29 garages, while development of a more suitable site nearby had not been pursued. Additionally residents had not been offered alternative parking facilities to mitigate

the loss of these garages. Members were asked to consider undertaking a site visit.

- Concerning the origins of those who had supported a petition against the development, the Committee was informed that all petitioners were residents of the two affected blocks. The petition sought to prevent the loss of garages and play space and to highlight potential for antisocial behaviour arising from the proposal.
- Concerning how the consultation could have been improved, the Committee was informed that the consultation undertaken had not considered what other suitable sites existed in the area.
- Regarding concerns that the new play space proposed would not receive the same degree of oversight as the current play space, the Committee was informed that there were unoverlooked zones in the present provision as ground floor of the blocks adjacent it did not comprise residential units. Objectors argued that under the current arrangements the walkways of the adjacent blocks overlooked the play space and provided good oversight.

The Committee then heard from the Applicant. She outlined the following advantages of the application:

- The development would contribute to the councils housing targets and ensured continued play space provision.
- The dwellings that would be provided were larger houses which were in short supply.
- The issues which had been raised by residents (land use, re-provision of parking and biodiversity) had been mitigated; these matters were addressed in Sections 9 and 10 of the report.

Responding to Members questions, the applicant provided the following information:

- In relation to concerns around the lack of oversight of the proposed new play space, the Committee was informed that under the proposal play space oversight would remain but by properties in a different location. Additionally the new play space would provide a greater level of natural surveillance.
- Noting that 11 Council tenants were using the garages, the applicant informed the Committee that reports of the lease of garages to non-residents originated from a survey undertaken by Tower Hamlets Homes. This information was available in the design and access statement.
- Concerning play space lighting, the Committee was informed that the design includes improved lighting policing and new design elements to eliminate unlit spaces.
- The proposed development would create increased overlooking and this feature would mitigate potential risks of increased antisocial behaviour.

The Committee discussed transfer of parking rights and impacts of the relocation of the play area.

Councillor Salva Mccallan moved that the application *be deferred* for a site visit in order that Members may apprise themselves of the arrangements relating to car parking provision and on a vote of 3 voted in favour and 3 voted against the proposal. As there was an equality of votes The Chair used his casting vote *and* , voted against the proposal and therefore the **motion to defer the decision pending a site visit was not carried.**

The Chair then proposed that the Committee vote on the officer recommendation as set out in section 3 of the report. On a vote of 3 in favour, 1 against and 1 abstention, it was

RESOLVED

That planning permission for the demolition of existing garages and construction of 4 x three-bedroom and 3 x four-bedroom affordable houses including improved open space, play area and hard landscaping at the site rear of 225 - 347 Hanbury Street London E1 **BE GRANTED** subject to the following conditions and informatives.

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction

Prior to commencement conditions

1. Land contamination
2. Construction Environmental Management Plan
3. Details of hard landscaping to the front
4. Tree protection methods and proposed schedule/viability
5. Details of affordable housing

Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Architectural Drawings
3. Biodiversity mitigation and enhancements
4. Tree Schedule
5. Waste Management Strategy
6. Details of soft landscaping
7. Details of hard/soft landscaping for the park
8. Details of play equipment

Prior to Occupation' Conditions

1. Cycle Parking
2. Parking Management Plan

Informatives

1. CIL liable

5.4 13-19 Herald Street, London, E2 6JT - PA/17/01808

The Committee noted that the, there had been no requests to speak in objection to the application and, since the application was recommended for approval, the applicant, in accordance with procedure rules on speaking, was not invited to make a presentation to the Committee.

An update report was tabled.

The Area Planning Manager introduced the report which concerned an application to demolish a two-storey commercial building and scrap metal yard bounded by Herald Street, Witan Street and Glass Street and erect a new residential building ranging between six and nine storeys (including the creation of a basement) to accommodate 553 m² of commercial space (Class D1) at ground floor and 62 residential units (21 x 1-bed, 33 x 2-bed, 8 x 3-bed) at the upper floors together with associated works. The proposal included S106 and CIL contributions.

The Planning Case Officer then presented her technical report which outlined the key features of the application. She informed the Committee that at consultation 794 letters were sent to properties in the locality, in addition to site notices and press notices. 9 objections had been received which expressed concern around the loss of the gallery, that the proposal was not in keeping with the surrounding area, that there was to be separate entrances for the affordable housing and private sections of the development and their unequal amenity. She then responded to Members' questions and provided the following information:

- Concerning the rationale around the separation of the entrances of the private and social housing sections of the development, Members were informed that the application had been revised to mitigate the differential arrangements.
- Concerning issues around refuse collection arrangements, Members were informed that although refuse collection would not be provided by Veolia, the Council's contractor, residents would receive the same level of refuse removal service as that delivered by the Council.
- Concerning impact of the development on the surrounding visual amenity, although taller than a number of surrounding buildings, the proposed development was assessed to be in keeping with the prevailing heights of other like developments in the area.

2 Committee members observed that, in their view, the outcomes achieved, namely the differential entrance arrangements and the delivery of 28% affordable housing were unacceptable in the context of the overall scheme. The Planning Case Officer informed Members that it was not unusual for there to be separate entrance arrangements in developments of this kind for reasons such as differential costs of maintaining entrances and to mitigate potential impacts relating to the building core.

There being no other matters at issue the Committee then moved to vote on the application. The Chair proposed and on a vote of 3 in favour, 2 against and 1 abstention, it was

RESOLVED

That the application for demolition of two storey commercial building and scrap metal yard bounded by Herald Street, Witan Street and Glass Street and erection of a new residential building ranging between 6 and 9 storeys (including the creation of a basement), to accommodate 553 sqm of commercial space (Class D1) at ground floor and 62 residential units (21 x 1-bed, 33 x 2-bed, 8 x 3-bed) at the upper floors, together with associated works at 13-19 Herald Street, E2 6JT **BE GRANTED** subject to the following conditions and informatives:

1. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £27,362.00 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £92,412 towards carbon off-set initiatives
- c) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£119,774 (plus monitoring fee)**

Non-financial contributions

- a) Delivery of 28% Affordable Housing by habitable room
- b) Viability review mechanism
- c) A commitment to secure at least 20% local employment during the construction phases
- d) A commitment to secure at least 20% of procurement from local business during the construction phase
- e) Apprenticeships during construction phases (3 NVQ Level 2)
- f) Car and permit free agreement
- g) Travel plan
- h) A commitment to comply with the Council's code of construction practice.

1. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
2. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Compliance conditions

1. Permission valid for 5 years
2. Development in accordance with approved plans
3. Hours of construction
4. D1 (art gallery) opening hours and submission of management plan
5. Demolition and bats
6. Mechanical ventilation

7. Delivery of energy strategy and savings to at least 30.7%

Prior to commencement conditions

1. Details of hard landscaping
2. Wheelchair accessible plans
3. Dust Management Plan
4. Details of plant and CHP
5. Land contamination

3. Construction Environmental Management Plan

Prior to completion of superstructure works conditions:

1. Materials (samples and details)
2. Site drainage strategy
3. Secure by design accreditation
4. Scheme of highways work – S278 (Glass Street widening)
5. Biodiversity mitigation and enhancements (including green roof)
6. Noise insulation details (residential units)
7. Waste Management Strategy

Prior to Occupation Conditions

1. Thames water; water network infrastructure capacity
2. Details of public access to hardscaped strip to rear
3. Cycle Parking
4. Delivery and Servicing Management Plan
5. Travel Plan
6. Submission of as built calculations (CO2 savings)
7. Submission of final BREEAM (excellent) certificate

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames Water informatives

The meeting ended at 9.49 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

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