

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 31 MARCH 2010

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

Members Present:

Councillor Shafiqul Haque (Chair)
Councillor Helal Abbas
Councillor Alibor Choudhury (Vice-Chair)
Councillor Harun Miah
Councillor Rupert Eckhardt
Councillor Muhammad Abdullah Salique

Other Councillors Present:

Councillor Lutfur Rahman	(Leader of the Council)
Councillor Oliur Rahman	(Lead Member, Employment and Skills)
Councillor Ahmed Hussain	
Councillor Abdul Asad	(Lead Member, Children's Services)
Councillor Ohid Ahmed	(Lead Member, Resources and Performance)
Councillor Waiseul Islam	
Councillor Abjol Miah	(Leader of the Respect Group)
Councillor M. Mamun Rashid	

Officers Present:

Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services Chief Executives)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Shiria Khatun and Tim O'Flaherty.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Shafiqul Haque	7.1	Personal	Had prayed in the Mosque subject to the proposals. He had also received correspondence from interested parties.
Alibor Choudhury	7.1	Personal	Had prayed in the Mosque subject to the proposals.
Harun Miah	7.1	Personal	Ward Councillor
Helal Abbas	7.3	Personal	Owned property in the area concerned.
	7.4	Personal	Lived near the site.
Muhammad Abdullah Salique	7.1	Personal	Had prayed in the Mosque subject to the proposals.
Abjol Miah	7.1	Personal	Ward Councillor

M. Mamun Rashid	7.1	Personal	Ward Councillor
Waiseul Islam	7.1	Personal	Attending on behalf of Ward Councillor
Lutfur Rahman	7.1	Personal	Uses the facility subject to the proposals.
Ohid Ahmed	7.1	Personal	Uses the facility subject to the proposals. Son attended the school.

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 4th March 2010 be confirmed as a correct record of the proceedings.

4. RECOMMENDATIONS

The Committee **RESOLVED** that

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the hearing.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Walburgh House, Jamiatal Ummah School, 56 Bigland Street, London, E1 2ND (PA/09/0299)

Update Report Tabled.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Walburgh House, Jamiatal Ummah School, Bigland Street.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Mr Tom Ridge speaking as an objector to the application . He reported that he was a former teacher in the Borough. He expressed concern at the loss of the existing building, a view supported by others including an objection from SAVE Britain's Heritage and the Victorian Society. Neither organisations were listed in the committee report. In addition, SAVE Britain's Heritage and the Victorian Society were not notified of this committee date. Mr Ridge expressed the views and the opposition of SAVE Britain's Heritage and the Victorian Society to the scheme and explained that the building should be repaired and that the new building in the south should be erected to make refurbishment feasible. The site was well preserved and the school could still be adapted and made 'fit for purpose' at a reasonable cost. The facility could represent a unique mix of old and new that the community needs. The repairs could be undertaken in stages so to allow the prayers and the school to continue. Grants could help the applicant fund the repairs to the school. The architectural merits of the Queen Anne Board School was also expressed. The school was the only old style board school in London and the most densely populated one. No other London Borough had this feature. It was the only one that bares the Tower Hamlets name.

English Heritage had written to the Council saying that they were considering listing the existing building. In view of this Mr Ridge urged that the Application be deferred to explore the retention of the building.

Mr Mohammad Siddiquy, representative of the Applicant, considered that the scheme represented the aspirations of the local community and would enable the school to do better. He considered that the school had outgrown the existing premises. The applicant sets up and ran projects in the premises for the local community. However he considered that they had outgrown the premises. All of their projects were over subscribed due to lack of space. The premises didn't meet the requirements of the Disability Discrimination Act. (DDA). There was a large Victoria roof, it was not fit for purpose. They didn't have a proper library or office accommodation. They desperately needed a new centre so that they could continue to deliver award winning community projects. Many of their students had gone on to study at top universities. They hoped that the Committee would look favourable on the application.

Mr Harshad Patel, Project Architect, speaking in favour of the scheme spoke of the Applicant's desire to provide a new facility for community led projects. The building was not listed building and was not located in a Conservation Area. It was out of context and incongruous with the surrounding area. The feasibility study showed that the current building was unsuitable and was not meeting the requirements of OFSTED. The retention of the building would restrict the provision of the proposed facilities due to its age and size. The design of the new development would be of high quality and would be energy efficient.

Councillor Waiseul Islam spoke in favour of the application on behalf of Councillor Shahed Ali who was a Ward Councillor for Whitechapel.

He read out a statement on behalf of Councillor Ali. He stated that the granting of this planning consent would enable the build of this beautifully designed building. He strongly believe this multi-use community building would become the centre-piece, the hub of our very proud and diverse multi-ethnic and multi-faith communities, a place where the theme of 'One Tower Hamlets' can truly be celebrated. The carefully designed structure would be an iconic addition to the many modern buildings in the immediate vicinity of the area; however, it respects the strong presence of culture and integration. He congratulated the project team in putting together such a responsive design.

He understood that 5 objections have been received, but 328 letters in support of the application, clearly demonstrating overwhelming support for this project. Whilst he was sympathetic to the character of the existing building, he believed many local authorities owned buildings of such design exist and therefore we can seek to preserve such opportunities elsewhere. This building was owned by the applicant and in order to ensure their positive charitable work can be expanded and developed to meet the demanding needs of the local community, we all need to support this design.

This is a charitable organization, seeking to produce a much needed project. It therefore requires the pro-active support of all stakeholder partners.

He therefore asked the Committee to consider the proposing the following amendments to the Recommendations.

Delete:

'£105,000 towards open space improvements including contribution to Gosling Gardens Park which is located opposite the site'

Add in the 'Non-Financial Contributions section:

Approximately 150 additional school places based on the calculation of the 12,342 per space, equating to £1,851.300.

Furthermore on Page 22, point 3.5 (condition 1), change to read: 'Permission valid for 5 years'.

Councillor Ahmed Hussain also spoke in favour of the application. He considered that clearly the school was achieving a great deal. He stressed the need for the proposals to ensure compliance with the Disability Discrimination Act. He considered that if this was a Council building, it would be modernised under the Building Schools for the Future Initiative. He drew attention to the cost of the scheme. Councillor Hussain also proposed that a number of the proposed contributions be removed bearing in mind the greater benefits of the scheme.

Following the presentations, Mr Irvine presented the detailed report. In which he reported the following points:

- Officers considered that the application provided a valuable facility for local residents in line with policy whilst respecting amenity.
- It was emphasised that the building was not listed or was it located in the Conservation Area. As a result, planning consent for the demolition was not required.
- It was not considered that the activity would create any adverse highways issues.
- In terms of sustainability, the scheme complied with policy.
- Clarified the scale of the development and that it just fell within the maximum threshold for this Committee.

Mr Irvine also responded to the request to reduce some of the planning obligations and explained that the Council's Highways Engineer had considered the scheme and had raised concerns around the trip generations assessment and access to the site as detailed in the update report. It was considered necessary on that basis to secure the contributions for highway works in the legal agreement. The Committee were urged to carefully considered these points in the update report.

In reply to the presentation, Members raised the following points:

Members expressed support for the application but queried the reasons for requiring a number of the planning obligations given the scope of the proposed community facilities and community benefits. Specifically Councillor Choudhury queried the need for the contributions for Gosling Gardens Park and the street lighting/ improvement works.

Members also asked questions regarding the possibility of extending the permission from 3 to 5 years which were answered by officers. They also considered the merits of the amplified call for prayer facility in this context and discussed that a minimum number should be allowed.

Members also queried the proposed opening hours given prayer times fell at different times during the year.

Consequently, in view of the above, Councillor Choudhury and Councillor Salique proposed the following amendments to the legal agreement and conditions which on a unanimous vote this was carried.

- (i) Extending the planning permission to 5 years from 3.
- (ii) Amending the legal agreement to include just the following two financial obligations:
 - £30, 000 for the pedestrian improvement measures in the area
 - £10,000 for traffic management and traffic order changes
- (iii) Changing the opening hours to ensure they accommodate prayer hours.
- (iv) Amending the 'no amplified call to prayer condition' to ensure three such calls to prayer are permitted.

On a unanimous vote on the substantive motion, it was –

RESOLVED

1. That the planning permission for the demolition of existing buildings and erection of an eight storey building plus three basement levels, including an open play area and terrace and erection of a new building to provide a two form entry secondary school, community centre, student accommodation, funeral facilities, library, multi-purpose sports hall, gymnasium, retail unit, cafeteria, crèche, health facility, basement level car parking; cycle storage and refuse storage facilities be **GRANTED** subject to:
2. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - £30, 000 for the pedestrian improvement measures in the area
 - £10,000 for traffic management and traffic order changes

Non-financial Contributions

- 'Car free' agreement
 - Local labour in construction
 - Travel Plan required
 - Requirement to provide access to community facilities for members of the public
 - Code of Construction practice
3. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
 4. That the Head of Development Decisions be delegated power to impose conditions on the planning permission to secure the following

Conditions

1. That the Permission be valid for 5 years.
2. Submission of samples / details / full particulars of:
 - a. Façade design and detailing;
 - b. facing materials, glazing,
3. Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
4. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
5. Contaminated land: desk study, site investigation, risk assessment and mitigation
6. Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays (for all uses) subject to prayer hours.
7. Maximum of 3 amplified call to prayer
8. Submission of Service Management Plan
9. Submission of details of cycle parking
10. Submission of Construction Logistics & Management Plan
12. Details of two car parking space to be installed with an electric vehicle recharging point.
13. Details of waste arrangements and their collection should be conditioned.
14. Secure by Design Statement required
15. Details in the approved Energy Strategy shall be implemented
16. Details of refuse & recycling facilities for each use
17. Details of design of ventilation shafts
18. Details of noise mitigation measures
19. Management Strategy for the building
20. Installation of a heat networking supplying all spaces within the development
21. Details of energy cooling strategy
22. Details of BREEM Assessment
23. Schedule of highway improvement works
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

6. Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 5. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Transport Department Advice.
7. That, if by 31st June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

7.2 Sites Either Side of 2 to 48 Broomfield Street, London (PA/10/00124)

The application was withdrawn from the agenda by the applicant.

7.3 Whatman House, Wallwood Street, London, E14 (PA/10/00119)

Update Report Tabled.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Whatman House, Wallwood Street, London.

With the permission of the Chair, Councillor Ahmed Hussain addressed the Committee. He considered that the existing building needed to be demolished. The proposal would provide much needed family units in an area where there was a shortage of housing space. He considered that Poplar HARCA had a parking policy and they should consider allocating the extra bays from that to this scheme. He asked the Committee to consider this option.

Mr Shay Bugler (Strategic Applications Planner, Development and Renewal) presented the detailed presentation and also tabled a number of photographs of the proposals. During which he made the following points:

- Clarified the background to the proposal, the size of the site and scheme.
- Explained the proposed car free agreement, cycle and disabled parking arrangements and the mitigation measures.
- Reported that the site was not in a Conservation Area.
- Scope of the consultation exercise. Outlined the matters raised in representation around land use, density and design, housing mix and amenity. Overall, Officers considered that the proposal was acceptable on all these grounds.
- The scheme did not exhibit any symptoms of overdevelopment, would enhance the local area, would provide an acceptable level of family housing and additional communal amenity space. The proposal complied with the requirements in the Council's Housing Strategy.
- The Daylight and Sunlight Assessments complied with the BRE standards.
- The access and service arrangements were acceptable on highway grounds.

In response to the presentation, Councillor Abbas proposed that all social housing tenants be permitted to keep a permit if they have one. Councillor Eckhardt also considered that anyone who was currently entitled to a car parking permit on the estate should be permitted to retain their parking permits.

As a result they proposed that the Car Free agreement be amended to reflect this. On a unanimous vote, this amendment was carried.

On a unanimous vote on the substantive motion, it was –

RESOLVED

1. That Planning Permission for the demolition of existing two storey building and construction of two new blocks; one of 4 storeys and one part 4 and part 6 storeys in height to provide 38 residential units (comprising 11 x 1 bed, 17 x 2 bed, 7 x 3 bed and 3 x 4 bed), associated open space improvements, car parking layout revisions and infrastructure works be **GRANTED** subject to:
2. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Affordable housing provision of 47% of the proposed habitable rooms with a 87/13 split between rented/ shared ownership to be provided on site.
 2. A contribution of £46, 584 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £74, 052 to mitigate the demand of the additional population on education facilities.

Non financial

4. Local labour in construction
 5. Travel Plan
 6. A 'car – free agreement' should be imposed that ensures those who already have a parking permit on the estate are permitted to retain them.
3. That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above.
 4. That the Head of Development Decisions be delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Time limit
2. Submission of samples/details/full particulars of materials
3. Details of landscaping strategy
4. Hours of Construction (8.00am to 6.00pm Monday to Friday 8.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
5. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
6. Secure all residential units should meet a code level 3 for Sustainable Homes by design statement
7. Car parking management strategy

8. Detail of electric vehicle charging points
9. Motor cycle stands to be provided
10. Travel Plan
11. Construction Management Plan
12. Contaminated land: desk study, site investigation, risk assessment and mitigation
13. Secure by design statement
14. Details of refuse & recycling facilities for each use
15. Extract ventilation details for internal kitchens, bathrooms and toilets in the proposed plans.
16. Heat and domestic hot water details
17. Code level 3 for Sustainable Homes
18. Schedule of highways works condition
19. Noise survey
20. Any other condition(s) considered necessary by the Head of Development Decisions

Informative

1. Section 106 agreement required (car free & affordable housing)
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Environmental Agency advice.

5. That, if by 31st June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

7.4 Site At Car Park Adjacent to 31 Arrow Road, Arrow Road, London (PA/09/2523)

The application was withdrawn from the agenda by the applicant.

8. OTHER PLANNING MATTERS

8.1 Greenwich Foot Tunnel, London, E14 (PA/10/00213)

Ms Ila Robertson (Applications Manager Development and Renewal) presented the application for alterations and the refurbishment of the Greenwich Foot Tunnel highlighting the key points for consideration.

In response to the report, Councillor Eckhardt questioned whether cyclists would be allowed on the DLR and be given concessionary travel on the DLR when the tunnel was closed for the works. He considered that the Council should press very hard for this. Officers reported that the Council and the

London Borough of Greenwich had been pressing the DLR to take cyclists with bicycles however it was not within their powers to secure this. The cyclists and pedestrians would be able to use the existing ferry services. The Committee were reassured that officers were pushing very hard to secure the best possible outcome for cyclists.

On a unanimous vote it was –

RESOLVED

That the application for alterations and refurbishment of the Foot Tunnel including: (a) Repair and refurbishment of original features, (b) Replacement of glazed roof rotundas, (c) Replacement of cladding to lift shafts, (d) Installation of glass doors to lifts, (e) Installation of lighting, CCTV, PA Speakers and public help points and (f) Installation of LED's at internal perimeter of the rotunda, be referred to the Government Office for London with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below:

Conditions

1. Three year time limit.
2. Execution to match the adjacent original work.
3. Schedule of lighting works (including the type and colour of illumination) to the rotunda, lift shaft entrance/ staircase and tunnel.
4. Further Details of glazing to rotunda, design of the helpoints, repair and new works to the timber panels in the lift car (including glazing, handrails and ventilations grilles), and handrails (including fixings) and cladding to the lift shaft staircase.
5. Method statement for cleaning of glazed brickwork.
6. Method Statement for repair and refurbishment of brick work to the rotunda.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

The meeting ended at 8.10 p.m.

Chair, Councillor Shafiqul Haque
Development Committee