

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 23 SEPTEMBER 2009

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

Members Present:

Councillor Shafiqul Haque (Chair)
Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Marc Francis (Vice-Chair)
Councillor Rania Khan
Councillor Shiria Khatun
Councillor Dulal Uddin
Councillor Tim Archer (Deputising for Councillor Eckhardt)

Other Councillors Present:

Councillor Ahmed Hussain
Councillor Oliur Rahman

Officers Present:

Jerry Bell – (Interim Strategic Applications Manager)
Megan Crowe – (Legal Services Team Leader, Planning)
Stephen Irvine – (Development Control Manager)
Owen Whalley – (Service Head Major Projects, Development & Renewal)
Paul Ward – (Senior Committee Officer)

At 7.05pm the Chair opened the meeting and moved that there be a ten minute prayer break. On a vote of 5 for, 2 against and 1 abstention the motion was carried. The meeting reconvened at 7.15pm.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Eckhardt.

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
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Shahed Ali	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Tim Archer	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Alibor Choudhury	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	7.1	Personal	Lives in consultation area. Partner part of Tower Hamlets Co-operative Party which objected to application.
Marc Francis	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	8.1	Personal	Ward Councillor.
Rania Khan	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shiria Khatun	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	7.1	Personal	Ward Councillor.
Ahmed Hussain	6.1	Personal	Ward Councillor.
Oliur Rahman	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Oliur Rahman	7.1	Personal	Ward Councillor

Councillor Khan asked that it be noted that she was verbally abused by some members of the public present at the meeting for taking a prayer break. She considered that this was disrespectful to her as a Councillor and also as a Muslim.

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 4th August 2009 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

6.1 Eric & Treby Estates, Treby Street, Mile End, London

Mr Jerry Bell, Interim Strategic Applications Manager, introduced the report to Members and referred them to the further updated report tabled at the meeting. The application had been considered previously at the Strategic Development Committees held on 15th April, 13th May and 25th June 2009. Members had been minded to refuse the application due to loss of open space and therefore the report now detailed reasons for such a refusal of planning permission which would be subject to any direction from the Mayor of London.

Written representations had been received from local residents who considered that the reasons for refusal should also contain those made at the 13th May 2009 meeting of loss of car parking, especially disabled parking, the low number and percentage of social housing and design and amenity issues, and not just that of the 25th June 2009 meeting. However officers considered that it was best to refuse on one solid ground that had policy backing rather than dilute the case by adding the other three reasons as any reasons had to be vigorously defended by the Council in order to avoid any costs.

Councillors expressed the opinion that whilst the other three reasons may not be as robust to defend or fit exactly in line with policy, these should be added

to the officers reason for refusal. There were serious concerns, particularly that only 35% of the total habitable rooms would be for social housing.

However Councillor Francis considered that due to officers concerns that the other three reasons to refuse were weak and could affect the Committee chance of success in defending their decision to refuse, that the Committee should just refuse on the ground of loss of open space.

Councillor Archer stated that he wanted to **MOVE** an amendment to officers recommendations and include loss of car parking, especially disabled parking, the low number and percentage of social housing and design and amenity issues as part of the Committees reasons to refuse planning permission.

The Chair informed Councillor Archer that he should adhere to the Committees procedures and indicate when he wished to address the meeting, which should be through him as Chair of Strategic Development Committee.

At this point, 7.45pm the meeting adjourned and reconvened at 7.48pm.

The Chair asked if the amendment was seconded, which Councillor Eaton confirmed that she would second the amendment. Therefore on a vote of three for and two against, the amendment to officers recommendations was **AGREED**.

RESOLVED that planning permission for the regeneration of the existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space and Conservation Area Consent, be **REFUSED** subject to any direction from the Mayor for the following reasons:-

The proposed development results in the net loss of publicly accessible open space to the detriment of the enjoyment of existing and future residents and the amenity of the area contrary to the objectives of London Plan (Consolidated with Alterations since 2004) policies 3A.6, 3D.13 and 4B.1, saved policy OS7 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents;

The proposed development results in the loss of available parking spaces (especially disabled parking) across the estate contrary to the objectives of the London Plan (Consolidated with Alterations since 2004) 2008 policy 3C.23, which detail the Mayors car parking strategy and sets maximum car parking standards;

The scheme provides an unacceptably low proportion of affordable housing, particularly in the social rent tenure, contrary to the objectives of London Plan (Consolidated with Alterations since 2004) 2008 policies 3A.9 and 3A.10, which states that Boroughs should seek the maximum reasonable amount of affordable housing;

The design of the proposed buildings is unacceptable and would result in a proposal that is out of character with the surrounding occupiers and the scheme is therefore contrary to the objectives of policies DEV1 and Dev2 of the Councils Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Councils Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity; and

In the absence of an approved planning permission for the redevelopment of the site, the demolition of 1–14 Brokesley Street would leave an undeveloped site which would represent a blight on the character and appearance of the Tower Hamlets Cemetery Conservation Area contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

6.2 438-480 Mile End Road, London E1

Mr Stephen Irvine, Development Control Manager, introduced the report to Members and referred them to the further updated report tabled at the meeting. The application had been considered previously at the Strategic Development Committee held on 4th August 2009. Members had been minded to refuse the application and therefore the report now detailed reasons for such a refusal of planning permission, which would be subject to any direction from the Mayor of London.

In response to questions from Councillors Mr Irvine confirmed that officers had not included density of the development as a ground for refusal as the development concerned student accommodation and there were no specific policies on this, only residential density. However overall, officers did consider that the development was too large. Officers were aware that there were several other buildings for student accommodation in the area but once again this should not be considered as this would be difficult for officers to defend as a reason for refusal.

Councillor Uddin stated that new developments should be to provide much needed social housing to alleviate the pressures on the Councils lengthy housing waiting list rather than student accommodation.

RESOLVED that planning permission for the demolition of existing structures and the erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and

recycling facilities be REFUSED for the following reasons, subject to any direction from the mayor:-

The proposed development due to excessive height would amount to an overdevelopment of the site contrary to:

- (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context;
- (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site;
- (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development;

Due to inappropriate design, with inadequate vertical emphasis and modelling of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:

- (d) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and composition;
- (e) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area; and
- (f) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

7. PLANNING APPLICATIONS FOR DECISION

7.1 307 Burdett Road, London E14 7DR

Mr Jerry Bell informed Members that the application was for the demolition of the existing building, with redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works. Officers were recommending that planning permission be granted subject to certain conditions.

The Chair asked those registered to speak in objection to the application to address the Committee.

Mr Tom Ridge stated that he was also speaking on behalf of residents of Charlesworth and Leybourne Houses. The site of the application was designed by the Office of Works when George Lansbury was in the 1929 to 1931 Labour Government and was the only building in Tower Hamlets directly associated with him and therefore considered a memorial to him.

He had previously requested in January 2007 and again in July 2008 that the buildings be locally listed and included in a conservation area. He had also requested that the buildings be part of the St. Anne's Church conservation area but this had not happened.

In relation to the application, there was a petition signed by 185 local residents in objection to the proposed development. There were also numerous historical societies and the Tower Hamlets Co-operative Party who objected to the application. English Heritage had written to the council in April 2009 supporting the placing of the site in a conservation area as this was an important London landmark and would make a positive contribution to the character of the area. He was aware that the Council would soon be considering creating a new conservation area of which the site would be a major part of.

Residents were extremely concerned by the high density of the development which was far above the London Plan and that the character of the building would not be in line with existing buildings in the area. Existing buildings would be overlooked by windows and balconies, including the communal garden and children's play area proposed for the top of the six storey block and sunlight/daylight in these existing buildings would be affected.

Residents were also concerned by the potential level of noise nuisance from the restaurant/bar and shops on the ground floor, as they would exacerbate the existing levels of noise, parking, traffic congestion and pollution already in Burdett Road. Also noise from mechanical plant to be used in the buildings would add to this.

The development would only provide 10% affordable housing which was only 2% above the minimum of 35% and therefore this lack of affordable housing did not justify the loss of such an historic local building. The building should be retained and locally protected and remain a memorial to George Lansbury and his campaign against poverty and unemployment.

The Chair asked the applicants or their representative to address the Committee.

Mr Mathew Mainwaring commented that he was the agent for the applicants. In relation to the design of the building the applicants had taken into consideration the character and height of other buildings in the local area.

Indeed, the Strategic Development Committee had granted planning permission to a similar building on the other side of the canal.

There had been discussions with the Councils Conservation Officer regarding retaining the existing building but due to English Heritage not listing the building and the Council not locally listing the building, the applicants had decided to apply for a completely new development. Whilst the applicants were aware that the site could one day be in a conservation area, at present it was not, though it was hoped that the development would add to any conservation area consent.

In relation to overlooking and noise nuisance, the nearest existing building to the development was 20 to 24 meters away which complied with policy. The proposed restaurant/bar and shops were a modest part of the scheme to compliment the residential aspect, for which the Environment Agency and British Waterways had been consulted and neither had any concerns, particularly as the café would be fronting the canal and provide a facility for those who used the canal and its tow path.

Mr Bell reported that a total of 1328 neighbouring properties within the area had been consulted. Five petitions and six individual objections to the development had been received. The main issues for the objectors were to retain the existing building due to its historical interest, the possible conservation area that may be there, the loss of office floor space, design issues, overlooking of existing buildings and lack of sunlight/daylight.

Whilst the existing building did have local historical interest English Heritage had not considered it of national interest and had therefore refused giving the building listed status, the area was currently not part of a conservation area this could not be taken into consideration when Members made their decision, there was sufficient office space vacant in Tower Hamlets so the loss of this for residential use could not be justified, the design was similar to another application recently granted in the area and the nearest building overlooked was 20 meters away which was two more meters than required by the Councils policy. It was accepted that two windows, one per unit, did overlook neighbouring buildings but this was considered a minor failure. The opening hours of the restaurant/bar and shops and mechanical plant used would be controlled to mitigate noise nuisance, with the development being car free which should not contribute to any existing parking issues in the area. Given that the amenity space of the development was also good officers were recommending granting planning permission.

Councillors stated that the building was of significant historic importance and that they had concerns with the scale, mass, design and material of the development. The amount of affordable units was only 17 which amounted to 30% of the residential mix as the 37% quoted was based on habitable room numbers. There were also serious concerns with the possible noise nuisance, the overlooking of existing buildings, the loss of sunlight/daylight on surrounding buildings, the inappropriate child play space which officers had accepted was slightly under that required, the calculation of how only eight

primary school places required a contribution which was considered inappropriate and the amount of amenity space. Therefore they were against the development.

At 8.37pm the meeting adjourned and reconvened at 7.41pm

The Chair advised that Councillors should be addressing the Committee through him as Chair by indicating their desire to speak rather than just speaking at any time. Members should not be stating their intention on how they would vote on an application until the appropriate time.

In response to questions from Councillors Mr Bell stated that as the building was not in a conservation area, the developers could demolish the building without consent from the Council. The contributions for eight primary school places was based on a calculation provided by Education and the contribution to the Primary Care Trust would all be capital even though they had requested a split between capital and revenue. The calculation of amenity space was not split between affordable and private housing.

Councillor Francis stated that whilst he also had concerns regarding the development, there was a great need for three and four bedroom affordable housing which this development could provide. Therefore the site should be developed for housing purposes rather than remain vacant as office space.

RESOLVED that the Officer recommendation to grant planning permission for the demolition of the existing building, with redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of serious concerns over:

Inappropriate scale, mass, design and density of the development;

The impact of the development in terms of daylight and sunlight on surrounding buildings;

Inappropriate contributions towards education facilities;

The impact of noise nuisance caused by the development on the surrounding area; and

Inappropriate child play and amenity space; and

That the development did not comply with the appropriate affordable housing requirements.

In accordance with the 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.

8. OTHER PLANNING MATTERS

8.1 St. Georges Estate, Cable Street, London E1

Mr Irvine introduced the report which sought a variation of the S106 Agreement for the planning permission granted on the 8th January 2009 for the refurbishment of the existing buildings and the erection of nine blocks up to nine storeys in height in connection with the provision of 193 dwellings (13 x studios, 67 x 1 bed, 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5 x 5 bed); erection of four townhouses and a 510 sqm community centre. The variation would increase the social housing aspect of the scheme from 31 to 54 residential units, with there now being no intermediate housing. Officers considered that the variation was in line with policies as it met the acute demand for social housing, addressed overcrowding, ensured the continuation of new housing schemes and did not affect intermediate housing in Tower Hamlets as this was sufficiently addressed on other developments in the Borough.

Councillor Ali stated that whilst he was for more social housing, he was concerned that this development was breaching conditions attached to the planning permission already granted and these and any conditions attached to this variation had to be enforced vigorously. He therefore **MOVED**, which was seconded by Councillor Archer, that the report be deferred to the next meeting.

On a vote of three for and six against, the motion was **NOT** carried.

In response to questions from Councillors, Mr Irvine confirmed that granting this variation did not set a precedent. Officers had been and were continuing to pursue breaches of conditions with the applicants. If the provision of social and intermediate housing proposed by this variation was part of the original planning application, officers would have recommended granting the application when it was first submitted to Committee for consideration.

Due to Members making party political statements and not addressing the Committee through the Chair, the Chair reminded Members that they should direct their comments on the report contents only, through him as Chair. If Members continued with this behaviour he would have no alternative but to report them to the monitoring officer.

On a vote of six for and one against it was: -

RESOLVED that a Deed of Variation of the S106 Agreement for the scheme that was granted planning permission on the 8th January 2009 (ref; PA/08/146) for the refurbishment of the existing buildings and the erection of

nine blocks up to nine storeys in height in connection with the provision of 193 dwellings (13 x studios, 67 x 1 bed, 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5 x 5 bed); erection of four townhouses and a 510 sqm community centre, be amended as follows and subject to the satisfaction of the Chief Legal Officer:-

- Increase the provision of social rented housing from 31 to 54 residential units
- Reduce the provision of intermediate housing from 23 to 0 residential units
- The provision of market housing remains at 139 units

The overall provision of new build residential units on site remains at 193 units (comprising 13 x studio; 67 x1 bed; 79 x 2 bed; 22x 3 bed; 7 x 4 bed; 5 x 5 bed).

8.2 Hertsmere House, 2 Hertsmere Road, London E14 4AB

Mr Jerry Bell, Interim Strategic Applications Manager, reported that the applications for planning permission and conservation area consent had been considered previously at the Strategic Development Committees held on 25th June and 4th August 2009. Members had been minded to refuse the applications which were subject to any contrary direction from the Mayor of London. The Mayor had now considered the case and was 'taking over' the applications and would act as the local planning authority. The Mayor would determine the applications at a public hearing which was likely to take place in October 2009. Tower Hamlets Council had the opportunity to make representations at the hearing and would vigorously defend the decision of the Council.

The Chair reminded Members again that they should not be making party political statements and therefore Members should direct their comments on the report contents only, through him as Chair.

RESOLVED that the updated position on the progress of the application be noted.

The meeting ended at 9.12 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee