

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 7.00 P.M. ON WEDNESDAY, 10 NOVEMBER 2010****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Peter Golds

Councillor Ann Jackson

Councillor Mohammed Abdul Mukit MBE

Councillor Kosru Uddin

Other Councillors Present:

None.

Officers Present:

Owen Whalley – (Service Head Planning and Building Control, Development & Renewal)

Bridget Burt – (Senior Planning Lawyer, Legal Services, Chief Executive's)

Ila Robertson – (Applications Manager Development and Renewal)

Jerry Bell – (Strategic Applications Manager Development and Renewal)

Zoe Folley – (Committee Officer, Democratic Services Chief Executive's)

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judith Gardiner.

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

Carli Harper Penman	7.1	Personal	Ward Councillor.
	7.2, 7,3	Personal	Had received representations from interested parties but had not reviewed them.
Mohammed Abdul Mukit	7.4	Personal	Ward Councillor
Ann Jackson	7.1	Personal	Resident of Ward concerned (Bow East)
	7.2, 7.3	Personal	Had received representations from interested parties but had not reviewed them.
Peter Golds	7.1,7.2, 7.3, 7.4 7.5.	Personal	Had received representations from interested parties.
Kosru Uddin	7.4	Personal	Had received representations from interested parties

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13 October 2010 be agreed as a correct record and signed by the Chair.

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 meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Old Ford Methodist Church, 522 Old Ford Road, London, E3 2LY

Mr Owen Whalley, (Service Head, Planning and Building Control), presented details of the site and proposal regarding the Old Ford Methodist Church.

Ms Ila Roberson (Applications Manager Development and Renewal) presented the detailed report.

Ms Roberson detailed the merits of the application. In policy terms the scheme was acceptable. The scheme would provide much needed accommodation for vulnerable people and a community centre with no adverse impacts. The scheme would also be subject to a car free agreement to mitigate impact.

In terms of the concern that the proposal would create anti social behaviour, there was no evidence to support this.

In response to Members questions, it was reported and that the outdoor terraces would be screened to mitigate impact and that the waste storage facility was adequate and, if necessary, could accommodate larger household items.

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

1. That planning permission for demolition of existing building and redevelopment of site to provide 8 flats, 1 house, community areas and an office suite be **GRANTED** subject to:

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

- a) Affordable Housing (8 x 1 bedroom units and 1 x 3 bedroom units)
- b) 100% Car Free Development
- c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

2 That the Corporate Director Development & Renewal is granted delegated power to negotiate the legal agreement indicated above.

3 That the Corporate Director Development & Renewal is granted delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
- 3 Approval of samples/details/particulars prior to commencement of works
 - All facing materials
 - Detailed sections of roof storey, clock tower and overhang
- 4 Hours of operation of Community Use (D1):-
 - 08.00 to 21:00 Monday – Friday, and;
 - 09.00 to 21.00 on Saturdays and Sunday.
- 5 Details of cycle parking to be provided prior to occupation and it will be secured in perpetuity.
- 6 Energy report to be provided prior to commencement of works and complied with.
- 7 Code for Sustainable Homes details to be provided prior to commencement of works and secured in perpetuity.
- 8 Retention of obscure glazing and screening to outdoor terraces and window in communal hallway in perpetuity.
- 9 Archaeology Report prior to commencement of works
- 10 Hours of Construction 8-5 Monday to Friday and 9-1 Saturday and no work on Sunday or public holidays
- 11 Refuse secured in perpetuity
- 12 Management Plan - details to be submitted prior to the occupation of the building
- 13 *Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal*

Informatives

- 1 Associated S106 agreement
- 2 Guidance on cycle parking design

3 *Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal*

3.4 That, if by 22nd December 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is granted delegated power to refuse planning permission.

7.2 Land between 32-34 Repton Street, Limehouse, London, E14

(Councillor Oliur Rahman requested to speak on this item. In accordance with the speaking procedures, the Chair ruled that the Councillor could not speak as he had not registered to do so by the required deadline.)

Mr Owen Whalley, (Service Head Planning and Building Control, Development and Renewal), presented details of the site and proposal regarding the Land Between 32 - 34 Repton Street.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Shanur Khan spoke against the scheme. He expressed concern at the impact on Blount Street, spoke of safety issues, loss of car parking space, access to properties, open space overcrowding and loss of sunlight.

He considered that the car free proposal was unfair and would discriminate against the families living there as they required cars for family life. This was the third time this application had been considered. The first was withdrawn, another was rejected and then refused at appeal. Since that time, there had not been any further consultation with tenants. The impact on the housing waiting list would be minimal.

Mr Khan also expressed concern at the additional pressures on services. The health centres and schools were already over subscribed and could not cope with this addition pressure. Nobody in the estate supported it.

Mr Peter Exton spoke in support. He considered that Gateway Housing Association had developed a housing needs strategy and that, by utilising this scheme, could directly accommodate local families on the housing waiting list. The funding was time sensitive, and that a refusal may compromise the scheme. He pointed out that the previous application was supported by Officers and the Planning Inspectorate. However, the only reason it was refused at appeal was due to the issue around the Car Free agreement. The applicant was now happy to sign a car free agreement.

Jerry Bell (Strategic Applications Manager Development and Renewal) presented the detailed report. He drew attention to the reasons for the previous refusal. He clarified that the Planning Inspectorate had considered that the scheme was acceptable, however had refused it solely due to the absence of a car free agreement. Therefore, subject to the car free agreement, the development had overcome all the earlier concerns and should be approved.

Mr Bell addressed the issues raised in objection. In summary it was considered that in terms of land use, design, highways and amenity issues the scheme was acceptable, would have no adverse impacts and should now be agreed.

On a vote of 1 for 0 against and 4 abstentions, the Committee **RESOLVED**

1. That planning permission for construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space be **GRANTED** subject to the

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

1. Secure the development as car-free
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Permission valid for 3 years.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials for all external elevations of the building.
4. Landscaping and boundary treatments including gates and fencing.
5. Highways agreement
6. Cycle parking
7. Parking layout (to include disabled spaces and charging points)
8. Contamination
9. Refuse provision
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives:

1. This scheme is subject to a legal agreement.
2. Section 278 (Highways) agreement required under condition 6.
3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

7.3 Cutty Sark House, Undine Road, London

Update report Tabled.

Mr Owen Whalley, (Service Head Planning and Building Control Development and Renewal), presented the proposal regarding the Cutty Sark House, Undine Road, London.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr David Merson address the Committee in objection. He commented that he was speaking on behalf of the Clippers Quay company who were objecting to the proposal. He expressed concern at the accuracy of the Officers report including the Section 106 Agreement. He requested that the application be deferred pending receipt of a proper report addressing the issues.

Mr Merson considered that there had been a failure to consult and that those most affected had not been listened to. There had been no representations in support. He considered that the quality of the scheme was questionable. That it would result in overcrowding and was out of keeping with the area. That it would have a serious detrimental affect on the conservation area, and that it was visually intrusive and would lead to a loss of privacy.

It would also have an unacceptable affect on local amenity including the children play area, which was much valued given the number of family units in the area.

There would be small cramped gardens, inadequate private amenity space. The ecology and environmental issues had not been properly addressed. The traffic and parking issues had not been addressed. The Car Free agreement would be unenforceable.

Councillor David Snowdon addressed the Committee in objection. He commented that he was speaking on behalf of the local residents. He considered that they were not opposed to development on this site in principle just this particular scheme. The residents had tried to engage with the developer to make the scheme more sympathetic. They had also carried out a lot of work with community groups to secure the best possible development for this site.

Councillor Snowdon also expressed concern at the quality of the build. He felt that the flat roofs would be out of keeping with the area, that the position of the balcony would create overlooking to the Mudchute Farm area. He commented on the concerns from the farm regarding litter and noise.

Councillor Snowdon also expressed concern at the impact on the adjacent open space (which the government had indicated should be designated open land). The Section 106 agreement was also inadequate.

Peter Exton addressed the Committee in support of the application. He addressed the concerns about the impact on the adjacent land. The Applicant had carried out a lot of work to address the issues. The scheme would not

impinge on open space. If refused, the project may be re submitted as private development and that this may result in a loss of affordable housing.

Ms Ila Robertson (Applications Manager Development and Renewal) presented the detailed report. She comprehensively explained the proposal, the site and surrounding, the planning history, the material objections received in response to the consultation. The key issues concerning land use, design, density, amenity and highways impacts.

Ms Robertson considered that the level of affordable housing in the scheme would not have an adverse impact. The transport, sustainability, design and density issues were considered acceptable and accorded with policy. She also clarified the reasons why the unlawful wall could not be considered as permitted development.

In response to the presentation, Members discussed the following issues:

- Practicalities of enforcing the Car Free agreement given the number of family sized units.
- Adequacy of the financial contributions to mitigate impact on schools, libraries etc.
- Ecology issues.
- Loss of open space.
- Impact on Mudchute Farm and the surrounding open space.
- That the issues around the unauthorised wall be clarified.

In reply to the questions, Officers reported the following points:

- Clarified the S106 calculation/formula process designed to ensure the contributions were relevant to the scheme and mitigated impacts. The contributions must meet the statutory tests and guidance in government circulars.
- That the Car Free agreement would be robustly monitored. There was a known sound system in place for monitoring these agreements.
- That the land around the site is a development site and is not designated as open space by the development plan.
- That Mudchute Farm was some 80 meters away and was separated by roads and three DLR lines.
- That the issue of the unauthorised wall was being investigated by the Council's Enforcement Team.

Consequently on a vote of 3 for 1 against and 1 abstention, the Committee

RESOLVED

1. That the planning permission for the demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping be **GRANTED** subject to:-

- A. The prior completion of a **legal agreement** to secure the following planning obligations:
- a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
 - b) A contribution of £148,300 towards mitigating the demand for local primary school places.
 - c) A contribution of £ 6,136 towards library facilities in the borough.
 - d) A contribution of £27,622 towards leisure facilities in the borough.
 - e) A contribution of £47,342 towards mitigating the demand for local open space.
 - f) 100% of development to be car free.
 - g) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above and that, if within 6-weeks of the date of this committee (22nd December 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

4 **Conditions**

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within east flank elevation of western block.
5. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
6. Green and brown roofs to be implemented in accordance with plans
7. Details of cycle parking.
8. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement
9. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
10. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
11. All units shall have heat and domestic hot water supplied by Air Source Pumps.
12. Renewables shall be implemented in line with the Sustainability Report

13. Development shall achieve level 4 of the Code for Sustainable Homes
14. Development to be completed in accordance with submitted Flood Risk Assessment
15. Site investigation shall be carried out prior to commencement of development
16. If contamination is encountered at the site, development must cease and the contamination dealt with
17. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
18. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement
19. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
20. Schedule of Highway Works to be completed prior to occupation
21. Details of noise transmission/attenuation measures prior to commencement
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

5 Informatives

1. Section 106 required
2. Section 278 required
3. Wheel cleaning facilities during construction
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

Note: Councillor Peter Golds voted against the recommendations.

7.4 Site at 60-61 Squirries Street & 52 Florida Street, London, E2 6AJ

Update Report tabled.

Mr Owen Whalley, (Service Head, Planning and Building Control Development and Renewal), presented details of the site and proposal for the erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Will Vote, spoke in objection to the scheme. He considered that there would be a loss of sunlight, direct overlooking to the nearby private amenity space including habitable rooms, overdevelopment. The drawings for the western and southern elevation in the report were inaccurate as they omitted key buildings. He considered that the Ivy screening would be impossible to maintain.

In addition, the scheme falls below the Council's private amenity space standards and the proposed measures to compensate this in the report were

inadequate. He also considered that the fire escape plans were inadequate. He also considered that the proposal would lead to overdevelopment.

Mr Russell Vaught spoke in objection to the scheme and commented that his property would be seriously affected by the scheme. Since the developer had purchased the free hold of the building, residents had been subjected to a continuous stream of ever growing unacceptable planning applications.

Since the previous application, the external floor space had been increased and the internal floor space had decreased. There would be more rooms with less amenity space

There would be serious overlooking to his property and most of the neighbouring properties. The terrace would be completely overlooked. There would be a serious impact on day light contrary to planning policy.

Councillor Anna Lynch spoke in objection to the application as a ward Member for the local ward (Weavers). She commented that she was present to represent the local residents. She considered that this represented aggressive and unnecessary overdevelopment. The residents had been continually subject to ever increasing unsuitable proposals. The plans for the ivy screening were inadequate would not adequately screen the extension. She had visited the site and had witnessed the problems first hand. Therefore the application should be refused.

Mr Charles Moran (Applicant's agent) spoke in support of the application. The Committee granted a similar application for this site. This was merely an amendment and it followed the principles of this scheme. Therefore there would be no new impacts. In fact it marked an improvement on the previous scheme.

The application included measures to protect neighbours privacy. The windows on the upper floor would be set back to protect privacy. The Architect had reviewed the ivy screening and was confident that it could be fully maintained.

Jerry Bell (Applications Manager, Development and Renewal) presented the detailed report. Mr Bell explained the details of the scheme, the difference between this and the previous scheme, addressed the key issues raised in response to the consultation regarding loss of amenity space, employment, density, design, access, waste arrangements, loss of daylight, overlooking and privacy. Mr Bell also outlined the scope of the Section 106 Agreement.

Overall Officers and the relevant Council experts had considered that the scheme was acceptable and complied with all relevant planning policies and therefore should be granted.

In response, Members expressed concerns over the following issues:

- The assertion that the plans omitted key buildings.
- The impact on the surrounding residents.

- Overlooking to the nearby gardens, habitual rooms, loss of privacy.
- Difficulties in enforcing the Car Free Agreement.
- Loss of daylight. The availability of the daylight/sunlight report.

In reply, Officers drew attention to the submitted plans showing all adjacent buildings and those significantly beyond. Accordingly, the plans did in fact show all affected buildings. It was also confirmed that the daylight/sunlight report could be made available as it was a public document. Environmental Health were satisfied with the assessment.

Mr Bell also clarified the distance between the scheme and the nearest residential properties. The concerns of the residents had been taken into account. There would be no adverse impacts. The design was in keeping with the surrounding area.

Councillor Jackson moved an amendment to the conditions requiring that windows in the properties be obscured to address overlooking issues which was agreed.

However, in view of the concerns, the Committee were minded to refuse the application and as a result:

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

That the Officer recommendation to grant planning permission for the erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building be NOT ACCEPTED.

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

- Overdevelopment of site.
- Impossibility of enforcing the Car Free Agreement.
- Overlooking of nearby residential properties.
- Loss of daylight

In accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

7.5 Christchurch Primary School, 47A Brick Lane, London, E1 6PU

Update Report Tabled.

Mr Owen Whalley, (Service Head Planning and Building Control, Development and Renewal) presented details of the site and proposal regarding the Christchurch Primary School.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Russell Wheeler spoke in objection to the application as a local resident and on behalf of the Spitalfields Society.

He considered that the scheme would be spread over two sites and may be constructed in two phases. He considered it was this second phase of the scheme that was really the contentious one.

Mr Wheeler questioned whether this second phased was really necessary and if it was, this meant that the first stage alone was inadequate. However if the first phase was adequate on its own, the Society would be happy to withdraw their objection.

Mr Wheeler feared that the scheme would create an unnecessary community facility at the expense of much needed community space. The gardens should be reserved for community use.

Ms Christine Whaite addressed the Committee in objection. She commented that she was the Chair of The Friends of Christ Church Spitalfields and a local resident.

She considered that the Christ Church was a Designated Heritage Asset and that the churchyard, was a Heritage Asset as defined by Planning Policy.

The Society supported the Primary School in seeking to improve its facilities. however, the current application was not properly formulated. For example, it only provided for 6 classrooms when 8 were required in the Masterplan. It appeared to be depend on building next to the church. As a result the application must be dependent upon a further application.

The Society's objections were the same as those made against the original site proposal as raised by parties such as the GLC. At that time it was intended that the Churchyard would return to its role of a providing a public green space setting for the church.

She recommend there be no building at all to the south side of the church. That the churchyard be reinstated in full as public green space for benefit of the whole community to enjoy.

Mr Indigo Wolfe addressed the Committee on behalf of the Applicant. He stated he was from the Diocese of the School. He reported on the inadequacies of the existing facilities, and the need for the new facilities. That any further scheme would be subject to a separate application and process.

Ms Kaz Man also spoke in support of the application. She reported that the scheme would deliver much needed larger class rooms, National Curriculum Standard PE and Dance facilities, full cooked meals in a new kitchen, better storage facilities, good access arrangements. She also advised that the school provided a range of initiatives to promote learning. Refusing the

scheme may put these scheme in jeopardy due to lack of facilities. She believed that the applicant had developed the best possible solution within the restraints.

Ms Ila Robertson (Applications Manager Development and Renewal) presented the comprehensive report. Ms Robertson explained the details of the scheme, the outcome of the public consultation, addressed the objections around design, loss of open space and the impact on the surrounding area.

Ms Roberson drew attention to the supporting comments, stressing the need for the new facilities. Any delay in the scheme may compromise the funding for the project being secured.

Officers also reported that any additional proposals to develop other parts of the site would need to be subject to a separate planning application and would be assessed on their individual merits in accordance with the planning procedures.

In response to the presentation, Members sought clarification as to the time limit on the funding for the scheme and whether there was an operational kitchen at the school at present. Officers confirmed that the funding would expire in March 2011 and at present meals were either brought in or prepared externally.

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

1. That planning permission and listed building consent for remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff rooms and storage be **GRANTED**.

2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission and listed building consent to secure the following matters:

3 Conditions for full planning application

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Ventilation details/ extraction system details/location of the flue
4. Contaminated Land
5. Archaeological watching brief on the development when all excavation of footings or other below ground works take place
6. No construction or storing of materials within the root protection area of the trees.
7. Construction management plan
8. Construction Hours (8am – 6pm Monday to Friday, 9am – 1pm Saturday only)

4 Informatives

1. This planning application should be read in conjunction with listed building consent PA/10/01684

5 Conditions for listed building consent

1. Time limit
2. Development to be carried out in accordance with the approved drawings
3. Materials to be submitted

6 Informatives

1. This Listed Building Consent should be read in conjunction with planning application PA/10/01683

The meeting ended at 9.20 p.m.

Chair, Councillor Carli Harper-Penman
Development Committee