

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 7.00 P.M. ON WEDNESDAY, 15 DECEMBER 2010****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Judith Gardiner (Vice-Chair)  
 Councillor Ann Jackson  
 Councillor Stephanie Eaton  
 Councillor Mohammed Abdul Mukit MBE  
 Councillor Kosru Uddin

**Other Councillors Present:**

Councillor David Snowdon  
 Councillor Zara Davis

**Officers Present:**

Owen Whalley – (Service Head Planning and Building Control, Development & Renewal)  
 Megan Nugent – (Legal Services Team Leader, Planning, Chief Executive's)  
 Ila Robertson – (Applications Manager Development and Renewal)  
 Zoe Folley – (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Carli Harper – Penman and Peter Golds .

**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 |
|------------|---------|------------------|--------|
|            |         |                  |        |

|                      |     |          |  |
|----------------------|-----|----------|--|
| Mohammed Abdul Mukit | 6.1 | Personal | Ward Member  |
| Ann Jackson          | 7.1 | 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 10 November 2010 be agreed as a correct record and signed by the Chair subject to the following action -

Item 7.3 Cutty Sark House, Urdine Road, London.

Democratic Services to confirm whether Councillor Oliur Rahman requested to speak on this item or another item.

### 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

#### 6.1 Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ

It was noted that Councillors Judith Gardiner and Stephanie Eaton were not able to vote on this item as they had not been in attendance when the application had been previously considered by the Committee.

Owen Whalley (Service Head Planning and Building Control Development and Renewal) introduced this item. It was explained that, at the last meeting, the Committee were minded to refuse the application due concerns around overdevelopment, loss of privacy, daylight and the car free agreement.

Consequently in accordance with the Constitution, the Committee resolved to defer the application pending a further Officer report detailing the implications their decision.

The purpose of this item was to consider that further supplemental report and to finalise their decision.

Ila Robertson (Applications Manager, Development and Renewal) presented the report.

It was reported that Officers had examined the grounds and had concluded that the issues around the car free agreement could not form a valid reason as it concerned procedural issues. Concerns around processes and procedures could not form a valid reason for refusal.

However Officers felt that the remaining three grounds were valid and were recommending that the application be refused on these grounds.

In reply to questions, Officers confirmed that nothing had changed since the last meeting.

As a result.

On a vote of 3 for and 0 against, the Committee **RESOLVED**

That 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 **REFUSED** for the following reasons:

1. The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the proposal is therefore contrary to policies 3A.3 of the London Plan (2008); policies SP02 & SP10 of the adopted Core Strategy (2010); 'saved' policy DEV1 of the Council's Unitary Development Plan (1998) and policies DEV2 & HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure developments are suitably located and provide an acceptable standard of accommodation.
2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim

Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

3. The proposed development would result in undue overlooking and loss of privacy to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Cutty Sark House, Undine Road, London**

Update report tabled.

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

Mr Whalley outlined the reasons why the application had been brought back to the Committee. It was reported that, since the last meeting, the Applicant had made some minor changes to the scheme.

As a result, it was necessary that the application be considered in its entirety afresh to fully consider the changes.

Whilst the Committee may take into account the previous decision, they were required to consider the application as new.

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

Mr David Merson spoke in objection to the application.

He expressed concern that the update report had not been made available to the objectors beforehand.

He considered that the neighbouring wall had always been a material consideration which the Council should have taken into account.

He contested the assertion made by the Applicant that the changes were not significant and that the Applicant had acknowledge it would have an impact.

He also raised concerns that there had been no further consultation since the last application, which breached procedures. Any new application should be considered afresh and subject to consultation.

He also complained over insufficient notice. The Council were required to give residents adequate notice of the changes. However, some residents did not receive the notice until Monday this week, some not at all.

Mr Merson also raised concerns over the housing proposals, the adequacy of the Section 106 Agreement.

He also expressed concern over unauthorised parking on his companies land on Undine Road.

Mr Merson requested that the application be deferred to enable a proper report accurately explaining the issues to be prepared, and for a balanced fair decision to be made.

Mr Peter Fordham addressed the Committee in objection. He considered that the flat roof design was out of keeping with the surrounding area, including the Conservation Area.

He also raised concerns over following matters

- Density does not comply with policy.
- Overshadowing.
- Lack of parking spaces given number of family sized units. This would lead to a competition for spaces between new /existing residents.
- No children's play area.
- Impact on Mudchute Farm which was only 80 metres away.
- Distance between the façade and the wall. As a result there would be a loss of defensible space.
- Proximity of western block to gas site.

He requested that the Council should work with the community and formulate some more suitable proposals in view the concerns.

Councillor David Snowdon also spoke as an objector. He considered that he was speaking on behalf of local residents. Whilst they were not objecting to development on this site in principle, they wanted the best possible housing scheme on the site. He expressed concern over low quality design, and the proposed distance between the windows of the scheme and the wall which was inadequate. There would be poor outlooks from these windows. He also contested the arguments around loss of funding, should this application not be agreed now. He requested that the consideration of the application be adjourned to enable the Applicant to prepare a much better scheme for this site.

Peter Exton (Applicant's Agent) spoke in favour of the application. He reported that the revised application contained no real sufficient changes, merely minor internal changes to mitigate the impact of the wall. That the scheme would provide high quality affordable housing with no adverse impacts. It fully complied with planning policy.

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report and the update report. She reported that the scheme was initially presented to the last meeting where the scheme was considered acceptability on planning grounds and complied with policy.

At the last meeting, the Committee noted the position with the unauthorised wall, and that as a result of this status, it should be disregarded. Following enforcement action, the wall now bounded the entire site concerned therefore it may constitute permitted development and therefore was a material change since Committee albeit a minor one. To mitigate the impact of this wall, the Applicant had made some minor changes to the internal layout of the scheme to protect amenity of future residents. In essence the main change was the reduction in units from 26 to 25 in total.

In terms of the concerns over the Section 106 agreement, it was reported that the assessment process complied with government guidance and legislation. Officers also addressed the concerns over illegal parking and reported that there was provision for a children's play space and this would be controlled by condition. It was also reported that the site was not designated as open space by the Development Plan.

In relation the gasworks, National Grid had been consulted on this matter and had not raised any concerns.

The scheme had been redesigned to ensure all rooms received sufficient daylight.

In conclusion, Officers considered that the scheme accorded with policy, that there would be no adverse impacts and would provide much needed affordable housing in the area.

In response to the presentation, the Committee sought clarity as to following matters -

- Consultation requirements.
- The social housing element.
- Height of the buildings on Undine Road.
- Concerns over the report.

In reply Officers outlined the scope of the consultation for the previous scheme.

Officers also explained the consultation requirements for this further application as set out in the Statement of Community Involvement.

The guidance stated that, where there would be no new impacts, a further round of consultation was not necessary. Given that all of the changes were only minor internal changes with no new impacts, a further round of consultation was therefore not necessary.

In relation to the notification, all of the relevant procedures in the Constitution were followed. The Officers report was robust and had been approved by Legal Services.

In addition Officers also clarified the height of the buildings on Urdine Road as set out on the circulated maps. Officers considered that the height and bulk of the building was acceptable and in keeping with area.

The scheme fully complied with BRE guidance.

The Committee also noted the timescale for the funding.

On a unanimous vote the Committee **RESOLVED**

1. That 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-five units (100% of the development) is secured as affordable housing, with a tenure split of 64% social rent to 36% 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 (26<sup>th</sup> January 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



The meeting ended at 8.00 p.m.

Chair,  
Development Committee