

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 11 APRIL 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Shiria Khatun (Vice-Chair)
Councillor Craig Aston
Councillor Anwar Khan
Councillor Khaled Uddin Ahmed
(Substitute for Councillor Denise Jones)

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Planning, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Maium Miah and Denise Jones for who Councillor Khaled Uddin Ahmed was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

However, Councillor Helal Abbas declared an interest in agenda items 7.1 (Land adjacent to railway viaduct, Mantus Road, London) and 7.2 (Bath House, Dunbridge Street, London) as he had received correspondence from interested parties.

Councillor Helal Abbas also declared an interest in item 7.1(Land adjacent to railway viaduct, Mantus Road, London) as he was a Council appointed Member of Tower Hamlets Community Housing.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13th March 2013 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, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Land adjacent to railway viaduct, Mantus Road, London for redevelopment to provide 93 residential units and associated works.

The Chair invited the registered speakers to address the meeting.

Peter Exton addressed the committee in support of the application (as the Officer's recommendation was for refusal). He was speaking on behalf of the applicant Tower Hamlets Community Housing (THCH). He explained the aims of and the track record of THCH to provide genuinely affordable housing and a scheme that benefited the community. He reported on the extensive discussions between THCH and Officers at pre application stage. As a result, the site boundary (red line) had been expanded to take into account land that was a source of anti social behaviour. He considered that the density of the scheme within the red line, as assessed by the applicant, complied with policy and was acceptable. It was unfair to base the density calculation just on the foot print of the building as in the Officer report rather than the wider 'red line' boundary.

He noted the concerns about amenity space. He highlighted the merits of these plans including the landscaping works and the creation of a public space with seating. The scheme proposed a full s106 contribution with a good level of affordable housing. There would be an overprovision of family housing with private amenity space. He stressed the merits of the design in terms of addressing nuisance behaviour.

Benson Olaseni (Planning Officer) presented the detailed report and the update. He described in detail the site location and the proposals. He described the outcome of the consultation. He explained the material issues raised in these representations both in support and against.

He explained the main issues with the application around density and overdevelopment. The density exceeded the London Plan maximum - 1218 per habitual room when accurately assessed. (The lower figure of 461, stated in the application, included existing open space outside the site). The amenity space was of poor quality (communal and private) with gardens and balconies in close proximity to the railway line. The design and materials were out of keeping with the surrounding area. The scheme would affect amenity and there were concerns about the car parking. On balance, Officers considered that the scheme was unacceptable and should be refused.

In response, Members noted the site constraints. However welcomed the plans for additional housing especially affordable housing. It was considered that the level of such complied with policy and would help address the Borough's housing needs. Members also noted the shortfalls in amenity space on site. However, suggested that this could be mitigated by the availability of existing leisure space nearby.

In response, Officers emphasised the issues with the application. It was considered that the site was too small and narrow for a development of this scale. Officers noted the merits of the scheme and the recent measures to improve it such as the homezone. However, considered that on balance the disadvantages outweighed this.

On a vote of 2 in favour and 2 against the Officer recommendation with the Chair using his casting vote to vote against the recommendation, the Committee **RESOLVED:**

That the Officer recommendation to refuse planning permission (PA/12/01758) at land adjacent to railway viaduct, Mantus Road, London for redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking be **NOT ACCEPTED**.

The Committee were minded to approve the scheme due to the following reasons:

- The provision of additional housing, especially social housing in view of the Council's targets in this area.
- The availability of amenity space nearby the site that could supplement the lack of amenity space on site.
- The high quality public transport links servicing the site.

The Committee also requested that Officers discuss with the Applicant the nature of the materials to ensure they reflected the surrounding area.

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 approval and conditions on the application.

(The Members that voted on this item were Councillors Helal Abbas, Khales Uddin Ahmed, Craig Aston and Shiria Khatun)

Councillor Anwar Khan joined the meeting during this item therefore did not vote.

7.2 Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Bath House, Dunbridge Street, London for the removal of existing hipped roof to Block E and replacement with new mansard roof to provide flats.

The Chair invited the registered speakers to address the meeting.

Adam Wilkinson addressed the committee in opposition to the application. He stated that he was speaking on behalf of the residents of the development as a planning consultant. One of the main concerns was the increased height. This would make the building unattractive and would over dominate the listed building. The extension would obstruct visibility of the listed chimney. The drawings were inaccurate as they did not show the full extent of the overshadowing. This should be explained. He referred to the poor quality of the existing building as reported by the residents. (Poor damp proofing, defective roofing, inadequate emergency escape routes). These issues had yet to be addressed, despite requests, and should be - given this was a listed

building. There was also outstanding enforcement action with previous planning conditions.

Jarred McGinnis spoke in opposition to the scheme. He was a resident of Bath House. He reported on the problems with accessing the existing development as a wheelchair user and gave a specific example of this. He questioned what could be done about this. (Officers subsequently confirmed that there were no specific proposals for step free access in this application).

Terrance Kearney (Applicant's agent) spoke in support of the application. He reported on the history of the Bath House and that the subject building was built in the mid 1990s. The current roof was out of keeping and the proposed roof would be more traditional in appearance. The applicant had sought specialist advice on the impact on the listed building and the response was positive. The applicant had engaged in pre - application discussions with Officers and had amended the design in light of the Council's Conservation Officers advice. The scheme would enhance the historic building, provide new houses and facilities for the existing residents. Therefore, should be granted. In reply to Members, he explained the benefits for existing residents in terms of new recycling facilities and cycle spaces.

Richard Murrell (Planning Officer) presented the detailed report and the update. The application was reported to the committee due to the number of objections. Mr Murrell explained the site location and nature of the existing building. He explained the outcome of the local consultation. The objections covered such issues as impact on amenity, design, waste and the construction impact on residents. It was considered that the quality of the proposed flats was acceptable and complied with policy. The design as amended related well with the development. It was proposed to increase the roof height by 2.2 metres which was comparable to the height of the main building. The roof slopped away from residential properties with good separation distances. Therefore, the scheme would protect amenity.

It was noted that there would be a minor impact on views of the chimney from the immediate area. However, the views of the chimney would generally be maintained. Mr Murrell also explained the proposed recycling facilities and new cycling spaces.

In reply to Members, he clarified the measures to protect amenity, especially the impact on sunlight and daylight.

On a vote of 0 in favour and 5 against the Officer recommendation the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/12/02632) and Listed building consent (PA/12/02633) at Bath House, Dunbridge Street, London be **NOT ACCEPTED** for the removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Overdevelopment of the site from pressure on existing facilities.
- Noise and disturbance during the construction period especially for the occupants living directly underneath the scheme.
- Appearance of the scheme in relationship to the existing buildings included listed buildings.

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.

(The Members that voted on this item were Councillors Helal Abbas, Khales Uddin Ahmed, Anwar Khan, Craig Aston and Shiria Khatun).

7.3 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding the site at Bow Wharf adjoining Regents Canal and Old Ford Road, Old Ford Road, London for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings.

The Chair invited the registered speakers to address the meeting.

Tom Ridge of the East London Waterway Group addressed the Committee in opposition to the application. He stated that there was 81 objections and a petition with 152 signatures. The scheme would be two stories higher than the nearest buildings. Therefore, it would be detrimental to the setting of the Regent's Canal Conservation Area, the two locally listed buildings and also the listed Stop Lock bridge. The scheme should be scaled down to protect the listed buildings as recommended by the Planning Inspectors guidance on this subject in 2005 and 2010. The scheme would therefore be dismissed at appeal. He drew attention to the proposals for each unit be installed with fire protection devices as requested by the Fire Authority as a condition of approval. He questioned whether this was acceptable. The fire access route was unacceptable requiring fire engines to use the Stop Lock bridge. This could damage it. He requested that there be weight and height restrictions on the bridge to prevent use by such vehicles.

Malcolm Tucker (Greater London Industrial Archaeology Society) addressed the Committee in opposition to the application. He also objected to the impact on the listed bridge from use by heavy vehicles and requested restrictions to prevent this. He also sought assurances they would be enforced. He considered that there was insufficient space for fire engines to move. The

proposed buildings were too tall and would have an overbearing impact on Conservation Area. The policy stated that such schemes should enhance the surrounding settings. However, this scheme would damage it.

Kieran Rush (Applicant's agent) spoke in support of the application. He reported on the applicant's aim to protect the canal and the bridge. It was in their own interest's to protect these assets. He referred to the pre-application discussions with Officers to address the issues and the public consultation. The height was in keeping with the surrounding buildings. The scheme had been sensitively designed to reinforce the character of the canal. He listed the benefits of the scheme including: family and affordable housing with amenity space, new public space and cafe, s106 contributions, a car free agreement and the good public transport links. The Fire Authority were now satisfied with the scheme following testing. It was proposed to maintain the weight restrictions on the bridge, to be secured by condition.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update. The application was for planning, listed and conservation area consent. She explained in detail the scheme including the site location and the surrounding area. She described the height and make up of the proposed buildings and measures to protect the listed assets. She explained the outcome of the local consultation (carried out twice) and the issues raised. She explained the previously refused schemes and the improvements in terms of reduced height amongst other issues. The impact on the Conservation Area had been carefully considered. Overall, Officers considered that the impact was acceptable. The scheme would preserve its character with no undue impact on amenity.

The Fire Authority had recently tested the access route from Grove Road and found that it could be accessed by fire engines. However, it was proposed that one of the existing chalets be demolished to facilitate access. As a result, the Fire Authority were now satisfied with the scheme subject to the conditions and had removed their objection. The Fire Authority were aware that Fire engines could not cross the Stop Lock Bridge. The scheme sought to provide 29% affordable housing by habitable room with s106 contributions. It was considered that the maximum amount of each had been secured following testing whilst ensuring viability. The s106 had been considered by the Council's Planning Contributions Overview Panel and allocated accordingly.

Members asked questions about the materials in relation to the surrounding area. In response, Officers explained the design in more detail. In particular the plans to use pitched roofs and brick to ensure the design responded to the surrounding area. It was required (under condition) that details of the materials be submitted for approval to ensure this. This was a standard condition.

On a vote of 0 in favour, 2 against the Officer recommendation and 3 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/11/03371), listed building consent (PA/11/03372) and conservation area consent

(PA/11/03372) at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **NOT ACCEPTED** for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Failure to protect the character and appearance of the Conservation Area.

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.

(The Members that voted on this item were Councillors Helal Abbas, Khaled Uddin Ahmed, Anwar Khan, Craig Aston and Shiria Khatun).

Councillor Shiria Khatun left the meeting following the consideration of this item.

7.4 69-89 Mile End Road, London E1 4UJ (PA/12/03357)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 69-89 Mile End Road, London E1 4UJ for the change of use at first floor from retail to a 24 hour gym and external alterations

The Chair invited the registered speakers to address the meeting.

Adam Bunn addressed the Committee in opposition to the application. He stated that he was speaking on behalf of local residents as a planning consultant. He objected to the lack of a sequential site assessment for the application. Therefore, the application was contrary to the National Planning Policy Framework. As a result, the decision to grant would open to challenge at appeal.

Charles Moran (Applicant's agent) spoke in support of the application. He considered that the scheme would reactivate a vacant site, empty for some time, would create new jobs and enhance the wellbeing of the community with new fitness facilities. He explained the measures to address the objectors

concerns. This including moving the servicing plant area to the roof and also soundproofing. As a result, a number of objections had been withdrawn. Many residents supported the scheme and were present at the meeting. The site benefited from an existing town centre use permission. Therefore, he questioned the weight that could be given to the speakers objections about lack of sequential testing. In reply to Members, he explained the need for a 24 hour use of the gym. This would enable people with commitments during the day to use the facility.

Benson Olaseni (Planning Officer) presented the detailed report and the update. He explained the nature of the proposal. He explained the site location and nature of the uses on the other floors of the building. He explained the outcome of the local consultation. The objections covered noise, cumulative impact and impact on the highways. It was considered that the gym use was appropriate for the site given it was at the edge of the Town Centre. It therefore complied with policy.

He explained the conditions to address the objections. This included CCTV, a controlled entrance system and safety and security measures. The main entrance would be located on Mile End Road at a distance from residential properties. The objection about sequential testing had been considered by the relevant Council experts in planning policy. The advice was that such an assessment was unnecessary given the existing retail use on the upper floors and the edge of Town Centre location. Overall, Officers considered that the conditions would overcome any concerns and the application should be granted.

Members asked questions about the impact on the highways from vehicle use from the proposal. In response, Officers explained the measures to minimize this. Transport for London and Highways Services had no objections subject to the condition on cycle parking. The site had good public transport links. The applicant would take steps to minimise the impact on parking and the highway. There would be an outright restriction on classes during the night time to avoid groups of people arriving/leaving at the same time. The gym would also encourage sustainable forms of transport and would not refer to parking near the site.

It was unlikely that there would be a major increase in vehicles in the evening given the visitor numbers projected in the report, (based on comparable gym usage at this time)

On a vote of 2 in favour and 2 against with the Chair using his casting vote in support of the recommendation, the Committee **RESOLVED**:

1. That planning permission (PA/12/03357) at 69-89 Mile End Road, London E1 4UJ be **GRANTED** for the change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of roof top servicing plant subject to the following:

2. That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

7.5 **Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London E1 (PA/12/02045)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding the site at 3-11 Goulston Street and 4-6 and 16-22 Middlesex Street, Middlesex Street, London E1 for the demolition of the existing buildings and erection of a nine storey hotel and associated works.

There were no speakers registered to address the Committee.

Richard Murrell (Planning Officer) presented the detailed report and the update. The scheme was before the Committee due to the scale. Mr Murrell explained the outcome of the consultation with one letter in support and one in objection. Mr Murrell referred to the previously approved scheme (2008) on site for an office use, which was broadly similar and established the land use. He highlighted the improvements in relation to the previous scheme.

It was considered that the change to a hotel use was acceptable given the issues with re-establishing an office use at that site. Furthermore, the site was located within the Central Activities Zone which encouraged the provision of hotels in such areas. The scheme would help meet the Council's targets for hotel accommodation and contribute to the local economy. The sunlight and day light assessment complied with policy with relatively minor impacts.

The application had been accompanied by an assessment on servicing. Details of which would be secured by condition. This included measures to prevent conflict with the functioning of the local markets in relation to servicing. The Council's Markets Team were satisfied with the scheme subject to the implementation of the conditions on this matter. There would also be a Construction Management Plan to avoid conflict with other major projects such as TfLs proposed changes to the gyratory.

Mr Murrell drew attention to the revised Head of Terms for the s106 agreement as detailed in the update report. The s106 contributions fully complied with the Council's Supplementary Planning Document. In reply to Members, it was clarified that any proposal to convert to a residential use would require a separate planning application.

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

1. That planning permission (PA/12/02045) at Site At 3-11 Goulston Street And 4-6 and 16-22 Middlesex Street, Middlesex Street, London E1 be **GRANTED** for the demolition of the existing buildings and

erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development subject to the following

2. The prior completion of a **legal agreement** to secure the planning obligations set out in the report AND the revised S106 Heads of Terms in the update report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
5. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

8. OTHER PLANNING MATTERS

8.1 Planning Appeals

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 9.30 p.m.

Chair, Councillor Helal Abbas
Development Committee