

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 16 NOVEMBER 2006

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed
Councillor Louise Alexander
Councillor Alibor Choudhury (Vice-Chair)
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer
Councillor Joshua Peck

Councillor Simon Rouse

Other Councillors Present:

Officers Present:

Megan Crowe – (Planning Solicitor, Legal Services)
Renee Goodwin – (Acting Applications Manager)
Richard Humphreys – (Acting Strategic Applications Manager, Planning)
Michael Kiely – (Service Head, Development Decisions)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rupert Eckhardt. Councillor Simon Rouse deputised for him.

2. DECLARATIONS OF INTEREST

Councillors Ohid Ahmed and Ahmed Omer declared personal interests in items 6.2 and 6.3 which related to land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 on the grounds that they were members of the Leaside Regeneration Board, which had been consulted on the applications.

Councillor Josh Peck declared a personal interest in item 6.4 which related to site south of Westferry Circus and west of Westferry Road, London E14 as the ward member for Millwall.

Councillor Simon Rouse declared a personal interest in item 6.6 which related to the site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London as he had received e-mail and telephone correspondence from one of the objectors.

Councillor Peck declared a personal interest in item 6.6 which related to the site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London as he had received e-mail and telephone correspondence from one of the objectors. In addition to this, one of the objectors addressing the Committee was the Chief Executive of the Bethnal Green and Victoria Park Housing Association on which Councillor Peck was a Council representative.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the extraordinary Strategic Development Committee held on 3rd October 2006 were confirmed and signed as a correct record by the Chair subject to two amendments as follows:

- i) "Save the Bonner School Campaign" to read "Save Old Bonner School Campaign"; and
- ii) "the allegation that the applicant had not stated in the original application...." to read "the allegation that the applicant had not stated in the last application....".

4. RECOMMENDATIONS

4.1 The Committee NOTED that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members had before them all relevant facts and information about the planning applications set out in the agenda.

4.2 The Committee RESOLVED that, in the event of recommendations being made by the Members of the public, applicants or their agents, the task of formalising the working of any additional conditions be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. PLANNING APPLICATIONS FOR DETERMINATION

6.1 33-37 The Oval, London E2 9DT

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing building and the redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats) at 33-37 The Oval, London E2 9DT.

Councillor Stephanie Eaton addressed the Committee on behalf of her ward. She objected on the grounds of health and safety as the development was close to a gas works.

Michael Kiely presented a detailed report on the application and the complex issues which the Committee needed to consider when making its decision. Under planning law, the Council was required to notify the Health and Safety Executive of the application, as it was within a certain range of the gas works. The Health and Safety and Executive (HSE), in response to this notification had advised that planning permission should be refused. The operator of the site, National Grid, required a clear distance of 18 metres to ensure that if a leak occurred it could vent safely. This distance had been achieved in the proposal.

The HSE were concerned about more serious incidents such as an ignited leak or an explosion of a gas cylinder. However, there was no historical record of any gas holder explosions in the country. He explained the risks around holders and the history of incidents from information supplied by the HSE.

Mr Kiely explained that the decision centred on the balance between the risks associated with the installation and the loss of the development. This had to be considered in the context of the Health and Safety Executive's new criteria with respect to consultation on planning applications. This meant that it would be routinely objecting to planning applications within a 200 metres radius of any gas works, without taking into account local conditions. This could have a significant impact on the Borough and prevent approximately 1,000 to 2000 new homes from being built in each location, depending on the amount of development land available. The Committee was informed that the proposal accorded with the requirements of the National Grid, which had responsibility for the management of the gas works.

Members asked questions relating to the new Health and Safety regulations, the numbers of residential properties surrounding the site and the risk involved with a distance of 18 metres. The Committee was informed that if it was minded to approve, the Council was required to advise the Health and Safety Executive of its decision following which the Executive would have 21 days in which to consider the application and decide whether to request that the Secretary of State call-in the application for her determination.

The Committee RESOLVED that planning permission for the demolition of existing building and the redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats) at 33-37 The Oval, London E2 9DT be GRANTED subject to:

1. the Local Planning Authority give the Health and Safety Executive:
 - (i) advanced noticed of its intention to grant permission; and
 - (ii) 21 days from the date of the notice to give further consideration of the matter and allow it to consider whether it wishes to request that the Secretary of State call-in the application for determination.
2. The prior completion of a legal agreement to secure the following aspects secured under the original scheme PA/05/00421:
 - a) Car Free agreement
 - b) Repaving/S278 highway works
 - c) Environmental improvements to The Oval
3. That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Three year time limit
 - (ii) Reserved matters
 - (iii) External materials
 - (iv) External lighting
- 2) Hard and soft landscaping
- 3) Landscape maintenance
- 4) Construction hours
- 5) Cycle storage
- 6) Refuse storage
- 7) Site investigation
- 8) Sound insulation
- 9) Signage for the western outdoor area

Informatives:

- 1) Permission subject to Section 106 legal agreement
- 2) Environmental Health
- 3) Signage

6.2 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and of 22 sq m of A1 (Shop), A2 (Financial and Professional Services), B1 (Business) or D1 (Non-residential institution) on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3.

Mr Phillip Villars spoke in objection to the application on the grounds that the entire Furze Street site should be properly planned to maximise its potential and asked that the item be deferred to allow his company to achieve this.

Mr David Black addressed the Committee on behalf of the applicant and explained that the applicant had worked closely with the Council to comply with the approved Development Brief for the area.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report to the Committee, including an update report. A development brief for the area had been approved by the Cabinet in November 2005 and that a decision had been made in principle to sell the Council owned land to the developer. The scheme involved the loss of temporary open space laid out by the Greater London Council. UDP policy allowed for a loss of temporary open space and the intention was that Furze Green would be remodelled in compensation. He outlined the objections which had been received, the issues which the Committee needed to take into consideration when making its decision and the reasons why the officers had recommended the application for approval. The Update Report included an objection on the grounds that the scheme should include more youth provision.

The Committee was shown a computer generated presentation of the proposal in its surroundings. Members asked questions relating to the adjacent lorry scrapyards and the noise and contamination which it generated, the impact on trees, the loss of open space, the approved Development Brief, the amount of affordable housing and the possibility of including youth provision.

The Committee was informed that the noise and contamination would be controlled through conditions. The development brief was supplementary planning guidance and therefore a material consideration which should be given appropriate weight in making a decision. The proposal included the improvement of Furze Green and that there was potential for a youth facility to be incorporated in the scheme.

Members raised concerns in relation to density and the impact of the recommended 'car free agreement' and where the additional cars would be displaced to. It was explained that whilst the scheme exceeded the LDF density matrix, it was significantly reduced from a proposal which had been dismissed by the Planning Inspectorate on appeal in 2005 following a refusal by the Development Committee on grounds of overdevelopment. The current

proposal was considered to accord with the site's context. It was also explained that it was national policy not to require a minimum level of car parking provision. The Council's Highways department had no objections.

It was proposed that a condition be placed on the planning permission to ensure the inclusion of youth provision. Members were informed that it would be unreasonable to condition the use of any aspect of the site. On a vote, the motion was lost.

The Committee RESOLVED that planning permission for the construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and of 22 sq m of A1 (Shop), A2 (Financial and Professional Services), B1 (Business) or D1 (Non-residential institution) on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 be GRANTED subject to

1. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure from the Development Plan involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
2. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer to secure the following:
 - a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
 - b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
 - c) A contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
 - d) Local labour in construction
 - e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
3. That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Permission valid for 3 years
- 2) Details of external materials to be submitted for the Council's written approval prior to the commencement of the development.
- 3) Details of hard and soft landscaping treatment to be submitted for the Council's written approval.

- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.
- 5) Investigation and remediation measures for land contamination
- 6) The submission of a Noise Survey and details of sound insulation/attenuation measures to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 7) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 8) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 9) Details of any external lighting to be submitted to the Council for written approval.
- 10) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

- 1) This permission is subject to a planning obligation made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to Conditions 5 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY
- 3) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Council Planning (General Permitted Development Order) 1995.
- 4) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
- 5) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5

Clove Crescent, London E14 1BY regarding any alterations to the public highway.

4. That, if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The Committee adjourned for a short break at 9.35 pm and resumed at 9.47 pm.

6.3 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 (Outline)

Mr Michael Kiely, Head of Development and Decisions, introduced the site and proposal for the outline demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) and D1 (Assembly and leisure) floorspace on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3.

Mr Drew Champion spoke in objection to the application on the grounds that the applicant was not in a position to deliver the development.

Mr Robert McDonald addressed the Committee on behalf of the applicant. He explained the proposals for the site and maintained the Development Brief for the area had been followed.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report and update report. He addressed the objections which had been received and outlined the reasons why the application had been recommended for approval. He advised the Committee that many of the same planning issues applied to the outline application in question as to the previous application for detailed planning permission.

Members asked questions relating to the treatment of Furze Green open space, the provision of youth service, noise and car parking provision. It was proposed that the Committee express its preference to the applicant that Furze Street be returned rather than the creation of a Home Zone.

The Committee RESOLVED that planning permission for the outline demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) and D1 (Assembly and leisure) floorspace be GRANTED subject to

1. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure application involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
2. The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

Phase 1

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership.
- b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
- c) A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
- d) Local labour in construction.
- e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

Phases 2 and 3

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership.
- b) A financial contribution of £180,000 to undertake Home Zone treatment of Furze Street or alternatively an estimated financial contribution of £50,000 to break out and turf Furze Street. The applicant be informed that the Committee's preference would be for the returfing of Furze Street.
- c) Preparation of a right of way "walkway agreement" for crossing through the site between Bow Common Lane and Furze Street.
- d) A financial contribution of £20,000 towards signage and pedestrian and cyclist routes in the vicinity.
- e) A financial contribution towards public transport services.
- f) A financial contribution towards education to mitigate the demand of additional population on education facilities.
- g) A financial contribution towards healthcare in accordance with the NHS HUDU model to mitigate the demand of the additional population on health care services on the delivery of phases 2 and 3.
- h) A financial contribution to support access to employment initiatives.
- i) A financial contribution of £35,000 towards public art.

- j) Local Labour in Construction.
- k) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

3. That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for outline planning permission.

Phase 1

- 1) Submission and approval of the landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 2) The materials to be used on the external faces of the development.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings of the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 4) Investigation of land contamination and the implementation of remediation measures.
- 5) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 6) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or public holidays.
- 7) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 8) Details of any external lighting.

Phases 2 and 3

- 1) No development shall commence until such time as the owner of the land enters into an agreement pursuant to section 106 of the Town and Country Planning Act in respect of the matters referred to in paragraph "B Phases 2 and 3" above.
- 2) The submission and approval of the following reserved matters:
 - a) The design of the buildings.
 - b) External appearance of the buildings.
 - c) The landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 3) The materials to be used on the external faces of the development.
- 4) Building, engineering or the operations including demolition shall be carried out only between the hours of 8.00 ma and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or public holidays.
- 5) An power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 7) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented thereafter maintained unless otherwise agreed in writing.
- 8) Details of external lighting.
- 9) Details of recycling, refuse storage and collection to be submitted for the Council's written approval.
- 10) Investigation of land contamination and the implementation of remediation measures.
- 11) Details of surface and foul water drainage systems.
- 12) No soakaways shall be constructed in contaminated ground.
- 13) Details of foundation design.
- 14) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Phase 1, Condition 4 and Phases 2 and 3, Condition 9 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY and the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX, Tel: 08708 506506.
 - 3) With regard to Phase 2 Conditions 10, 11 and 12 (measures to prevent pollution of ground/surface water, foul and surface drainage system and foundation design) you should contact the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX, Tel: 08708 506506.
 - 4) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development Order) 1995.
 - 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
 - 6) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY regarding any alterations to the public highway.
4. That, if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

6.4 Site to the south of Westferry Circus and west of Westferry Road, London E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a Marquee style "temporary" structure (4865 sq m) for a maximum of 2 months to cater for corporate entertainment events for clients of Canary Wharf Plc within a period between 4th and 20th December 2006 with a 750-3500 guest capacity and opening hours of 11.00 am to 4.30 pm for daytime events and 18.30 pm to 00.30 am for evening events on site south of Westferry Circus and west of Westferry Road, London E14.

Ms Tania Mistelli and Mr Jon Gould spoke in objection to the proposal on the grounds of noise nuisance to local residents.

Ms Renee Goodwin, Acting Applications Manager, presented a detailed report and update report. She addressed the objections which had been made and outlined the reasons why the application had been recommended for approval. The Committee was informed that the Council's Environmental Health department had no objections subject to noise controls being put in place. She outlined the proposed conditions and advised that the gate nearest to residential properties would be shut and only opened in emergencies.

Members asked questions relating to the recommended decibel levels in the day and at night and expressed concern over the sustained noise level, the dispersal of up to 3,500 people from the site, the parking provision and the impact on traffic.

The Committee was advised that the Environmental Health department had been consulted and were satisfied. 40dBA was the level of background noise and therefore considered acceptable. The dispersal of the crowds would be controlled through the use of security guards. However, the crowd dispersal was a management issue which would be regulated by the Premises Licence which would need to be issued under the Licensing Act 2003. The Council's Highways officers had also been consulted and had not raised any objections. The nature of the use meant that there was a not a need for car parking, as many people would arrive by coach.

The Committee RESOLVED, at 10.30 pm, that it would continue for no longer than an hour in order to complete its business.

It was proposed that the hours of operation be reduced to 11.30 am to 10.30 pm. However, when put to a vote the motion was lost. It was then proposed that the hours of operation be reduced to 11.30 am to 11.30 pm.

The Committee RESOLVED that subject to the applicant agreeing to an amendment to the operating hours from 00.30 am to 11.30 am, the Head of Development Decisions be delegated power to GRANT planning permission for the erection of a Marquee style "temporary" structure (4865 sq m) for a maximum of 2 months to cater for corporate entertainment events for clients of Canary Wharf Plc within a period between 4th and 20th December 2006 with a 750-3500 guest capacity and opening hours of 11.00 am to 4.30 pm for daytime events and 18.30 pm to 11.30 am for evening events on site south of Westferry Circus and west of Westferry Road, London E14 and impose conditions and informatives to secure the following:

Conditions

- 1) Temporary Time Period (removal of structure by 8th January 2007).
- 2) Hours of Operation (Events held between 11.00 am and 11.30 pm Monday to Fridays between 4th and 20th December 2006).
- 3) The noise mitigation measures below shall be implemented at all times:

- The noise level at the main speakers should be set at 70dB(A) at 10m within the entertainment marquee.
 - The music speakers must face towards the eastern limit of Westferry Circus.
 - 2.4 m high Stirling boards or equivalent wooden boards to be close jointed to a minimum width of 3.6 m (minimum surface density 10kg/m²). These are to be installed centrally behind each main loudspeaker to the south and also to the west of the loudspeakers to minimise noise transfer to adjoining neighbours and to the south side of the River Thames.
 - At least one security guard will be on duty for every 100 guests and a minimum of 12 guards will be on duty for each event to ensure quiet and orderly movements.
- 4) Details of any proposed external lighting shall be submitted to, and approved, in writing by the Local Planning Authority. These details shall show on a plan the location of external lighting and detail the type of lighting proposed.

Informative

- 1) Sound testing is to be carried out on Tuesday night in accordance with the submitted noise report.
- 2) Any external lighting must be positioned in a way that would not cause a hazard to navigation in the River Thames.
- 3) Taxi marshals must be present at the events to ensure orderly movements and organisation of taxis.

Councillor Alibor Choudhury left the Council Chamber after consideration of this item and did not return for the duration of the meeting.

6.5 33-35 Commercial Road including existing car park to rear and part of Assam Street, London E1

Mr Michael Kiely, Head of Development Decisions introduced the site and the application for planning permission for redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure, kitchen/dining facilities, offices (Class B1) and Use Classes A1, A2, A3, A4 and A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces and the application for listed building consent for the partial demolition and refurbishment of the existing Grade II listed building at 33-35 Commercial Road, London E1.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report and update report. He advised the Committee that the applicant had submitted an appeal against the Council's non-determination of the applications within the statutory period. The Update Report therefore amended the recommendation to determine the decision the Committee would have made had it been empowered to.

The Committee RESOLVED that the Planning Inspectorate be informed that, had it been in a position to determine the planning application for the redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure, kitchen/dining facilities, offices (Class B1) and Use Classes A1, A2, A3, A4 and A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces and the listed building consent for the partial demolition and refurbishment of the existing Grade II listed building at 33-35 Commercial Road including existing car park to rear and part of Assam Street, London E1, it would have been REFUSED for the following reasons:

- 1) The proposal would result in overdevelopment of the site and provide an excessively high building that would be insensitive to the character of the surrounding area by reason of design, bulk, scale, density and height contrary to Policies DEV1 and Policy DEV5 of the Tower Hamlets Unitary Development Plan 1998, Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 and Policy DEV2, CP48 and DEV27 of the Local Development Framework Core Strategy and Development Control Submission Document and Policy CRF12 of the emerging City Fringe Action Area Plan.
- 2) The proposal would result in an unjustified density resulting in demonstrable harm to Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy HSG1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Submission Document and Policy 4B.3 of the Local Plan 2004.
- 3) The development would adversely affect the setting of a grade 2 listed building contrary to Policy DEV39 of the Tower Hamlets Unitary Development Plan 1998 and CON1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Submission Document.

The Committee RESOLVED that listed building consent be REFUSED for the following reasons:

- 1) The development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document and national advice in Planning Policy Guidance Note 15.

6.6 Site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for erection of a part 8, part 13, part 16 storey building to provide a

252 room hotel with 120 services apartments, retail unit, health club, conference centre and basement car parking at site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London.

Mr Daniel Paine spoke in objection to the proposal on the grounds of noise and traffic impact.

Mr Adrian Greenwood spoke in objection to the proposal on the grounds of the adverse impact on the residential properties in terms of noise and traffic. He also felt there had been insufficient consultation with residents and requested that the application either be refused or deferred.

Mr Nick Fairman addressed the Committee on behalf of the applicant. He responded to the residents' concerns and explained the proposed measures to mitigate against noise and nuisance.

Mr Lance Harris addressed the Committee on behalf of the applicant and explained the daylight/sunlight assessment undertaken in respect of the proposal.

Ms Renee Goodwin, Acting Applications Manager, presented a detailed report and update report. She advised the Committee that the Environmental Health Department was satisfied with the noise mitigation measures proposed and it was considered that the proposal would not have a negative impact on the surrounding area. The area had good transport links and therefore Transport for London and the Council's Highways Department were both satisfied.

Members asked questions relating to the Section 106 legal agreement and the opportunities for the employment of local people. Concern was expressed over potential overlooking of residential properties and the potential wind tunnel that would be created between the proposal and the adjacent properties. Concern was also raised in relation to the noise generated by service vehicles.

The Committee was informed that the minimum distance between the two properties would be 22 metres, which complied with the Council requirement of no less than 18 metres. The Council's wind consultant was satisfied subject to a condition relating to a detailed wind assessment being carried out. The proposal complied with the Unitary Development Plan and the Local Development Framework as the area had been designated for commercial use, including a hotel.

It was proposed that an additional condition be imposed to limit the times of service vehicles entering and leaving the premises to between 7.00 am and 9.00 pm.

The Committee RESOLVED that planning permission for the erection of a part 8, part 13, part 16 storey building to provide a 252 room hotel with 120 services apartments, retail unit, health club, conference centre and basement

car parking at site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London be GRANTED subject to

- 1) Referral to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000 under categories 1B 1(b) and 1C 1 (c) of Part 1 of the Schedule of the Order for a building exceeding 20,000 square metres floor space in Central London and more than 30 metres high outside the City of London.
- 2) The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) A financial contribution of £50,000 towards the improvement of pedestrian and cycle facilities in the locality;
 - b) £150,000 towards public art;
 - c) £10,000 towards local child care provision;
 - d) TV reception monitoring and mitigation as appropriate;
 - e) Air quality monitoring during construction; and
 - f) Local labour in construction.
- 3) Social Compact and Service Level Agreement to secure such matters as the Employment Training Programme & Borough Schools Programme (includes financial contribution of £26,000 to Skillsmatch).
- 4) An agreement under section 278 of the Highways Act to fund highway resurfacing and repaving adjacent to the site.
- 5) The Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Permission valid for 3 years.
- 2) Submission of details of external materials.
- 3) Submission of details of hard and soft landscaping treatment.
- 4) All planting, seeding or turfing.
- 5) Submission details of any proposed walls fences gates and railings.
- 6) Submission of details of any external lighting.
- 7) Investigation and remediation measures for land contamination.
- 8) Archaeological investigation and recording prior to commencement.
- 9) Submission of foundation design and method statement.
- 10) Design and construction details of the new basements should be submitted to the local planning authority.
- 11) Submission of the passive design measures, centralised heating system, Combined Heat and Power system, Groundwater Cooling/Heating (and associated electrical chillers), solar water heating, photovoltaic panels, which shall be in accordance with

- the submitted Cundall Genesys Environmental outline energy strategy in perpetuity.
- 12) Submit a swept path analysis to demonstrate that the junction of Prescott Street/St Mark Street can safely accommodate the passage of large vehicles.
 - 13) Control hours of construction.
 - 14) Control hours of power/hammer driven piling/breaking out.
 - 15) Details of noise levels to be submitted.
 - 16) Details of means of fume extraction and ventilation for restaurant.
 - 17) Details of means of fume extraction and ventilation for the conference catering facilities.
 - 18) Restriction of apart-hotel occupancy to 90 consecutive days or less.
 - 19) To secure the submission of a statement comprising a wind tunnel assessment and inclusion of any mitigation measures for the approval of the Council before the commencement of construction.
 - 20) *Restriction on hours in which service vehicles can enter and leave the premises to between 7.00 am and 9.00 pm.*
 - 21) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Condition 7 (Decontamination), you should contact the Council's Environmental Health Department.
 - 3) With regard to condition 10 you should contact the Council's Structures Section.
 - 4) You are advised that the Council operated a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
 - 5) You should consult the Council's Highways Development Department, regarding any alterations to the public highway.
 - 6) You are strongly encouraged to increase the provision of wheelchair accessible rooms to more than the minimum 5%.
- 6) That if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The meeting ended at 11.15 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee