

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 7.30 P.M. ON WEDNESDAY, 2 JULY 2008****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
 Councillor Fazlul Haque
 Councillor Alexander Heslop
 Councillor Denise Jones (Vice-Chair)
 Councillor Tim O'Flaherty
 Councillor Ahmed Adam Omer

Other Councillors Present:

Councillor Alibor Choudhury
 Councillor Lutfur Rahman
 Councillor Abdal Ullah

Officers Present:

Jerry Bell – (Applications Manager)
 Megan Crowe – (Planning Solicitor, Legal Services)
 Michael Kiely – (Service Head, Development Decisions)
 Terry Natt – (Strategic Applications Manager)
 Benson Olaseni – (Case Officer)
 Jen Pepper – (Affordable Housing Programme Manager)
 Alison Thomas – (Manager, Social Housing Group)

Louise Fleming – (Senior Committee Officer)

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

| Councillor | Item | Type of Interest | Reason |
|-------------------|-------------|-------------------------|-----------------|
| Shafiqul Haque | 7.1; | Personal | Received e-mail |

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|----------------|-----|----------|--|
| | 7.3 | | communications from interested parties |
| Fazlul Haque | 7.4 | Personal | Had been lobbied by interested parties. Application site within Councillor's ward. |
| Alex Heslop | All | Personal | Received communications relating to all applications |
| Denise Jones | 7.1 | Personal | Visited the George Tavern at the request of the landlady |
| Tim O'Flaherty | All | Personal | Lobbied by interested parties. Application 7.4 in Councillor's ward |

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 4th June 2008 were agreed as a correct record.

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site adjacent to 373 Commercial Road, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of the vacant single storey nightclub adjacent to 373 Commercial Road, London E1.

Ms Pauline Forster spoke in objection on the grounds of the historical value of the current building. Potential residents would experience problems with noise from the adjacent public house. The proposals would also cause a loss of light and a loss of privacy to the public house.

Mr Mike Lotinga spoke on behalf of Cass Allen Associates, who were noise specialists. He felt that there had been an error in the consultants' report and that the application fell into noise Category D, rather than Category C, which would imply an automatic refusal. He felt that there would be disturbance for potential residents from the existing venue.

Mr Simon Dunn-Lwin spoke on behalf of the applicant. He detailed the consultation which had taken place with residents and the landlady of the public house; and also the pre-application discussions with the Council. He felt that the applications met all planning and heritage requirements and expressed disappointment in the resistance to the scheme, as the applicant had previously been led to believe that all parties were satisfied with the proposals.

Ms Thelma Matthews spoke on behalf of George Ferris, Chairman of the Exmouth Estate Residents' Association. Residents felt that the nightclub had been a nuisance when it was in operation and they did not want it to reopen. The application would enhance security to the estate. She listed public houses in the Borough that operated adjacent to residential properties without issue.

Mr Jerry Bell, Applications Manager, presented a detailed report on the applications. He outlined the key consultations which had taken place and the concerns of Highways and TfL in respect of refuse collection. The Environmental Health officers felt that the noise report was deficient. It was the view of officers that the proposal was out of scale and over dominant; the design did not respect the listed buildings; the daylight/sunlight report was deficient as there would be a loss to the public house. Therefore the applications were recommended for refusal.

Members asked a number of questions relating to the consultation which had taken place, the noise issues, the distance between the proposal and the existing building and the pre-application process.

Mr Bell advised the Committee that the proposal was 4 metres away, which was considered to be too close. The noise report which had been submitted by the applicant had not addressed the loud music which emanated from the public house. He confirmed that, once an application had been submitted, the Council was not able to hold public meetings on the application. This was something which would be undertaken by the applicant at the pre-application stage. Mr Bell clarified his understanding of Mr Lotinga's position, in that the application fell into noise Category D, which in his opinion, meant that the application was a deemed refusal. The pre-application discussion which had taken place highlighted a number of requirements of the Council which the applicant was unable to deliver. Officers made every effort to resolve the issues as the principle of affordable housing was supported. However, the impact of the proposed development was unacceptable.

Members expressed concern over the proximity of the proposal to the existing property, the potential disturbance which could be caused to new residents and the lack of family sized housing included in the proposals.

On a vote of 5 for and 1 against

A. Planning permission for the demolition of a vacant single-storey nightclub building adjacent to the George Tavern (PH) and redevelopment of site by erection of a five-storey building to provide commercial use (Class B1 Use) at ground floor and 11 flats consisting of 6 x 1 bedroom flats and 5 x 2 bedroom flats on the upper floors with cycles and domestic refuse provision. (The proposed 11 flats development scheme would comprise 100% affordable housing units).

B. Conservation Area Consent for the demolition of a vacant single-storey nightclub building attached to the listed George Tavern Public House and 2a Aylward Street listed building within Commercial Road Conservation Area.

C. Listed Building Consent for external alterations and refurbishment works to the eastern flank wall of the George Tavern (PH) and works to rear building adjoining Aylward Street including the erection of a new party wall to facilitate the demolition of a vacant single-storey Stepney's Nightclub building and erection of a five-storey mixed use building to provide commercial and residential

at site adjacent to 373 Commercial Road, London E1 be REFUSED for the following reasons:

1. The height and scale of the proposed building at five-storeys appears over dominant and out of scale with the adjoining Grade 2 listed buildings when viewed from the rear, As such the proposal is contrary to saved policy DEV1 (1) and DEV37 of the London Borough of Tower Hamlets (1998) Unitary Development Plan and DEV2 and CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure new developments are designed to take account, be sensitive in terms of design, bulk, scale and respect the local character and setting of adjacent listed buildings.
2. The adjoining beer garden along Aylward Street currently in use is considered to be incompatible with the proposed residential scheme given its proximity. The beer garden use would result in unacceptable noise nuisance to future occupiers of the proposed scheme. As such, the proposal is contrary to Saved Policy DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure, protect and improve the amenity of surrounding existing and future residents and building occupants of the Borough from unacceptable level of noise nuisances.
3. The proposed five– storey building would result in an unacceptable increased sense of enclosure to the occupiers of upper floors of the George Tavern Public House at 373 Commercial Road, by reason of bulk, scale and proximity contrary to saved Policies DEV1 and DEV2 of

the Unitary Development Plan and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to prevent over-development of sites and development that causes demonstrable harm to the amenity of neighbours.

4. The proposed five-storey building would result in a material loss of daylight to the occupiers of the George Tavern at 1st and 2nd floor level by reason of the height and proximity of the development to these rear windows of adjoining building at 373 Commercial Road. As such, the proposal is contrary to the Unitary Development Plan (UDP) Saved Policies DEV2 (2), and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to safeguard and ensure that neighbouring buildings are not adversely affected by loss of daylight or the deterioration of daylighting and sunlighting conditions.
5. The proposed housing mix, at 55% one bedroom (6 units), 45% two bedroom flats (5 units) does not accord with the housing types and sizes identified to meet local needs, which require 45% family size accommodation (three bedroom units and above). The proposal is thus contrary to Saved Policy HSG7 of the Tower Hamlets Unitary Development Plan (1998) and Policy CP21 and Policy HSG2 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.
6. The proposed development by reason of insufficient access to daylight would result in the creation of sub-standard residential accommodation, specifically the bedrooms in the eastern wing of the development to the detriment of the residential amenity and quality of life of future occupiers of those flats. As such, the proposal is contrary to Saved Policy DEV2 (2) of the Unitary Development Plan 1998 and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.
7. The submitted domestic refuse strategy including servicing arrangements would create an obstruction to traffic and impede on the smooth operation of the London Buses contrary to UDP policy T16 operational requirements for proposed use, policies DEV15 and DEV17 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all development proposals includes adequate space for servicing and appropriate collection arrangements.

8. The proposed scheme provides an inadequate amount of private open space for use by the proposed residential flats, to the detriment of the amenity of the prospective occupiers. It is therefore, considered that the proposal is contrary to the Saved Policy HSG16 of the Unitary development Plan 1988, policies CP25 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all new developments provides high quality an adequate provision of usable amenity space for future occupiers/residents.
- B. Application for Conservation Area Consent is contrary to above policies for the following reasons:
1. The detailed plans submitted with PA/07/3286 for the re-development of the application site are unacceptable and there is no planning permission for the re-development of the site. As such the demolition of the Stepney's Nightclub building is contrary to the advice given in Planning Policy Guidance Note "Planning and Historic Environment". Paragraph 4.27 of PPG15 advises that consent for demolition should not be given unless there are acceptable and detailed plans for any re-development.
 2. Demolition of the Stepney's Nightclub building in the absence of an approved scheme for redevelopment would fail to preserve or enhance the character and appearance of the Commercial Road Conservation Area contrary to the Saved Policy DEV28 of the Unitary Development Plan 1988, policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to ensure that the setting and the character of Conservation Areas is not harmed by inappropriate demolition of buildings in the Borough.
- C. Application for Listed Building Consent is also contrary to above policies for the following reasons:
1. The proposed external alterations and refurbishment works to the adjoining Grade 2 listed buildings as detailed in the submitted Design and Access Statement, including removal of the chimney breasts, the blocking-up of doors and windows, the loss of original windows openings at the George Tavern and at no.2 Aylward Street rear property all involve irreversible work to the original external and interior fabric of the Listed Buildings. As such, these works are contrary to save policy DEV 37 of the Unitary Development Plan 1998, policy CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to preserve the special architectural or historic interest of listed buildings, and where appropriate, alterations should endeavour to retain the original plan form, and retain and repair original external and internal architectural features.

7.2 Site at South of 7 Holyhead Close, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the construction of 59 residential units (family housing) at site south of 7 Holyhead Close, London.

Mr Lyndon Leggate spoke in objection on the grounds of possible anti-social behaviour from the affordable housing tenants. He asked if it would be possible to change the tenure to shared ownership.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He advised the Committee that the development had already received planning permission, the current application sought to change to tenure of the housing from market sale to social rent, which meant that the Council would gain affordable housing from the development.

The Committee unanimously RESOLVED that planning permission for the construction of 59 residential units (family housing) at site south of 7 Holyhead Close, London be GRANTED subject to

- A. The prior completion of a legal agreement to secure the following planning obligations:
 - a) The prior completion of a Supplementary Legal Agreement to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the obligations as related to PA/03/01683 approved on the 5th August 2005, relating to the wider Crossways Masterplan (Crossways estate, Rainhill Way, including 1 – 43 Holyhead Close, London E3).
 - B That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions:

- 1) Time limit - three years.
- 2) Build to Lifetime Homes Standards and 10% wheelchair adaptable.
- 3) 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.

C That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

7.3 14 Fieldgate Street and 7-9 Plumbers Row, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and structures on site and redevelopment for mixed use purposes comprising a nine storey building for commercial use (Class A1/B1) at ground floor level; student accommodation at upper floors; nine residential units; car parking; access; servicing; and arrangements at 14 Fieldgate Street and 7-9 Plumbers Row, London E1.

Mr Usama Ward spoke on behalf of the Mosque Tower. He informed the Committee that the organisation had originally been concerned about the impact of the student behaviour on the mosque and the elderly residents in the surrounding area. However, after discussions with the applicant his fears had been allayed and therefore the objection had been withdrawn.

Mr Matthew Gibbs spoke on behalf of the applicant, endorsing the officer's report and outlining the benefits of the scheme.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He corrected the figure stated in the report in respect of the number of residential units, which should read 5 x 1 bedroom and 4 x 3 bedroom. He advised that the two objections received to the scheme had been withdrawn.

Members asked questions relating to the Section 106 contributions towards community facilities, as it was felt that there were other centres closer to the development which could also benefit. Concerns were raised relating to the affordability of the student accommodation and the loss of employment use and the creative industry.

The Committee was advised that the Local Area Partnership would be consulted in respect of the distribution of S106 monies to local community facilities, and that the views expressed by Members would be considered. 20 people were currently employed on site and the number would increase to 65 if the scheme was approved. Mr Natt informed the Committee that the area was not a designated creative industry area in the UDP. However, the Council did consider it important to retain such industries where possible. The cost of the student accommodation would be determined by market forces and its affordability would be related to the ability of students to pay.

On a vote of 6 for and 1 abstention, the Committee RESOLVED that planning permission for the demolition of existing buildings and structures on site and redevelopment for mixed use purposes comprising a nine storey building for commercial use (Class A1/B1) at ground floor level; student accommodation at upper floors; nine residential units; car parking; access; servicing; and

arrangements at 14 Fieldgate Street and 7-9 Plumbers Row, London E1 be GRANTED subject to

- A. The prior completion of a legal agreement to secure the following planning obligations:
- a) £100,000 to improvements to Altab Ali Park
 - b) £50,000 to local environmental and highway improvements
 - c) £75,000 to local community facilities
 - d) Green Travel Plan
 - e) Maximising Employment of Local People
 - f) Car free development
 - g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- B That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- C That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Time Frame
- 2) Construction Hours
- 3) Contaminated Land
- 4) Car /Cycle parking
- 5) Energy Strategy
- 6) Materials/ Detailing
- 7) Landscaping
- 8) Highway Works
- 9) Secured by Design Statement
- 10) Details of green roof and options for inclusion of bird/ bat bricks
- 11) Inclusive Access
- 12) Archaeological advice
- 13) Construction Management Plan
- 14) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 agreement required.
- 2) Section 278 (Highways) agreement required
- 3) Construction Environmental Management Plan Advice
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- D That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director

Development & Renewal be delegated authority to refuse planning permission.

7.4 Rochelle Centre Outbuilding, Arnold Circus, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per year, between 9.00am and 6.00pm at Rochelle Centre Outbuilding, Arnold Circus, London.

Mr Dermot O'Brian spoke on behalf of Mr Robert Allen in objection to the proposal on the grounds of noise nuisance to surrounding residents and the previous breaches of planning controls by the applicant.

Mr Raphael Ashley spoke on behalf of the Boundary Estate TRA. He objected on the grounds of the effect on residential amenity. He disputed the argument that the proposal had support from local residents.

Ms Melanie Arnold spoke on behalf of the applicant in support of the application. She clarified that the canteen did not cater for large scale events on Sundays. She informed the Committee that she operated a well run, charitable organisation which was a benefit for the local community. Open meetings had been held with residents to discuss any issues. There would be no effect on parking and it was considered that 8 Sundays in a year was a relatively low impact.

Mr Jerry Bell, Applications Manager, presented a detailed report on the application. He explained that the café was ancillary to the centre and that an application for it to operate independently had been refused. He outlined the benefits of the scheme and informed the Committee that no objections had been received from the Highways Department. The site had good access to public transport and the area was subject to controlled parking. It was not considered that the proposal would create a significant impact and was, on balance, considered to be acceptable.

Members asked questions relating to the breaches of planning control, the level of opposition to the proposal and the access to the Centre for the community. The Committee was advised that the Council's enforcement officers were investigating the breaches. However this was not a material planning consideration. The centre was open to all sections of the community. Members expressed the view that the Borough should have a wide variety of community facilities, to cater for all. However, it was proposed that the permission be limited to a period of one year, to enable the Council to review the impact of the operation.

On a vote of 4 for and 1 against the Committee RESOLVED that planning permission for the variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per year, between 9.00am and 6.00pm at Rochelle Centre Outbuilding, Arnold Circus, London be GRANTED subject to the permission being granted for an initial period of 12 months.

The meeting ended at 9.40 p.m.

Chair, Councillor Shafiqul Haque
Development Committee