

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 28 SEPTEMBER 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Candida Ronald (Substitute for Councillor John Pierce)

Other Councillors Present:

Councillor Denise Jones
Councillor Julia Dockerill

Apologies:

Councillor John Pierce
Councillor Gulam Kibria Choudhury

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Abiodun Kolawole	(Legal Services, Directorate Law, Probity and Governance)
Kamlesh Harris	(Planning Officer, Development and Renewal)
Christopher Stacey – Kinchin	(Planning Officer, Development and Renewal)
Hannah Connell	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 31 August 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND MEETING GUIDANCE

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
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for the partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated works.

The Chair invited registered speakers to address the Committee

Max De Vries, Angela Orphanou (residents of Cinnamon Street and Tasman House) and ward Councillors Denise Jones and Julia Dockerill spoke in objection the proposal. Whilst not opposed to the development of the site,

they expressed concern about the plans on the grounds that they would harm neighbouring amenity in terms of loss of privacy, loss of sunlight and daylight. The sunlight assessment in the report was inaccurate.

They also questioned the suitability of sites A, B and C for family and disabled housing given the narrowness of the pavement. This could put at risk the safety of the occupants. They also objected to the lack of play space for the affordable housing.

Concern was also expressed about noise disturbance and disruption from the maintenance of the nearby ventilation shafts. This would adversely affect the amenity of the new occupants. They also expressed concerns about flood risk and also land contamination from the former gas works. The speakers pointed to a letter from the owners of Baltic Court questioning the suitability of the site for the development given these issues. The proposal should be deferred for an assessment of the issues.

They also expressed concerns about the height and the density of the proposal and that it would result in the overdevelopment of a constrained site given the above issues. It was also harm the character of the area. Concern was about expressed about the adequacy of the developer's consultation. It was stated that a petition in objection had been collected containing over 200 signatures.

In response to Members questions, they discussed in further detail their concerns over the developers consultation and the lack of amendments to address the concerns. They also answered questions about the enforceability of the car free agreement, traffic congestion from the proposal given the nature of the streets. They stressed the need for measures to mitigate the highway safety issues.

The speakers also answered questions about the height of the development compared to the previous application, the amenity impact, noise nuisance, the strength of the local opposition and the proximity of parking spaces to the play space.

Julian Shirley and Gareth Watkins, Applicant's agents, spoke in support of the application. The plans would regenerate a vacant site and the land use had been established. The complexities of developing the site had impacted on the viability of the proposals. The application had been carefully designed to respond positively to the area. The benefits of the plans included a policy compliant level of affordable housing with family housing. The light assessment had been independently tested and was considered to be acceptable and the proposals would safeguard privacy. A number of rounds of consultation had been undertaken. As a result, substantial changes had been made to the application to address the concerns (which had involved such measures as reducing the height of the development, setting back buildings and increasing the width of the Clegg Street foot path).

In response to Members questions about the changes made to the application to address the concerns, particularly the concerns about the height, it was

confirmed that the height of the development had been reduced. Any further changes to the height of the proposal may necessitate changes to the housing mix given that many of the residential units were located on the upper floors. It was confirmed that the amendments would result in improved levels of sunlight and daylight to neighbouring properties. The vast majorities of the windows tested would continue to receive a good level of light and it was considered that the losses were acceptable.

In response to further questions, it was reported that there would be mitigation to minimise any noise disruption from the maintenance works. This had been informed by the findings of the noise assessment. The applicant would be required to comply with TfL/Rail for London conditions with regard to the ventilation shaft and the emergency exits. The permission would include measures to prevent contamination and flood mitigation measures.

Kamlesh Harris (Planning Officer, Development and Renewal) presented the detailed report describing the application site covering three sites, the site constraints and the nature of the surrounding area. The plans sought to provide new residential buildings on sites A-C ranging in height. Site A and C were located in the Wapping Wall Conservation Area.

It was proposed that site A would include private housing. The façade facing Wapping High Street would be maintained. Part of the development on this site would be constructed over the ventilation shafts and the emergency exits which would be overhauled to appear part of the development. The building on site B would comprise intermediate and affordable housing and site C would comprise affordable housing. There would be sets backs in the design of the development to preserve the character of the area.

Public consultation had been carried out and the results of this were noted including a petition in opposition with 56 signatures.

Turning to the assessment, it was considered that the proposed land use complied with the policy and the proposed retail use would not detrimentally affect the viability of the Wapping town centre. It was considered that the scale and massing of the proposal was acceptable. The density of the proposal conformed with policy and the application would deliver a policy compliant level of affordable housing and child play space for the under 5s. A small number of the neighbouring properties would experience a minor to adverse reduction in daylighting/sunlighting just outside the policy target. However, overall, the scheme complied with the policy. The scheme had been amended to increase the width of the pavement at Clegg Street and Highway Services were satisfied with the proposal and planning contributions had been secured.

Officers were recommending that the planning permission be granted consent.

Councillor Marc Francis moved and Councillor Chris Chapman seconded that the consideration of the application be deferred for a Committee site visit.

On a vote of 6 in favour and 0 against, the Committee **RESOLVED**:

That the consideration of the planning application at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561) be **DEFERRED** for consideration at the next meeting of the Committee to enable a site visit to be held.

5.2 Harley House and Campion House, Frances Wharf, London (PA/15/03433)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit

The Chair invited registered speakers to address the Committee.

Angus O'Callaghan and Laurence Coman spoke in opposition to the application. They were occupants of the existing building. They expressed concern that the proposal failed to respect the design of the existing building. Constructing apartments on top of an existing development was a very unusual concept. The proposal would also adversely affect the existing occupants amenity. They would see reductions in sunlight and daylight levels from the proposed balconies. The property most affected by the proposal had been excluded from the light assessment so it was inaccurate. There would also be loss of access to properties due to the planned works to the lift and the lack of an appropriate alternative. Occupants would also experience privacy issues and overlooking particularly from the new communal terrace. The plans would also put a strain on the existing buildings infrastructure and the density of the plans exceeded the London Plan density guidance so the plans would result in the overdevelopment of the site. The plans also conflicted with the LBTH policy in respect of roof extensions. The consultation carried out by the developer was inadequate.

In response the Members questions, they further discussed the perceived omissions from the sunlight and daylight report, the lack of consultation by the developer, the planning history of the site involving a number of different applications that had resulted in substantial changes to the building and a considerable amount of disruption.

Joel Ginn and Mr Hinsely spoke in support of the application. Whilst there was no requirement to provide affordable housing as part of the application, the applicant had offered to provide three one bed intermediate units. They explained the proposed changes to the lift, the steps that would be taken to

minimise the disruption impact, the proposed construction methods and the length of time that the lift would be out of action for.

In response to questions, the speakers further explained the methods that would be used to minimise the disruption to residents, the anticipated time it would take to complete the works, that only small number of windows failed the sunlighting and daylighting test and that they were happy to look into the concerns about the 'missing windows' from the assessment.

Chris Stacey – Kinchin (Planning Officer, Development and Renewal) gave a presentation on the application brought to the Committee due to the number of objections received in response to the consultation. He explained the site location, planning history resulting in the addition of units to the existing development. Due to the size of the application, it did not trigger the affordable housing policy, but the applicant had volunteered to provide intermediate housing. The plans involved the extension of the lift of both Harley and Campion House and the reorganisation of communal amenity space. Whilst there would be a loss of communal space, the new re - provided space would be of a lot higher quality, would exceed the policy requirements and would for the first time include play space. It was considered that the impact on amenity was broadly acceptable. Steps would be taken to mitigate the impact from the construction phase and there would be conditions regarding the lift to minimise disruption and provide mitigation measures when the lift was out of action. The design would be in keeping with the existing building. The scheme would be car free and there would be additional cycle and refuse storage bins for the occupants, in excess of the minimum policy requirements.

Officers were recommending that the planning permission be granted.

In response to the presentation, the Committee questioned the reasons for the changes at this present time and whether it could be viewed as incremental development given the planning history. They also asked about the housing mix of the previous application. Officers reported that given the time lapse since the original consented scheme, it would be unreasonable to conclude that this was a later stage of that application, therefore would be incremental development as defined in the policy. It should also be noted that a s106 could not be secured on minor developments for affordable housing.

In response to questions about the sunlight/daylight assessment and the concerns about missing windows, it was noted that it was common for north facing windows to be excluded from assessments and given that they were dual aspect properties, they would still receive good levels of light.

In relation to the fears about loss of privacy from the proposal, it was noted that there would be soft landscaping and obscure glazing to protect neighbouring amenity. Furthermore, the separation distances between the communal areas and existing units were acceptable.

In response to questions about the use of the lift, it was confirmed that steps would be taken to ensure it was out of operation for the shortest possible time and to provide a suitable alternative when it was out of operation.

In response to further questions about the density of the application, it was noted that the existing and the proposed developments did exceed the density range in the London Plan density matrix. However the proposal showed no symptoms of overdevelopment.

It was also noted that, in the interests of increasing the affordability of the units, the intermediate units had been secured as one bed units and that the proposal was not an uncommon form of development.

On a vote of 2 in favour of the Officer recommendation to grant planning permission, 3 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Andrew Cregan seconded a motion that the planning permission be not accepted (for the reasons set out below) and on vote of 3 in favour, 0 against and 3 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Harley House and Champion House, Frances Wharf, London for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit (PA/15/03433)

The Committee were minded to refuse the application due to concerns over:

- The density of the proposal given the failure to meet the special circumstances criteria in the London Plan density matrix, enabling applications to exceed the recommended density range.
- Impact on the amenity of the existing residents in terms of loss of sunlight and daylight, noise, access to the building and disturbance during the construction phase.
- Incremental development in view of the planning history of the site.
- That the design of the proposal would undermine that of the main development.

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.

5.3 Land Rear to 1-12 Fakruddin Street, London, E1 5BU (PA/16/01012)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for the development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground

floor commercial unit and associated pedestrian walkway to new community garden centre and allotments. The development would result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.

Hannah Connell (Planning Officer, Development and Renewal) presented the application describing the application site and the surrounds and the outcome of the consultation. Officers considered that the proposed land use was welcomed and that the design of the development would respond well to the local area. It would provide five family sized units benefiting from private amenity space and good levels of sunlighting and daylighting. All of the residents would have access to the proposed allotments and community gardens that would be subject to a management plan. Other features of the application included the provision of renewable energy measures. The site would also have significant natural surveillance. In relation to neighbouring amenity, a small number of properties would experience a reduction in sun lighting and daylighting, but these were dual aspect so would continue to receive acceptable levels of light. Such results were not uncommon for an urban setting.

Officers were recommending that the planning permission be granted consent.

Responding to questions from the Committee, officers clarified the distance between the development and the nearest neighbouring property, the height of the proposal and the nature of the child play within the area. It was noted that given the small child yield from the development, there was no requirement to provide additional child play space. However the children from the development would be able to access the nearby play space.

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

1. That planning permission be **GRANTED** at Land Rear to 1-12 Fakruddin Street, London, E1 5BU for the development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community garden centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street (PA/16/01012), subject to
2. The prior completion of a legal agreement in the form of a unilateral undertaking to secure the planning obligation detailed in the Committee report
3. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives set out in the Committee report

4. That the Corporate Director Development & Renewal is delegated power to negotiate the unilateral undertaking indicated above within normal delegated authority
5. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
6. 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 consent.

5.4 Bromley Hall School, Bromley Hall Road, London, E14 0LF (PA/16/00884 and PA/16/00885)

Application deferred for consideration at the next meeting of the Development Committee due to lack of time.

6. OTHER PLANNING MATTERS

None.

The meeting ended at 9.45 p.m.

Chair, Councillor Marc Francis
Development Committee