

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 27 AUGUST 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Fazlul Haque

Councillor Tim O'Flaherty

Councillor Ahmed Adam Omer

Officers Present:

Megan Crowe

– (Legal Services Team Leader, Planning)

Stephen Irvine

– (Development Control Manager, Planning)

Terry Natt

– Strategic Applications Manager

Jen Pepper

– (Affordable Housing Programme Manager)

Alison Thomas

– (Private Sector and Affordable Housing Manager,
Housing Development, Development & Renewal)

Les Salmon

– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Denise Jones and Alexander Heslop.

2. DECLARATIONS OF INTEREST

Councillor Fazlul Haque declared personal interests in items 7.1, 7.2 and 7.3 as a ward member for Weavers Ward.

Councillor Timothy O'Flaherty declared a personal interest in item 7.1 as a ward member for Weavers Ward.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 30th July 2008 were agreed as a correct record.

4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) 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 Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any minor changes being needed to the wording of the Committee's decision (such as to vary or add conditions or reasons for refusal) prior to the decision being issued, authority is delegated to the Corporate Director, Development and Renewal to do so, provided always that the Corporate Director must not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

6.1 151-157 Gosset Street, London, E2 6NR

Mr. Stephen Irvine presented the addendum report and briefly reminded Members of the Committee that the application was considered by the Development Committee at its meeting on the 30th July 2008 and had been rejected for approval in contradiction of officers' advice.

The Development Committee at that time indicated that they had been minded not to support the officers' recommendation to grant planning permission for proposed development on the following grounds:

- 1) The percentage of family-sized homes included in the market element of the proposed development was insufficient; and
- 2) The proposed building would give rise to adverse over-shadowing implications for the neighbouring residential properties.

Raised informally was the concern of separation distance between the northern elevation of the development and the adjacent dwellings on Wellington Row.

Mr. Stephen Irvine continued to explain in greater detail the Council's relevant policies and considerations in respect of concerns raised by Committee Members on the 30th July 2008 and expanded upon in the addendum report, but concluded that officers' recommendations remained unchanged and were of the opinion that no material harm arose from the proposals and would not propose any other grounds of refusal.

Furthermore, given the general merits of the development, none of the proposed reasons for refusal were considered by officers as likely to be upheld on appeal.

Ms.Megan Crowe concurred with this assessment of the situation.

Members of the Committee asked a number of questions about possible infringements to the conservation area and the impact upon lifestyles in the area.

By way of response, Mr.Irvine said the previous refusal had not been prompted by concern for the impact upon the conservation area, but was happy to reply.

It was explained the conservation area comprised predominantly two storey Victorian houses set back from the road.

The development was for eleven storeys, reducing in height as it approached the conservation area.

He was confident the set back proposed by officers was appropriate, would not affect the conservation area and was in accord with Council policy guidelines.

On a vote of 2 for, 1 against and 1 abstention, the Committee RESOLVED that planning permission for the demolition of existing buildings and construction of 51 residential units within buildings rising from 2 to 6 storeys, together with associated cycle parking and accessible landscaped roof garden at 151-157 Gosset Street, London E2 6NR be GRANTED subject to:

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Affordable housing provision of 35% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site
 2. A contribution of £51,000 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £98,736 to mitigate the demand of the additional population on education facilities.
 4. Provide £50,000 towards open space improvements at Warner Green to relieve the pressure that may arise from the new dwellings.
 5. A total contribution of £61,619 towards upgrading part of Durant Street adjacent to the development site, including:
 - the relocation of bollards and construction of shared surface on the south of Durant Street to permit vehicular turning;
 - the repaving/upgrade of the pavement on the east side of Durant Street; and

- carriageway resurfacing and public realm improvement on Durant Street.
6. Completion of a car free agreement to restrict occupants applying for residential parking permits, apart from disabled users.
 7. TV reception monitoring and mitigation;
 8. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

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

Conditions

1. Permission valid for 3 years
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - A 1:20 scale north elevation that includes all specifications, fencing, rainwater pipes, external details (including samples);
 - 1:10 typical details for windows, balcony, and elevation bay where interface between timber panels and brickwork is visible (including samples);
 - 1:5 details for roof railing, top storey metal cladding detail (including samples); and
 - Detailed landscape plan for roof-top amenity space (including samples).
3. Landscape Maintenance and Management Plan. Native species should be implemented
4. Parking – 0 car parking spaces and a minimum of 66 cycle spaces
5. Archaeological investigation
6. Investigation and remediation measures for land contamination (including water pollution potential)
7. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
8. Details of the site foundations works
9. Construction Environmental Management Plan, including an Air Quality measures
10. Sustainable design measures and construction materials, including of energy efficiency and renewable measures.
11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays. No work on Sundays or public holidays.
12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
13. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
14. Preparation of a Travel Plan
15. Details of Refuse Management Plan
16. Highway works surrounding the site to be submitted to and approved by the Council.
17. Any other condition(s) considered necessary by the Head of Development

Decisions

Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
6. Environment Agency Advice.
7. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Thames Water Advice.
10. Highways Department Advice.
11. Advertising signs and/or hoardings consent.

That, if by 27th November 2008 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.

The Chair adjourned the meeting at **7.55pm** to allow for quiet to be restored in the chamber.

The meeting reconvened at **8.05pm**.

7. PLANNING APPLICATIONS FOR DECISION

7.1 94 Fairfield Road, London, E3 2QP

Mr.Terry Natt introduced the report, which he described as having three elements:

- 1) The demolition of all existing structures on site with exemption of Pelican Cottage; and
- 2) The erection of 86 mixed new build dwellings; and
- 3) Alterations and refurbishment of Pelican Cottage.

In conclusion, it was noted that the design had been worked upon for the last two years.

Members of the Committee asked questions about the location of the site, raised concerns in respect of no provision for pedestrian crossing, the implications for the safety of children using the road and the accessing of the development from one side to the other. Concerns were also raised about consultations on the development and air quality.

In response, Mr.Natt explained that the Highways Department had been consulted about where the movement of people was likely to take place and had registered no concerns. Consultations on the development had taken

place on a fairly typical standard consultation exercise. All parties within a one hundred metre radius had been approached for their views.

Finally, air quality was one of the conditions imposed as a condition of approval to ensure all statutory obligations met.

On a unanimous vote the Committee RESOLVED that **(1)** planning permission for the demolition of existing structures and the erection of 86 new dwellings, including affordable housing in a building extending between 2 and 9 storeys in height be GRANTED subject to:

A The prior completion of a **legal agreement** to secure the following planning obligations:

- A contribution of **£132,762** to mitigate the demand of the additional population on education facilities;
- A contribution of **£119,603** to mitigate the demand of the additional population on health care facilities;
- Affordable Housing provision at **35%** of habitable rooms with a 75/25 split between affordable rented/shared ownership to be provided on site;
- A contribution of **£54,044** to mitigate the demand of the additional population on open space facilities;
- Completion of a 'Car Free' agreement to restrict occupants applying for residential parking permits;
- The submission and approval of a Travel Plan, to promote sustainable means of transport;
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents in and post construction phase;
- The provision and maintenance of a Car Club space within the development;
- Developer to adhere to the code of construction practise.

B. That the Corporate Director Development & Renewal has delegated power to negotiate the legal agreement indicated above.

C. That the Corporate Director Development & Renewal has delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Submission of material samples
- 3) Details of lighting within the site
- 4) Detailed Landscape plan
- 5) Hours of construction limits
- 6) Piling hours of operation limits
- 7) Renewables
- 8) Contaminated Land
- 9) Archaeological programme
- 10) Refuse and recycling
- 11) Construction management plan
- 12) Lifetime homes and 10% wheelchair accessible
- 13) Electric car charging point
- 14) Code for sustainable homes
- 15) Details of insulation of the ventilation system and any associated plant required
- 16) Air quality management
- 17) Secure by Design
- 18) Highway works
- 19) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Subject to S106 agreement
- 2) Contact Highways Department
- 3) 278 works surrounding the site
- 4) Wheel-washing facilities
- 5) Section 72 works
- 6) To be read in conjunction with PA/08/1090 and PA/08/1089

That, if by 29 August 2008 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.

(2) That the Committee resolved that Conservation Area Consent be **GRANTED** subject to:

Conditions:

- 1) Time Limit
- 2) Works in accordance with approved plans
- 3) Hours of demolition

Informative:

- 1) To be read in conjunction with PA/08/1088 and PA/08/1089

(3) That the Committee resolved that Listed Building Consent BE **GRANTED** subject

to:

Conditions:

- 1) Time Limit
- 2) Submission of detailed drawings
- 3) Submission of samples

Informative:

- 1) To be read in conjunction with PA/08/1090 and PA/08/1088

7.2 Jubilee Place, Heron Quay, London, E14 4JB

Mr.Stephen Irvine briefly introduced the application and invited Ms.Rachel McConnell to present the report.

Ms.McConnell informed the Committee that the proposal was for the change of use of existing floor space to provide Class A floor space, storage and mall circulation.

There were no questions or observations on the application.

On a unanimous vote the Committee RESOLVED that planning permission for the change of use of existing floor space and removal of existing car park to form Class A floor space with ancillary service area, storage and mall circulation area be GRANTED subject to:

- A. The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) Access to Employment Initiatives
 - b) Local labour in Construction
 - c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative(s) to secure the following matters:

Conditions

1. Standard time limit
2. Construction method statement
3. Service Management Plan
4. Energy condition
5. Any other planning condition(s) considered necessary by the Corporate

Director Development & Renewal

Informatives

1. Environment Agency Informative
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

7.3 West India Dock Pier, Cuba Street, London, E14

Mr.Stephen Irvine briefly introduced the application and invited Mr.Terry Natt to present the report.

Mr.Natt informed the Committee that the proposal was for a change of use of disused passenger pier to a residential mooring.

Dr.Amjad Rahi spoke in objection to the proposal, he asked the Committee to reflect that the granting of planning permission was more than an adherence to planning policies and rules, but the preservation of sustainable communities. The pier had been designated for passenger use since 1940. There was a suspicion that previous applications in 2003 and 2005 had been a front for undisclosed activities. There had been 400 objections to the proposed scheme in 2005, which happily had not progressed.

In conclusion, Dr.Rahi said he believed there were some factual inaccuracies in the report and appealed to the Committee to reject the application.

Councillor Ahmed Hussain spoke in objection, on behalf of Councillor Shirley Houghton (unable to be present due to holiday commitments) and expressed concern that at the expiration of the time limit of 1 year, the Applicant had to return to this Committee and not Licensing Sub-Committee. Further concern expressed that unlike the application made in 2005 for a commercial licence, no commercial licenses should be granted. The view was also expressed that any moorings should be conditional upon permission being granted for smaller craft.

Members of the Committee asked questions about the imposition of restrictions on the type of craft and whether they could be used for sleeping or sub-letting. Questions also posed about possible use as temporary prisoner accommodation or half way house provision.

Mr.Irvine assured Members that the Council had powers to control the use of accommodation, but not who occupies. Other aspects of concern by Members were covered by relevant legislation and would require planning permission to be sought.

On a unanimous vote the Committee RESOLVED that temporary planning permission for the change of use from disused passenger pier to a residential mooring be GRANTED subject to:

That the Corporate Director, Development and Renewal has delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Limit time period for 1 year
2. Only one vessel to be moored at the site at any one time
3. The vessel shall not be used for temporary sleeping accommodation or for holiday lets
4. No discharge of sewage into the river
5. Limit works to the vessel at the application site to minor maintenance only
6. Grampian condition to prevent residents from applying for parking permits
7. Any other informative(s) considered necessary by the Corporate Director, Development & Renewal

Informatives

1. Works to pier may require planning permission
2. River works license required from PLA
3. Any other informative(s) considered necessary by the Corporate Director, Development & Renewal

The meeting ended at 8.35pm.

Councillor Shafiqul Haque
Chair
Development Committee