

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 5 JANUARY 2006

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)
Councillor David Edgar
Councillor Janet Ludlow
Councillor Martin Rew
Councillor Julian Sharpe

Officers Present:

Brian Bell	– Clerk to the Committee
Stephen Irvine	– Applications Manager, Planning
Helen Randall	– Legal Advisor/Trowers and Hamlins
Alison Thomas	– Manager, Social Housing Group

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Abdul Asad.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. MINUTES OF 3.11.5 MEETING

The Clerk advised that in relation to the issue arising at the last meeting, it was a requirement that members be present throughout the hearing of any case. This did include any officer introduction, and did apply regardless of whether the application had been appealed. The member concerned had therefore acted correctly in declining to take part in the debate or decision.

RESOLVED – That the minutes of the Strategic Development Committee held on 3rd November 2005 be confirmed as an accurate record and signed by the Chair.

4. DEPUTATIONS

It was agreed to accept a deputation from Mr Jason Binns, speaking on behalf of the applicant for item 5.1.

In respect of items 5.2 and 5.3, officers advised that the reports needed to be deferred to allow for further consideration of the GLA's views, clarification of the amount of family-sized accommodation, and the allocation of amounts to be secured via the Section 106 agreement.

5. ICELAND WHARF, ICELAND ROAD, LONDON E3 2JP (REPORT NUMBER SDC007/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, which assessed an application for the demolition of existing buildings and erection of 5 blocks of up to 9 storeys to provide 205 residential units and 2 offices. The report detailed twelve grounds on which it was recommended for refusal. The principal one of these was that the site had been included within the Lower Lea Valley Strategic Employment Location, by the Mayor of London in the latest sub-regional framework of the London Plan. It should therefore in most circumstances, be safeguarded for employment generating or industrial uses.

In addition, the density proposed, at 1004 hrph, was over twice as much as the upper level indicated by current policies. The proposal provided insufficient affordable housing, and the wrong mix both of unit sizes and of tenures. The internal dimensions of some flats were unacceptable, there was insufficient amenity space and it was not clear that any were wheelchair accessible. The design was considered insensitive, particularly in the way it overshadowed the River Lea, and the flood risk assessment had been deemed inadequate. The area suffered from poor infrastructure, especially access to public transport, and servicing facilities from Iceland Road were unsatisfactory. Finally, the site fell within the OLY4 area, which had outline consent as a car and coach parking facility serving the Olympic Games.

Addressing the committee on behalf of the applicant, Mr Jason Binns argued that the issues were not as black and white as they had been portrayed. The applicant believed they had addressed some of the objections outlined in submitting revised plans and could have resolved others in further meetings with planning officers. The amount of social housing and the unit mix had been improved, and access and servicing resolved. They contended that the London Development Agency were not objecting to the proposal but expressing their own interests in respect of the site.

In relation to the employment issues, the applicant had commissioned and submitted their own study from a recognised consultant, which had concluded that the loss of industrial and employment uses was justified in this case. He pointed out that the units to be provided on the Wick Lane frontage could be used for other employment or industrial uses, and should not be restricted to offices. It was their view that the application was not contrary to Unitary Development Plan or Local Development Framework policies, and that mixed use was better than leaving the site in its current condition and usage. He concluded by drawing attention to other similar schemes nearby, which the applicant believed had set a precedent.

In response to members' queries, he stated that fewer than 10 people were currently employed on the site but believed that this would rise to between 25 and 50 if redevelopment proceeded. The density had been reduced to 940 hrph in the revised plans submitted on November 7th, and the British Waterways and Environment Agency's concerns would be addressed during a further redesign.

In reply, Mr Irvine confirmed that the LDA did object along with the EA, Thames Gateway Development Corporation and Olympics JPAT, while BW, the police and Tower Hamlets Primary Care Trust had registered concerns. He believed the applicant had lodged a single set of new plans on 7th November as a tactic, and had known very well that a single set would be useless for consultation with the range of statutory and other partners required. While live/work units had been allowed elsewhere in the greater Fish Island area prior to its designation as a Strategic Employment Location, he contended that no residential schemes had. The consultants report submitted had not taken account of the most recent policies, and he did not accept that the UDP, LDF or London Plan supported the proposal.

In response to members' queries, he acknowledged the difficulties of understanding the hierarchy of successive planning policies. Since the completion of the first round of consultation, the Draft LDF contained the policies which were the principal material considerations, and the site was designated as a Strategic Employment Location within this. With regard to whether it should have been brought for determination at this stage, he had felt that there would have been little value in further negotiation on the basis of this application. A refusal would allow the applicant the options of either appealing that or submitting a new one. As previously referred to, he also believed that there had been a history of bad faith in this case.

In response to further members' queries, he advised that similar residential applications in the area had recently been refused, e.g. Stour Wharf. While an application was rarely recommended for refusal on density grounds alone, this tended to be symptomatic of overdevelopment, and to be reflected in other issues such as unacceptably small flats, unsympathetic design, inappropriate unit mix, etc, which were all present here.

Ms Alison Thomas (Housing Development Manager) confirmed that the proposal was in contravention of current policies in relation to overall amount of affordable housing, mix of rental and intermediate units, and provision of family sized accommodation. Many of the rooms were too small with too little amenity space provided. In particular the high number of studio and one-bed flats proposed were often classic signs of an attempted overdevelopment.

On a vote of
4 IN FAVOUR
0 AGAINST
1 ABSTENTION

It was **AGREED** that planning permission be **REFUSED** on the following grounds:

1) The proposed development represents a loss of employment generating uses in an industrial employment location. As such the proposal is contrary to:

(a) Policies EMP1, EMP2, and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough;

(b) Policy EE2 of the Draft LDF: Preferred Options: Core Strategy and Development Control Development Plan, which seeks to ensure that any development that includes a change of use from B1 and B2 is strongly resisted and any development that is proposed in the vicinity of a Strategic Employment Location that may give rise to pressure to curtail the industrial use is resisted;

(c) Policy LS2 of the Preferred Options: Leaside Area Action Plan 2005, which states that no loss of employment land will be permitted on sites safeguarded for industry, including Fish Island South; and

(d) Policies 2A.7 and 3B.6 of the London Plan, which seek to promote and manage the varied industrial offer of Strategic Employment Locations and require Boroughs to identify Strategic Employment Locations in UDP's.

2) The proposed non-industrial use would detrimentally affect the continued ability to use this area for industrial uses. The non-industrial may give rise to pressure to curtail the industrial use. As such, the proposal is contrary to:

(a) Policies EMP5 and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seek to ensure that incompatible development in the vicinity of existing industrial uses is not normally permitted;

(b) Policies EE2 and EE5 of the Draft Core Strategy and Development Control Development Plan which seeks to safeguard the retention, expansion and growth of employment provided by general industrial uses, resist the change of use from B1 and B2 uses, and resist development which may give rise to pressure to curtail the industrial uses.

(c) Site Allocation LS4 'Fish Island South' of the Preferred Options: Leaside Area Action Plan 2005 which states that no further residential development will to be permitted other than those currently under construction.

3) The proposal would amount to an over development of the site, with a proposed residential density of 1,004 hr/ha in an area of low public transport accessibility and without the other physical and social infrastructure necessary to support a residential population. As such it is contrary to:

(a) Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998 which defines a normal guideline of 247 hr/ha for new residential development

(b) Policy HSG1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 and Policy 4.3B of the adopted London Plan 2004 which identify the appropriate density range for the site as being up to 450 hr/ha based on location, setting and public transport accessibility

4) The development would be insensitive to the context of the surrounding area by reason of design, mass, scale and height, fail to take account of the development capabilities of the site and adversely affect the development potential of adjoining land. As such the proposal is contrary to:

(a) Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 which require development to be sensitive to the surroundings and the development capabilities of the site;

(b) Policy UD1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which requires the bulk, height and density of development to relate to that of the surrounding building plots and blocks, and the scale of the street

5) The development would be insensitive to its location adjacent to the River Lea by reason of design, mass, scale and height, resulting in overshadowing that could potentially affect the river ecology. As such the proposal is contrary to:

(a) Policy DEV57 of the Tower Hamlets Unitary Development Plan 1998 which seeks to protect Sites of Nature Conservation Importance

(b) Policy OSN1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which seeks to protect and enhance all sites of nature conservation importance in the borough.

6) The submitted Flood Risk Assessment does not use the Environment Agency's most up to date flood levels, has not taken into account tidal flood risk and the Environment Agency have confirmed that it requires further consideration in terms of attenuating surface water run-off. As such the proposal is contrary to:

(a) Policies U2 and U3 of the Tower Hamlets Unitary Development Plan 1998 which seek to ensure appropriate flood protection to the satisfaction of the Environment Agency.

(b) Policy SEN2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which seeks to ensure that development does not put people and property at risk from flooding.

7) There is insufficient affordable housing provision within the proposed development. Affordable housing represents 32% provision in terms of habitable rooms, 30% in terms of gross floorspace and 24% in terms of the

total number of units. As such the proposal is contrary to:

(a) Policy HSG3 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which seeks a minimum requirement of 35% provision.

(b) Policy 3A.7 of the London Plan 2004 which requires developments to provide the maximum reasonable amount of affordable housing.

8) Both the development as a whole and the proposed affordable housing provision would fail to provide an appropriate mix of accommodation, with minimum provision of family accommodation. As such the proposal is contrary to:

(a) Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998 which requires new housing schemes to include a "substantial proportion" of family dwellings

(b) Policy HSG6 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which requires an appropriate mix of units to reflect local need and provide balanced and sustainable communities

9) The proposed development provides only 68% of the affordable housing provision as social rented accommodation in terms of habitable rooms. As such the proposal is contrary to:

(a) Policy HSG5 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 that stipulates a rental to intermediate ratio of 80:20 for all grant-free housing.

(b) London Plan Policy 3A.7 that states that 70% of the affordable housing should be social rental and 30% intermediate

10) The development would fail to provide a satisfactory standard of residential accommodation. The internal size of a number of flats is inadequate, the development provides insufficient provision of amenity space, whilst the applicant has not demonstrated that any of the flats meet Lifetime Home Standards or are wheelchair accessible. As such the proposal is contrary to:

(a) Policy HSG13 of the Tower Hamlets Unitary Development Plan 1998 which requires all new housing development to have adequate provision of internal residential space (in accordance with standards defined in the Supplementary Planning Guidance Note: Residential Amenity Space, 1998)

(b) Policy HSG16 of the Tower Hamlets Unitary Development Plan 1998 which requires all new housing developments to include an adequate provision of amenity space

(c) Policy HSG13 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which requires all new housing developments to provide exclusive amenity space in addition to a high quality of communal amenity space for housing developments over 10 units.

(d) Policy HSG2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 and Policy 3A.4 of the adopted London Plan 2004 which require all dwellings to meet Lifetime Homes Standards and that 10% are wheelchair accessible

11) The development would fail to provide adequate turning facilities for service or emergency vehicles on Iceland Road in accordance with Planning Standard No. 3 of the Tower Hamlets Unitary Development Plan 1998. As such the proposal fails to comply with Policy T17 of the adopted UDP.

12) The proposal is located within the Olympic OLY4 site, which has outline consent for an Olympic car and coach parking facility. The London Development Agency has confirmed that the proposed development is not compatible with the current plans for the OLY4 development. As such the proposed development is considered to be premature and in direct conflict with the planning permission issued for OLY4.

**6. SUTTONS WHARF, PALMERS ROAD, LONDON E2 0SF - PA/04/01666
(REPORT NUMBER SDC008/056)**

Deferred.

**7. SUTTONS WHARF, PALMERS ROAD, LONDON E2 0SF - PA/05/01727
(REPORT NUMBER SDC009/056)**

Deferred.

Close of Meeting

The meeting ended at 8.40 pm.

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Councillor Rofique Uddin Ahmed
Chair, Strategic Development