

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 29 MAY 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 M. Shahid Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Ahmed Adam Omer
Councillor Joshua Peck

Other Councillors Present:

Councillor Tim Archer
Councillor Philip Briscoe
Councillor Dr. Emma Jones
Councillor Motin Uz-Zaman

Officers Present:

Megan Crowe	– (Planning Solicitor, Legal Services)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Jen Pepper	– (Affordable Housing Programme Manager)
Louise Fleming	– Senior Committee Officer

1. ELECTION OF VICE CHAIR

The Committee RESOLVED that Councillor Ahmed Omer be elected Vice-Chair of the Strategic Development Committee for the 2008/09 municipal year.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received. Councillor Shahed Ali would be arriving late.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Md. Shahid Ali	7.1	Personal	Live in the same ward as the application site
Md. Shahid Ali	7.4	Personal	Live in the same ward as the application site
Shahed Ali	7.3	Personal	Application site in ward adjacent to Councillor's ward
Shafiqul Haque	7.3	Personal	Application is within Councillor's ward and received an e-mail from an objector
Ahmed Omer	8.1	Personal	Applications are within Councillor's ward

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 17th April 2008 were agreed as a correct record.

5. 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.

6. PROCEDURE FOR HEARING OBJECTIONS

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

7. DEFERRED ITEMS

There were no deferred items.

8. PLANNING APPLICATIONS FOR DECISION

The order of business of the meeting was varied for procedural convenience but all items are shown in their original agenda order, for ease of reference.

8.1 Car Park At South East Junction Of Prestons Road And Yabsley Street, Prestons Road, London, E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of buildings between 7 and 17 storeys comprising 43

sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; and 8 x 5 bed); 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14.

Mr Andrew Moores spoke in objection on the grounds that he felt there were errors in the report. The current car park was a benefit to local residents which would be lost through the redevelopment of the site.

Mr Iestyn John spoke on behalf of the applicant. He informed the Committee that there were high levels of amenity space and family housing proposed. Consultation had taken place with officers and the GLA, who were satisfied. He outlined the benefits of the proposal and advised that a daylight/sunlight analysis had been carried out.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He outlined the reasons why the application had been recommended for approval and the mitigation measures proposed in relation to noise nuisance and air quality. He advised that it exceeded affordable housing policy requirements and the loss of daylight/sunlight was not sufficient to sustain a refusal.

Members expressed concerns relating to the proximity of the site to the Northumberland Wharf Waste Recycling and Transfer Station Centre and how this would affect the access to and future use of the Centre; and noise and air quality. Members also asked questions relating to the use of the commercial centre, archaeology, density, the accuracy of the PTAL rating and the sustainability.

Mr Natt advised that the commercial unit would be in the A1 – A3 Use Class. Planning policies recommended that density be maximised in areas with high PTAL ratings. Mr Kiely advised that the application would be brought back before the Committee if the PTAL rating was not correct.

Members expressed concern that the Director of Communities, Localities and Culture had not been consulted on the application, as the Waste Centre was of strategic importance for the Borough and the Council's Waste Strategy was due to be considered in September. Mr Kiely advised that the owner of the site had been consulted and had not raised a concern.

On a vote of 5 for and 1 against, the Committee RESOLVED that the Corporate Director Development & Renewal be authorised to GRANT planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; and 8 x 5 bed); 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14 subject to

consultation with the Director of Communities, Localities and Culture; and ensuring the accuracy of the PTAL rating for the site subject to

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement to secure the following obligations:
 - a) Affordable housing provision of 37% of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/shared ownership to be provided on site.
 - b) A contribution of £198,784 to mitigate the demand of the additional population on health care facilities.
 - c) A contribution of 234,498 to mitigate the demand of the additional population on education facilities.
 - d) A contribution of £75,000 for civic works required and upgrading the lights and controller, and £75,000 to TfL for a commuted sum of ten years to ensure the operation of the lights.
 - e) £30,000 for the upgrade of pedestrian links to Blackwall Station.
 - f) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 - g) Preparation, implementation and review of a Green Travel Plan.
 - h) Car Free Agreement.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Permission valid for 3 years.
- 2) Details of the following are required:
 - a) Samples of materials for external fascia of building
 - b) Ground floor public realm
 - c) Cycle parking
 - d) Security measures to the building
 - e) All external hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
 - f) The design of the lower floor elevations of commercial units including shopfronts
- 3) Details of the design and the proposed use of the commercial use on the ground floor to be submitted and approved.
- 4) Details of site foundations.
- 5) Details of the basement car parking and access ramp
- 6) The storage and collection/disposal of rubbish

- 7) Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces.
- 8) Investigation and remediation measures for land contamination (including water pollution potential).
- 9) Archaeological investigation.
- 10) Construction Environmental Management Plan, including a dust monitoring.
- 11) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
- 12) 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.
- 13) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday.
- 14) Details of the disabled access and inclusive design.
- 15) Details of the highway works surrounding the site.
- 16) Details of child play space on site.
- 17) Details of contamination risk assessment.
- 18) Details of piling and site foundations.
- 19) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) Section 106 legal agreement required.
 - 2) Section 278 (Highways) agreement required.
 - 3) Construction Environment Management Plan Advice.
 - 4) Environment Agency Advice.
 - 5) Ecology Advice.
 - 6) Environmental Health Department Advice
 - 7) Metropolitan Police Advice
 - 8) Transport Department Advice
 - 9) London Underground Advice
 - 10) Landscape department advice
 - 11) Contact the GLA regarding energy proposals
- E That if by 29th August 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

(Councillor Shahed Ali could not vote on the above item as he had not been present for the entire duration of the consideration).

8.2 Caspian Works and Lewis House, Violet Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of Caspian Works and Lewis House, Violet Road.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application and explained that it was the revision of a previously approved scheme and outlined the differences. The contributions contained in the S106 legal agreement had been increased from the previous scheme.

Members asked questions relating to the affordable housing split, whether or not the development was gated, and the lighting of the towpath.

The Committee unanimously RESOLVED that planning permission for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (32.2 metres) for mixed uses purposes including 191 residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, child's play area, landscaping, access and servicing at Caspian Works and Lewis House, Violet Road be GRANTED subject to

- A Any direction by the Mayor of London
- B The prior completion of a legal agreement to secure the following planning obligations:
 - a) A proportion of 46.5% on habitable rooms proposed to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.
 - b) Provide £1,961.54 towards bus stop survey.
 - c) Provide £15,692.31 towards bus stop improvements.
 - d) Provide £62,769.23 towards highway safety improvements.
 - e) Provide £309,972.66 towards education to mitigate the demand of the additional population on education facilities.
 - f) Provide £626,860.22 towards medical facilities to mitigate the demand of the additional population on medical facilities.
 - g) Provide £23,538.46 towards public art.
 - h) Provide £20,000 for British Waterways improvements.
 - i) Provide £43,762 towards the improvements to the Langdon Park DLR station.
 - j) Provide car-free agreement, Transport Assessment, s278 agreement, TV/radio/DLR reception monitoring and impact mitigation, and employment/training initiatives.
 - k) Lighting of the towpath.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D 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 for Full Planning Permission.

- 2) Details of the following are required:
 - a) External appearance and materials board
 - b) Design and ground floor
 - c) Balcony details
 - d) Privacy screens to balconies
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 4) Parking maximum cars and minimum cycle and motorcycle spaces.
- 5) Hours of construction limits (0800 – 1800 Mon-Fri; 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required.
- 8) Wheel cleaning facility during construction.
- 9) Details of the energy scheme to meet 20% renewables.
- 10) Land contamination study required to be undertaken with remediation certificate.
- 11) Method of piling as required by the Environment Agency (EA)
- 12) No infiltration to ground waters required by EA.
- 13) No storage within 10m of Limehouse Cut required by EA.
- 14) Storage facilities for oil, fuels and chemicals required by the EA.
- 15) Details of foul and surface drainage system as required by the EA.
- 16) Method statement for waste removal during construction phase as required by the EA.
- 17) Archaeology as required by English Heritage.
- 18) Details of insulation measures.
- 19) Details of the waste and recycling facilities.
- 20) Construction Management Plan required.
- 21) Lifetimes homes Standards and 10% wheelchair accessible.
- 22) Reservation of access to DLR land.
- 23) Extract ventilation for Class A3 premises.
- 24) No roller shutters on commercial units.
- 25) Details of Code for sustainable homes compliance.
- 26) Access to children's playground for Hoe residents.
- 27) Access for disabled to be implemented prior to occupation and maintained.
- 28) Details of brown roofs
- 29) Implementation of the energy system to meet a minimum of 20% of the scheme's energy demand.
- 30) Historic building recording as required by English Heritage.
- 31) Ensure development remains un-gated.
- 32) Any additional conditions as directed by the Corporate Director Development & Renewal.

Informatives

- 1) Subject to S106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-16
- 3) Site notice specifying the details of the contractor required
- 4) EA prior approval for dewatering
- 5) Waste storage

- 6) Registration of food premises
- 7) Inspection prior to occupation
- 8) Obtaining consent under the pollution act prior to commencement.
- 9) Submission of an archaeological project design
- 10) S278 Highways agreement
- 11) Licence for structures over-sailing the public highway
- 12) Dedication of land adjacent to the public highway
- 13) Drainage provision
- 14) Fitting petrol/oil interceptors
- 15) Installation of fat traps
- 16) Water supply provision
- 17) Consult Metropolitan Police in respect of conditions 2 and 3
- 18) Prepare archaeological project design in respect of condition 17 to address impact to archaeological remains as required by English Heritage
- 19) Asbestos survey and handling

E 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.

8.3 St Georges Estate, Cable Street, London

Mr Michael Kiely, Head of Development Committee, introduced the site and proposal for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed); including the erection of four townhouses and erection of a community centre of 510 sq m and landscaping at the St George's Estate, Cable Street, London.

Ms Lucy Shrapnell spoke in objection on the grounds of privacy, increased traffic movements and noise. She felt that there were errors in the report and raised concerns relating to the conservation area.

Mr Warwick Croucher spoke in objection on the grounds of height, scale, bulk, density and the effect on daylight/sunlight. He felt that the proposals would be contrary to planning policies, local guidance notes and national standards.

Mr Steve Inkpen spoke on behalf of the applicant. He advised that the application was needed to provide funds for regeneration. He felt that the proposal would transform the estate by increasing open space and improving security. Residents had been consulted on the proposals.

Mr John Bell spoke in support on behalf of the residents. He reiterated the points made by Mr Inkpen and informed the Committee that there had been extensive consultation over the past 8 years. He felt that the estate would be improved and was important to the area as a whole.

Cllr Dr Emma Jones spoke on behalf of the residents in objection to the scheme. She expressed concern over family housing levels and noise nuisance. She did not feel that the mitigation measures proposed were suitable and that by infilling the development a fortress appearance would be created.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He explained that the new homes proposed on the estate were vital to provide cross subsidy and for the implementation of the Decent Homes Plus Standard across the whole estate. He explained that 25% of the proposed new homes were affordable housing, which was below the Council's minimum 35% target, but that the principle of allowing a reduced amount of affordable housing in regeneration schemes was contained in policy HSG9 of the Interim Planning Guidance. The benefits of the scheme included landscaping and open space. The Highways department considered the scheme to be acceptable and the loss of daylight/sunlight was not sufficient to sustain a refusal.

Members asked a number of questions relating to S106 contributions, the exact numbers of units proposed, the consultation which had taken place with residents, the proposed mitigation measures and the conservation area. The Committee expressed concerns over the number of corrections to the report which were contained in the update report, and that Members had not had sufficient time to consider them.

The Committee RESOLVE that the application for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed); including the erection of four townhouses and erection of a community centre of 510 sq m and landscaping at the St George's Estate, Cable Street, London be DEFERRED to allow officers to amend the discrepancies in the report.

8.4 2 Trafalgar Way, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of the site to provide a residential led, mixed use scheme including two towers of 29 and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail/financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking at 2 Trafalgar Way.

Mr Julian Carter spoke on behalf of the applicant, outlining the benefits of the scheme which included affordable housing, child play space, private amenity space and £3 million in S106 contributions for health, education and the improvement of Preston's Road.

Councillor Tim Archer spoke on behalf of the residents. He felt that the design of the building was stunning. However, he was concerned about the impact of the development on the conservation area and the comments received from English Heritage. He also expressed concern about the density of the scheme and the noise which would be generated from the road and MacDonalds.

Mr Terry Natt, Strategic Development Committee, presented a detailed report on the application. He advised the Committee that the GLA was in support of the scheme. It was the view of officers that the proposal did not display any symptoms of overdevelopment and was appropriate in the location.

Members asked questions relating to the viability assessment undertaken, the cost of improvement to the roundabout and the provision of affordable housing. The Committee was in agreement that the design was of a superior quality; however concerns were expressed in respect of the density and the suitability of the site.

Mr Natt advised that work was being carried out on a Masterplan for the area to secure contributions from all developments in the area towards traffic improvements. No accurate costings had been provided by TfL. He advised that although the development did not meet the Council's targets in relation to affordable housing, a balance needed to be sought between the provision of housing and improving an area or environment. The viability of the scheme also needed to be taken into consideration.

On a vote of 0 for, 4 against and 2 abstentions the Committee indicated that it did not support the officers' recommendation to grant planning permission for the redevelopment of the site to provide a residential led, mixed use scheme including two towers of 29 and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail/financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking at 2 Trafalgar Way. On a vote of 4 for, 1 against and 1 abstention the Committee RESOLVED that planning permission be REFUSED on the grounds that

- 1) The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim

Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.

9. SPECIAL PLANNING CONSIDERATIONS

9.1 Observations to Olympic Delivery Authority

Mr Michael Kiely, Head of Development Decisions, presented a detailed report which outlined the proposals of the Olympic Delivery Authority to construct an Energy Centre on land East of River Lee Navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4, London E15.

Mr Kiely summarised the observations proposed to be made to the ODA in respect of the development and outlined the concerns of the Council, namely that telecommunications had not been included in the proposal. He advised that the ODA was remaining resistant to the Council's previous recommendations regarding biomass fuel; however the Council would continue to maintain its position on the issue.

Members asked questions relating to the access to the site by the Canal, the transportation of materials to the site by barge, discharge and emissions and the advertising on the site. It was felt that any advertising on the site should be Olympics related.

The Committee unanimously RESOLVED that observations to the Olympic Delivery Authority on the following proposals:

1. Reserved matters application and submission of details with respect to OD 4.1 (i) to (xvii), OD 4.2, OD4.3, OD 4.4 and OD4.5 of Outline Planning Permission (Ref: 07/90010/OUMODA) for the Olympic, Paralympic and Legacy Transformation Planning Applications: Facilities and their Legacy Transformation dated 28/9/2008 for the construction of a new Energy Centre building housing combined heat and power units, absorption chillers, gas boilers, electric chillers and associated plant and use of an existing 2 storey building to house biomass boilers, offices and a visitors centre and provision of 3 car parking spaces.
2. The construction of inter-connecting flue between the existing two storey building and the proposed energy centre.

on land East of River Lee Navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4, London E15 be made as follows:

In overall terms the Council is impressed with the design of the proposed energy centre and flue stack. The retention of the existing western building is

also welcomed. However, the Council has a number of concerns over detailed aspects of the proposals which should be resolved prior to the determination of the application.

- The Council objects to the current design of the Energy Centre as it does not make provision for the future installation of telecommunications equipment within the flue stack, and it has not been demonstrated that the Energy Centre will not be required to host such equipment.
- The Council objects to the omission of a grade entrance route to the visitors centre in the retained building.
- The Council objects to the failure to provide a step-free access to the Energy Centre control room.
- The Council objects to the approval of any design of the retained building that does not make provision for barge deliveries, or that precludes barge delivery in the future.
- The Council would object to the discharge of any previous s106 commitment to deliver up to 50% of biomass fuel by barge without further justification.
- The Council would object to the proposal unless the ODA demonstrate that consideration has been given to extending the CHP/CCHP scheme beyond the boundary of the Olympic site into surrounding communities.
- The Council would object to the proposal unless the ODA demonstrate that the CHP infrastructure delivered as part of the Energy Centre would not prejudice the future delivery of a more comprehensive network in the Fish Island area. As a minimum the Council would need to be satisfied that connection facilities to the west are capable of being provided in the future and that there are no impediments as a result of this development that would frustrate these connections being made in the future. This would include the location of, sufficient capacity for and no obstruction to the routes of those potential connections.

The Council would also make the following requests for further information/clarification which should be provided prior to the determination of the application:

- Additional information detailing accessible access routes from the site perimeter to the building entrances and of the detailed design of the accessible toilets.
- Additional assessments into the potential for windborne noise disturbance from the interconnecting flue structure.
- Additional assessment of the potential impact of any external lighting on flight paths to City Airport and the closest residential properties.
- Detail of the energy efficiency measures that would be applied to the new building and the retained building.
- Does the ODA intend to supply power from the Energy Centre to domestic customers?

- Can the ODA confirm that the management of the Energy Centre will sign a statement of commitment to only procure the biomass fuel from a sustainable and certified fuel supplier?
- Details need to be provided of site-wide voltage optimisation to tap down over-supply of electricity from the grid.
- That an assessment is made to determine the carbon cost of any external lighting proposals.
- Any advertisement on site would require planning permission and should be Olympics related.

Requests for conditions

A condition should be placed on any permission setting maximum permitted noise levels at closest residential receptors.

A condition should be placed on any permission restricting the hours of operation of external illumination unless it is demonstrated that it would not have any impact on residential amenity.

The meeting ended at 9.45 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee