

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 4 AUGUST 2009

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Marc Francis (Vice-Chair)
Councillor Rania Khan
Councillor Dulal Uddin

Councillor Helal Abbas (Deputising for Councillor Shiria Khatun)
Councillor Tim Archer (Deputising for Councillor Rupert Eckhardt)

Other Councillors Present:

None

Officers Present:

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager)
Rachel McConnell	– (Interim Applications Manager)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Jason Traves	– (Planning Officer)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
John Williams	– (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Shahed Ali, Councillor Rupert Eckhardt (for whom Councillor Tim Archer was deputising) and Councillor Shiria Khatun (for whom Councillor Helal Abbas was deputising).

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Helal Abbas	7.1	Personal	Resides in the ward
Helal Abbas	7.3	Personal	Received 2 e-mails on the subject (unopened)
Tim Archer	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Tim Archer	7.2	Personal	Ward Councillor, Blackwall and Cubitt Town; and spoke previously against the application in relation to issues which have now been addressed.
Alibor Choudhury	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Stephanie Eaton	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Marc Francis	6.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Rania Khan	6.1	Personal	Correspondence received from concerned parties.
Rania Khan	7.1	Personal	Ward Councillor, Bromley by Bow.
Dulal Uddin	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.

3. UNRESTRICTED MINUTES

It was noted that due to a clerical error the draft minutes contained in the main agenda pack were incorrect. The correct version had been circulated with the supplemental agenda.

The Committee noted a typographical error in relation to the time of adjournment of the previous meeting. This should read 'The Chair adjourned the meeting at 9.30pm and reconvened at 9.38pm' and had been corrected in the revised draft minutes.

RESOLVED:-

That subject to the above, the minutes of the meeting held on 25th June 2009 be agreed and approved as a correct record.

MATTER ARISING FROM THE MINUTES

Councillor Archer enquired as to why the application in respect of the Eric and Treby Estates, deferred at the previous meeting to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision, was not included on the current agenda.

Owen Whalley, Head of Major Project Development, reported that the application had not been determined and remained live. The applicant had indicated that they wished to make amendments to their proposal to address the issues raised by the Committee and this was permissible. The amended proposal had not yet been received and the officers therefore decided not to bring a report to the current meeting. However, the matter would come back to the Committee at a future date. In the event that the amendments to the scheme were substantial, this would be as a fresh report and new public speaking rights would apply. If no amended scheme was submitted, the officers would report back with reasons for refusal as agreed at the last meeting.

The Chair and a number of Members expressed concern about the delay in determining this application and asked that a report be submitted to the next meeting. Councillor Archer asked that in the meantime the officers circulate a note of the reasons given by the Committee as to why they were minded to refuse the application and Mr Whalley undertook to do this.

4. RECOMMENDATIONS

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.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Hertsmere House, 2 Hertsmere Road , London E14 4AB

Jerry Bell, Interim Strategic Applications Manager, presented the application to the Committee and outlined the key points in the officers' report circulated with the agenda and the further update report tabled at the meeting.

After consideration of the reasons for refusal as set out in the report and the additional information set out in the tabled update report, on a vote of 5 for and 0 against with 1 abstention, the Committee

RESOLVED:-

1. That the application for planning permission PA/08/02709 be REFUSED, subject to any direction by the Mayor of London, for the following reasons:
 - (i) The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
 - (ii) The proposed development would result in unacceptable loss of daylight to Matthew House, Riverside House and Mary Jones

House and an unacceptable loss of sunlight to Riverside House and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

2. That the application for conservation area consent PA/08/02710 be REFUSED, for the following reasons:

The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

(Councillors Helal Abbas and Rania Khan could not vote on the above application as they were not present when the item was considered on 25th June 2009.)

7. PLANNING APPLICATIONS FOR DECISION

7.1 100 Violet Road, London, E3 3QH

Owen Whalley, Head of Major Project Development, introduced the application for consideration by the Committee.

Ms Annamaria Mignano addressed the committee in objection to the application. Ms Mignano stated that she represented other homes and businesses in the area and outlined concerns about the proposed development. She felt that there was a lack of any coherent strategic guideline for this stretch of road and this was a missed opportunity which could lead to damaging planning permissions being given on an ad hoc basis. Any proposed building on this site should be set back at least 5m from the existing pavement, should have no overhang above the pedestrian area and no waste bins at the front. Ms Mignano expressed concern at the quality of the materials proposed for the development; and considered that at least 25% of any section 106 contribution should be spent in the immediate area of the development.

Ms Jade Khilji addressed the committee on behalf of the applicant. She stated that the owner had operated a clothing business in the borough since 1973 and wanted to remain in the locality and contribute to regeneration but needed to improve the premises and was proposing significant investment to do so. 90% of the business's employees were local workers. Ms Khilji stated that the facilities and design features of the proposed development were in

line with adopted policies and were designed to benefit the area and address any concerns expressed. The development would be car-free, culturally sensitive and would respect the building's heritage and locality and incorporate the highest standards of sustainability.

Mr Bell presented the application to the Committee including the main elements of the proposal and the key planning considerations as set out in the officers' report circulated with the agenda and the update report tabled at the meeting. He corrected two typographical errors in the officers' report:- At paragraph 4.2 the split between social rented and intermediate tenures should read '78:22', not '68:22'; and at paragraph 8.52 the number of child bed spaces should read '21/26', not '62'.

Members of the Committee asked a number of questions about the application relating to the sunlighting/daylighting effect on neighbouring properties; the lack of 4+ bedroom properties proposed; the design and orientation of the building; the potential for car club and disabled parking spaces; the need for a corridor study of the area; the proposed density of the development; limited access to the amenity space provided; the appropriateness of light industrial use in this development; consultation with the owners of the neighbouring Heather Lodge and with potential occupants of Caspian Wharf Blocks A, C and D; whether local residents had requested any meetings with planning officers or submitted any petition about the proposals.

In response the officers reported that:-

- Full daylight and sunlight tests had been carried out as described in the report and in compliance with BRE guidance. Overall the impact of the development in terms of daylighting and sunlighting, overshadowing and privacy was considered acceptable.
- Directional or obscured windows were used as necessary. There would be no windows on the ground-6th floors of the elevation of Caspian Wharf to the south of the site, and only secondary windows to the upper floors.
- The development included a good mix of 2 and 3 bedroom accommodation. 3 bedroom units were considered family sized accommodation.
- The amenity space provided was primarily for use by the residents of the development and was adequate for this purpose.
- The front of the building, entrances etc would face onto Violet Road.
- There was provision for a car club at Caspian Road which residents could access
- The constraints of the site could accommodate only one disabled parking space but there was space nearby for further on-street spaces if required.
- The application must be determined on the basis of existing policies and it would not be appropriate to defer pending a corridor study that was not currently underway.

- The density of the proposed development would not result in overdevelopment and in view of a number of beneficial aspects of the scheme, on balance a high density mixed use development was justified in this location.
- The commercial uses on the ground floor would act as a buffer between the light industrial and residential elements of the scheme.
- There had been substantial consultation on the scheme in excess of statutory requirements. Consultation had been undertaken with the residents and manager of Heather Lodge (64-68 Violet Road) as set out in the update report. It was not possible to consult with potential occupants of a neighbouring block under construction but purchasers would undertake a search for planning permissions and would therefore be aware of the proposed scheme.
- No petition had been received. Local residents had sought a meeting but officers were unable to meet with objectors or supporters when considering an application.

Councillor Eaton suggested that, particularly in view of the vulnerability of the occupants of Heather Lodge, there should be a tighter restriction on hammer drilling/piling works that that currently proposed. The officers confirmed that a further condition could be included to this effect.

Councillor Archer moved and Councillor Eaton seconded an AMENDMENT that the application be deferred to allow for (i) consultation with the head office of Providence Row Housing Association, proprietors of the adjacent Heather Lodge; (ii) a corridor study of the area to be completed; and (iii) investigation of the possible provision of car club spaces and additional disabled parking spaces in the development. On a vote of 1 for and 6 against with 1 abstention the amendment was defeated.

After consideration of the information set out in the officers' report and update report, and the points raised by the speakers, on a vote of 7 for and 1 against, the Committee

RESOLVED:-

- (1) That planning permission be GRANTED for the demolition of the existing 2190sqm (GIA) building at 100 Violet Road, E3 3QH currently used for clothing manufacture (Use Class B1c); and redevelopment to provide buildings of between five and nine storeys for mixed-use purposes including 73 residential units (Class C3) (1 x studio; 20 x 1 bedroom; 36 x 2 bedroom; 16 x 3 bedroom), 1,300 sqm (GIA) of floorspace for the manufacture of clothing (Use Class B1c) and 100 sqm (GIA) of flexible commercial floorspace (Classes A1/A2/A3/A4/A5) or Gymnasium (Class D2), with associated roof terraces, landscaping, access and servicing, subject to:-
 - (a) Any direction by the Mayor of London; and to
 - (b) The prior completion of a legal agreement, to the satisfaction of the

Chief Legal Officer, to secure the items listed at paragraph 3.2 of the officers' report

- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement above.
- (3) That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters listed at paragraphs 3.5 and 3.7 of the officers' report, as amended by paragraph 4.1 of the officers' update report and subject to a further amendment to secure the following:-
 - Hammer drilling/piling works shall be undertaken for no more than two hours in any continuous session and shall then cease for at least one hour before resuming.
- (4) That, if by the decision date specified in the PPA, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director, Development & Renewal be delegated the authority to refuse planning permission.

7.2 2 Trafalgar Way, London

Mr Whalley introduced the application for consideration by the Committee. Jason Traves, Strategic Applications Planner, and Stephen Irvine, Development Control Manager, then presented the main elements of the proposal and the key planning considerations as set out in the officers' report.

Members of the Committee asked questions about a number of issues arising from the application including the most productive use of the £12.857m contribution for off-site affordable housing; whether this was a material planning consideration; why the affordable provision was equivalent to only 35% and not 50% as normally required for off-site provision; when the affordable housing contribution would be paid; the provision of car club parking spaces on site; the proposed density of the development; and noise, vibration and disturbance from Aspen Way.

Officers responded as follows:-

- The affordable housing contribution could be used to buy-back properties but it would be more cost effective to grant aid an RSL to purchase additional affordable units on the open market.
- The proposals in relation to affordable housing did represent a material planning consideration
- A 35% affordable contribution was supported by the independent assessment of viability.
- The section 106 contributions would normally be payable in stages as the development was occupied

- Car Club provision had been considered but this was not appropriate on the highway in this location and alternative provision was available nearby. However if required, it would be possible to provide 3 such places in the development as part of the section 106 agreement.
- The high density scheme was considered an efficient use of the site that would result in no significant adverse impact given a number of beneficial aspects as outlined in the report.
- Noise mitigation measures included triple glazed windows to flats on floors 1 to 10 and fixed, un-openable windows and a mechanical ventilation system for the first 5 floors.

In response to a question from Councillor Abbas about the desirability of including affordable housing within mixed developments, the Chair stated that in this case the Committee had previously expressed concern about the provision of family accommodation at this location given the site characteristics and connectivity, noise and air quality issues and the modifications to the scheme sought to address this.

Councillor Archer moved and Councillor Eaton seconded an AMENDMENT that the proposed off-site affordable housing contribution of £12.857m be ring-fenced to fund the building of new, additional housing in the borough not already planned. On a vote of 2 for and 4 against with 2 abstentions the amendment was defeated.

After considering the information in the officers' report, on a vote of 7 for and 0 against with 1 abstention, the Committee

RESOLVED:-

- (1) That planning permission be GRANTED for the redevelopment of the site at 2 Trafalgar Way to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail/financial and professional service units, crèche, gymnasium, association residential and community amenity space and car parking, subject to:-
 - (a) Any direction by the Mayor of London;
 - (b) The prior completion of a legal agreement to secure the planning obligations listed at paragraph 3.1B of the officers' report and in addition:-
 - the provision of up to 3 car club parking spaces within the development.
- (2) That the Corporate Director, Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (3) That the Corporate Director, Development & Renewal be delegated power to impose conditions and informatives on the planning

permission to secure the matters listed at paragraph 3.3 of the officers' report.

- (4) 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 power to refuse planning permission.

At this point (8.50 p.m.) the Chair adjourned the meeting. The Committee reconvened at 9.05 p.m.

7.3 438-490 Mile End Road, E1

Mr Whalley introduced the application for consideration by the Committee.

Ms Brenda Daley and Mr Tom Ridge each addressed the committee on behalf of the Ocean Estate Tenants and Leaseholders Association (TLA) in objection to the application. Ms Daley raised concerns about the proposed development including overlooking and overshadowing of neighbouring blocks; noise nuisance from the roof gardens and communal spaces; the high concentration of students that would result in this locality; a lack of benefit from the development to the neighbouring Ocean Estate; the loss of potential affordable housing; inadequate consultation by the developer with the TLA; and concerns that the developer may seek to revisit the requirement for angled windows in view of the likely cost of soundproofing and other works.

Mr Ridge referred to the TLAs criticism of the Townscale Assessment. He considered that the proposed development was not well designed or attractive and would not enhance the setting of the conservation area. Rather by reason of its design, bulk and scale it would have a detrimental effect on the surrounding area and in particular on the setting of the two listed 'Peoples' Palaces'.

Mr Charles Moran addressed the committee on behalf of the applicant. He considered that the proposals represented an important regeneration opportunity, providing a high quality education facility, investment, jobs and environmental improvements. Consultation with a wide range of bodies had continued over two years and had shaped the proposals which had wide support. Mr Moran stated that the facility would be staffed on a 24 hour basis and he indicated that the applicant would accept a condition restricting hours of use of the roof garden and communal space. The design of the building, which stepped down to 3 storeys at the eastern end, was intended to respect the character of the local area and its scale reflected the importance of the site and its position as part of High Street 2012.

Mr Irvine gave a brief presentation of the key planning considerations as set out in the officers' report circulated with the agenda and the further update report tabled at the meeting.

Members of the Committee raised concerns and queries about aspects of the proposed development including a perceived lack of benefit to the local community; an unnecessary concentration of student accommodation and the impact of this on the limited local retail facilities; a potential increase in anti-social behaviour; what jobs and teaching facilities would be provided; the daylighting effect on neighbouring properties; the density of the proposed development; and its design and massing which some Members felt was out of character and inappropriate to the locality.

In response to Members' comments, officers reported that:-

- Research had shown unmet demand for student accommodation on campus and this was a suitable location, close to education facilities and public transport
- The proposed development would provide a range of employment opportunities and other benefits for the local area including environmental improvements and subsidised facilities for local education and training projects.
- The proposed education facility would be operated by INTO University Partnerships, providing foundation courses for students before they entered undergraduate courses.
- Full daylighting, sunlighting and overshadowing tests had been conducted and the proposed development had been found to meet the agreed standards.
- Regarding the size of the proposed building, the GLA had advised that this was acceptable and it was felt that it would contribute positively to the vision and objectives for High Street 2012 as a way-finder on this stretch of Mile End Road. The building would be the tallest in the area but there was currently no uniform pattern or height of building in this location.
- A possible future increase in anti-social behaviour did not represent a material planning consideration in this case
- It was not appropriate to apply the same density calculations to student accommodation as to normal residential units

After consideration of the information set out in the officers' report and update report, and the points raised by the speakers, on a vote of 0 for and 7 against with 1 abstention, the Committee

RESOLVED:-

That the officers' recommendation to grant planning permission for the demolition of existing structures at 438-490 Mile End Road, E1 and the erection of a part 3, part 5, part 7 and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car parking, refuse and recycling facilities be NOT AGREED.

The Committee indicated that they were minded to refuse the planning application because of concerns over:-

- The proposed density of the development;
- Inappropriate design and height of the proposed development in this location
- Overdevelopment of the site; and
- A lack of benefit for local residents

In accordance with the Development Procedure Rules the application was DEFERRED to enable the 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.

The meeting ended at 9.45 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee