

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT TIME NOT SPECIFIED ON TUESDAY, 10 NOVEMBER 2009

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Marc Francis (Vice-Chair)

Other Councillors Present:

Nil

Officers Present:

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager)
Mario Leo	– (Head of Legal Services - Environment)
Rachel McConnell	– (Interim Applications Manager)
Devon Rollo	– Planning Officer
Owen Whalley	– (Head of Planning and Building Control, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
Alan Ingram	– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies were received on behalf of Councillors Stephanie Eaton, Rania Khan, Shiria Khatun, Dulal Uddin and Denise Jones for lateness.

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
Alibor Choudhury	6.1, 7.1, 7.2, 7.3	Personal	Correspondence

			received from concerned parties.
Marc Francis	6.1	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 7.1, 7.2, 7.3	Personal	Correspondence received from concerned parties. He was a Ward Member for the area of the application. He was a resident of the Ward wherein the application lay.
	7.1	Personal	
	7.2, 7.3	Personal	
Shahed Ali	7.2, 7.3	Personal	He was a Ward Member for the area of the application. Former pupil at a school close to the application sites.
	7.2, 7.3	Personal	

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 23 September 2009 be confirmed as a correct record of the proceedings.

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

6.1 307 Burdett Road, London E14 7DR

Mr Jerry Bell, Interim Strategic Applications Manager, introduced the report, which set out suggested reasons for refusal of the planning application, based on concerns voiced by Members at the meeting held on 23 September 2009.

Members confirmed that the report adequately reflected the matters raised and, on a vote of three for and nil against (Councillor Shahed Ali having entered the meeting after consideration of the item had commenced), it was:-

RESOLVED that planning permission for the demolition of the existing building of the Former Benefit Office, 307 Burdett Road, London, E14 7DR, and redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground level, cycle parking, amenity space and other associated works be REFUSED subject to any direction from the Mayor of London for the following reasons:-

1. The proposed development, by virtue of its inappropriate scale, massing, density and design would result in a built form out of keeping with the existing street scene which would fail to preserve or enhance the character and appearance of the Limehouse Cut Conservation Area. As such, the proposal would be contrary to Saved policies 4.1, 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV1 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies DEV2 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure that development is appropriate in the locality and either preserves or enhances the Borough's Conservation Areas.
2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties 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 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.
3. The contribution towards education is insufficient to mitigate against the impact of the development. As such, the proposal would be contrary to Government Circular 05/05, Saved Policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance: Core Strategy and Development (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
4. The introduction of a new A3 or A4 use at this location on Burdett Road would have an unacceptable impact on neighbouring properties in terms of an

unacceptable increase in late-night noise, disturbance and general activity in the locality. As such, the proposal would be contrary to the objectives of saved policies DEV2, DEV50 and S7 of the adopted Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 and DEV10 of the Interim Planning Guidance (2007), which seek to safeguard the amenity of residential occupiers within the Borough and minimise noise disturbance.

5. The child play space and amenity area in the development is inadequate and inappropriately located to meet the needs of future residents. As such, the proposal is contrary to Policy 3D.13 of the London Plan (2008), Policy DEV1 of the adopted UDP (1998) and policy DEV2 of the Interim Planning Guidance (2007), as well as supplementary planning Guidance: Providing for Children and Young People's Play and Informal Recreation published by the Mayor of London which seek to improve amenity and liveability for residents including children and young people.

6. The proposed affordable housing provision is considered to be inadequate and contrary to policy 3A.9 and 3A.10 of the London Plan (2008) which sets the Mayor's strategic target of 50 percent of housing provision to be affordable.

7. PLANNING APPLICATIONS FOR DECISION

7.1 News International Limited, 1 Virginia Street, London

Mr Owen Whalley, Service Head Major Projects Development, introduced the report setting out proposed amendments to the planning application and listed building consent for the News International Limited Site, following the refusal of the previous applications by the Committee on 25 June 2009.

Mr Tim Flood, a local resident, spoke in connections with objections he had raised on 25 June regarding the hours of service in the restaurant on the site and the use of the roof garden. He indicated that the restaurant was now proposed to be relocated from the south side of the development to the north side, which satisfactorily dealt with his first objection, and this could be withdrawn. He still felt concern about the adequacy of monitoring events on the roof garden and considered that all such use should cease at 11.00 p.m. each night.

Mr Matthew Gibbs, agent for the applicants, stated that Mr Flood's comments had been noted by the applicants and the restaurant had been relocated accordingly. He confirmed that the applicants did not object to use of the roof garden ceasing at 11.00 p.m. and this would only be used to hold social events in the summer months.

Mr Jerry Bell, Interim Strategic Applications Manager, detailed the amendments to the scheme and added that the application was being treated as a new item due to the nature of the alterations. Further public consultations

had been carried out and it was felt that the applicants had now dealt with the issues that had resulted in objections.

The application was now recommended for approval, as it provided employment and regeneration benefits to the area. Most of the proposals for the listed building had now been dropped and it would be retained with its current structure. English Heritage had withdrawn their objections. The proposals for increased use of solar panels had resulted in the withdrawal of the GLA objection and enhancement to the Shuttle bus service under S106 (which was supported by the Traffic Team) had led to TfL also withdrawing their objection. A further minor objection relating to a new vehicular entrance was now to be addressed by a traffic management plan that would be agreed with Highways Officers prior to commencement of the development.

There would be increases in financial contributions for educational internships and apprenticeships; a new public access and amenity space would be provided, along with access to the canalside to the rear of the site.

Further details of the scheme were set out in the supplemental report which was tabled at the meeting.

Members expressed satisfaction that the concerns previously raised had now been addressed and the Committee unanimously -

RESOLVED:

- (1) That planning permission be GRANTED for the amended scheme for remodelling the existing print works building at the News International Limited Site, 1 Virginia Street, London, and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space (A1-A3) and a museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of, and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions. All as shown on the plans subject to the conditions and informatives set out in the report (as amended by the supplemental report tabled at the meeting) and subject to the following further condition:

- Use of the roof terrace to cease at 11.00 p.m. every day.

- (2) That Listed Building Consent be GRANTED subject to the conditions set out in the report.

7.2 60 Commercial Road, London E1 1EP

Following an introduction by Mr Owen Whalley, Service Head, Major Project Development, a detailed presentation was made by Ms Rachel McConnell,

Interim Applications Manager, of the application for planning permission for demolition of the existing building at Jobcentre Plus, 60 Commercial Road, London, E1 1LP and erection of a 21 storey building plus basement to provide retail/commercial/community unit (Use Class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works.

The importance of accommodation for the education sector was recognised given that some 44,000 students attended five major higher education establishments in the Borough. Environmental impacts had been assessed and deemed satisfactory for an urban setting. S106 payments would also contribute to highways improvements and enhanced bus capacities.

Councillor Shahed Ali declared a personal interest in that he was a Ward Councillor and a former pupil of a school near the application site. He then put questions which were answered by Ms McConnell who indicated that:

- The application had to be considered in conjunction with item 7.3 on the current agenda and both would have to be granted planning permission before either could proceed.
- The terms GEA and GIA stood for 'gross external area' and 'gross internal area' respectively.
- There would be a net gain in floor space of some 2,225 sq.m.
- The gym facilities would be for student use only.
- Technical aspects had been reviewed by the Environmental Health Team who had confirmed these were acceptable.

In response to further questions from Members, Officers replied that:

- Public consultation had been grouped around both linked sites and there had been three responses to two rounds of consultation.
- The proposed building was of a very high quality and was sited within the Mayor's City Fringe, which was a designated area for tall buildings, and also the Aldgate Master Plan area. It was situated adjacent to another tall building and would sit well in the proposed location.
- S106 figures had been arrived at following consultations with the Highways Section and TfL.
- Leisure and culture would not comprise reasonable grounds on which to seek mitigation for additional burdens on the local infrastructure. However the proposed package contained mitigation measures and provided additional facilities for students. Nor was provision of affordable housing an acceptable requirement for the type of accommodation proposed.

On a vote of three for and 1 abstention, it was -

RESOLVED

That the Officer recommendation to grant planning permission for the demolition of the existing building at Jobcentre Plus, 60 Commercial Road, London, E1 1LP, and erection of a 21 storey building plus basement to

provide retail/commercial/community unit (Use Class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works, be NOT ACCEPTED.

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

- The height and bulk of the proposed development in the context of surrounding buildings.
- Daylight and sunlight issues.
- Inappropriate S106 contributions

In accordance with the 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.

7.3 122-126 Back Church Lane, London E1 1ND

This application was withdrawn from the agenda as it was linked with the previous item.

8. OTHER PLANNING MATTERS

8.1 32-42 Bethnal Green Road, London E1

Mr Stephen Irvine, Development Control Manager, referred to the planning permission for the application that had been granted on 21 May 2008 and indicated that a S106 package had been developed which was now considered satisfactory, subject to the adoption of a suitable variation order.

Members considered that the increase in affordable housing and three bed units was now meant that the development was more in tune with the needs of the Borough's residents and it was unanimously -

RESOLVED that a Deed of Variation of the S106 Agreement for the scheme granted on 21st May 2008 (PA/07/2193) for the demolition of existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sq.m of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising 32 x studios, 135 x 1 bed, 116 x 2 bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), be amended as follows and subject to the satisfaction of the Chief Legal Officer:

- Reduction in the number of market housing from 259 to 257 residential units.
- Reduction in the number of shared ownership units from 29 to 9.

- Increase in the number of social rented units from 72 to 94 residential units.

The overall number of residential units remains at 360 units. The proposed new residential mix comprises 19 x studios, 147 x 1 bed, 117 x 2 bed, 65 x 3 bed, 7 x 4 bed and 5 x 5 bed.

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

Mr Owen Whalley, Service Head Major Project Development, introduced the report updating the Committee on the decision made by the Mayor of London to grant planning permission and Conservation Area consent for the demolition of the existing building a Hertsmere House, 2 Hertsmere Road, London, E14 4AB and the erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping.

Mr S. Irvine, Development Control Manager, added that the application had been agreed by the Mayor as it had been considered that the benefits of the proposal outweighed Conservation Area concerns expressed by Members of the Committee. However, it was possible that the matter might be referred back to the Council in the event of any further design amendments.

RESOLVED that the updated position on the progress of the application be noted.

8.3 24 Narrow Street, London E14 - Local Government Ombudsman

Mr Mario Leo, Head of Legal Services (Environment) introduced the report concerning the finding by the Local Government Ombudsman of maladministration causing injustice resulting from the grant of planning permission by the Council. He explained the process for consideration of complaints of maladministration and indicated that, in this case, the complaint related to a failure to consult.

The Ombudsman had recommended a remedy of a payment to the complainants of £1,000 for disappointment in their amenity not being properly considered by the Council and £300 for time and trouble in pursuing the complaint, along with an unspecified amount for loss of value of their property. Officers had accepted some of the Ombudsman's findings but considered the figure of £1,000 to be excessive and proposed that a payment of £500 be made for this element of compensation plus the £300 for time and trouble. The offer had been notified to the Ombudsman under delegated authority. Following queries from Members, Mr Leo commented that the compensation was in line with payments made in other such cases and the report did not invite further offers.

RESOLVED

- (1) That the report and finding of maladministration against the authority by the Local Government Ombudsman in respect of the investigation attached to the report be noted.
- (2) That the assurance from the Service Head Planning and Building Control that action has already been taken by the department to ensure that the problems which led to the maladministration do not occur again be noted.
- (3) That a report be made to a future meeting of the Committee on the outcome of the compensation offer made by the Council.
- (4) That Councillor Marc Francis be informed of the amount of Officer time involved in dealing with this case.

The meeting terminated at 8.09 p.m.

The meeting ended at 8.09 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee