

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.10 P.M. ON THURSDAY, 5 JULY 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)

Councillor Carlo Gibbs  
Councillor Judith Gardiner  
Councillor Bill Turner (Vice-Chair)  
Councillor Zara Davis  
Councillor Stephanie Eaton

Councillor Peter Golds  
Councillor Denise Jones

**Other Councillors Present:**

Councillor Khaled U. Ahmed

**Officers Present:**

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
Jane Jin	– (Planning Officer, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Paul Buckenham	– (Interim Team Leader Development Schemes, Planning & Building Control, Development & Renewal)
Pete Smith	– (Development Control Manager, Development & Renewal)
Alan Ingram	– (Democratic Services)

**COUNCILLOR HELAL ABBAS (CHAIR), IN THE CHAIR**

On opening the meeting, the Chair proposed and it was **agreed** to hold a brief adjournment as a Member had been delayed by traffic. The meeting reconvened at 7.10 p.m.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Councillors Dr Emma Jones and Helal Uddin, for whom Councillors Peter Golds and Denise Jones deputised respectively.

**2. DECLARATIONS OF INTEREST**

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

<b>Councillor</b>	<b>Item(s)</b>	<b>Type of interest</b>	<b>Reason</b>
Helal Abbas	8.1	Personal	Ward Councillor.
	7.1, 7.2, 8.2,8.3	Personal	Had received representations from interested parties for and against the applications but had not responded to them.
Judith Gardiner	7.1, 7.2, 8.1 & 8.2	Personal	Had received representations for and against the applications from interested parties but had not responded to them
	7.1, 7.2	Personal	Had formerly been a member of the Poplar HARCA Board.
Denise Jones	7.1, 7.2, 8.1 & 8.2	Personal	Had received representations from interested parties relating to the applications but had not responded to them.

	8.2	Personal	Was a Trustee of Trinity Buoy Wharf Board and was a Council representative on the Lower Lea Valley Board.
Carlo Gibbs	7.1, 7.2, 8.1 & 8.2	Personal	Had received representations for and against the applications from interested parties but had not responded to them.
Bill Turner	7.1, 7.2,	Personal	Had received representations for and against the applications from interested parties and from people he knew, including Members of Poplar HARCA Board, but was not predetermined on these matters.
	8.1, 8.2, 8.3	Personal	Had received many representations for and against the matters but had not responded to them.
Zara Davis	7.1, 7.2, 8.1 & 8.2	Personal	Had received many representations for and against the applications but had not responded to them.
Peter Golds	7.1, 7.2	Personal	Had received many representations for and against the applications but had not responded to them.  A number of

	8.1	Personal	personal contacts had been made to him but he had not expressed an opinion.
	8.2	Personal	Ward Councillor.
	8.2, 8.3	Personal	Had received many representations for and against the matters but had not responded to them.
Stephanie Eaton	7.1, 7.2, 8.1 & 8.2	Personal	Had received representations for and against the applications but had not responded to them.

### 3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 31<sup>st</sup> May 2012 be agreed as a correct record and signed by the Chair.

### 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, together with details of persons who had registered to speak at the meeting.

## **6. DEFERRED ITEMS**

Nil items.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Outline Application (PA/10/00373)**

The Chair indicated that the planning applications set out in agenda items 7.1 and 7.2 would be considered concurrently, as they related to the same site, but with a separate vote on each.

Mr Pete Smith, Development Control Manager, introduced the Committee reports and update reports regarding planning applications for the redevelopment of Stroudley Walk Market, London, E3 3EW (PA/10/00373 and PA/10/00374).

The Chair invited registered speakers to address the Committee.

Mr Atta, a local shopkeeper, spoke in objection to the application, expressing the view that the applications showed no consideration for the needs of local residents and contained inadequate space for children to play or the elderly to meet. Such space should be protected. More business units were needed, rather than less, and it was unclear if existing businesses would be able to return after works were completed. People did not want another Manhattan but it would be possible to accommodate everyone if space was used properly. The present proposal meant that people would be crammed into the area like sardines. He commented that he was making general criticisms of the scheme but there were many matters of detail that were unsatisfactory, including parking and other issues. A number of petitions had been raised against the proposals and people were not happy with the scheme. He stated that he was not against redevelopment of the area but a wise development was needed.

In response to questions from Members, Mr Atta stated that:

- There would be less retail units than at present and the proposals showed no interest in the business sector, just housing. In addition, his premises were next to a school with 800 pupils but there was nowhere for them to meet.
- Present parking problems included the fact that it was not even possible to load and unload vehicles. His car could be clamped and towed away after four minutes. Only Poplar HARCA took such action and more flexibility was needed rather than simply ticketing or towing vehicles.

- More working people were needed in the area, as 70-90% unemployment rates was no good for trade. If more businesses were allowed to operate, they would generate employment.

Ms Shopna Begum, speaking in support of the applications, stated that she had been a resident in the area for over 15 years and had three children in an overcrowded property. It was common to see from her home crowds of drunken people on Stroudley Walk. The area was run down and residents were afraid to walk there after dark because of groups of youths, vandalism and anti-social behaviour. There needed to be regeneration as people could not continue to live like that. The place was a slum, with dilapidated buildings. The scheme must go through and a new look to the area would help address anti-social behaviour. Local residents had lost hope with no action having been taken despite over five years' discussions. She asked the Committee to approve the applications accordingly.

In response to questions from members, Ms Begum stated that:

- She had not been promised a larger home if the redevelopment went ahead.
- Her block was damp and overcrowded. Youths took drugs in the lobby and there was never any action taken against that. The number of drunks with dogs made it unsafe to walk on the estate in the evenings.
- If there was regeneration of housing and many people lived there, space could be opened up to address anti-social behaviour and children would have access to open areas.
- She would prefer the provision of 100% social housing for local residents but understood that private housing had to be built to pay for the scheme.

Councillor Khales U. Ahmed, speaking in support of the applications, stated that he was not just a Ward Councillor but had been a local resident for 22 years. He was supporting the scheme to enable the provision of new shops and homes. The conditions in Stroudley Walk were currently severe and this area had remained isolated and undeveloped over the last 30 years. He felt that the position had been allowed to persist for far too long and the opportunity for redevelopment must not be lost. In order to obtain better housing, retail and community facilities for residents, the scheme must be supported. He had attended several meetings with Poplar HARCA to secure residents' interests, with local issues being addressed. He was surprised that some Cabinet and Executive members appeared to be against the proposals, which would result in the area remaining isolated for another couple of decades. He asked the Committee to resist the recommendations of Officers and approve the scheme. He had already dealt with Poplar HARCA on matters including parking, housing and environmental proposals and residents were very happy with the proposals.

Members sought legal clarification on the statements made by Councillor Khales U. Ahmed, in that these might enable individual Councillors to be identified, and expressing the opinion that any claims of wrongdoing should be made clear. Ms Megan Nugent, Principal Planning Lawyer, reminded

Members that any allegations of misconduct should be referred to the Monitoring Officer. However, the statements made did not warrant any interruption to the business of the meeting.

The Chair invited Members to put questions to Councillor Khaled U. Ahmed and, during the course thereof, reminded them to restrict questions to the statement he had made before the Committee.

Councillor Ahmed responded that:

- Warren House was now empty and tended to be a focal point where bored youths would hang around. Demolition was therefore urgently needed.
- His previous concerns over provision of social housing units and the new service road had now been resolved with the developers and HARCA. It was now time to proceed with the scheme.
- He was fully satisfied relating to the proposals in both the outline and detailed schemes.

Mr Jerry Bell, Strategic Applications Team Leader, presented the detailed reports and the updates assisted by a powerpoint presentation, regarding the outline and detailed planning applications. Mr Bell gave details of the proposed provision of residential units, as set out in the circulated report. Officers had met the applicants many times over a long period and it was accepted that the scheme would provide some regeneration benefits including community space and child space. However, the main reasons Officers were recommending refusal of the schemes related to loss of social housing and lack of S106 mitigation.

Overall, there would be only one less habitable room over the entire scheme. However, current policy required a 35% increase over and above re-provision of social housing and the scheme only provided an 11% increase. In addition, a total S106 financial contribution of £894,757 plus fees would normally be required for the size of the development, whilst a contribution of £143,420 was being proposed by the developer. Despite this, in terms of Residual Land Value, the scheme was considered not financially viable by Officers. Mr Bell indicated that the applications were not supported due to impacts on health, education and open space provision.

The Chair then invited queries from Members and an extended and very detailed question and answer session ensued, with Members' questions including:

- Current policy on the levels for re-provision of social housing.
- Consequences for the Council and residents if S106 contributions for school places were not met.
- Concerns arising from the proposed reduction in parking bays and consultations between Poplar HARCA and residents.
- Concerns expressed about the level of anti-social behaviour on the estate.

- Whether accepting a reduced level of S106 contributions for the scheme would set a disadvantageous precedent for the Council.
- What factors would make the scheme financially unviable.
- Why protracted deliberations with the developer had still resulted in the submission of a scheme that Officers did not support.
- The lack of Housing Officers at the meeting, despite their support for the scheme.
- Issues around Residual Land Values in the context of the present economic climate.
- The position regarding tests carried out on daylight and sunlight.
- The relative height of the tallest building in the scheme in relation to other local developments.
- The proposed mix of tenures on the estate and whether this was considered satisfactory
- Policy on minimum floor space standards and whether the proposals could result in further overcrowding.
- Reasons for Officers' recommendations for three retail units when there were currently 11 on site and how this might be expected to encourage regeneration.
- Whether proposed parking provision would be adequate.
- Considerations for addressing noise nuisance and appropriate insulation.
- Whether all family units would be at ground level with gardens.
- Clarification regarding the focus on habitable room requirements, when flexibility had been shown in other schemes.
- The impact of the scheme's financial viability and the consequences for Poplar HARCA.
- Whether any other similar scheme in the area could be viable as it would also struggle to deliver the level of social housing required.
- What would be the implications for the local area and residents if the scheme did not proceed.

A summary of Officers' replies included information that:

- Social housing provision was an element which was taken into account but the scheme had been considered mainly on development merits and also existing planning policies.
- New affordable housing units provided by the scheme would be available to persons on the Borough-wide housing waiting list. Stroudley Walk had issues with overcrowding and some families there needed larger accommodation but allocation of units was not a Planning role.
- Implications for the Council of reduced S106 contributions for education would mean that additional school places would have to be funded from the central education funds. Children would have to be accommodated in existing schools.
- Police comments regarding personal security had been noted during the design stage of the scheme.
- Acceptance of a reduced level of S106 contributions would not set a disadvantageous precedent as all applications were considered on



their individual merits and were viability-tested. Residual land values would always vary between sites in the Borough.

- Only 18 estate parking permits had been issued to existing residents, and therefore the existing parking spaces were not fully utilised. All spaces on the estate were controlled by the HARCA. New homes on the estate would also be car free developments.
- The size of retail units under Warren House could be controlled by planning conditions, if required.
- Housing staff had been unable to attend the meeting because of personal reasons but they had been fully involved in discussions at all stages of the applications and fully appreciated the need to improve Stroudley Walk. They were aware of viability issues that could affect housing aspirations. There was a need to achieve balance between various elements of the development and Housing Officers recognised that there were other implications than housing issues arising from S106 contributions. The requirement for an infrastructure to support the community was appreciated.
- An explanation of the manner in which viability assessments were carried out was provided as detailed in the circulated documentation.
- Council and HARCA officials had been working together for some two years but there would always come a time when opinions did not always agree. Council Officers had taken the view that housing and regeneration benefits did not outweigh problems such as lack of education and health facility contributions. Recommendations for refusal of such schemes were not made lightly but an overall view had to be taken on its merits. It was appreciated that Poplar HARCA had worked hard to achieve social housing provision but, looked at in the round, the necessary balance was not there. Negotiations on this complex scheme had taken a long time but in the end it was found not to be viable. (The Chair added that the scheme could have been submitted to Committee at an earlier date but he had not been satisfied that it was suitable at the time.)
- There had been insufficient daylight and sunlight assessment. However, it had been considered pointless to ask for further testing on this point as Officers were not minded to support the application.
- Given the proximity of the tallest building to Bow Road and in the context of the Crossways Estate, the 16 storey tower was not felt to be too tall.
- Minimum floor space standards were set out in the GLA in the London Plan. There could be flexibility in applying these, depending upon particular circumstances, and floor space was not a factor in recommending refusal for this scheme.
- A variety of retail provision was being sought to create a vibrant local area and neighbourhood centre. Currently the only area for retail units was beneath Warren House and it was not viable to have 11 units there.
- The noise category was level C and there could be conditions relating to noise remedy measures, should the application be agreed.

- Ground floor units for families only could be considered as a reserved planning matter.
- Viability of schemes was decided on the merits of each individual project. Officers had to ask whether there was a balance of infrastructure delivery and whether the scheme could deliver regenerative benefits with a lower level of affordable housing and lower S106 contributions. There was a difference of opinion between Officers and the developer on whether that provision was adequate and Officers felt unable to support the scheme, despite the HARCA absorbing the financial deficit.
- The scheme provided intermediate and social rented accommodation to cater for a range of people with different lifestyles.

Following further discussion, the Chair remarked that, after a two and a half hour debate, it was accepted that much work had gone into the scheme. Despite the feeling of some Members that there might be a case for deferral, it could well be that there might be no real change in Officers' opinion that the scheme should be refused. He felt that it was necessary to come to a decision at the meeting accordingly.

Councillor Judith Gardiner moved, and Councillor Denise Jones seconded, a motion – “That the question be now put.” The motion was agreed.

The Chair then indicated that there would be a vote on whether or not to accept the Officer recommendation. On a vote of 3 for and 5 against, the Committee **RESOLVED**

That the Officer recommendation to refuse outline planning permission (PA/10/00373) at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, be **NOT ACCEPTED** for the following reasons:

- (1) The need to carry out improvements to the existing housing stock on the estate is paramount for the benefit of residents.
- (2) Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.
- (3) The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations, is enough to help address the current housing problems in the Borough.
- (4) The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
- (5) The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with this particular estate is not sustainable and neither is it sustainable for existing residents if the site is left undeveloped.

NOTE: The Committee further agreed that a condition should be added to the proposed scheme requiring retail units to be retained in the current format of several smaller units, rather than amalgamating them into one large unit.

In accordance with 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 approval, S106 details and conditions, along with the implications of the decision.

## 7.2 **Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Full Planning Application (PA/10/00374)**

For commentary see agenda item 7.1.

On a vote of 3 for and 6 against, the Committee **RESOLVED**

That the Officer recommendation to refuse full planning permission (PA/10/00374) at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, be **NOT ACCEPTED** for the following reasons:

- (6) The need to carry out improvements to the existing housing stock on the estate is paramount for the benefit of residents.
- (7) Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.
- (8) The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations, is enough to help address the current housing problems in the Borough.
- (9) The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
- (10) The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with this particular estate is not sustainable and neither is it sustainable for existing residents if the site is left undeveloped.

In accordance with 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 approval, S106 details and conditions, along with the implications of the decision.

### **Adjournment**

At this point (10.05 p.m.) the Chair proposed and it was

**RESOLVED** that the proceedings be adjourned for a five minute break.

(N.B. Councillor Stephanie Eaton left the meeting at this juncture owing to other commitments.)

## **8. OTHER PLANNING MATTERS**

### **8.1 London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220 and PA/11/02221)**

The Committee received an update report on the progress of the planning applications that had previously been refused, following the subsequent decision of the Mayor of London to “call in” the applications for his own determination.

Following concerns raised by Members, Mr Pete Smith, Development Control Manager, confirmed that he would enquire as to whether individual Members could address the hearing that would be held at City Hall.

**RESOLVED**

That the report be noted.

#### **Extension to time**

At this stage of the meeting (10.10 p.m.) the Chair proposed and it was

**RESOLVED**

That, in accordance with Procedural Rule 9.1, the meeting be extended for up to one hour to enable consideration of the remaining business on the agenda.

### **8.2 Orchard Wharf, Orchard Place, London (PA/11/03824)**

The Committee received a progress report on the application, which had been refused by Members and deferred in accordance with Development Procedural Rules so that their concerns could be addressed. Officers had also subsequently submitted an objection to the safeguarding status of Orchard Wharf to the GLA, whose response was awaited.

**RESOLVED**

That the report be noted.

NOTE: The commentary on this item has been amended to take account of comments made by a Member at the Strategic Development Committee held on 16<sup>th</sup> August 2012.

**8.3 Tower House, 38-40 Trinity Square, London EC3N 4DJ (PA/11/00163)**

The Committee received an update report regarding the decision notice issued in connection with the previous refusal of planning permission.

**RESOLVED**

That the report be noted.

**9. UPDATE REPORT**

The meeting ended at 10.30 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee