

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 27 SEPTEMBER 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 Helal Uddin
Councillor Bill Turner (Vice-Chair)
Councillor Stephanie Eaton
Councillor Dr. Emma Jones
Councillor Shahed Ali

Councillor Craig Aston (Substitute for Councillor Zara Davis)

Other Councillors Present:

Officers Present:

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Mandip Dhillon	– (Principal Planning Officer, Development and Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Katie Cooke	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor Zara Davis for whom Councillor Craig Aston was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16th August 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

6.1 ASDA, 151 East Ferry Road, London, E14 3BT PA/12/03670

Update tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application regarding the ASDA site at 151 East Ferry Road, London, E14 3BT PA/12/03670. Amy Thompson (Planning Officer) presented the detailed report with a power point presentation of the application. She drew attention to the proposed reasons for refusal given by the Committee on 16th August 2012. She addressed each reason as set out in the Officers report and the implications of a refusal on these grounds as follows

Education provision-Officers considered that the impact was acceptable, given the s106 contributions were policy compliant and the plans to expand schools in the borough. Furthermore, the onus was on the Council to address this issue as the education provider, and therefore officers recommended that lack of education provision was not included as a reason for refusal.

Height of building with relation to CABE comments. Officers considered that this element was acceptable. Ms Thompson showed images of the proposal in relation to the surrounding properties. She highlighted the plans to reduce and move the massing from the sensitive edge of the park. Mudchute Park and Farm were satisfied with the plans following extensive consultation. CABE were satisfied with the principle of the scheme and its impact from Greenwich, however remained concerned regarding the detailed design. Details of the material for the scheme would be brought back to the Council for approval as reserved matters application.

Overall provision of affordable housing. Officers considered that the offer of 31% was acceptable taking into account viability.

In attendance were the Council's viability experts. They reported on the in depth testing carried out by the applicant and officers since the August 2012 meeting to see if further affordable housing could be provided. The results of this further testing was detailed in the report and explained. It found that the offer of 31% remained the maximum that could be delivered with the full s106 and an acceptable mix of affordable housing. None of the other options tested were viable.

The scheme would be subject to a review mechanism to see if further affordable housing could be delivered in phase 5 of the development. Should this be so, it was proposed that 20 of the private units be converted into social housing in the first instance. Any surplus would be allocated to off site affordable housing.

On balance weighing up the merits of the scheme, the Officers recommendation remained to grant the scheme.

Officers gave an update on the policies for affordable housing. They drew attention to the Mayor of London's policies as set out in the London Plan and emerging policy. It was anticipated that the Mayor would determine any future applications before him in accordance with these policies.

Members then asked questions about:

- The review mechanism to secure further affordable housing. (The overage clause).The criteria for deciding when this would be triggered and its enforceability.
- The size of the private units identified for possible conversion.
- Whether the unit sizes were indicative and could be changed.
- The reasons for discounting the options as undeliverable.

- Assurances were sought that the Pharmacy would remain on site.

A Member spoke in support of the scheme. It sought to provide much needed family housing, school places, local employment and community contributions. The height and massing had been well designed. The applicant had listened to the views from the consultation and had reduced the height. The scheme protected light levels and was in keeping with the area. Given the current economic climate and the reasons set out in the Committee reports in favour of the scheme, it should be supported.

In response, Officers described the review mechanism in more depth. This would be provided for in the legal agreement with a set figure for triggering the additional affordable housing and a fixed percentage of the profit margin. This would be written into the agreement for certainty.

The unit sizes for the 20 private units were indicative at this stage.

None of the alternatives tested were acceptable on planning grounds as set out in paragraph 3.12 of the report. The profit margins fell below the rate required for viability due to the additional costs of the amendments. The housing mix was contrary to policy. In some cases (options 1-3b) they would severely decrease the s106.

It was agreed that the request for the pharmacy to stay on site should be taken on board.

On a vote of 3 in favour, 1 against and 2 abstentions the Committee RESOLVED in favour of the Officer recommendation:

That planning permission PA/12/03670 at ASDA, 151 East Ferry Road, London, E14 3BT be **GRANTED** for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) for the reasons set out in section 2 of the 16th August 2012 Committee report and in accordance with section 3 of the same report **AND** the additions to the Legal Agreement and Conditions set out in the 27th September 2012 Committee report.

6.2 Orchard Wharf, Orchard Place, London (PA/11/03824)

Update tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application regarding Orchard Wharf, Orchard Place, London (PA/11/03824) Mandip Dhillon (Planning Officer) presented the detailed report with a power point presentation of the application. She gave a brief presentation on the cross boundary application and the update report including Counsels advice submitted by the applicant. (Tabled at the meeting). The legal advisor, Megan Nugent made clear that this opinion was submitted on behalf of the applicant

and not the Council's own advice. The Chair requested that in future any such documents be circulated prior to the meeting.

Ms Dhillon explained the reasons for refusal given by the Committee at the two meetings when it was last considered (31st May and 16th August 2012— where it was presented afresh in light of additional information). She also highlighted the decision of the London Thames Gateway Development Corporation (LTGDC) on 23rd August 2012 to grant the scheme subject to conditions and the s106 agreement.

Officers had considered the reasons for refusal. It was considered that only one reason could be supported on planning grounds that was set out in paragraph 6 of the report.

In response, Members referred to the Safeguarding Wharves Review. It was questioned whether the status of the wharf had now been confirmed or if this was still an ongoing uncertainty.

In response, Officers referred to the latest consultation draft from the GLA on the Safeguarding Wharves Review (released in July 2012). This supported reactivation of the site for aggregate storage site and indicated there would be no change to its status in this regard.

The Council would strongly defend a refusal at appeal. However it was likely that the LTGDC decision to grant would be given weight at any appeal.

A Member commented that given the lack of new information, the application should be refused for the suggested reasons in the Committee report.

On a vote of 3 for, 1 against and 2 abstentions the Committee **RESOLVED**:

That planning permission (PA/11/03824) Orchard Wharf, Orchard Place, London be **REFUSED** for Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor for the reasons set out in 6.2 of the Committee report.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site at 82 West India Dock Road and 15 Salter Street, London PA/12/00918

Update tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application regarding Site at 82 West India Dock Road and 15 Salter Street, London PA/12/00918.

Katie Cooke (Planning Officer) presented the detailed report for a minor amendment to an extant planning application. She explained the site location and the policy support for the application. She explained the surrounding area and the nearest major developments. The site had a good public transport links. 3 letters of objections were submitted in response to the public consultation. The main objections concerned overdevelopment and inadequate water services for the development. Officers considered that the proposal was acceptable on both these grounds given the principal of the use had already been established. Furthermore Thames Water had no objections along with the other key consultees.

Ms Cooke explained the key changes. The plans sought to provide additional bedrooms whilst reducing the height due to new construction methods. She detailed the new rain screen and the other external changes. Overall it was considered that the changes were minor with minimal impact on the appearance of the scheme.

The Council's highways team and Transport for London were satisfied with the proposal. They did not consider that the amendments would impact on the highway network.

Ms Cooke also explained the revised s106 based on the Council's new Supplementary Planning Document (adopted in January 2012). She listed the additional contributions (in excess of those for the extant application) due to the uplift in units and the application of the new SPD.

A Member welcomed the improvements to Westferry station. However stressed the need to maximum employment opportunities for local people . The Chair agreed that this be taken on board and pursued with the applicant.

On a unanimous vote, the Committee RESOLVED:

That planning permission PA/12/00918 at Site at 82 West India Dock Road and 15 Salter Street, London be **GRANTED** for a minor material amendment under s73 of the Town and Country Planning Act following grant of planning permission dated 19/07/2010, ref: PA/09/02099 for erection of a part 3, 14 and 16 storey building to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street subject to the matters set out in section 3 of the Committee report.

8. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 8.40 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee