

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 12 MAY 2011**

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

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Stephanie Eaton

Councillor Dr. Emma Jones

Councillor Bill Turner

Councillor David Edgar

Councillor Shahed Ali

**Other Councillors Present:**

Councillor Tim Archer

**Officers Present:**

Megan Nugent – (Legal Services Team Leader, Planning, Chief Executive's)

Pete Smith – (Development Control Manager, Development and Renewal)

Simon Ryan – (Senior Planning Officer)

Elaine Bailey – (Strategic Applications Planner)

Alan Ingram – (Democratic Services)

**COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Kabir Ahmed.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14 April 2011 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 Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, London**

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report concerning the application for planning permission and conservation area consent at land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London. He added that the application had been withdrawn from the agenda for the meeting of the Committee held on 14<sup>th</sup> April 2011 by the applicant, in view of the need for additional discussions relating to Crossrail contributions, which had now been concluded.

The Chair invited registered speakers to address the Committee.

Mr Peter Dunne, a local resident speaking in objection to the proposals, stated that the application was likely to result in him and 30 employees of the

Water Poet public house losing their jobs. Many of these staff were East End residents. The pub had been a source of support for community projects and its employees could manage the street and direct customers to the pub garden. Over a six year period a relationship had been built with the pub's neighbours and the use of the garden space helped with this. The new project would result in the pub frontage being lengthened and the garden would be shorter. This garden was historic and formed a quirky open space that families could use. The application sought to demolish large areas of the rear of Victorian houses. It was claimed that the project would have complementary uses but it was difficult to see how the two very different uses of a pub and housing accommodation could be married together. In this case, everyone would suffer except the developers.

Mr Mike Osman, Planning Consultant, stated that he had met Mr Dunne to discuss the matter and believed the proposals opened up opportunities for him. Only half of the garden area was included in the Water Poet lease and the rest was leased from the City of London, so there was no security of tenure. In addition, there was a right of way over the garden. As part of the scheme, the tenancy at the rear of the pub would replace space that was being lost and it was necessary to balance the needs of the pub with Blossom Place. Four public exhibitions had been held over a four year period and the proposals had been generally supported by residents, especially those with families. He was convinced it would be technically feasible to install a floating floor above the pub to insulate residential accommodation from pub noise and it would be possible to specify exactly the required decibel level that would emanate. The design of the balconies and terraces would ensure that the disturbance anticipated by Mr Dunne would not occur.

At the request of the Chair Ms Elaine Bailey, Strategic Applications Planner, made a detailed presentation of the application, together with a powerpoint display of relevant plans. She added that a number of events had influenced the shape of the development. The planning brief had been prepared in conjunction with Council Officers and there had been a public exhibition in liaison with the City of London. The application related to an area of the Borough where there was considerable regeneration and change and the site included an array of building styles. A S106 package of some £2.1m had been achieved, including a contribution to Crossrail. The comments of the Inspector in connection with the previously refused application in 2007 had resulted in the retention of 16-19 Norton Folgate and facades of other historic buildings would also be retained. The maximum height of the development had been reduced from ten to nine storeys.

The Chair commented that the bulk, scale, mass and design quality of the scheme was a huge improvement on the refused application but she had serious concerns about the compatibility of licensed property and residential accommodation. When she had been Chair of the Licensing Committee, the most common reason for objections to licences had been the proximity of premises to residential property. The report was unclear about the external terracing and mitigation for residents moving into accommodation above the pub. Conditions could be imposed but this was still an unfortunate situation to

get into. She was unclear as to why there had to be residential accommodation above the pub rather than office space. Ms Bailey indicated that the design was originally for a pub with accommodation but over the years this had moved towards separate residential space. Class C3 use was not uncommon in London and the City fringe area and it could be managed by conditions and a pub management strategy, guiding people to use specific exits. The licence would also extend to 11.00 pm only. Details of recommended noise insulation was to be submitted to the satisfaction of the Environmental Health Service. Conditions would also apply to the use of the terrace and operations there would cease before pub closing hours.

Members then put questions to Officers relating to:

- The status of the City of London as landlords of the property.
- Creation of employment for Borough residents.
- Section 106 contributions for local projects, in view of the amount to be paid towards Crossrail.
- Lack of family size accommodation or affordable units.
- The nature and surfacing of the Blossom Place open space and potential for water run-off.
- Reasons for the provision of housing accommodation above commercial property.
- Amenity provision for clients of the Water Poet public house and the impact of construction work on the business.
- Concerns over service facilities and refuse storage/collection and recycling.
- The mix of building façade types in the development.

Officers' responses to the queries included comments that:

- The City of London was not the determining authority for the application, only one of a number of consultees and it was not essential that they should comment on the proposal.
- The number of jobs likely to be created was calculated using a standard formula. Reasonable efforts would be made to train up interested local residents through Skillsmatch, with a view to filling 20% of vacancies in the fields of administrative support, reception work, etc. and the use of local firms to provide 20% of the building works associated with the development.
- The Crossrail contribution was based on the fact that the development was mainly commercial in nature, rather than having a large residential element that would have increased contributions for education, health, etc. It was also subject to the Mayor of London's Supplementary Planning Guide on requirements for financial contributions to Crossrail. S106 mitigation against the proposals related mostly to public realm works, cycling facilities and heritage protection.
- Only eight residential units were being provided, two of which would be four-bed accommodation, and the small number meant that affordable housing provision could not be required.
- The new open space would be primarily hard surface, which was more in accord with the City fringe location. Consideration would be given to

the appropriate surface to avoid water run-off, comply with sustainable drainage techniques and prevent pollution from potential contamination on the site.

- The scheduled ancient monument related to foundations in the former hospital and kitchen. Very little remains had been found but there would be further investigation.
- The construction management plan would include protection of the pub business.
- Refuse service had been the subject of several meetings and a management plan was to be submitted setting out the size and type of vehicles that could access the development. It had been confirmed that contractors already had suitable vehicles in use. A recycling collection point would be provided on the ground floor. The applicant had been looking to refuse compacting to reduce collection costs.
- At the pre-application stage, CABE had commended the Norton Folgate/Folgate Street corner treatment and all facades.

The Chair then indicated that the matter should be determined and, on a vote of three for and three against, with the Chair's casting vote the Committee **RESOLVED**

That the Officer recommendation to grant planning permission and conservation area consent at land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London, be **NOT ACCEPTED**.

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

- Lack of regenerative benefits and employment benefits for Tower Hamlets residents and the failure of the S106 obligations to facilitate these benefits.
- Lack of clarity over the impact of the development on the Scheduled Ancient Monument and other archaeological aspects.
- The adequacy of refuse storage and collection arrangements.
- The proposed use, treatment and permeability of the proposed open space.
- The design approach adopted in relation to the corner treatment of the Norton Folgate and Folgate Street corner property.
- The unsuitability of the residential use above the proposed public house in terms of the potential for noise nuisance associated with the pub use on the amenities of future residential occupiers.

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 refusal and the implications of the decision.

The meeting ended at 8.30 p.m.

Chair, Councillor Carli Harper-Penman  
Strategic Development Committee