

# **LONDON BOROUGH OF TOWER HAMLETS**

## **STRATEGIC DEVELOPMENT COMMITTEE**

**8<sup>TH</sup> SEPTEMBER 2005**

Minutes of the STRATEGIC DEVELOPMENT COMMITTEE held at THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON E14 2BG on 8<sup>TH</sup> SEPTEMBER 2005 at 7.30 PM in ROOM M71.

### **Councillors Present**

Councillor Rofique Uddin Ahmed (in the Chair)  
Councillor Abdul Asad  
Councillor David Edgar  
Councillor Julia Mainwaring

### **Officers Present**

Mr Michael Scott (Interim Head of Development Control and Building Control)  
Ms Alison Thomas (Housing Development Manager)  
Ms Helen Randall (Legal Advisor, Trowers and Hamlins)  
Mr Tim Hogan (Democratic Services)  
Ms Kate Dooley (Clerk to the Strategic Development Committee)

### **1.0 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Janet Ludlow.

### **2.0 DECLARATIONS OF INTEREST WHETHER UNDER SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 OR OTHERWISE**

During discussion of Item 5.1, Councillor Abdul Asad declared a personal interest, as he was the Council-appointed representative to the Primary Care Trust (PCT), which the Council had entered into an agreement with to secure funding to mitigate the demand of the additional population on medical facilities. The report had not noted the Council's agreement with the PCT and Cllr Abdul Asad brought it to the attention of the Chair and Legal Advisor when the matter arose during discussion of the item. The Chair adjourned the meeting for Councillor Asad to consult the Legal Advisor, and his personal interest was declared on the recommencement of the meeting. Councillor Asad chose to exclude himself from the discussion at this point due to the scale of the financial contribution involved, and did not participate further in discussion or decision-making, and left the room.

### **3.0 PUBLIC MINUTES**

The minutes of the Strategic Development Committee held on 14<sup>th</sup> July 2005 were confirmed as an accurate record and signed by the Chair.

#### **4.0 DEPUTATIONS**

With the agreement of Members of the Strategic Development Committee the Chair invited Councillor Alan Amos to address the committee. The Chair then invited Mrs Maggie Phillips, Chairperson of the St. John's Estate Tenants and Residents' Association, to speak against the application and Mr Julian Carter, representing the applicant, to speak for the application. Each speaker was allocated a maximum of 5 minutes.

#### **5.0 PLANNING APPLICATIONS FOR DETERMINATION**

##### **5.1 The London Arena, Limeharbour, London E14 (Report Number SDC005/056) (Blackwall and Cubitt Town)**

Mr Michael Scott (Interim Head of Development Control and Building Control) introduced the report and outlined the details of the proposed development. Points highlighted by Mr Scott included:

- High level of public transport accessibility;
- 35 per cent affordable housing component;
- 84/16 per cent split between rented and shared-ownership housing (higher than required 80/20 split);
- 47 per cent family housing (defined as dwellings of three bedrooms or more), which was higher than the 45 per cent Council target; and
- Improvement to skyline.

Mr Scott explained that the application had undergone several iterations and planning officers had given significant time and consideration to this application such that he was able to commend the application to Members for their approval.

In response to questions from Members, Mr Scott used illustrations of the proposal to point out the location of affordable housing, the community facility, grassed areas, a dedicated toddler play area, open spaces and the 43-storey tower.

He explained that the contribution for medical facilities listed in the Section 106 agreement terms was a result of consultation with the Primary Care Trust (PCT) and identified a contribution of funds required to mitigate the demand of the additional population on medical facilities. This contribution would be delivered in consultation with the PCT to assist medical facilities in the borough as a whole as they saw

fit, and would not necessarily result in the establishment of a new medical facility on or near the proposed development.

In the same vein, Mr Scott explained that the financial contribution toward open space improvements/recreational facilities represented the estimated impact of the proposed development and its accompanying population on the borough, and would result in a contribution to the borough as a whole.

Television reception monitoring and mitigation, as required by the Section 106 agreement, involves a study by the BBC at the developer's expense to examine the impact of the development on TV reception and any mitigation measures required.

Mr Scott noted in response to Members that the cumulative impact of developments in the area is considered by planning officers in their assessment, and is implied in the application of the current and Draft Unitary Development Plans – and soon the Local Development Framework – as these set planning standards with the level of expected and required development of the area in mind. Statutory bodies and transport operators that are consulted by planning officers provide further consideration of the cumulative impact.

Following several questions regarding the proposed community facility, Mr Scott responded that the precise use was a matter for the developer, but that the Section 106 agreement could be used to specify conditions of use for the facility. At this stage the facility was not earmarked for exclusive use by residents of the development.

In response to queries regarding transport and parking issues, Mr Scott reiterated the Public Transport Accessibility Level (PTAL) was 6 (where 6 is excellent) and noted that there were 527 parking spaces for 972 dwellings – a ratio of more than 1:2. He also noted that the Government's policy of discouraging car use was now handed down to local authorities to enforce, and given the high PTAL, did not consider that parking or transport would be a concern. The large number of bicycle spaces was also noted.

Councillor Alan Amos was then invited to address the committee, and spoke in objection to the proposed development at the London Arena site. Councillor Amos noted the following concerns:

- Over-development – There is an unsustainable trend of over-development on the Isle of Dogs, with a large development also planned for Millharbour opposite the London Arena site;
- Density – Council policy allows only a up to 247 habitable rooms per hectare, however this development is proposing a density over four times this;

- Affordable housing – Council policy is for a minimum of 35 per cent affordable housing, however the proposal only provides 30 per cent;
- Parking – The provision of one space per two dwellings will result in illegal parking;
- Public Transport – The DLR is already overcrowded and the proposed development would exacerbate this problem. It was also noted that the D7 bus does not approach the site as stated in the report;
- Congestion – Consultation agreed that traffic during construction would be on barges rather than utilising roads, which does not now seem to be the case. The additional traffic will lead to chaos at Limeharbour and the junction with Marsh Wall;
- Consultation – Local community not consulted on how the financial contributions specified in the Section 106 agreement should be distributed. Called for an Isle of Dogs medical contribution, rather than one for the wider borough; and
- Television reception – This is already a problem on the Isle of Dogs and will be exacerbated if the proposed development goes ahead.

In response Mr Scott clarified the following points:

- Density – The London Plan and draft UDP are considered material planning documents for consideration and allow up to 1,100 habitable rooms per hectare, bringing the density of this application within permissible density levels;
- Affordable housing – The Council policy requires 35 per cent affordable housing on a floorspace basis, which this application precisely achieves. The 30 per cent figure in the report is based on the number of units, the measurement used by the Greater London Authority;
- Congestion – Condition 26 requires the use of barges during construction. The condition will clarify that the use of barges should be maximised in order to reduce road traffic. It was noted that the use of barges will also be specified in the Code of Construction Practice;
- Consultation – The distribution of funds for medical facilities, for example, will be decided in consultation with the PCT, not by the Council; and
- Television reception – It is the developer's responsibility, as stated in the conditions, to deal with any impact identified by the BBC as a result of the proposed development.

Mrs Maggie Phillips, Chairperson of the St. John's Estate Tenants and Residents' Association, was then asked to address the committee and spoke in objection to the proposed development. The following concerns were raised:

- The report does not consider that there are already 700 families living in a housing estate adjacent to the development site;
- Traffic problems already exist on Limeharbour and while car parking was refused recently at a nearby site, allowing parking here reverses the principle taken at that decision on mitigating traffic problems;
- No solutions have been offered in response to public transport concerns – the DLR and trains are already heavily overcrowded; and
- There is a need for greater community facilities as additional residential and retail developments occur on the Isle of Dogs – there are already anti-social behaviour problems in housing estates in the vicinity of this development site.

Mr Scott assured Mrs Phillips that the Council was aware of the 700 families living adjacent to the site and were required to consider this in terms of planning legislation and the cumulative impact of developments in the area.

Mr Scott reiterated that Condition 26 regarding the use of barges during construction would be drafted to reflect the intention to ensure maximum use of barges. While it was recognised that this development would lead to additional traffic, this was an issue for the Highways Department (which did not raise objections during consultation and have already required no access to Pepper Street for construction vehicles) and the Code of Construction Practice.

The representative for the applicant, Mr Julian Carter, was then invited to address the committee. In response to points raised throughout discussion, Mr Carter noted the following:

- The proposed community facility would be open to anyone wishing to join, as in any community club or association;
- The Registered Social Landlord (RSL) would manage the facility;
- The facility could include a youth club, however this would be for the management to decide;
- The applicant expects that should permission be granted, it would be six months minimum before work began on the site, and it is estimated that work will take two-to-four years to complete; and
- A Code of Construction Practice would be in place throughout construction and this would be agreed with the Council's Planning Department.

In response to questions from Members, Mr Carter noted the following regarding the proposed development:

- The private residential dwellings would be a mixture of one-bedroom, two-bedroom and studio dwellings;
- 40 per cent of the affordable housing would two-bedroom units, and thus suitable for small families (noted by Members as a demographic in need of residential accommodation in the borough);
- Heating would be gas central heating throughout the affordable housing developments, and the developer is further exploring renewable energy options to meet the Mayor's 10 per cent minimum requirement;
- Priority will not be given to any particular demographic in allocating parking spaces – these will be for sale and allocations will be made in accordance with the Royal Institute of Chartered Surveyors' (RICS') guidelines;
- The RSL had not yet been finalised but Swan, Genesis and Toynbee were being considered;
- There is no additional parking for the community facility as it is expected that the majority of members will come from within the local area (walking distance);
- Use of barges would be maximised for transport of construction materials and removal of spoil to and from the site during the period of construction, and that this would be part of the Code of Construction Practice;
- Five square metres of amenity space is provided via a balcony attached to each unit of affordable housing; and
- The capacity of the DLR had been discussed with Transport for London.

Further points of clarification were raised by Members, and Mr Scott noted in response that there is no longer any planning policy regarding children residing above a certain floor height. Ms Alison Thomas (Housing Development Manager) confirmed this, noting however that the choice-based letting system allowed residents to choose what floor they lived on in affordable housing developments.

There being no further questions, the Chair invited Members to vote on the recommendation to grant permission:

On a vote of

**2 FOR**  
**1 AGAINST**  
**0 ABSTENTIONS**

It was **AGREED** that planning permission be **GRANTED** for the demolition of the London Arena and redevelopment by erection of 8 buildings ranging from 43 to 7 storeys in height with a total of 142,180 sqm of floor space over a podium. The proposal comprises 972 residential units; 26,500 sqm of office space; a 15,560 sqm hotel; a community facility of 1,157 sqm; a range of retail uses including A1,

A2, A3, A4 and A5 comprising 4,810 sqm; new health and fitness club 1,085 sqm; associated landscaping including new public open spaces and a dockside walkway; a new internal road; and parking for 527 cars.

Members also **RESOLVED** that the application first be **REFERRED to the Mayor of London** pursuant to the Town & Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units.

Members of the Strategic Development Committee **CONFIRMED** that they had taken the environmental information into account, as is required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

Members of the Strategic Development Committee **AGREED** that a **STATEMENT be placed on the Statutory Register** confirming that the main reasons and considerations on which the committee's decision was based were those set out in the Planning Officer's report to the committee (as required by Regulation 21(1)(c) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

The planning permission is subject to the following legal agreements, planning conditions and informatives:

### **Legal Agreements**

A Section 106 Legal Agreement to secure:

1. A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the mix as specified in the table attached in Section 7.8.5.
2. Provide £150,000 towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.
3. Provide a minimum of £400,000 towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
4. Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.
5. Provide £125,000 towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
6. Provide £75,000 towards the signalisation of the junction of Marsh Wall/ Limeharbour with a green man phase.

7. Provide £100,000 towards open space improvements to cater for the demand that will arise from the new housing on existing open space and recreational facilities.
8. Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.
9. Provide £482,212 towards education to mitigate the demand of the additional population on education facilities.
10. Provide £2,624,437 towards medical facilities to mitigate the demand of the additional population on medical facilities.
11. Provide £125,000 towards the Local Labour in Construction (LiC) programme.
12. Provide £75,000 towards Skillsmatch to maximise the employment of local residents.
13. Preparation of a Workplace Travel Plan (including welcome pack for residents).
14. Preparation of a Service and Delivery Plan.
15. Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.
16. TV Reception monitoring and mitigation.
17. Preparation and implementation of a public art strategy including involvement of local artists.
18. Completion of a car free agreement to restrict occupants applying for residential parking permits.
19. Preparation of an Environmental Management Plan – post construction.

A Section 278 Legal Agreement to secure:

1. Standard S278 Highway Improvements/ modifications on Limeharbour, including, new access points, modification of existing access points and general paving as required.

### **Planning Conditions**

1. Time Limit for Full Planning Permission
2. A programme indicating separate phases of the development
3. Full Planning Permission – Design Details
  - Materials
  - Design and external appearance of the building
  - Interface of the retail areas with the public space
  - Treatment of the site along the eastern corridor
  - Fenestration



- External lighting and security measures
- 4. Completed in accordance with submitted drawings
- 5. Landscape Management Plan
- 6. Parking – Maximum Cars and minimum cycle and motorcycle spaces
- 7. Hours of construction
- 8. Servicing and ventilation
- 9. Hours of operation – hammer driven piling
- 10. Hours of construction – Mon-Sat inc. Demo
- 11. Wheel cleaning during construction
- 12. On site drainage works
- 13. Black Redstart Survey
- 14. Black Redstart habitat provision
- 15. Green roofs
- 16. Signage for basement parking
- 17. Land contamination
- 18. Re-use of excavated materials
- 19. Implementation programme for archaeological works
- 20. Foundation design and ground works
- 21. Construction operations and impact on dock wall
- 22. Horizontal access strip from dock wall
- 23. Surface and foul water drainage system
- 24. Materials, openings and maintenance regime for the boundary with the DLR
- 25. Noise – PP624
- 26. Maximum use of barges for construction traffic
- 27. Access by construction vehicles limited to Limeharbour
- 28. Demolition recycling plan
- 29. Limit A1 retail floor space
- 30. Community facility in the southern court
- 31. Recycling plan
- 32. Refuse storage facilities plan

### **Informatives**

1. Plan Numbers and supporting documents
2. Landscape Management Plan

3. Thames Water
4. Environment Agency
5. English Heritage – London Region
6. Environment Agency – surface and foul water drainage
7. Environment Agency – horizontal access strip to dock wall
8. Environment Agency – Land contamination
9. DLR – interface of development with DLR
10. Recycling provision
11. Refuse storage facilities
12. Code of Practice for Works affecting British Waterways
13. Environment Agency – tidal flood defence level
14. Environment Agency – construction close to flood defence wall
15. Entertainment licensing
16. Surface water
17. Site notice
18. Control of Pollution Act
19. Relevant Building Regulations

### **Close of Meeting**

The meeting ended at 9.22 pm.

Councillor Rofique Uddin Ahmed  
Chair: Strategic Development Committee