

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 31 MAY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Bill Turner
Councillor Dr. Emma Jones
Councillor Carlo Gibbs
Councillor Judith Gardiner
Councillor Helal Uddin
Councillor Zara Davis
Councillor Stephanie Eaton

Councillor Denise Jones

Other Councillors Present:

Councillor Tim Archer

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Paul Buckenham	– (Interim Team Leader Development Schemes, Planning & Building Control, Development & Renewal)
Amy Thompson	– (Strategic Applications Planner)
Mark Hutton	– (Team Leader, Development Design & Conservation, Development & Renewal)
Andy Scott	– (Head of Employment & Enterprise, 2012 Olympic & Paralympic Games, Development and Renewal)
John Archer	– (Biodiversity Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. ELECTION OF VICE CHAIR FOR 2012/13

It was proposed by Councillor Helal Abbas, seconded by Councillor Helal Uddin and **RESOLVED**

That Councillor Bill Turner be elected Vice-Chair of the Strategic Development Committee for the remainder of the Municipal Year 2012/2013.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. 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
Denise Jones	8.1	Personal	Manager of a small business in the Brick Lane area. Member of the Heritage of London Trust. Had received representations from interested parties relating to the application.
Helal Abbas	8.1	Personal	Ward Councillor.
	8.1 & 9.1	Personal	Had received representations from interested parties for and against the applications but had not responded to them.
Bill Turner	8.1& 9.1	Personal	Had received representations for and against the

			applications from interested parties
Carlo Gibbs	8.1& 9.1	Personal	Had received representations for and against the applications from interested parties
Helal Uddin	8.1 & 9.1	Personal	Had received representations for and against the application from interested parties.
Judith Gardiner	8.1 & 9.1	Personal	Had received representations for and against the application from interested parties.
	9.2	Personal	Member of the LOCOG Planning Committee so was familiar with the application. Son had an internship with LOCOG body.
Emma Jones	8.1& 9.1	Personal	Had received representations for and against the applications from interested parties
Zara Davies	8.1 & 9.1	Personal	Had received representations for and against the applications from interested parties.

	9.2	Personal	Present at Island Association community meeting where item was discussed but did not speak at the meeting.
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4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the extraordinary meeting of the Committee held on 15th March 2012 and the ordinary meeting held on 12th April 2012 be agreed as a correct record and signed by the Chair.

5. 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

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

That the Terms of Reference, Quorum, Membership and dates of meetings of the Strategic Development Committee for the Municipal Year 2012/2013 be noted as set out in the report.

7. 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.

8. DEFERRED ITEMS

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

Update Report tabled.

Pete Smith (Development Control Manager) introduced the Committee report and the update regarding the London Fruit and Wool Exchange(PA/11/02220) (PA/11/02221). It was reported that the application was previously considered on 6th March 2012 where the Committee were minded to refuse the application for a number of reasons as set out in the updated Committee report. Mr Smith highlighted the modifications made to the application by the applicant to address the concerns and the representations received since 6th March 2012 as detailed in the report and update.

Paul Buckenham (Deputy Team Leader, Pre- applications Team) gave a presentation of the application explaining the key aspects. In particularly the proposed layout, the design, the views from key points and the plans for the Gun public house.

He explained in more detail the clarifications and modifications offered by the applicant to address Members concerns. He described the increase in SME space, the enhanced employment and training offer, the proposed employment and skills centre and the additional planning contributions.

He addressed the additional representations as set out in the update. He also explained the additional conditions recommended in the update to further address the concerns.

The impact on the Gun public house had been fully assessed by Officers and the applicant. Given the wider public benefits of the scheme, Officers considered that the plans were acceptable and that the proposal complied with policy and the National Planning Policy Framework

The applicant had submitted a viability assessment detailing recent events that increased viability. The study showed that the revised scheme could be afforded without leaving the scheme unviable. The assessment had been independently assessed.

On balance, the Officers recommendation remained unchanged to grant the application. However should Members be minded to refuse the application, suggested reasons for refusal were set out in the Committee reported based on the reasons given by Members on 6th March 2012.

In response to the presentation, the Chair noted the improvements to the scheme and the opportunity presented to redevelop the site. He also noted

the many objections and the numerous opportunities for people to express their views during the planning application process.

Members then raised a series of questions and concerns around the following issues:

- The potential occupants of the units.
- The plans to commemorate the history on site.
- The commissioning and tendering process for the employment and training provision.
- The expected outcomes for the service and testing done to identify this.
- The nature of the job opportunities.
- The merits of relocating the Gun public house. The views of the occupants about this.
- The impact on the Conservation Area. Concern was expressed at the lack of new measures to mitigate the impact given the improvements to address the other concerns. It was questioned whether more could be done to retain the public house as part of the heritage offer.
- Concern about the loss of heritage on site in general. For example the loss of the Fruit and Wool building its self. It was remarked that the Spitalfields area thrived on having many old buildings. The scheme could jeopardise this. The heritage issues had not been fully addressed.
- The off site housing offer and the policy support for this.
- The effectiveness of the Enforcement Officer
- The time length of the post.
- The public toilet facilities.
- Evidence that restaurant uses caused nuisance behaviour.
- The need for the 'before and after slides' in the presentation to be consistent in terms of format – for example both in colour.

Mr Buckenham responded to the questions from Members. He referred to the many expressions of interest in the units in the scheme. The negotiations with potential occupants were at an advance stage. This would have a positive impact on viability.

He explained the plans to display the site heritage on site that would be dealt with via the s106 agreement. At the request of the Committee, Mark Hutton Conservation Officer explained in more detail some suggested ideas for achieving this to ensure there was an adequate commemoration of heritage on site. He expressed confidence in the plans. The plans would be prepared with the Design and Conservation Team. Great care had been taken to ensure the scheme fitted in with the Conservation area.

Officers had engaged in discussions with the Council's Employment and Enterprise team regarding the employment and skills centre. The centre would provide a wide range of opportunities at different skills levels including assistance for the unemployed. It was intended that the developer would work in partnership with the key employment stakeholders to deliver the aims.

Officers also referred to a letter from the owners of the Gun public house. According to which, they supported the re – development and their return to the scheme due to the business opportunities it presented. The developer had fully examined the potential to retain the public house but found that due to incompatibilities in the layout, it could not be incorporated into the new scheme. Officers detailed the reasons for this as detailed in the design assessment.

The additional contributions for employment and the skills centre exceeded the requirements in the SPD. Therefore were not necessary for the development. The post of the Enforcement Officer would be initially be a for five years period. There would be obligations in the s016 to provide this post. The provision of public toilets could be funded via the existing proposal avoiding the need for an additional contribution that could raise the contributions above the threshold.

The off site housing offer complied with the London Plan given the designation of the site and the nature of the development.

On a vote of 4 for and 0 against with 1 abstention the Committee **RESOLVED**

1. That the Officer recommendation to grant planning permission and Conservation Area Consent (PA/11/02220) (PA/11/02221) at London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London is not accepted and subject to any direction by the Mayor the London, the applications be REFUSED.

Councillor Carlo Gibbs moved an amended to the suggested reasons for refusal seconded by Councillor Bill Turner to include the demolition of *the Fruit and Wool Exchange Building itself* in the second reason for refusal of the planning permission as set out in the report. On a vote of 4 in favour 0 against and 1 abstention this was agreed.

Councillor Turner moved a further amendment to remove the White's Row Car Park from the suggested reasons for refusal for the Conservation area consent as set out in the report. On a vote of 4 in favour 0 against and 1 abstention this was agreed.

On a vote of 4 for and 0 against with 1 abstention the Committee **RESOLVED**

That planning permission and Conservation Area Consent (PA/11/02220)& (PA/11/02221) at London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London be **REFUSED** for the reasons set out at Paragraph 7.2 of the committee report subject to the two amendments agreed by the Committee regarding the inclusion of the demolition of *the Fruit and Wool Exchange Building itself* in the second reason for refusal of the planning permission and the removal of the

White's Row Car Park from the reasons for refusal for the Conservation area consent.

(The Members that considered this item were Councillors Helal Abbas, Bill Turner, Dr Emma Jones, Carlo Gibbs and Denise Jones. The other Members present did not vote on this item having not been present at the 6th March 2012 meeting when the application was last considered and deferred).

9. PLANNING APPLICATIONS FOR DECISION

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

Update Report tabled.

Pete Smith (Development Control Manager) presented the application regarding Orchard Wharf, Orchard Place, London (PA/11/03824).

The Chair invited registered speakers to address the Committee.

John Gordon spoke in objection to the proposal. He stated that he was a resident of Virginia Quay that looked over looked the site. He referred to the regeneration of the area as an urban site. The signs indicated that the site would follow this pattern of urban regeneration and this informed his move to the area. This proposal was never presented in any of the plans.

This scheme would hinder its regeneration as a residential area. It would also cause pollution, put at risk the nature reserve and birds as demonstrated by research. It would increase traffic. The Leamouth roundabout would be unduly affected. However, the traffic implications in the report were unclear. The application should be refused.

In reply to Members, Mr Gordon stated that he lived in Pilgrims Mews. The plant would visually dominate the landscape. It would generate lorry movements onto the A road and the roundabout adding to the noise levels in the surrounding that were already very substantial.

Julian Hilton spoke in objection. He owned a property in Orchard Place. He stated that 50 residents had objected to the scheme. He questioned whether this would add value to the community. It would harm the regeneration already underway. The site owner opposed the application. The concrete structure would spoil the area and harm the nature reserve. The application should be rejected.

Councillor Tim Archer spoke in objection. The site was located within close proximity to the residential properties, Virginia Quay and Orchard Wharf and a nature reserve - a point for the proposed FAT walk. Therefore the application was wholly inappropriate for the area especially in view of its potential use. Objections had been received from key groups such as the Lea Valley Regional Park Authority. The site owners opposed the scheme as set out in

their letter. Therefore, he urged the Committee to oppose the scheme.

Ms Vilna Walsh spoke in support of the application. The site had been designed as a safeguarding wharf since the 1990s and the recent 2012 review recommended that it be retained as such. The scheme would bring the site back into use and restore it back to its historic use in accordance with national and local policy. This with a high quality sustainable form of development given the use of river transport that made best use of the site. The Applicant had undertaken extensive public consultation and pre application discussions with the Council and had sought to address the concerns. There were a host of measures to mitigate the impact on the East India Dock Basin and ecology. In relation to noise and dust, all activities would be enclosed to prevent any adverse impacts. The Highways assessment had been approved by Officers as having no impact. It would create employment with opportunities for local people. The plant would comprise state of the art equipment with all environmental safeguards in place.

In reply to questions, Ms Walsh referred to the results of their noise testing. The testing showed that the impact on Virginia Quay fell below the threshold for mitigation. In reply to a question about the closure of the plant in the 1990s, Ms Walsh could not comment on the reasons for this. The consultation included public meetings and extensive leafleting. There was a mixture of responses to the scheme and many concerns were raised. The developer had arranged a meeting with residents from the buildings most affected. Yet this was poorly attended. However the applicant had provided mitigation for the building most affected.

In reply to Members about the benefits and local employment, Ms Walsh considered that the application would bring the site back into use, create employment with targets for local employment. There was no chance the site could be used for any other uses due to the designation. In response to questions about sites elsewhere in similar locations, Ms Walsh highlighted a similar site in Haringey. Despite strong opposition from residents at application stage, since operation no complaints had been received.

Mandip Dhillon (Planning Officer) presented the detailed report and the update assisted by a power point presentation. The scheme was a cross boundary application. Members were therefore being asked to approve this scheme and also formally support the duplicate application within the LTGDC boundary area.

Ms Dhillon explained the details of the scheme. She explained the outcome of the public consultation carried out twice in January and February 2012 as set out in the report and update. Ms Dhillon also highlighted the safeguarded wharf status of the application site. A review of its status carried out by the GLA in 2012 recommended that the site be retained as a safeguarding site. Therefore the scheme complied with this decision and the policy for the site.

The scheme fitted in with the area, protected views and included measures to protect amenity. Contributions had been secured for biodiversity and environmental improvements amongst other things.

The scheme would create a total of 12 jobs with 6 in construction and 6 post construction.

Overall the scheme complied with policy with no major impacts and should be granted.

In response to the presentation, the Committee raised a number of questions regarding the following issues:

- The ecology impact from the transport activity
- The cost of distilling the East India Dock basin (EIDB).
- Confirmation of the loss of natural habitat.
- The impact on noise sensitive species.
- Noise impact on Virginia Quay.
- The dust impact
- The relevance of the protected wharf status given the changing nature of the area. Particularly given the growth in residential developments since the initial review. Had such changes been taken into account?
- The Council's response to the 2012 safeguarding wharf status consultation.
- The merits in arguing for an alternative use for the site given the consultation period for the above had yet to close.
- The traffic impact on the wider area. The need to take into account the off site impact as well as the on site impact.
- Pollution.
- The FAT walk.
- Impact of vehicle activity at night on neighbours.
- Alternative sites for the scheme in the region.

Regarding the GLA consultation, Members expressed a wish to be able to comment on such reviews in the future.

Officers addressed each point. A total of 198 HGV trips per day were anticipated. The movements by river would greatly reduce the highway impact. The study focused on the vehicular impacts on site as required by policy. The route of the FAT walk stretched across the borough from north to south and allows the route to be enjoyed over the full course. It was not limited to the area around the East India Dock Basin. Officers advised that the proposal had been designed to offer positive views of the area and did not therefore impact upon the FAT walk.

It was proposed to mitigate for any loss of habitat so that the impact on the site was neutral. Officers explained the costs and merits of distilling the East India Dock basin that would provide off site biodiversity enhancements to the

EIDB. They explained the steps in the application that would substantially assist this.

Officers had fully examined the noise impact on neighbours. It was considered that mitigation for the impact on Virginia Quay was unnecessary given the lack of impact as shown in the noise report. However, there would be some impact on 42-44 Orchard place. Mitigation had been proposed for this site and secured through the agreement.

Officers stressed the safeguarding history of the site. The policy strongly encouraged the sites reactivation for aggregate management and that steps be taken by the Authority to achieve this. The policy indicated that it should only be used for such purposes. The scheme met these aims. Officers must have regard to this policy. Support for an alternative use may be difficult to defend at a later stage.

Officers acknowledged that the surrounding area had changed in recent years. Nevertheless they have to base their recommendations on the present status of the site. The Council did respond to the recent consultation of the GLA. Its response to this was explained.

There were a number of safeguarded wharfs in the region. However, the Committee should only consider the merits of this application. This site met the requirements in policy for the reactivation of the aggregate storage and cement plant.

Officers explained the measures to mitigate impact including the operation of the passive ventilation systems. There were conditions to secure both dust and noise management strategies. The hours of operations for the vehicles would be regulated as set out in the report to protect residential amenity. There would be some unloading of lorries at 11pm. But only in the remote areas of the site.

Should Members be minded to refuse the proposal, the duplicate application would still be a matter for the LTGDC to consider and determine themselves.

On a vote of 3 in favour and 4 against with 1 abstention the Committee **RESOLVED**

That the Officer recommendations to grant planning permission (PA/11/03824) at Orchard Wharf, Orchard Place, London be **NOT ACCEPTED**.

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

- The safeguarding status of Orchard Wharf.
- The impact on the FAT walk.
- Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.

- Impact of noise on neighbours.
- Transportation impacts.
- Design and Impact on Views

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.

9.2 Millwall Park, Manchester Road, London, E14 (PA/12/00252)

Pete Smith (Development Control Manager) presented the application Millwall Park, Manchester Road, London, E14 (PA/12/00252)

The Chair invited registered speakers to address the Committee.

David Lyon spoke in objection to the application. He considered that the plans were an intrusion to residents and the park. The park was well used especially during this time in question as it was the school holiday period. As stated by the applicant, there was a risk that the mast might be subjected to sabotage or demonstration. This was clearly unacceptable. Furthermore key groups such as the Millwall Park and Island Gardens Users Groups had not been consulted. The aims could be achieved by locating the mast in Greenwich park. The site was in a designated area. Helicopters could fly into the camera cable and bring the cable and helicopters down.

Councillor Tim Archer spoke in objection to the application. Residents didn't understand the need for this application. The report says this was only acceptable on a temporary basis. However why should the park have to suffer the impacts for any length of time? The Millwall Park Island Gardens Users Group had not been consulted.

Councilor Archer questioned whether the time length was necessary. The alternatives needed to be looked at. He expressed concern at the impact and damage to the park grounds. He sought assurances that it would be fully reinstated. He sought assurances about the impact on the football pitches. He doubted that that the helicopter activity would be restricted. He urged that the application be rejected. In response to Members about the impact on football pitches, he considered that they would be affected as they would be in use during the period. This was at a time when the Council should be encouraging full use of the park during the Olympic period.

Neil Smith spoke in support of the application on behalf of the applicant. He explained the need for the time period to allow time for the construction and dismantling. It would affect five areas of the park - a relatively small area of the park. He explained the proposed techniques to protect the grass. There were conditions to ensure the park was fully reinstated as per a similar scheme successfully ran by the applicant in Greenwich. In response to Members questions about the consultation, Mr Smith replied that the applicant

did consult with user groups and the school. The exact timescale for the reinstatement was dependant on the weather but would be done quickly as possible. In response to Members about use of the camera and privacy, Mr Smith assured Members that the scope of cameras did not cover residential properties. Capturing them was not the intention of the broadcasters.

Jeremy Edwards also spoke in support of the application. He emphasized the intention of the broadcasters to protect privacy. However the cameras would capture favorable views of areas in the Borough therefore showcase the Borough. The naval helicopter operators for the Thames had been in contact and it was known that the helicopter pilots were very qualified and there were no concerns about them obstructing the cable.

Mr Simon Ryan (Deputy Team Leader, Planning Services) presented the proposal assisted by a power point presentation. He explained the time scale for the scheme and the measures to fully reinstate the park. He explained the site location and the route of the camera cable outside the remit of residential properties. Given the time restriction and reinstatement plans, it was considered that the impact was acceptable. In terms of the consultation, the key agencies had not raised any objections about aviation safety. It was therefore recommended that the scheme be granted to facilitate the Olympic Games and provide positive views of the Borough.

Members raised questions about the impact on the football pitches, the measures to prevent misuse of the ropes/cables, the provision of contributions to mitigate impact and the risks of aircrafts hitting the cables. Assurances were sought about the safety measures to prevent this and the safety of the helicopters. It was also suggested that the mast should be painted a different colour to fit in better with the landscape.

Mr Ryan addressed each point. No sports pitches would be affected due to a mixture of location and lack of use during the summer period. The only mitigation sought was the reinstatement works for the park grounds. No further mitigation contributions were deemed necessary. There were measures to safeguard the installations. This included fencing around the scheme and 24 hour security patrols. The relevant experts had no concerns about the aviation safety. The camera cables were very robust and fit for purpose. The suggestion of painting the mast a different colour could be looked at. The applicant indicated that they would be happy to look at this.

On a vote of 6 for and 0 against with 2 abstentions the Committee
RESOLVED

1. That planning permission (PA/12/00252) be **GRANTED** at Millwall Park, Manchester Road, London, E14
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

10. SIMON RYAN PLANNING OFFICER - LAST MEETING OF THE COMMITTEE

The Chair reported that this would be the last meeting of the Committee. Simon Ryan, Planning Officer would be attending. He thanked Mr Ryan for all his hard work in supporting and presenting to the Committee. Members wished him well for the future.

The meeting ended at 10.40 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee