LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON THURSDAY, 16 AUGUST 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Dr. Emma Jones Councillor Shahed Ali Councillor Judith Gardiner Councillor Bill Turner (Vice-Chair) Councillor Zara Davis Councillor Craig Aston

Councillor Peter Golds Councillor Denise Jones

Other Councillors Present:

Nil

Officers Present:

Megan Nugent - (Legal Services Team Leader, Planning, Chief

Executive's)

Jerry Bell – (Strategic Applications Manager, Development

and Renewal)

Jen Pepper – (Affordable Housing Programme Manager,

Development and Renewal)

Amy Thompson – (Strategic Applications Planner, Development and

Renewal)

Pete Smith – (Development Control Manager, Development &

Renewal)

Pat Watson – (Head of Building Control)

Mandip Dhillon – (Planning Officer)

Alan Ingram – (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR), IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Stephanie Eaton, Carlo Gibbs and Helal Uddin and from Councillor Judith Gardiner for lateness.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Ms Megan Nugent, Legal Services Team Leader, clarified the new arrangements for declaration of Disclosable Pecuniary Interests.

No declarations of Disclosable Pecuniary Interests were made.

Councillor Zara Davis stated that she had been previously involved in a campaign against the proposals in the ASDA planning application (agenda item 7.3) and would withdraw from the meeting during consideration thereof, when Councillor Craig Aston would deputise for her for that item only.

3. UNRESTRICTED MINUTES

Councillor Bill Turner asked that the commentary regarding minute 8.2 (Orchard Wharf, Orchard Place, London [PA/11/03824]) be amended to reflect Members' decision that they had wanted to refuse the planning application.

The Committee RESOLVED

That, subject to the amendment shown above, the minutes of the meeting of the Committee held on 5th July 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 add conditions/informatives/planning obligations for reasons 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 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 6.1 and 6.2 would be considered concurrently, as they related to the same site, but with a separate vote on each.

Councillor Peter Golds stated that he had been a member of the Committee at the last meeting and had participated in the vote on these applications. He noted that negative comments regarding his participation had been made on a local blog and referred the matter to the Legal Officer. Ms Megan Nugent. Legal Services Team Leader, stated that she would take the matter into serious consideration. Councillor Golds added that he would be referring the issue to the Monitoring Officer. The Chair confirmed that this matter would be recorded in the minutes of the meeting.

Mr Pete Smith, Development Control Manager, briefly introduced the applications for outline and full planning permission at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, which Officers had been minded to refuse, whilst Members had not been happy to accept those recommendations.

Mr Jerry Bell, Strategic Applications Manager, made a further brief presentation on the details of the applications.

The Chair commented that there had been a very detailed discussion at the last meeting, with many Members' questions on all aspects of the applications. He indicated, therefore, that the Committee should proceed to vote in the light of the supplementary reports and the recommended reasons for approval.

On a vote of 3 for and 1 against, the Committee RESOLVED

- That the Officer recommendation to refuse the application be NOT ACCEPTED and that outline planning permission for demolition and redevelopment works at Stroudley Walk Market, Stroudley Walk, London, E3 (PA/10/373) be **GRANTED** for the following reasons:
 - 1. On balance, the benefits of regenerating Stroudley Walk and the proposed amount of affordable housing, replacement of existing affordable housing stock and mix of units, as demonstrated through

viability assessment is considered acceptable. As such, the proposal is in line with policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Draft Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.

- 2. Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.
- (2) That such planning permission be subject to the agreement of the S106 package as set out in the Committee report and to any direction by the Mayor of London.
- (3) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

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

For commentary, see previous item in these minutes.

On a vote of 3 for and 1 against, with two abstentions, the Committee **RESOLVED**

- That the Officer recommendation to refuse the application be NOT ACCEPTED and that full planning permission for redevelopment works at Stroudley Walk Market, Stroudley Walk, London, E3 (PA/10/374) be **GRANTED** for the following reasons:
 - Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits that will come forward with the side wide outline scheme, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02

and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.

- 2. The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.
- That such planning permission be subject to the agreement of the (2) S106 package as set out in the Committee report and to any direction by the Mayor of London.
- (3) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

(At this point, 5.45 p.m., Councillor Denise Jones left the meeting. Councillor Peter Golds, who had been an eligible Member to vote on both Stroudley Walk Market applications as he had been a Deputy at the meeting of the Committee on 5th July 2012, took a place in the public gallery.)

7. PLANNING APPLICATIONS FOR DECISION

7.1 Cayley Primary School, Aston Street, London, E14 7NG PA/12/00920

Mr Pete Smith, development Control Manager, introduced the Committee report regarding the planning application for the provision of extensions at Cayley Primary School, Aston Street, London, E14 7NG (PA/12/00920).

Ms Beth Eite, Planning Officer, made a detailed presentation of the Committee report and tabled update as circulated to Members.

NOTE: Councillor Judith Gardiner joined the meeting at 5.55 p.m. and the Chair indicated that Councillor Gardiner could participate in discussion but was not eligible to vote on this item as she had arrived after the Officer introduction.

The Chair then invited Members' questions on the application, which included:

- The likely impact on the school and children if planning permission were not granted.
- The variation in design between the original Victorian school building and the proposed extensions.
- The proximity of the new extensions to a Grade II Listed Building and whether the setting of the latter would be significantly affected.
- The impact on local transport systems of 190 extra pupils, when there were already congestion problems. The situation was likely to worsen even if the school already had a transport management plan.

Officers replied that:

- If planning permission were not given and building works could not start, there would be difficulty for some 30 pupils who could not be accommodated in September 2013 and for whom alternative provision would have to be sought.
- The 4-storev extension had a flat roof to reduce mass and allow 4 floors to be provided. After discussions with the Council's agents, it had been concluded that a modern development would look better than trying to copy Victorian styling. Conditions had been applied on materials to be used and the bulk of the building was set back from the street scene.
- The listed building was about 30m. away from the school and it was felt that a modern extension, set back from the street and not visually intrusive, would not prove detrimental to the setting.
- There would be an impact on roads and the advice of the Highways Section had been sought. The travel plan would encourage people to access the school by public transport but any congestion must be balanced against the provision of desperately-needed school places. Travel plans were constantly evolving documents and would be monitored to ensure they adapted as necessary to changing circumstances.

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

- (1) That planning permission be **GRANTED** at Cayley Primary School, Aston Street, London, E14 7NG (PA/12/00920) for a 4-storey extension to join southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.
- (2) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives to secure the matters set out in the Committee report and tabled update report.

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

Mr Pete Smith, Development Control Manager, introduced the Committee report concerning the application for cross-boundary hybrid planning permission at Orchard Wharf, Orchard Place, London (PA/11/03824), 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.

Mr Smith added that the application had previously been submitted to Committee on 31st May 2012, when Members had not been minded to grant planning permission. He made the point that Greater London Authority consultation had confirmed that Orchard Wharf had safeguarded status and they had taken account of matters raised by Members. In the light of additional information and clarifications, the application was now being presented to the Committee afresh.

The Chair invited registered speakers to address the Committee.

Councillor Peter Golds, speaking in objection to the application, stated that he was representing the Blackwall and Cubitt Town Ward, residents of Virginia Quay and also Jim Fitzpatrick MP, who was most concerned about the application. He expressed the view that the application would have been acceptable 50 years ago but the nature of the Borough had changed greatly and there was a large local population in the vicinity of the wharf. The site would generate a large number of vehicle movements in close proximity to Virginia Quay, which was also affected by the large Ballymore site nearby. Transport issues and environmental interests must be an absolute priority in that locality and provided excellent grounds to turn down the application. Councillor Golds added that he was concerned at the level of consultation that had taken place and local people had not been listened to by the developers. Over 200 lorries per day would have severe effects on local roads and the Canning Town flyover. The application should be refused on transport and many other reasons.

Ms Vina Walsh, speaking in support of the application, stated that the application would reactivate a derelict site. A range of environmental and other issues had been raised when the application was last considered. However, the amended scheme was now the culmination of two years' work, which now contained mitigation measures and the proposals were justified. Public consultation had been conducted through public meetings and mailshots. All objections raised had been reviewed and comments provided. put forward Members' concerns and the applicants' environmental statement addressed these in detail. It was important to recognise the policy statement and the wharf's safeguarded status. applicants had done all they could to address Members' and residents' concerns comprehensively.

In response to guestions from Members, Ms Walsh indicated that:

- There would be 30 Borough employees at the construction stage and 30 at the operational stage.
- There would be 198 lorry journeys throughout the working day, spread out at about 20 per hour. The site would be largely served by river traffic. Road traffic had been fully assessed and it was felt there would be no significant adverse effects on the locality.
- Approval to such traffic levels had been obtained on appeal after refusals in other locations based on traffic movements, etc. Mitigation was provided by the fact the traffic levels were spread evenly over the working day.

Ms Mandip Dhillon, Planning Officer, made a detailed presentation of the Committee report and tabled update, as circulated to Members. indicated that the London Thames Gateway Development Corporation were also recommending approval of planning permission and the application would be submitted to their committee in the following week. Ms Dhillon referred to concerns on safeguarding of the wharf that had been previously raised with the GLC and which had now been resolved. Use of the land for aggregate storage had been approved by the Secretary of State and the scheme remained viable despite a reduction in demand for construction materials. Environmental measures including screening along the East India Dock Basin, to the west of the site, had also been negotiated. Officers were still recommending that planning permission should be granted.

The Chair then invited questions from Members, which included:

- Lorry movements and associated noise that would be generated by activities on the site and effects on surrounding roads.
- Responsibility for monitoring environmental impacts on the East India Dock Basin.
- As part of the site would be uncovered, what would be the likely position regarding dust impact on residents.
- Further consultation measures that had been undertaken with the
- Any possible alternative uses for the site.

Officers' responses included information including:

- Anticipated vehicle movements from the site were considered acceptable. Noise would be created near Virginia Quay but this was also felt to meet acceptable normal standards in an inner-London borough. Secondary glazing would be available to residents despite this consideration and the mitigation in place would be the same as for works that had been undertaken on the DLR and Crossrail. Road surfaces would also be treated to reduce noise levels.
- The Lea Valley Regional Park Authority was responsible for the East India Dock Basin but the Council would be seeking to access funding streams to assist them de-silt the basin.
- Buildings on the south part of the site would be linked by a conveyor to a jetty in the Thames. However, this was the furthest point away from Concrete batching plants had responsibilities to Orchard Place.

observe and had to apply for an operating permit. There would be a risk assessment and subsequent monitoring and control of site emissions. Some materials might need partial enclosure or have to be kept wet. Of three concrete batching plants in the Borough, none had been the subject of complaints regarding operations.

- Following the meeting on 31st May 2012, there had been full consultation with the relevant Cabinet Lead Member and comments had been forwarded to the GLC, which they had taken into account.
- The most recent documentation indicate that the wharf would be safeguarded for cement and aggregate storage and the scope for any other uses would be very limited.

The Chair referred to the extensive discussion that had taken place at the meeting on 31st May 2012 and commented that he had allowed Members time to clarify other queries that had arisen. He then indicated that the matter would be put to the vote.

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

That the Officer recommendation to grant planning permission at Orchard Wharf, Orchard Place, London (PA/11/03824) be **NOT ACCEPTED** due to Members' concerns over:

- 1. The impact of the development on the FAT Walk.
- 2. Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.
- 3. Impact of noise on neighbours.
- 4. Transportation impacts.
- 5. 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. along with the implications of the decision.

Adjournment

At this point (7.00 p.m.) the Chair proposed and it was

RESOLVED that the proceedings be adjourned for a five minutes break.

Councillor Zara Davis then left the meeting and Councillor Craig Aston deputised for her.

7.3 ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670)

The Chair confirmed that Councillor Zara Davis was not participating in this item of business and her Deputy was Councillor Craig Aston.

Mr Pete Smith, Development Control Manager, introduced the Committee report and tabled update regarding the hybrid planning application for the demolition of the existing supermarket and comprehensive redevelopment of the site for mixed-use purposes at ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670).

The Chair invited registered speakers to address the Committee.

Ms Maggie Phillips, Chair of the St John's Tenants' & Residents' Association. spoke in objection to the application. She stated that the big objection local people had to the proposed development was that it would not include a petrol filling station, meaning that there would be no such facility on the Isle of Dogs and this was very important to residents. In addition, only 30 social housing units would be provided from a development of 850. There were 24,000 applicants on the current housing waiting list and the lack of affordable housing, given the Government cap of housing benefit, meant that people were being driven out of the East End. This was a disgrace to the community and more homes were needed. A further 750 homes were being proposed for the Skylines development and this would create problems from pressure on local schools and health facilities. She felt that more should be done for local people, who would also feel boxed in by the development.

Councillor Peter Golds, speaking in objection to the application, stated that the project had been long in gestation but was short in achievability. He queried the nature of consultation, including a questionnaire that simply asked if people wanted a new Matalan on the site. The proposal comprised extensive over-development and the school places mentioned in the terms of the S106 agreement related to the Boroughwide position, not the Isle of Dogs. The applicant's indicative outline unit and tenure mix showed 86 intermediate units, 30 social rented and 108 affordable rented units out of a total of 850. He asked how this would help Borough residents. Although the provision of a petrol filling station was not a planning requirement, it was important to local people and, additionally, there was no reference in the application to maintaining a chemist on the site. There would be massive over-development if the scheme went ahead, with lack of additional transport and only one extra bus stop.

In response to Members' questions, Councillor Golds commented that all schools on the Isle of Dogs were bursting at the seams and could not take more pupils. People were already having to bus their children to schools in Whitechapel and this was unacceptable. He asked how additional education and health facilities would be made available for children living in the new development.

The Chair indicated that one of the registered speakers. Mr Danny French. was not in attendance and he intended to use his discretion to allow another person to address the meeting in substitution.

Ms B. Elliot, a local resident, stated that there was already over-development of the area and at times it was impossible to get on the DLR. ASDA was the only large supermarket on the Isle of Dogs, with the only petrol station and such facilities should be retained. The proposed buildings were huge, unsightly and would block trees from sight, especially the hideous, large tower. The Mudchute park and farm would also be affected by construction noise and filth. She queried what would be put in place of the existing quiet setting and what benefit this would be to the local community.

Ms Lorraine Hughes, speaking in favour of the application, stated that the proposal was to create a new District centre that would be a new heart for Crossharbour and would kickstart regeneration in the area. There had been several years of consultation and 31% of the 850 new homes would be social housing with a range of tenures and early delivery. There would be over 800 jobs in the new ASDA and retail units, of which 40% were intended for local There would be new community facilities and substantial improvements to the public realm. The financial contribution of almost £6.7m would enable health, education and training provision and there would also be spend on DLR and bus improvements. The scale of the scheme would step down from the Canary Wharf perspective and was properly tailored for the locality.

Mr Craig Sellen, speaking in favour of the application, stated that he had been manager of ASDA for three and a half years. The supermarket had been at the heart of the Isle of Dogs community for over 30 years and wanted to remain so. The application was an outline of what the area could become and the existing store was now tired and needed rebuilding. He added that Britannia Pharmacy were planning to have an outlet on site. Some 6.000 City and Guilds apprenticeships had been made available last year to ASDA staff and most jobs in the new store would go to local people. The Manager of the Mudchute City Farm was offering a whole range of services and would be engaging with local children. The scheme was also supported by East End Homes, local groups and hundreds of local residents.

In response to Members' questions, Mr Sellen confirmed that the legal process to achieve a Britannia Pharmacy outlet was already under way. He further confirmed that 40% of jobs in ASDA would go to local people.

Ms Marcelina Mochalska, speaking in support of the application, indicated that she represented Perimart Ltd., who had provided the Britannia Pharmacy outlet on the ASDA site for many years. She felt that the proposed redevelopment was overdue and the existing buildings were now out of character for the required facility. She supported the application but this should include a condition that a pharmacy should be provided in one of the retail units, for A1 and no other usage.

Ms Amy Thompson, Strategic Applications Planner, presented the detailed report and update, stating that the proposal was to expand and intensify the District Centre and provide community facilities. Matters of detail would be settled by further, later applications, which would be subject to public consultation. A new store would be provided before demolishing the old premises. The proposal did not include a new filling station and there were no policies to require this. The only possible option possible for this would be in the northern block of the site but the Highways Section advice was that this would not be accessible to service vehicles. The presence of a filling station would also tend to reduce housing values, and affordable housing had to be the Council's priority.

The Chair then invited questions from Members, which included:

- Allocations of child playspace and public space.
- Arrangements for the Mudchute Park and Farm lease.
- Arrangements that could be made to ensure the continuation of a pharmacy on site.
- The nature of the DLR Crossharbour upgrade and additional capacity that was needed for the bus network.
- The possibility of increasing educational capacity on the Isle of Dogs.
- Arrangements for the provision of a community facility.
- Social housing provision in the proposed scheme.
- Adequacy of residential parking provision on the site.

Officers' replies included information that:

- On-site provision of playspace for under-13s met policy requirements and discussions with the applicant and GLA had ensured that the scheme delivered all the allocation possible. Playspace for older children was within a reasonable walking distance and the S106 overall pot was higher than the viable assessment. There was one figure for an open space contribution that could also be used towards wider Borough provision.
- The lease for Mudchute Park and Farm would run in perpetuity and the cost of £35,000 per annum would be paid by ASDA.
- Ms Lorraine Hughes, for the applicant, informed the Committee that they were agreeable to a planning condition requiring provision to be made for a pharmacy on-site and Britannia Pharmacy would have first right of refusal.
- The DLR had originally requested £1.35m for Crossharbour station upgrades but, during negotiations, in establishing Tower Hamlets priorities, it had been felt that this could be reduced to increase provision for bus services to £510,000, which would be allocated by TfL to the Isle of Dogs bus network. The station works included a new canopy, step-free access and real-time bulletin boards
- There was wide awareness of the pressure on school places across the Borough and a report was to be submitted to cabinet on 15th September 2012 addressing the scale of need over the next 10 years and how to meet it. The £1.75m for primary education contribution in the S106 agreement was for school places across the Borough, to

fund overall strategy. This would not necessarily enable the provision of additional places locally, however, Arnhem Wharf School had been expanded, St. Lukes would be increased from September and Woolmore School was intended to be redeveloped in the future.

- The community facility would be provided on the basis of a shell and core activities, at a peppercorn rent and zero service charge. If there were no identifiable use for such a facility, a sum in lieu thereof would be paid to the Council to contribute towards related Borough facilities.
- The 31% of social housing units had been achieved by close working with the developer and the Council's representatives for housing and the regenerative solution for the District Centre. The scheme would be built in a phased manner to increase affordable housing provision and could be monitored as the development progressed. Much of the value of the scheme came from the residential housing provision but that would come at a later phase in the staging of the scheme. This aspect could be reviewed through further negotiations with the applicant if the financial climate improved. The principle was that the Council would not receive less than the current contribution but could get more if the market improved.

The Chair then indicated that the application would be put to the vote.

On a vote of nil for and 3 against, with 3 abstentions, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670) be NOT ACCEPTED for the following reasons:

- 1. Concerns over affordable housing provision, in particular in relation to social target tenure
- 2. Concerns over the impact of the development on the sustainability of educational provision on the Isle of Dogs.
- 3. Concerns about the building height in the proposed development, having regard to related comments in the response of the Commission for Architecture and the Built Environment, as set out in the Committee report.

NOTE: The Committee further agreed that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision with the developers and to the deletion of the words "during the construction phase" from the financial provision relating to allocation of £352,081 for Employment Skills and Training in the S106 agreement.

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, along with the implications of the decision.

8. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 8.40 p.m.

Chair, Councillor Helal Abbas Strategic Development Committee