

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 19 JULY 2006

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed
Councillor Alibor Choudhury
Councillor Rupert Eckhardt
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer

Councillor Joshua Peck
Councillor Stephanie Eaton

Other Councillors Present:

(none)

Officers Present:

Michael Kiely	– (Service Head, Development Decisions)
Stephen Irvine	– (Development Control Manager, Planning)
Richard Humphreys	– (Acting Strategic Applications Manager, Planning)
Alison Thomas	– (Manager, Social Housing Group)
Neil Weeks	– (Legal Advisor)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Louise Alexander and Rupert Bawden. Councillors Stephanie Eaton and Joshua Peck deputised respectively.

2. ELECTION OF VICE-CHAIR

The Committee RESOLVED that Councillor Alibor Choudhury be elected Vice-Chair of the Strategic Development Committee for the municipal year 2006/07.

3. DECLARATIONS OF INTEREST

Councillor Ahmed Omer declared a personal interest in item 9.1, which related to Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS. He had been approached by supporters of the scheme. Accordingly he remained and took part in the discussion.

Councillor Ahmed Hussain declared a personal interest in items 9.2 which related to Indecon Court, 20 Millharbour, London E14 9TN and item 9.3 which related to 1 Millharbour, London E14 9SL as both sites were near where he lived. Accordingly he remained and took part in the consideration and vote on each item.

Councillor Rupert Eckhardt declared a personal interest in items 9.2, 9.3 and 9.4 as the Ward Member for Millwall. Accordingly he remained and took part in the consideration and vote on each item.

Councillor Louise Alexander declared a prejudicial interest in item 9.1 as she had submitted an objection to the scheme. Accordingly she could not take part as a Member of the Committee or be present to speak on behalf of her Ward. Therefore, Councillor Alexander left the Chamber for the duration of the item.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 10th April 2006 were agreed and approved as a correct record.

5. RECOMMENDATIONS

5.1 The Committee NOTED that the Chair had agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all relevant facts and information about the planning applications set out in the agenda.

5.2 The Committee RESOLVED that, in the event of recommendations being amended at the Committee in light of debate, or other representations being made by Members of the public, applicants or their agents, the task of formalising the wording of any additional conditions be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

6. PROCEDURE FOR HEARING OBJECTIONS

The Committee NOTED the procedure for hearing objections and those who had registered to speak at the meeting.

It was proposed that the Committee examine the procedure in more detail at its next meeting and it was RESOLVED that an item outlining options for varying the procedure be reported to the next meeting to be held on 14th September 2006.

7. STRATEGIC DEVELOPMENT COMMITTEE FUNCTIONS AND TERMS OF REFERENCE

The Committee NOTED its Functions and Terms of Reference.

8. STRATEGIC DEVELOPMENT COMMITTEE SCHEDULE OF DATES - MUNICIPAL YEAR 2006/07

The Committee NOTED the schedule of dates for the 2006/07 municipal year.

9. PLANNING APPLICATIONS FOR DETERMINATION

9.1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above;
- a five storey building centrally located to provide offices with residential units above;
- a six storey building centrally located to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works

on land bounded by Hackney Road and Austin Street including Mildmay Hospital, Hackney Road, London E2 7NS.

Mr Myles Joyce addressed the Committee on behalf of the objectors, on the grounds that the proposal was a departure from planning policy; the site was unsuitable; the scheme was not justified in terms of its high density or height; there were omissions from the planning officers report; and any proposal should be referred to the Secretary of State for assessment.

Mr Anu Vedi addressed the Committee on behalf of the applicant and supporters for the scheme. He reminded the Committee that the scheme

would include 100% affordable housing which would not be housing drug addicts but would house essential key workers and recent hospital patients. He advised that that height of the scheme had been lowered and the positioning looked at to ensure minimum impact on the surrounding area.

Councillor Shirley Houghton addressed the Committee on behalf of Councillor Louise Alexander and the residents of the Weavers Ward. She expressed concern that the proposal appeared to be contrary to planning policy and did not contain enough family housing, which was needed in the area. She was also concerned that the additional housing would not help to reduce the Council's housing waiting lists. She stated that the 23 storey tower block would be out of keeping with the surrounding area and urged the Committee to reject the proposals.

Mr Stephen Irvine, Development Control Manager, presented the planning officer's report. He went through the update report which contained a summary of comments received subsequent to the despatch of the agenda. He informed the Committee that over 2,930 further letters of comment had been received, 1265 were in support of the merits of the scheme and 1665 were in opposition. Mr Irvine outlined the planning issues which the Committee needed to take into consideration when making its decision and the reasons why officers had recommended the scheme for approval, as outlined in the agenda item.

Members asked a number of questions of the officers in respect of issues raised in the speakers' presentations; the height and density of the scheme; crime and disorder issues; and the need for health care provision in the area.

Mr Irvine and Mr Michael Kiely, Head of Development Decisions, informed the Committee that careful consideration had been given to the scale and density of the scheme by officers and the Greater London Authority (GLA) as there had been some initial concerns. However, after consideration planning officers and the GLA were of the view that the proposal was acceptable. There would be CCTV and 24 hour security on the site to ensure the safety of the site, and Members were advised that it was usual for large developments to have CCTV on site. The Committee was also advised that the local Primary Care Trust had identified the need for health care provision in the area and supported the proposals.

A number of Members proposed that a site visit be held to enable Members to view the site in its surroundings, especially in relation to the adjoining properties, before reaching a decision.

The Committee AGREED that the application for the demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above:

- a five storey building centrally located to provide offices with residential units above;
- a six storey building centrally located to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works

on land bounded by Hackney Road and Austin Street including Mildmay Hospital, Hackney Road, London E2 7NS be DEFERRED for a site visit by Members to view the site in its surroundings, especially the relationship to neighbouring properties.

The Committee adjourned for a short break at 8.55pm and resumed at 9.10pm.

9.2 Indecon Court, 20 Millharbour, London E14 9TN

Mr Richard Humphreys, Strategic Applications Manager, presented the report which related to the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (businesses), 1,000 sq m of either A1 (shop), A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,8000 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping at Indecon Court, 20 Millharbour, London, E14 9TN.

Members asked questions relating to the capacity of the Docklands Light Railway (DLR) in the area and the housing mix in the scheme. The Committee was advised that the DLR line and station would be upgraded. Members were reminded that the application was for outline planning permission, which meant that the housing mix would be determined when the full planning application, which would deal with such issues, was considered.

On a vote of

8 for
1 abstention

The Committee AGREED that the application for the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (businesses), 1,000 sq m of either A1 (shop),

A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,8000 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping at Indescon Court, 20 Millharbour, London, E14 9TN be GRANTED subject to

A A variation to the section 106 agreement dated 24th June 2004 between the applicant and the Council to additionally secure the following within the mixed-use phase:

- 1) Affordable housing provision of 35% of the proposed residential units measured by floor space
- 2) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits
- 3) To fund associated highway improvements to Marsh Wall, Millharbour, Mastmaker Road and Lightermans Road necessary to accommodate the additional vehicular cycle and pedestrian movements associated with the redevelopment and part of new road shared with the Tate & Lyle site
- 4) TV reception monitoring and mitigation
- 5) To require that development shall commence under the Existing Permission (i.e. on the western part of the Indescon Court site) before development begins on the eastern part of the site.

B The following conditions and informatives:

Conditions:

- 1) Time Limit for Outline Permission
- 2) Outline Permission – Reserved Matters
- 3) Details and samples of materials to be used on external surfaces of buildings
- 4) Implementation of landscaping and maintenance
- 5) Investigation and remediation measures for land contamination
- 6) Archaeology – investigation prior to commencement of works
- 7) Restricted working hours for construction
- 8) Restriction on construction noise
- 9) Restriction on levels of vibration
- 10) Air Quality Management Plan
- 11) Details of route for construction traffic and notices
- 12) Details of on-site construction parking and delivery arrangements
- 13) Submission of an Environmental Management Plan
- 14) Details of a monitoring and control regime and Project Environmental Manager
- 15) Details of foul and surface drainage system
- 16) Details of measures to avoid groundwater and surface water pollution
- 17) Submission of energy strategy

- 18) Submission of flooding escape plan
- 19) Development to be materially compliant with parameter plans
- 20) Restriction of apart-hotel occupancy to 90 consecutive days or less

Informatives:

- 1) Use of dock for transport of bulky materials
- 2) Storage of waste on site
- 3) Request to comply with MQ Code of Construction Practice
- 4) Attention is drawn to the control of Pollution Act 1974
- 5) With regard to condition 2 (reserved matters) the submitted details should include:
 1. Details of provision for storage and disposal of refuse to include waste/recycling strategy;
 2. Details of a scheme of external lighting and security measures;
 3. Details of car parking layout and restriction of maximum number of parking spaces;
 4. Detailed daylight/sunlight assessment;
 5. Details of a green roof system; and
 6. An overall dwelling mix and dwelling mix for both the market and affordable housing that complies with the London Plan Supplementary Planning Guidance: Housing November 2005, paragraph 11.3 and Policy HSG: Housing Mix of the London Borough of Tower Hamlets Local Development Framework Preferred Options 2005.

- C Referral to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000 under categories 1B 1 (c) for a building exceeding 15,000 square metres floor space and more than 30 metres high.

The Committee confirmed that it had taken the environmental information into account, as is required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed that following the grant of planning permission a statement be placed on the Statutory Register confirming that the main reasons and considerations upon 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 and Country Planning (Environmental Impact Assessment) Regulations 1999.

9.3 1 Millharbour, London E14 9SL

Mr Stephen Irvine, Development Control Manager, presented items 9.3 and 9.4, which related to the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3,

A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL; and the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB as both applications were linked.

At its meeting on 7th July 2005, planning permission had been granted at 1 Millharbour subject to a Section 106 Legal Agreement which allowed the affordable housing to be located off-site within the ward. The affordable housing would be included in the proposals for 4 Mastmaker Road, where there would be more capacity for family accommodation and a large amount of open space. Both sites were located within the Millennium Quarter Master Plan.

Members asked questions relating to the heights of the buildings; Unitary Development Plan policy; distances from existing properties; affordable housing provision; education provision in the area; car parking and impact on traffic.

Mr Irvine informed the Committee that officers were of the view that the proposal would not have a significant impact on adjoining residents. It was considered that the site at 4 Mastmaker Road would be more suitable for family sized affordable housing. The applicant would be making a financial contribution towards additional education provision in the area as part of the Section 106 Legal Agreement. Members were also informed that the Highways officer had raised no objection to the scheme. The definition of a 'Car Free Agreement' was clarified for the Committee as one that would not permit residents to obtain parking permits to park on the street.

On a vote of

7 for
2 against

The Committee AGREED that the application for the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL be GRANTED subject to the conditions outlined below:

- 1.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 1.2 below, and the conditions and informatives outlined in Section 1.3 and 1.4 below.
- 1.1.2 That if the Committee resolve that planning permission be granted, that the application first be referred to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an

application for a new building exceeding 30 metres in height, involving more than 5000 residential units and development which comprises a total floorspace of more than 20,000 sq m.

1.1.3 The Committee confirmed that its had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

1.1.4 The Committee agreed that following issue of the decision, 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 and Country Planning (Environmental Assessment) Regulations 1999.

Legal Agreement

1.2 Section 106 agreement to secure the following:

- (1) Contribution to public art/craft
- (2) Contribution to MQ Project Team costs
- (3) Appropriate financial contribution of £4,956,612 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open space, provision of training and employment and securing community facilities as set out within the Millennium Quarter Master Plan
- (4) A proportion of affordable housing, consisting of 27 units (86 habitable rooms) on site and 119 units (458 habitable rooms) provided offsite as part of the scheme proposed for 4 Mastmaker Road. The total affordable housing provision thus equates to 146 units (544 habitable rooms), with the mix and type as specified in Section 7.5.9 of the officer's report
- (5) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (6) Section 278 agreement for highways works and improvements
- (7) A Travel Plan (for both the commercial and residential component) which promoted sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (8) Compliance with a post construction Environmental Management Plan
- (9) The use of local Labour in Construction and the occupation of the development
- (10) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (11) TV Reception Monitoring and Mitigation

Conditions

1.3 That the following conditions be included

- (1) Time Limit for Planning Permission
- (2) Details and samples to be used on external surfaces of buildings
- (3) Details and treatment of all open land within site including both hard and soft landscaping
- (4) Details of parking layout
- (5) Noise insulation – residential accommodation
- (6) Noise insulation – non-residential
- (7) Details of soil survey
- (8) Programme of archaeological work
- (9) Microclimate study
- (10) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (11) Hours of construction
- (12) Construction noise mitigation
- (13) Restriction on levels of vibration
- (14) Air Quality Management Plan
- (15) Details of route for construction traffic and notices
- (16) Details of on-site construction parking and delivery arrangements
- (17) Construction Environmental Management Plan
- (18) Details of a monitoring and control regime and Project Environmental Manager
- (19) Details of surface and foul water drainage
- (20) Details of site foundations
- (21) Details of ecological mitigation/enhancement plan
- (22) Highway Works
- (23) Five metre buffer zone alongside the Millwall and East India Dock
- (24) Submission of impact studies of water supply infrastructure
- (25) Car Management and Operation Strategy

1.4 Informatives

- (1) Use of highest quality of materials
- (2) Requirements of the Control of Pollution Act 1974
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Consideration to be given to green roof systems
- (6) Transport of material on dock
- (7) Additional plant space
- (8) London Cite Airport safeguard
- (9) Confirmation that the EIA information has been taken into account in the decision
- (10) Environment Agency advice
- (11) Thames Water advice
- (12) British Waterways advice

9.4 4 Mastmaker Road, London E14 9UB

Mr Stephen Irvine, Development Control Manager, presented items 9.3 and 9.4, which related to the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL; and the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB as both applications were linked.

On a vote of

6 for
3 abstentions

The Committee AGREED that the application for the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB be GRANTED subject to the conditions outlined below:

- 1.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 and 278 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 1.2 below, and the conditions and informatives outlined in Sections 1.3 and 1.4 below.
- 1.1.2 The application first be referred to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.
- 1.1.3 The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 1.1.4 The Committee agreed that following issue of the decision, 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 and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

- 1.2 Section 106 agreement to secure the following:

- (1) A total of 136 affordable housing units (516 habitable rooms). The affordable housing consists of 17 units (58 habitable rooms) provided onsite associated with the onsite private housing and 119 units (458 habitable rooms) provided onsite associated with the scheme at 1 Millharbour (PA/05/1782) and in accordance with the mix type as specified in Section 7.7.7 of the officer's report
- (2) The appropriate financial contribution of £291,650 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open spaces, provision of training and employment and securing community facilities and achieving the objectives of the Millennium as set out within the Millennium Quarter Master Plan
- (3) Provide £249,650 towards education to mitigate the demand of the additional population on education facilities
- (4) Provide £800,000 towards education to mitigate the demand of the additional population on health care services
- (5) A Section 278 agreement for offsite highway works
- (6) A Section 72 agreement to widen Byng Street to provide a footpath along the site
- (7) A Travel Plan (for both the commercial and residential component) which promoted sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (8) Compliance with a post construction Environmental Management Plan
- (9) The use of local Labour in Construction and the occupation of the development
- (10) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (11) Secure the connection to and use the Barkentine Combined Heat and Power unit
- (12) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (13) Improvements/connection to the existing children's playspace at the west of the site adjoining Bosun Close

Conditions

1.3 That the following conditions be included:

- (1) Time limit for Full Planning Permission
- (2) Details and samples of materials to be used on the external surfaces of buildings
- (3) Details of treatment of all open space within the site, including hard and soft landscaping
- (4) Parking – maximum number of 82 cars and a minimum number of 150 cycle spaces

- (5) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (6) Hours of construction limits
- (7) Noise insulation – residential
- (8) Noise insulation – non-residential
- (9) Hours of operation limits – hammer driven piling (10am – 4pm)
- (10) Wheel cleaning during construction required
- (11) Details of site foundations
- (12) Land contamination study required to be undertaken
- (13) Implementation programme – archaeological works
- (14) Microclimate study
- (15) Bat Survey to be Undertaken
- (16) Black Redstart Survey to be undertaken
- (17) Construction Environmental Management Plan
- (18) Full particulars of the refuse/recycling storage required
- (19) Submission of Air Quality Management Plan
- (20) Details of route for construction traffic and notices
- (21) Details of onsite construction traffic and noises
- (22) Details of monitoring control regime and Project Environmental Manager
- (23) Ground borne vibration limits
- (24) Details of east-west link
- (25) Details regarding the operation and use of barges for construction traffic required
- (26) Details of renewable energy measures
- (27) Details of residential elevations to the 'East/West Link'

Informatives

1.4 That the following informatives be provided to the applicant for information:

- (1) Requirements of Control of Pollution Act 1974
- (2) Confirmation that the EIA information has been taken into account in the decision
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Thames Water advice
- (6) Environment Agency advice

9.5 397-411 Westferry Road, London E14

The Committee NOTED that the application had been withdrawn for further consideration by officers.

The meeting ended at 9.55 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee