

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 18 APRIL 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Bill Turner (Vice-Chair)
Councillor Shahed Ali
Councillor Stephanie Eaton
Councillor Judith Gardiner
Councillor Carlo Gibbs
Councillor Dr. Emma Jones
Councillor Helal Uddin
Councillor Peter Golds (Substitute for (Leader of the Conservative Group)
Councillor Zara Davis)

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Zara Davis for who Councillor Peter Golds was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

However, Councillors Helal Abbas, Bill Turner, Carlo Gibbs and Shahed Ali declared an interest in agenda items 6.1 (The Robin Hood Gardens Estate etc (PA/12/03318)) and 7.1 (27 Commercial Road and 29-37 Whitechurch Lane (PA/12/02703)). The declarations were made on the basis that the Councillors had received representations on the items.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 6th March 2013 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street (PA/12/03318)

Update Report Tabled

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding reserved matters consent for Woolmore School relating to the Robin Hood Gardens Estate, under planning permission dated 30th March 2012.

Amy Thompson (Planning Officer) presented the report. It was noted that at the last meeting on 6th March, Members were minded not to accept the Officers recommendation to grant the application due to concerns over the loss of the existing building due to its heritage value. There was also some debate about the robustness of the heritage assessment. Officers had since considered the suggested reason and drafted a potential reason for refusal based on Members initial views as set out in the report. The report also set out the implications of such a decision.

Officers were of the strong opinion that the suggested reason could not be successfully defended at appeal, based on the fact that the building had no statutory protection, and could be demolished outside of the planning permission at any time. The Officer recommendation therefore remained to grant.

Officers showed images of the school including the Woolmore Street frontage with seven prominent vent stacks, modern day alterations and the internal layout that fell short of current standards.

Officers explained in detail the options further investigated by the applicant and by Officers. This included Option B, highlighted at the March meeting, of extending the existing school to the east. It was confirmed that the sewer ran directly through the centre of the site. It would therefore be necessary to carry out extensive work to build over the sewer with the demolition of part of the eastern building to accommodate such work. The option would also require significant remodelling to comply with current standards. As a result, the option was discounted as unviable.

Officers explained the merits of the scheme as recommended. It sought to provide a bespoke new school with additional school places and measures to minimise noise and maximise sunlight and daylight. Officers were of the strong opinion that the scheme should be supported. The benefit outweighed the case for retention.

Officers also drew attention to the further representations received since agenda publication. This comprised letters and a petition in support and a letter and petitions in objection.

In response, Members noted the shortage of school places in the area and the challenges with defending the refusal on appeal. A Member questioned the potential to retain the existing façade to preserve the traditional aspects.

Members also asked points of clarification of Officers.

In response, Officers confirmed the change in floor space of the new and existing building. English Heritage had not raised any objections to the scheme. The school was considered unworthy of listing partly due to the low heritage value including the recent alternations (plastic windows etc.) The Borough's Conservation Officer, Andrew Hargreaves, was present and supported these views.

Officers highlighted the problems with retaining the existing façade as suggested by a Member. The option would require major structural work. Furthermore, it was unlikely that the school could be brought up to modern standards if partially retained. On balance, Officers did not consider that the building justified such action in view of the heritage value. Officers were anticipating the receipt of a historic building record to be made available to the school for teaching purposes.

On a unanimous of vote, the Committee **RESOLVED:**

1. That the suggested reasons for refusal (paragraph 3.2 of the 18th April report) be **NOT ACCEPTED** and that reserved matters consent (PA/12/03318) for the Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street be **GRANTED** for submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001 SUBJECT to:
2. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the 6th March 2013 Committee report;
3. Any other informative(s) considered necessary by the Corporate Director Development and Renewal.

(Councillors Shahed Ali and Judith Gardiner did not vote on this item as they had not been present when the item was previously considered at the 6th March 2013 committee meeting)

7. PLANNING APPLICATIONS FOR DECISION

7.1 27 Commercial Road and 29-37 Whitechurch Lane London E1 1LD (PA/12/02703)

Item withdrawn by the applicant.

**7.2 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14
(PA/12/02923)**

Update Report Tabled

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14 for the redevelopment to provide a mixed use development.

The Chair invited registered speakers to address the Committee.

Maurice Patry addressed the committee to raise concerns. He was a resident of an adjacent house boat. He referred to his letter of representation sent to the Planning department in February 2013 in which he requested that certain conditions be imposed on the planning consent. These were that the hours of construction be restricted to protect amenity. He suggested a 6pm finishing time during the weekdays and restrictions on the weekend working hours. He highlighted the other suggested restrictions in his letter to minimize noise and to protect the house boats from dust damage during construction. In reply to Members, he reported that about 28 people lived on the boat houses on a 12 month rolling basis. In practice they had the right to remain indefinitely. He had sent a copy of his letter to the developers but did not receive a reply.

Ben Kelway (Applicant's agent) spoke in support of the application. He reported on the merits of the scheme –prepared following lengthy discussions with Officers in compliance with their guidance. He stated that the applicant was willing to implement the measures in Mr Patry's letter sent in February 2013. This could be included in the conditions.

Members expressed concern about the level of consultation especially with the nearby boat residents and also with ward Councillors.

In response, Mr Kelway drew attention to the scope of their pre-application consultation including 300 leaflets to residents and a public exhibition in July 2012. This was attended by a resident of the house boats. He also answered questions about the contributions for health and transport. On balance, Officers considered that the contributions were acceptable. He noted that the offer for affordable housing (32%) fell marginally short of the policy target. However, it was considered that the scheme secured the absolute maximum that could be sustained based on a robust viability assessment.

Paul Buckenham (Planning Officer) made a detailed presentation of the committee report and tabled update, as circulated to Members. He explained the site location and the surrounding area. He drew attention to the policy context that sought to maximize such mixed use developments in the area. The scheme would help delivery the aims in the policy. It was considered that the change in use (from office to residential) was appropriate given the similar conversions in Lanark Square and lack of suitability of the site for office use.

He explained the outcome of the local consultation and addressed the issues raised. He described the key elements of the scheme. In particular, the design, density range, the open space that on aggregate complied with policy; the nearby open space and child play space. The level of which complied with the London Plan in terms of older children play space.

He explained the affordable housing offer based on the rent levels in the Management Development DPD version May 2012.

He explained the outcome of the testing of the housing mix and the s106 (subject to independent testing). Officers were satisfied that the maximum amount of each had been secured having increased the initial offer. The site had good transport facilities. The scheme would create new jobs. He also explained the plans to remodel the car park.

On balance, Officers were supportive of the scheme in view of the merits and lack of undue impact. Therefore, the application was recommended for approval.

In response to Members, Officers explained the scope of the statutory consultation that complied with the requirements. The Council also encouraged developers to undertake pre - application consultation. Steps were being taken to capture all residential moorings on the Council's Land and Property records. However, this was not a statutory duty.

Officers had carefully considered the impact on the nearby open space taking into account the cumulative impact from other developments (in terms of older children play space). It was considered that such facilities should be able to accommodate the scheme given the expected older child yield was 4.4 based on the Tower Hamlets criteria. It was considered that the balance in child play space was appropriate given the numbers expected in the various age ranges.

Officers explained the range of issues explored during the viability assessment. Officers noted that the offer for affordable housing fell short of the policy target (32% affordable with 68% intermediate). However, it was considered that the scheme secured the maximum amount that could be provided at genuinely affordable levels, as found by the viability assessment. It was proposed to include studio units in the mix to help secure viability. Officers noted the option of imposing an overage clause to increase the housing offer as suggested by a Member. In reply, they emphasised the difficulties with this given the outcome of the viability testing that showed that the offer was already at a maximum.

It was noted that the request from the Primary Care Trust had been partially met with a sum for capital contributions in line with policy. The s106, including the health contributions, had been assessed by the Council's Planning Contributions Overview Panel. It was considered that the overall contributions met the policy requirements.

Officers explained the measures to protect the natural habitat given the proximity to the nearby flight path.

A Member stressed the need for consistency in policy on such matters (with regard to protecting/encouraging biodiversity for developments near flight paths)

On a unanimous vote in favour, the Committee **RESOLVED**:

1. That planning permission (PA/12/02923) be **GRANTED** at 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14 for mixed-use development comprising demolition of existing buildings and erection of a building of between 7 and 13 storeys providing 321sqm of commercial floorspace (use classes A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping SUBJECT to the following:
2. Any **direction** by **The London Mayor**
3. The prior completion of a **legal agreement** to secure the planning obligations set out in the report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement
6. 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 report.
7. Any other conditions and informative(s) considered necessary by the Corporate Director Development & Renewal
8. That, if within three months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

The meeting ended at 9.15 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee