

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 8 NOVEMBER 2007

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Helal Abbas (Vice-Chair)

Councillor Shahed Ali

Councillor M. Shahid Ali

Councillor Simon Rouse

Councillor Stephanie Eaton

Other Councillors Present:

Councillor Tim Archer

Councillor Azizur Rahman Khan

Officers Present:

Suki Binjal – (Interim Head of Non-Contentious Team, Legal Services)

Megan Crowe – (Planning Solicitor, Legal Services)

Stephen Irvine – (Development Control Manager, Planning)

Michael Kiely – (Service Head, Development Decisions)

Terry Natt – (Strategic Applications Manager)

David Williams – (Development Manager, Development & Renewal)

Louise Fleming – (Senior Committee Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Louise Alexander, Shahed Ali and Josh Peck. Councillor Stephanie Eaton deputised for Councillor Alexander.

2. DECLARATIONS OF INTEREST

Suki Binjal, Interim Legal Services Manager, advised the Committee and members of the public gallery that the Council had adopted a revised Code of

Conduct and detailed the changes made in relation to the declaration of interests.

Councillor M. Shahid Ali declared a personal interest in item 6.1 as the ward member for Limehouse.

Councillor Stephanie Eaton declared a prejudicial interest in item 8.1 and informed the Committee that she wished to stand down from the Committee and make representations in objection to the proposal, in accordance with the provisions of the adopted Code of Conduct.

Councillor Simon Rouse declared a personal interest in items 7.1 and 8.2 as the ward member for Millwall.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the Strategic Development Committee held on 20th September 2007 were agreed as a correct record, subject to an amendment to the final paragraph to read

“The Committee RESOLVED that officers write to the Department of Communities and Local Government...”

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal, along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

6. DEFERRED ITEMS

6.1 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and redevelopment up to 14 storeys to provide 319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed) and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space at 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report on the application. He reminded Members that the item had been

deferred at the previous meeting to allow a daylight/sunlight assessment on the non-residential elements adjacent to the proposed site to be carried out.

The assessment was carried out using residential standards, as there were no published standards for non-residential properties. It was noted that if the Salmon Lane Evangelical Church had been residential, it would have passed the Average Daylight Factor (ADF) test. Therefore, the objection made on behalf of the Church had been withdrawn.

The Committee was informed that an assessment had been submitted by the residents of the Mission Building. It showed that the Mission Building would experience a loss of light to some windows. However, overall it was considered that the levels of daylight and sunlight would be adequate. As a result, the four letters of objection received from Mission Building residents had been withdrawn. Members asked for clarification on the levels of daylight and sunlight.

The Committee RESOLVED that planning permission for the demolition of existing buildings and redevelopment up to 14 storeys to provide 319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed) and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space at 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London be GRANTED subject to:

- A Any direction by the Mayor
- B The completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services) to be completed within 3 month from the date of the Committee to secure the following:
- Affordable Housing provision at 35% of the habitable rooms with a 70/30 split between affordable rented/shared ownership.
 - A contribution of £266,100 to mitigate the demand of the additional population on healthcare facilities.
 - A contribution of £530,000 to mitigate the demand of the additional population on education facilities.
 - A contribution of £219,000 towards Employment and training initiatives.
 - A contribution of £35,000 towards TfL bus stop.
 - A contribution of £20,000 to TfL signal booster to DLR or DAISY screen
 - A contribution of £300,000 for Community initiatives (refurbishing and upgrading of nearby community centre.
 - A contribution of £41,000 for upgrade works to Stonebridge Wharf
 - 'Car Free' agreement
 - LLIC
 - TV/Radio reception mitigation
 - Travel Plan

- C That the Head of Development Decisions be delegated authority to impose conditions and informatives on the permission to secure the following:
- 1) Permission valid for 3 years
 - 2) Submission of samples/details/full particulars
 - 3) Submission of a Secured by Design Statement
 - 4) Submission of a desktop study report for land contamination
 - 5) Submission of details of site drainage
 - 6) Submission of details of site foundations
 - 7) Submission of an Investigation and remediation measures for land contamination
 - 8) Provision of a minimum of 319 cycle spaces for the residential component of the scheme
 - 9) Submission of a traffic management plan detailing all routes to be used by construction maintenance programmes and also detailing how sustainable travel to and from the proposed development will be provided amongst residents and staff working on the site.
 - 10) Parking, access and loading/unloading, manoeuvring
 - 11) No parking on site, other than in the basement car park
 - 12) Vehicular access
 - 13) Refuse and recycling facilities
 - 14) Hours of Construction (8.00 am to 6.00 pm Monday to Friday 9.00 am to 5.00 pm on Saturdays and not at all on Sunday or Bank Holidays)
 - 15) Power/hammer driven piling (10.00 am to 4.00 pm Monday to Friday)
 - 16) Submission of full details of the proposed lighting and CCTV scheme.
 - 17) Lifetime Homes
 - 18) 10% Disabled Access
 - 19) Renewable Energy Measures (at least 10% reduction in carbon dioxide emissions)
 - 20) Applicant to use a 35 kilo Watt electrical combined heat and power plant.
 - 21) Further archaeological work or historic building assessment as necessary, to establish the actual impact of development so an appropriate mitigation strategy can be implemented.
 - 22) Any other conditions considered necessary by the Head of Development Decisions.
 - 23) Applicant to enter into the relevant highways agreement with TfL and the Local Planning Authority to secure the construction, reconstruction, alteration, improvement or maintenance of the highway.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site south of Westferry Circus and west of Westferry Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (Max 241.1m and 191.34 AOD) with a lower central link building (89.25 AOD) and Class A1, A2, A3, A4 and A5 uses (retail, financial/professional services, restaurant/café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq. m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq. m) at Site south of Westferry Circus and west of Westferry Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He demonstrated the changes between the proposal and that which had been previously approved.

Members asked questions relating to the impact on wildlife, and whether an assessment had been made on the loss of light to the water in terms of fishing and the Tern raft. Mr Natt advised that the Environmental Impact Assessment had addressed the concerns and conditions had been recommended. Members were concerned that they did not have the Environmental Impact Assessment before them. The Committee was advised that the Assessment was a public document and was available to view on the Council's website. Due to the size of the document, it was not practical to attach to the agenda and was therefore summarised in the report.

Members also asked questions relating to the planning gain from the proposed Section 106 legal agreement, and the specific Heads of Terms relating to Healthcare, the Idea Store lease and the extension of the construction period. The Committee was informed that Healthcare provisions would only be sought for residential developments. In respect of the Idea Store lease, the Committee could only secure the lease period; it would be for the Council to determine the future of the Store. It was explained that the applicant had requested the option of a phased construction, for example to secure the occupation of one tower before the other was built. The Committee was advised that the Council could not insist on a development being built in one stage.

Members requested that the Ecological Management Plan take into account their concerns relating to the impact on wildlife and proposed that conditions be added to address these.

The Committee RESOLVED that planning permission for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (Max 241.1m and 191.34 AOD) with a lower central link building (89.25 AOD) and Class A1, A2,

A3, A4 and A5 uses (retail, financial/professional services, restaurant/café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq. m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq. m) at Site south of Westferry Circus and west of Westferry Road, London be GRANTED subject to

A Any direction by the Mayor

B The prior completion of a legal agreement to the satisfaction of the Assistant Chief Executive (Legal Services) to secure the following:

1) Public Transport

Contribution towards DLR enhancement works - £3,000,000;

Contribution to TfL towards enhancements to the No. 135, 330 and the 330 bus services;

2) Public Realm

Provision and maintenance of the new open space at the southern end of the site, the riverside walkway within the site and other area of public realm within the site - £5,343,000;

3) Isle of Dogs Community Foundation

Contributions towards social and community facilities - £2,500,000;

4) Highway Works

Provision of toucan crossings south of Heron Quay on marsh Wall and Westferry Road and off-site highway works -£546,000;

Adoption of Heron Quays Roundabout and adjacent footpaths under Section 38 of the Highways Act 1980, including payment of works necessary to bring the Highway up to adoptable standard;

5) Lease of Skills/IDEA Store

16 years 6 month lease of the IDEA Store/10 year lease of the Skills Match Unit at peppercorn rents - £5,312,000;

6) Community and Social Infrastructure Provision – projects to be determined through strategy for each area – total of £4,794,000

- Employment Skills
- Sustainable Transport Initiatives
- Public Realm, Design and Open Space Improvements
- Improvements to Sports and Cultural Facilities

7) Preparation of a Travel Plan Framework - to be completed prior to the commencement of the development. The Travel Plan will be subject to ongoing monitoring and review;

8) Code of Construction Practice

9) TV and Radio Reception

C That the Head of Development Decisions be delegated authority to impose conditions and informatives on the planning permission to secure the following:

Conditions

1. Time limit;
2. Details of the following are required prior to the commencement of the development:
 - a) Samples of all external building materials including a 'typical cladding detail mock up';
 - b) Detailed design of all lower floor elevations, including shop fronts;
 - c) Details of hard and soft landscaping, including walkways, design and layout of new park, tree planting scheme, street furniture, CCTV and all external lighting;
 - d) Public art;
 - e) Details of all boundary wall treatments including walls, fences, railings and gates;
 - f) Signage details;
3. Submission of details of external ventilation/extract ducts to A3, A4 and A5 units;
4. Submission of details of high level/roof top plant and sound attenuation;
5. Submission of details of refuse/recycling proposals, including a waste management strategy;
6. Submission of details of disabled access (also to address the matters raised in Council's letter of 15th May 2007 in regards to accessibility);
7. Submission of details of the location of a proposed taxi rank;
8. Submission of details of the location of suitable riparian life saving equipment along the riverside walkway;
9. Submission of details of external lighting to be used during construction and on completion of the development to be considered in consultation with the Port of London Authority;
10. River barges must be used where feasible for the transport of materials to/from the site in both construction and on completion of the development. A strategy must be submitted detailing the use of barges to be considered in consultation with the Port of London Authority;
11. Submission of a Landscape Management Plan;
12. Planting, seeding, turving;
13. Submission of a detailed scheme for the ecological enhancement of the river wall;
14. Submission of an Ecological Management Plan detailing ecological mitigation measures throughout the development;

15. Details of the riverside walkway;
16. Details of the methods of the reconstruction of the riverwall and basement construction, use of barges, storage of materials, etc, to be submitted;
17. Details of brown roofs to be submitted;
18. Details of surface and foul water drainage system required;
19. Details of surface water source control measures;
20. Details of sustainable energy;
21. Investigation and remediation measures for land contamination (including water pollution potential);
22. Details of the construction of the site foundations;
23. Details of Water Efficiency measures;
24. Submission of details of the method of construction including details of use location and height of cranes and other structures to be considered in consultation with London City Airport;
25. Buildings must be equipped with aircraft obstacle lighting;
26. Submission of design specifications of acoustic screens for cooling towers/air cooled chillers;
27. Submission of a Construction Environmental Management Plan (EMP) setting out measures to be applied during the construction phase, relating to site planning, construction vehicles, demolition and construction activities on the site;
28. The following parking spaces are to be provided:
 - A maximum of 150 car parking spaces of which 10% must be allocated for disabled users.
 - A minimum of 345 cycle spaces for the office element and a minimum of 8 spaces located at the entrance for the retail element.
 - 132 motorcycle spaces;
29. Emergency Exit Management Plan detailing how the vehicle access ramp from podium level down to Westferry Circus would be used, controlled and monitored;
30. Submission of a detailed plan to ensure that the barrier to the basement access is setback from the highway in order to allow for sufficient space to allow for queuing vehicles;
31. Pedestrian Capacity Study detailing the impacts of the development upon the surrounding area;
32. Submission of a service management plan detailing a servicing scheme for deliveries and servicing throughout the site;
33. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays, and no works on Sundays or Bank Holidays;
34. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday;
35. Air Quality Monitoring;
36. Details of a monitoring and control regime of the Environmental Management Plan;
37. Impact study of water supply infrastructure required;
38. Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity;

39. Level of noise emitted from the site to be restricted;
40. Implementation of a programme of archaeological work in accordance with the written scheme of investigation;
41. Highway works surrounding the site to be submitted to and approved by the Council;
42. Applicant required to submit details relating to proposed phasing plan for approval;
43. Applicant to ensure Ecological Management Plan take into account concerns relating to local wildlife; and
44. Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

1. Section 106 agreement required;
2. Permission to be read in conjunction with the associate Listed Building Consent reference PA/07/943;
3. S278 Highways works agreement required;
4. River works licensing (Port of London Authority);
5. Riparian lifesaving equipment provided to the 1991 Hayes Report Standards (Port of London Authority);
6. Site notice specifying the details of the contractor required;
7. All waste shall be stored in a safe and secure manner;
8. Environment Agency advice;
9. Details of the archaeological project design;
10. Details of the renewable energy;
11. All cycle parking is to be provided in accordance with the London Cycle Network Manual;
12. Thames Water advice;
13. Environmental Health Department Advice;
14. Construction Environmental Management Plan Advice;
15. Metropolitan Police advice;
16. London City Airport Advice; and
17. Any other informative(s) considered necessary by the Head of Development Decisions

- D That if by the 8th February 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services); the Head of Development Decisions be delegated authority to refuse planning permission.

7.2 Site at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street, Alie Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1 (business), formation of associated car and cycle parking and highway access, hard and soft landscaping and

other works associated to the redevelopment of the site at 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1.

Mr Ben Borthwick spoke in objection on behalf of the owner of 32-36 Commercial Road on the grounds of loss of light. He felt that the report contradicted the results of the assessment carried out.

Mr Justin Kenworthy spoke on behalf of the applicant. He informed the Committee that the site was currently vacant and had anti-social problems with squatters and illegal raves. He felt that the reduction of daylight and sunlight to the Commercial Road property was reasonable in an urban location.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the main issues for Members to consider, including land use, design, open space and the impact on the surrounding listed buildings. He advised the Committee that the residential use was supported in policy and the affordable housing provision accorded with the London Plan. The proposal was in a designated tall building area within the Local Development Framework. Planning obligations had been recommended to ensure sustainability and Transport for London was satisfied with the traffic assessment. The application was also supported by the GLA.

Mr Irvine detailed the objections which had been received. He advised that the impact on the listed buildings was considered acceptable as they were not uniform, contained in an area of mixed styles, and had been compromised by a building to the north of the site approved in 2001 which English Heritage had not raised an objection to. The proposal was not in a conservation area and did not impact on the Tower of London. Mr Irvine informed Members that there was a high percentage of socially rented properties in the proposal had access to private amenity space. The proposal also included good play space provision.

Mr Irvine advised that four different daylight/sunlight assessments had been carried out and it was considered that the levels were acceptable in an urban location. He also informed Members that a previous appeal decision had overturned a refusal of the Committee for the site. The Inspector had felt that the light was acceptable in the location. Therefore, there was no basis for a refusal on these grounds.

Members expressed concerns relating to the response from English Heritage, and adding further detriment to the area by approving the application. They asked for clarification from the objector relating to daylight/sunlight issues and whether the values were different. Mr Irvine showed the Committee pictures demonstrating the views of the proposal from the surrounding streets, the comparison with the approved Aldgate Union building and the flank wall of the 2001 building. Mr Kiely reminded Members that the Committee had a duty to have special regard to the desirability of preserving the setting of the listed buildings. Officers considered that the proposal enhanced the setting. Mr Irvine also informed the Committee that the drawings had been revised which

had changed the daylight/sunlight values referred to by the objector. In this regard, Environmental Health had raised no objection.

The Committee RESOLVED that planning permission for the demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1 (business), formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site at 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1 be GRANTED subject to

- A Any direction by the Mayor
- B The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
 - b) Provide **£40,000** towards general improvements to pedestrian and cycle routes in the immediate area including crossings and new paving surfaces.
 - c) Provide **£914,469** towards the works associated with the Aldgate Gyrotory including provision of open space on Braham Street.
 - d) Provide **£357,918** towards education to mitigate the demand of the additional population on education facilities.
 - e) Provide **£500,000** towards medical facilities to mitigate the demand of the additional population on medical facilities.
 - f) Provide **£257,104.60** towards access to local employment initiatives.
 - g) Provide **£100,000** towards the Aldgate Public Art and Culture Trail as identified in the Draft Aldgate Masterplan.
 - h) A commitment to maximise the employment of local residents.
 - i) Preparation of a Workplace Travel Plan (including welcome pack for residents).
 - j) Preparation of a Service and Delivery Plan.
 - k) TV Reception monitoring and mitigation.
 - l) Completion of a car free agreement to restrict occupants applying for residential parking permits.

That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

- C That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:

- Elevational treatment including samples of materials for external fascia of building;
 - The design of the lower floor elevations of commercial units including shopfronts
 - External lighting and security measures
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
 - 4) 278 agreement to be entered into for Highway works surrounding the site
 - 5) Parking maximum cars and minimum cycle and motorcycle spaces
 - 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
 - 7) Piling hours of operation limits (10am – 4pm)
 - 8) Details of insulation of the ventilation system and any associated plant required
 - 9) Wheel cleaning facility during construction
 - 10) Details of the energy Scheme to meet 10% renewables
 - 11) Land contamination study required to be undertaken with remediation certificate
 - 12) Details of surface water control measures as required by the Environment Agency
 - 13) Details of sustainable drainage measures as required by the Environment Agency
 - 14) Details of Piling Foundations as required by the Environment Agency
 - 15) Details of foul and surface drainage system as required by the Environment Agency
 - 16) Archaeology as required by English Heritage
 - 17) Details of the waste and recycling facilities
 - 18) Construction Management Plan required
 - 19) Bat survey completed
 - 20) Black redstart habitat provision required
 - 21) Details of inclusive design through the scheme
 - 22) Construction noise limits
 - 23) Construction vibration limits
 - 24) Parking, loading and serving areas to be used solely for these purposes.
 - 25) Crane Heights as required by London City Airports
 - 26) Details of Green Roofs

Informatives

- 1) Consult the Environment Agency in terms of conditions 12-13
- 2) Site notice specifying the details of the contractor required
- 3) Building Regulations in terms of means of escape

D That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

The Committee adjourned for a short break at 8.55 pm and resumed at 9.05 pm.

7.3 King Henry Stairs, Wapping Pier, Wapping High Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the replacement of the collar barge with pontoon. Installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank at King Henry Stairs Wapping Pier, Wapping High Street, London. He also introduced the enforcement issues surrounding the use of the Pier which the Committee had to consider.

Mr John Sayers spoke in objection on behalf of the residents of Gun Wharf on the grounds that the applicant had not applied for a change of use. He felt that consultees had been misled as to the nature of the application. Therefore the process was flawed and the application should be deferred. He also objected on the grounds of noise.

Ms Louise Steele and Ms Judy Moody-Stuart spoke on behalf of the applicant and addressed the residents' concerns. It was felt that the use had not changed, it had developed over time. It was also stressed that the River Thames was a working river and needed to be used.

Councillor Tim Archer spoke on behalf of the St Katherine's and Wapping ward residents. He felt that the application was a breach of planning control and created noise and odours. He asked that it be deferred for a noise assessment to be carried out, in relation to the effect on the residential properties. He also requested that there be a legal agreement to restrict what could be moored at the development.

Mr Kiely presented a detailed report on the application and outlined the history of the site and the background to the report. He informed Members of the advice which had been received from Counsel. It was considered that the structures in place were lawful. However, the use was not. The Council had advised the applicant to submit an application, at which point the applicant had also sought legal advice and decided that an application was not required.

Mr Kiely detailed the planning policies relevant to the application, which supported the principle of the use in the location. In respect of the preparation of food and the noise levels, the Council's Environmental Health officers had examined the application and did not feel that there was a significant impact. However, there were concerns relating to night time noise and therefore a legal agreement would be negotiated to mitigate this issue and it was proposed to delegate authority to the Corporate Director, Development and Renewal to serve an enforcement notice if the agreement was not secured.

Mr Kiely informed the Committee that the most significant element of the application was the replacement of the collar barge. At present the structure was unsightly and potentially noisy. It was proposed to replace with a smaller structure which would potentially improve the situation both visually and

audibly. Therefore, it was the view of officers that there were no justifiable reasons to refuse the application.

Members expressed concern over the breach of planning control. They asked a number of questions relating to the noise assessment carried out by the applicant; the impact of odour in all weather conditions; the relocation of the extractor fan; the notice served on owners; the alleged misleading of statutory consultees; and the retention of the barge.

Mr Kiely advised that it was normal practice for an applicant to submit required assessments, which the officers would then scrutinise prior to making recommendations. The onus was on the applicant to serve notice on all owners; the Council could only bring it to the applicant's attention. In respect of the retention of the barge, he advised that planning permission would be required to do so. However, the application needed to be determined on its merits, and weight could not be given to a potential future situation. Mr Kiely informed the Committee that he would ensure that the Environment Agency had the opportunity to comment with respect to the enforcement issues. If the Environment Agency did raise any significant concerns, he would report those concerns back to the Committee.

Members also expressed concern that an Environmental Impact Assessment had not been carried out. Mr Kiely explained that there were only carried out if the application met certain criteria, and it was considered that the application did not meet those criteria. Therefore, the correct procedures had been followed. Members proposed that the application be deferred to allow the Environment Agency to examine all the issues. Mr Kiely reminded the Committee that the Environment Agency examined the general environmental impact of a development and it was not within its remit to consider specific residential impact. He reminded Members that if it did raise any issues, he would report these back to the Committee. On a vote of 2 for and 3 against, this motion was lost.

The Committee **RESOLVED** that planning permission for the replacement of the collar barge with pontoon. Installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank at King Henry Stairs Wapping Pier, Wapping High Street, London be **GRANTED** subject to the Corporate Director Development and Renewal being given delegated authority to impose conditions and informatives on the planning permission to secure the following:

1. Standard time limit
2. Hours of works (construction)
3. Construction method statement
4. No solid matter stored near river
5. Construction storage for oil, fuel and chemicals in accordance with submitted details to prevent pollution of the water environment
6. No light spill to protect wildlife habitats

Informatives

1. Environment Agency Informative

The Committee RESOLVED **NOT** to take enforcement action against the use as an operational base for a river cruise business because there are no grounds to sustain a reason for refusal subject to:

- A No objections being received from the Environment Agency
- B The completion of a legal agreement to the satisfaction of the Assistant Chief Executive (Legal Services) to secure the following:

- 1. Control activity during the night time

That if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development and Renewal be given delegated authority to serve an enforcement notice in respect of the use of the pier as set out in Section 2 of the Committee report.

8. SPECIAL PLANNING CONSIDERATIONS

8.1 33-37 The Oval, London, E2 9DT

Councillor Stephanie Eaton spoke in objection to the proposal to not exercise the powers in S97 or S102 of the Town and Country Planning Act 1990 (as amended); and to delegate authority to the Corporate Director Development & Renewal to negotiate a legal agreement with the developer to secure the obligations described in paragraph 8.30 of the report in relation to 33-37 The Oval London E2 9DT, on behalf of the residents of the Bethnal Green North ward. Her objection was on the grounds of harm to the safety of the residents and was concerned over the response from the Health and Safety Executive (HSE). Following her presentation, Councillor Eaton left the room and did not return for the duration of the consideration.

Mr Michael Kiely, Head of Development Decisions, presented an extensive report and detailed the planning history of the site. He explained the advice which had been received from the National Grid relating to the application. Following the Secretary of State calling-in the application, the applicant had withdrawn and reverted to that which had previously been approved. This application was currently being implemented. The Committee needed to consider if it was reasonable to take action under the powers available to revoke or modify the planning permission, in light of the advice received. Although the Council would be liable to pay the applicant compensation if that course of action was taken, this was not a material planning consideration.

Mr Kiely explained the rationale behind the advice received from the HSE. It was HSE policy to advise against higher density housing developments within 200m of gas holders. If all those applications were refused on that basis, it would significantly impact on the number of properties which could be developed and the number of homes which would be delivered. Mr Kiely presented the update report which contained an updated risk assessment table, taking into account data from both the HSE and Atkins, the independent assessors. The main issue for consideration was whether the development created an unacceptable level of danger. It was the view of the independent assessors and the officers that the risk was not unacceptable.

Members asked a number of questions relating to the advice received and the risk assessment.

The Committee RESOLVED that in accordance with Council Procedural Rule 14.1.13 the meeting be extended by up to 1 hour in order to complete its business.

The Committee expressed concern relating to the risk to the residents and it was proposed that action should be taken.

The Committee indicated that it did not support the officers' recommendation to not exercise the powers in S97 or S102 of the Town and Country Planning Act 1990 (as amended); and to delegate authority to the Corporate Director Development & Renewal to negotiate a legal agreement with the developer to secure the obligations described in paragraph 8.30 of the report in relation to 33-37 The Oval London E2 9DT and RESOLVED that the item be deferred to receive a report outlining the options available to the Council and the legal implications of those options.

8.2 Millennium Quarter and Docklands Light Railway - Deed of Variation

Mr David Williams, Development Design and Conservation Manager, presented a report which proposed the variation of the legal agreement dated 24th October 2003 between the Council and Docklands Light Railway Ltd in respect of using S106 resources from the Millennium Quarter (MQ) development contributions for the provision of station improvements at South Quay.

The Committee RESOLVED that

1. the legal agreement dated 24th October 2003 between the London Borough of Tower Hamlets and Docklands Light Railway Limited relating to station improvements at South Quay be varied; and
2. officers be authorised to negotiate and complete the necessary Deed of Variation to the 2003 agreement to revise the payment to DLR and to include any appropriate consequential amendments to the

agreement, to the satisfaction of the Assistant Chief Executive (Legal Services).

The meeting ended at 10.40 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee