

# London Thames Gateway Development Corporation

## Minutes of Planning Committee held on 10 May 2007

**Present:** Cllr Conor McAuley (in the Chair), Cllr Sid Kallar, John Worthington, Dru Vesty and John Biggs.

**In attendance:** John Allen (Director of Planning), Will Steadman (Planning Development Officer), Sara Purvis (Planning Development Officer), Peter Minoletti (Planning Development Manager) and Sarah Egan (Committee Clerk). Also in attendance was Howard Bassford of DLA Piper.

### **1 Apologies, Announcements and Declarations of Interest**

- 1.1 Apologies were received from Atul Patel and Lorraine Baldry.
- 1.2 Conor McAuley declared a non-prejudicial and non-pecuniary interest in item 3D - 1A Lett Road, Stratford.

### **2 Minutes of the Planning Committee Meeting of 12 April 2007 and Matters Arising** LTGDC/2007/PC19

- 2.1 Members **AGREED** the draft minutes of the Planning Committee meeting of 12 April 2007.

### **3 Reports of the Director of Planning: Planning Applications**

#### **3A Pura Foods Ltd, Leamouth Peninsula North, Orchard Place**

LTGDC/2007/PC27 and 27a

- 3.1 John Baker, a local resident, spoke against the proposal. His particular concerns were about the amount of public open space provided in the development. He supports the objection by the London Borough of Tower Hamlets (LBTH) on the grounds of not providing a sufficient amount of usable recreational public open space. John Baker felt that the Leaside Masterplan did not envisage such intensive building. He also commented that the S106 contribution was too low.
- 3.2 Julian Carter from GVA Grimley spoke in support of the proposal. He commented that the proposal has been under development for the past two years involving extensive consultation. He felt that this development will be a significant catalyst for regeneration.
- 3.3 Dru Vesty expressed concerns about the amount of sunlight/daylight the inner properties will receive and the effect of overshadowing on the lower dwellings. She also queried the amount of open space and its usefulness. Julian Carter replied that a sunlight/daylight assessment has now been completed which shows that, overall, the new residential units would receive adequate daylight and sunlight.
- 3.4 Sara Purvis introduced the report of the Director of Planning for this proposal comprising the demolition of all existing buildings and structures and the phased mixed-use development comprising 177,980 sqm GEA of new floorspace. She summarised the conditions for approval set out in the addendum report

LTGDC/2007/PC27a and the tabled paper which contained further conditions from the Environment Agency.

- 3.5 Dru Vesty commented that this is a very important scheme. She said that the Committee needs to be satisfied with the sunlight/daylight and open space issues.
- 3.6 John Biggs noted that it is a significant scheme that will help to bring other development to the area. He asked whether a preferred social landlord had been identified. Sara Purvis said the Metropolitan Housing Trust has been identified. John Biggs felt that the Committee needed to be assured that the Registered Social Landlord (RSL) chosen has the right experience and commitment to the area. Howard Bassford advised that it would be appropriate for the Committee to require approval of the RSL and how the affordable housing will be managed once provided.
- 3.7 John Biggs queried how the Committee can be sure that the flexible work space will be used for the creative industries, as proposed. Sara Purvis advised that the use of the work space is secured by a condition requiring approval, and that the workspace is designed specifically to be attractive to small businesses.
- 3.8 In response to a query from John Biggs, Sara Purvis confirmed that 24 hour access to and from the site will be secured by the S106 agreement.
- 3.9 John Biggs queried how the provision of a new independent primary school relates to the school planning framework for the area. Officers were not aware of any particular consultation on this aspect, but stated that it was not an issue raised by LBTH.
- 3.10 John Worthington noted that it was an important scheme. He queried whether providing access to the areas East and West of the peninsula is something that could be looked at again in Phase Two and whether, as each phase is completed, there is opportunity to review and learn from it. Sara Purvis responded that the detailed permission would be granted in full for Phase 1 and in outline for Phase Two onwards, but with parameters set. Therefore, there was not a huge amount of flexibility to change this in later stages. It would also not be appropriate to require significant changes to the scheme once it has been approved. However, given the number of years the project would take to build, additional links could be considered at a later date.
- 3.11 John Worthington asked how the S106 amount was arrived at. John Allen replied that this figure is still under discussion, with the cost of the bridge and the estimated financial return from the development being examined. The current proposed S106 amount is a minimum and may rise following the completion of this work.
- 3.12 Conor McAuley asked if the height of the proposed bridge would have any impact on river traffic. Sara Purvis advised that the design meets the requirements of the Port of London Authority and that the PLA will need to grant a licence for the bridge before it can be constructed.
- 3.13 Further discussion took place on the open space and sunlight/daylight issues. It was noted that if the Committee wanted further advice on these issues then the proposal would have to be deferred for that advice. John Biggs was happy not to defer, while Dru Vesty wanted to defer it for further information on these aspects.

3.14 John Biggs moved that the proposal be approved subject to an inclusion in the conditions that the developers must identify the RSL and how they intend to manage the affordable housing. This was seconded by Sid Kallar.

3.15 The Committee **AGREED**, three votes to one, to delegate to the Director of Planning to approve the application subject to:

3.15.1 the expiration of the period of re-advertisement and re-consultation;

3.15.2 the resolution of the outstanding Environmental Statement Regulation 19 omissions;

3.15.3 the resolution of the open space issue, through further amendments to the scheme;

3.15.4 the resolution of Flood Risk issues with the EA;

3.15.5 the submission of further noise and air quality assessments and agreement of appropriate mitigation;

3.15.6 the conditions set out in the addendum report LTGDC/2007/PC27a;

3.15.7 completion of a S106 agreement to secure the following:

- 35% (by Habitable Room) Affordable Housing, including prior approval of the RSL, phased delivery and a management scheme;
- a financial contribution of at least £5014 per unit towards a range of measures including, health, education, public transport improvements, highway improvements, off site provision of open space, and others to be agreed by LTGDC;
- delivery of the pedestrian and cycle bridge to Canning Town;
- delivery of satisfactory emergency access arrangements;
- commitment to provide an agreed percentage of the energy requirements of the development through the use of renewable technologies;
- sustainable travel strategy;
- car, cycle and scooter clubs;
- car parking management, and servicing management strategies;
- provision of a community centre/sports hall of 1600sqm (plus external space) and management strategy for it;
- provision of the riverside walkway and provision for public use of it and open space and routes within the site;
- provision of and management strategy for the arts centre;
- local labour provisions;
- provision of floorspace within the development for use by Metropolitan Police.

### **3B Pura Foods Ltd, Leamouth Peninsula North, Orchard Place**

LTGDC/2007/PC28

3.16 Members **AGREED** to delegate to the Director of Planning the preparation and submission of the Rule 6 Statement of Case to the Planning Inspectorate by 21 May 2007 on the basis of the report LTGDC/2007/28 and any additions or variations as the Director of Planning considers appropriate, including due to and following the review of any additional information received and advice of Counsel.

### **3C Concorde House, Caxton St North, Canning Town**

LTGDC/2007/PC24

- 3.17 Philip Chadda spoke in support of the proposal. He addressed the reasons for refusal given in the report and noted that the Greater London Authority and the London Thames Gateway Development Corporation had supported similar schemes close by. He noted that the site has been vacant for two and a half years.
- 3.18 Peter Minoletti introduced the report of the Director of Planning for this proposal comprising the demolition of the existing building and construction of a new 5-8 storey residential led mixed use building. He noted that the site is located within a Principal Employment Area as designated in the London Borough of Newham's Unitary Development Plan (UDP) and is indicated as being suitable for business, general industrial and warehousing uses. While LB Newham is content for the use of this site to change, Planning Officers and the GLA recommend that this site remain a commercial area. One reason in particular is that it is not a suitable environment for this density of residential development.
- 3.19 John Biggs expressed support for the recommendation to refuse but queried if there was a risk that the use of this area may change with emerging planning policies.
- 3.20 Dru Vesty also agreed with the recommendation as she had seen the site and does not believe it is appropriate for a residential development.
- 3.21 Conor McAuley noted that there appeared to be inconsistency between agencies in interpreting LB Newham's UDP.
- 3.22 Peter Minoletti stated that each site is looked at individually and the recommendation to refuse is a combination of a number of reasons, not just the designation of land use. As such the treatment of sites nearby did not require that this site be treated in an identical way.
- 3.23 John Biggs moved that the proposal be deferred until the June 2007 Planning Committee meeting to enable:
- Planning Officers to clarify justification for pursuing retaining this site for industrial/employment uses given that LB Newham is supportive of a residential development; and
  - a site visit by the Planning Committee.
- 3.24 The motion in paragraph 3.23 above was **AGREED** by the Committee.

### **3D 1A Lett Road, Stratford**

LTGDC/2007/PC29

- 3.25 Will Steadman introduced the report of the Director of Planning for this proposal comprising the construction of a part five and part ten storey building to provide residential units, car park, ancillary plant and equipment, new private amenity space and new access to Jupp Road. He also reported that on 9 May 2007, LB Newham's Planning Committee had objected to the proposal because of the proposed commuted sum being insufficient and, if the LTGDC was minded to grant permission, the developer should be required to reinstate the footways around the site after development.
- 3.26 Sid Kallar questioned whether the affordable/market housing mix is creating ghettos. Will Steadman advised that a mix of tenures is proposed throughout

the development and it would not be possible to differentiate between the social housing and private.

- 3.27 John Biggs noted that the intermediate housing will be managed by the Carpenters' Company to house tradesmen training under their stewardship. He asked whether this accommodation would be restricted to use by local residents. Peter Minoletti advised that the S106 could be worded to define appropriate usage of the intermediate housing.
- 3.28 The Committee **AGREED** to delegate to the Director of Planning to approve the application for the reasons set out in section 10 of the Committee Report LTGDC/2007/PC29, subject to:
- 3.28.1 Any direction from the Mayor of London;
  - 3.28.2 A legal agreement securing a Section 106 agreement securing:
    - a) £1,290,000 contribution towards the provision of off-site affordable housing;
    - b) On site affordable housing, including clarity as to occupancy of intermediate housing;
    - c) £100,000 contribution towards environmental improvements, education provision, traffic order amendment and skills training;
    - d) Local Labour commitment;
    - e) Local Goods and Services commitment;
    - f) Requirements for Section 278 Agreement securing reinstatement of footways;
  - 3.28.3 The conditions set out in paragraph 11.2 of the Committee Report LTGDC/2007/PC29.

**3E Town Square, Clockhouse Ave, Barking** LTGDC/2007/PC26

- 3.29 Sara Purvis introduced the report of the Director of Planning seeking approval of reserved matters relating to the second phase of the redevelopment of the 'Town Square' area of Barking Town Centre. The main considerations relate to the scale and design of the five proposed buildings, the level of affordable housing provision, provision of public car parking and revisions to the existing Section 106 agreement.
- 3.30 Sara Purvis tabled an addendum paper, written following further consultation with the applicants, which recommends:
- 3.30.1 an amendment to conditions 7 and 8 on pages 23 and 24 of the main report dealing with drainage strategy and an EcoHomes review;
  - 3.30.2 an additional condition in respect of the shop fronts proposed;
  - 3.30.3 an amendment to condition 5 on page 23, regarding renewable energy;
  - 3.30.4 an amendment to condition 18 on page 26, regarding the description of the development;
- 3.31 John Biggs expressed concern that the mix of social housing in this phase is only 18 units, a very low percentage. Sara Purvis advised that the 18 three bed units represent an equivalent to the previous affordable housing offer set out in the outline planning permission and original S106 Agreement.
- 3.32 John Biggs also expressed concern that the flats in the first phase of the development are being sold to buy-to-let owners therefore creating a transient population living in the area, rather than permanent owners. It was acknowledged that this is not a situation that can be changed by the Planning

Committee at this point, since it was now dealing with a reserved matters application.

3.33 Dru Vesty noted that Transport for London requested that there be a condition attached to any permission regarding loading restrictions. Sara Purvis advised that she believed that further comments from TfL have resolved this issue, but would ensure their concerns were addressed.

3.34 Sid Kallar moved the recommendation and Dru Vesty seconded it.

3.35 The Committee **AGREED**, with John Biggs voting against, to delegate to the Director of Planning to approve the application, subject to the conditions attached as Appendix 1 and:

3.35.1 Completion of a variation to the S106 agreement for the development to secure the provision of (at least) 18, three bedroom social rented affordable homes, off site highway works, phasing of development, management of car park and cycle store, and renewable energy provision;

3.35.2 To allow for the expiration of the period of re-advertisement.

#### **4 Quarterly Planning Performance Monitoring**

LTGDC/2007/PC25

3.36 The Committee **NOTED** the contents of the report.

**The meeting concluded at 8.10pm**

## **Town Square, Clockhouse Ave, Barking**

### **Conditions for Approval**

1. Details/samples of all facing materials to be used in the development shall be submitted and approved in writing by the Local Planning Authority prior to the installation of the said facing material and no facing materials shall be used except those so approved.

Reason: To safeguard the appearance of the development and in accordance with policy DE1 of the Unitary Development Plan.

2. Details of the proposed sedum roofs to be installed on buildings 1, 2 and 4 together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Each sedum roof shall be constructed prior to the first occupation of the building on which it is sited in accordance with the approved details and thereafter retained and maintained in accordance with the approved maintenance schedule.

Reason: In the interests of biodiversity and in accordance with policy G46 of the Unitary Development Plan.

3. A scheme showing the provisions to be made for CCTV camera coverage, and concierge services within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any part of the development and shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of enhancing security and safety and in accordance with policy DE6 of the Unitary Development Plan.

4. A scheme showing the provisions to be made for external lighting shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to occupation of the building and shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of enhancing security and safety and in accordance with policy DE6 of the Unitary Development Plan.

5. The proposed biomass boiler shall be installed in the basement of building 2, wind turbines or another agreed type of renewable energy, shall be installed on the roof of building 4 and buildings 1, 2, 3 and 5 linked through interconnecting pipework in order to facilitate the connection to the proposed district heating system in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No development shall commence until the renewable energy details have been submitted and approved in writing by the Local Planning Authority. No building shall be occupied until the part of the approved scheme that relates to that building has been installed.

Reason: In the interests of promoting renewable energy in accordance with policy G40 of the Unitary Development Plan and policy 4A.9 of the London Plan.

6. Details of the hard and soft landscape works to the public realm (with the exception of the areas in front of the Town Hall and beneath the arcade of phase 1 which have already received approval) shall be submitted to and approved by the Local Planning

Authority prior to [occupation] of the development. The approved scheme shall be implemented in accordance with a schedule of works which shall have been previously agreed by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard and improve the appearance of the area in accordance with policy H13 of the Unitary Development Plan and in order to comply with Section 197 of the Town and Country Planning Act 1990.

7. A drainage strategy detailing any on and/or off site drainage works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker prior to implementation of the development. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been approved and completed.

Reason: The development may lead to sewage flooding and to ensure that sufficient capacity is made available to cope with the new development.

8. An independently verified EcoHomes 2006 report that confirms that the scheme achieves a 'very good' rating with certification shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be provided in accordance with these details. A certificated EcoHomes 2006 Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

Reason: To ensure that the proposed residential units are designed in an environmentally sustainable manner and in accordance with policy 2A.1 of the London Plan.

9. The eighteen proposed 3 bedroom dwellings within building 4 shall be constructed to be easily adaptable to residents who are wheelchair users in accordance with the publication 'Wheelchair housing design guide second edition produced by Stephen Thorpe and Habinteg Housing Association' unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that accessible housing is provided in accordance with Policies H6 and H13 of the LB Barking and Dagenham's adopted UDP and Policy 3A.4 of the London Plan.

10. Prior to the commencement of development of any building hereby approved a Construction Management Plan incorporating details of the sourcing of materials and waste management shall be submitted to and approved in writing by the Local Planning Authority. Once approved this plan shall be adhered to throughout the construction period.

Reason: In the interests of ensuring sustainable construction practices and in accordance with policies G31 of the Unitary Development Plan and 2A.1 of the London Plan.

11. All residential units hereby approved are to comply with Lifetime Homes standards, as defined in the Joseph Rowntree Foundation publication "Achieving Part M and Lifetime Home standards" and the joint collaboration of JRF, Mayor of London, GML

Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4), unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that accessible housing is provided in accordance with Policies H6 and H13 of the LB Barking and Dagenham's adopted UDP and Policy 3A.4 of the London Plan.

12. Notwithstanding the details on the submitted drawings revised details of the 4 disabled driver and passenger parking bays located at the rear of building 4 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of this building. The revised drawings shall indicate a clear space of 600mm to the rear of the bays and a wider footway to the rear of the building to provide better access to the refuse area. The approved scheme shall be implemented prior to occupation of the building and the bays shall be permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to building 4 in accordance with Policy C15 of the Unitary Development Plan.

13. Works from the construction site shall not exceed the following noise levels at the times detailed, as measured at the noise monitoring sites mentioned below:

Monday – Friday Between the hours of 8am – 10am, noon – 2pm and 4pm – 6pm noise levels shall not exceed 75dB LAeq (2 hour) and between 10am – noon and 2pm – 4pm noise levels shall not exceed 65dB LAeq (2 hour).

Saturday Between the hours of 8am – 10am and noon – 1pm noise levels shall not exceed 75dB LAeq (2 hour and 1 hour respectively) and between 10am – noon noise levels shall not exceed 65dB LAeq (2 hour).

Monitoring sites:

a) On the façade of the Lifelong learning centre facing building 2, at between 2<sup>nd</sup> and 4<sup>th</sup> floor levels.

b) On the rear façade of the Magistrates' Court facing building 2, at between 2<sup>nd</sup> and 3<sup>rd</sup> floor levels. This site is subject to the approval of the Court, if this is not forthcoming, another site deemed suitable due to its similar location and distance from the site shall be chosen by the Local Planning Authority.

Reason: To ensure the proposed development does not prejudice the use of any noise sensitive premises in the vicinity including the Magistrates Court, Lifelong Learning Centre and Library and in accordance with policy G36 of the Unitary Development Plan.

14. Construction noise levels as measured at the sites specified in condition 13 shall be constantly monitored and the results made available without delay to the Local Planning Authority on request throughout the period of the construction of the development.

Reason: To ensure the proposed development does not prejudice the use of any noise sensitive premises in the vicinity including the Magistrates Court, Lifelong Learning Centre and Library and in accordance with policy G36 of the Unitary Development Plan.

15. Details of the means of access to the communal roof garden on building 2, together with details of measures to protect the privacy of units directly facing onto the garden and the treatment of this space shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of this

building. The approved details shall be implemented prior to the occupation of any residential unit within this building.

Reason: To ensure that the roof garden is accessible to all residents, provides valuable amenity space and is designed to protect the privacy of adjoining residential units in accordance with policies H13 and H15 of the Unitary Development Plan.

16. Notwithstanding the details submitted on drawing number A604 AP (0400) 005 revision A, no approval is hereby given to the design and finish of the north-west facing flank wall of building 1 which is to be built adjacent to the access to the police station. Revised details of this wall shall be submitted for approval to the Local Planning Authority prior to commencement of the development of this building and thereafter implemented in accordance with the approved details.

Reason: The wall lacks detail and would benefit from further articulation and in accordance with policies H13 and DE1 of the Unitary Development Plan.

17. Details of the hard and soft landscape treatment to the communal garden areas, footways and car parking bays serving building 4 shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to occupation of any unit within the building. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following occupation or completion of the building, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in the interests of enhancing security and safety and in order to comply with Section 197 of the Town and Country Planning Act 1990 and policies H13 and DE6 of the Unitary Development Plan.

18. Notwithstanding the details on the application submission, none of the ground floor commercial units shall be used for purposes within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To ensure that the scheme enhances the vitality and viability of the town centre and to avoid the introduction of 'dead' frontages within this key area.

19. Notwithstanding the details on the application submission no approval is hereby given to the design of the ground floor commercial units. Revised details of these frontages indicating the detailed design and the materials used in the external surfaces shall be submitted for approval to the Local Planning Authority prior to the commencement of development of the buildings to which they relate and thereafter implemented in accordance with the approved details, prior to the occupation of the building to which they relate.

Reason: To safeguard the appearance of the development and in accordance with policy DE1 of the Unitary Development Plan.

20. Notwithstanding the details on the submitted drawings the proposed car park below building 4 shall be constructed in accordance with a detailed design which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall include a redesign of the pedestrian entrances, including the associated boundary treatment, to give them greater

prominence so that members of the public understand that they are entrances to a public facility. The scheme shall also give details of the measures provided to maintain security to and within the car park.

Reason: In the interests of enhancing security and safety in accordance with policy DE6 of the Unitary Development Plan and to ensure that this public facility is designed appropriately and is legible to members of the public.

21. The shopfront windows must be used for display purposes and the window glass must not be painted or obscured.

Reason: To maintain the appearance of the building and to provide an active retail frontage in accordance with Policy S.14 of the Unitary Development Plan.