

Minutes

London Thames Gateway Development Corporation

Planning Committee Meeting

Thursday 13 August 2009, 6pm

Old Town Hall Stratford, 29 The Broadway, Stratford, E15 4BQ

Present: Cllr Conor McAuley (Chair)
Alan Clark
Sylvie Pierce
Richard Turner
Dru Vesty

In Attendance: John Allen (Director of Planning)
Will Steadman (Planning Development Officer)
Adele Williamson (Planning Development Officer)
Angela Flanagan (Committee Clerk)
Nigel Hewitson (Norton Rose)

1. Apologies, Announcements and Declarations of Interest

- 1.1 Apologies were received from Cllr Mick McCarthy.
- 1.2 There were no declarations of interest.

2. Minutes of Planning Committee Meeting 9 July 2009

LTGDC/09/PC33

- 2.1 The Committee **AGREED** the minutes of the Planning Committee meeting of 9 July 2009.

3. 60 Portree Street and Lanrick House, Lanrick Road, E14

LTGDC/09/PC34

- 3.1 Mr Steve Wright from the Health and Safety Executive (HSE) spoke against the application. The HSE is of the view that the level of residual risk associated with constructing of "intensive" residential-led development close to the nearby gasholder station is sufficiently high that planning permission should be refused on safety grounds. The HSE consider that the Quantative Risk Assessment (QRA), carried out by Atkins on behalf of

the Corporation, lacked clarity in certain assumptions and methods that underpin the Risk Assessment. Mr Wright requested that the Committee refuse the application.

- 3.2 Tim Gaskell from CMA Planning, the Agent for the Applicant, spoke in favour of the application. He disagreed that the existence of a small risk should necessarily lead to refusal of planning permission. He pointed out that there had been no fatal incidents involving gasholder stations in London since records began. He added that there are approximately 5000 residents and a primary school which fall within the HSE's safety zone around the gasholder station. He said that if there was an unacceptable risk the HSE should be concerned for the existing residents.
- 3.3 Alan Clark asked Mr Wright why the HSE had not objected to the previous application which had been considered by the Committee on 13 November 2008. Mr Wright responded that he personally had not been involved at that time, and he believed that the HSE had not been consulted.
- 3.4 Richard Turner asked why the HSE had not utilised its power to ask the Secretary of State to call in the previous application. Mr Wright replied that the HSE had only called in 4 planning applications in the last 30 years and this was only in extreme cases.
- 3.5 Sylvie Pierce asked about the housing already within the locality close to the gasworks. Mr Wright confirmed that there was already housing near to the gasholder station some of which had been built since the gasholder station came into operation. However this had been built over 10 years ago, whereas the HSE had only changed its policy in the last 4 years.
- 3.6 Sylvie Pierce also commented that, whilst the site itself is not residential at the moment, there were members of the public on site during the day. Mr Wright responded that the HSE looks at the working population differently to the residential population. This is due to the fact that residents would be on the site for significantly longer periods of time and would most likely include children which would therefore constitute a higher risk. He added that the revised application included more family housing compared to the previous application 9 months ago.
- 3.7 Conor McAuley asked if more information could be given on the advice the HSE provide. Mr Wright replied that the HSE enforces Health and Safety legislation where possible.
- 3.8 Dru Vesty referred to the Agent's comment that there had not been any fatal incidents in 30 years. Mr Wright confirmed there had been no such incidents in London in that time period.
- 3.9 Conor McAuley asked Mr Tim Gaskell about the 100% affordable housing provision. Mr Gaskell advised that the development proposed an 80/20 split between social rented and intermediate tenure. He said the new scheme would also provide accommodation for existing residents who would be decanted from a nearby housing in Poplar Harca's ownership

(Aberfeldy Estate), which had been identified for future redevelopment. He added that the applicant anticipated that in 5 years time there would be a more balanced community.

- 3.10 Will Steadman introduced the application. He confirmed with Members that they had all received the addendum report as well as the further letter from the HSE. The application is for an amended scheme which had previously been granted planning permission by the Committee on 13 November 2008 subject to the HSE being given notice of that decision with 21 days to request the Secretary of State call in the application for determination and a S106 Agreement and planning conditions.
- 3.11 During the S106 Agreement negotiations the Applicant advised that the proposed development would be acquired by one of the London Borough of Tower Hamlets' (LBTH) preferred Registered Social Landlords, Poplar Harca, and the scheme required some amendments to secure a Homes and Communities Agency (HCA) grant necessary for the scheme to proceed. The amendments are to reduce the number of units from 72 to 64 and to alter the tenure mix to provide 100% affordable housing.
- 3.12 In response to the HSE's objection on health and safety grounds, Will Steadman advised Members that the HSE's advice was not mandatory. Their advice should not, according to Circular 04/2000, be overridden without the most careful consideration. The Corporation had commissioned Atkins to carry out a Quantitative Risk Assessment which had deemed the risk to be at an acceptable level. The HSE's challenge of the QRA was considered by officers to be a difference of expert opinion between the Corporation's experts and the HSE. It was therefore considered that refusal on health and safety grounds would not be justified. In accordance with Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, the HSE would be notified to provide them with 21 days to consider whether they wish to utilise their power to request that the Secretary of State call in this application for his determination.
- 3.13 Will Steadman advised the Committee that, following the withdrawal of the Tower Hamlets LDF documents and their adoption as Interim Planning Guidance, Policy DEV23 of the Core Strategy should be afforded less weight than relevant policies in the London Plan or adopted UDP.
- 3.14 Alan Clark referred to Appendix 1 (paragraph 10.8) and asked if Officers would remind Members of the intervening uses and buildings near the gasworks. Will Steadman advised that these were predominantly residential.
- 3.15 Sylvie Pierce drew attention to the location plan provided as she had concerns about the impact of traffic on the busy A13 which rises up in close proximity to the development. She wished to know if there would be any noise or general environmental impact. She also had concerns that the proposed amenity facilities of the proposed scheme did not meet standards. Will Steadman responded that the A13 is elevated to the south

of the site rising to cross the River Lea via a bridge. There is a retaining wall flanking the elevated section. Immediately to the north of the A13 is Lanrick Road which would act as separation between the scheme and the A13. The noise issues had been assessed and the London Borough of Tower Hamlets' Environmental Health Officers were satisfied that the scheme had been designed adequately to address the noise impact. Conditions would also be imposed to ensure that any adverse impacts would be mitigated. It was acknowledged that the provision of amenity space was below standards due to the constraints of the site. However there is other amenity space within walking distance of the site.

- 3.16 Sylvie Pierce asked about the heavy traffic from the A13 and whether this site was suitable for families and if they had to cross any major roads to access amenity space. Will Steadman assured Members that, whilst the site is between the A13 and A12, residents would not need to cross a road with the same status as the A13 to access amenity space.
- 3.17 Alan Clark noted two errors in the last columns on the table at paragraph 1.4 of the main committee report. Unit Size 1 bed should be +12 and Unit Size 4 bed should be -2 in the last columns of the table.
- 3.18 Sylvie Pierce questioned the provision of 100% affordable housing as it would not promote a mixed and balanced community which she thought was in breach of planning policies. Will Steadman acknowledged that the 100% affordable housing provision does not conform with broad planning policies. However it was acknowledged that Poplar Harca's long term proposals for the area sought to improve the tenure mix in the area by providing more housing for private sale. The application scheme would facilitate this by enabling Poplar Harca to decant residents from the nearby Aberfeldy Estate.
- 3.19 Conor McAuley asked if the London Borough of Tower Hamlets and Poplar Harca had a target population mix for the Aberfeldy Estate. Will Steadman responded that whilst he was not involved in the discussions on Aberfeldy Estate he believed that the intention was to include a sizable proportion of homes for private sale.
- 3.20 The Committee, by unanimous vote, **AGREED** to give delegated authority to the Director of Planning to grant planning permission subject to:
- 3.20.1 The Health and Safety Executive being given notice of the intention to grant planning permission and 21 days being allowed from the date of the notice to consider whether they wish to request that the Secretary of State call in this application for her determination.
- 3.20.2 The planning conditions as set out at section 12.0 of the report (LTGDC/09/PC34);
- 3.20.3 The completion of a S106 Agreement securing Heads of Terms as set out in section 11.0 of the report (LTGDC/09/PC34).

4. Fresh Wharf Estate, Fresh Wharf Road, Barking, IG11

- 4.1 Mr Tony Travers from Countryside Properties, the Applicant, spoke in favour of the application. He said that the applicant had created a sensitive masterplan for the site, which included three times more playspace than required by the Mayor's playspace strategy; improved residential walkways; and provided landscaping to 56% of the site. The buildings would be elegant and well-crafted. The accommodation would range from 1 to 4 beds with 44% allocated to family housing. He added that they had taken a winter garden approach near the A406, as well as ensuring the scheme would be sustainable with a significant reduction in carbon dioxide emissions. Car parking spaces had been reduced to approximately 0.5 spaces per home.
- 4.2 Sylvie Pierce asked Mr Travers to expand more on the winter gardens approach. Mr Travers replied that flats facing the A406 side of the development had enclosed balconies with floor to ceiling sealed glazing so that residents could enjoy high levels of sunlight and a feeling of openness without being unduly affected by traffic noise and fumes. The development would also include an innovative high transparent screen on the western boundary of the development which would shield the open space between blocks from the noise of the A406, without affecting the provision of natural light.
- 4.3 Sylvie Pierce referred to the high rise residential blocks with a bit of landscape between which were built in the sixties and asked what has been learnt from those buildings and what is different about Countryside Properties' proposal. Mr Travers referred to their development – Greenwich Millennium Village – which he felt demonstrated what they had learnt. He said that they had incorporated as much space as possible between buildings and had used a variety of materials and textures. He added that the density of their development at Greenwich and the current proposal are the same. He referred to his colleague, Jonathan Gimblett, for the figure and was advised that it is approximately 270 homes per hectare at Barking which is comparable to Greenwich.
- 4.4 Richard Turner referred to the site access masterplan (Appendix 2 of the report) and asked about the secondary vehicle access. Mr Travers responded that the development had been designed so that access would be via the distributor road, or off the roundabout as they thought this would be discreet. Delivery and removal vehicles etc would have access onto various hard surfaced areas across the development as shown on the plan. These areas would ordinarily be closed to vehicles, but could be opened by a concierge on request.
- 4.5 John Allen introduced the application, advising that this was an outline planning application, which sought determination of access, layout and scale, by Countryside Properties and Fresh Wharf Developments Ltd for a residential-led, mixed use development at Fresh Wharf Estate, Barking. The proposed masterplan comprises 14 blocks ranging in height from 5 storeys to a maximum of 24 storeys.

- 4.6 A previous application from the Applicants to redevelop the Fresh Wharf site was refused by the Committee in November 2007. The Applicants did appeal the decision, but later withdrew their appeal to revise the scheme. The Corporation's Planning Officers were satisfied that the revised application had addressed the previous reasons for refusal.
- 4.7 Due to the current difficult financial situation there had been a decrease to the amount of affordable housing which was now set at 10%. However there would be further financial appraisals at the beginning of each phase of the development to take account of any market upturns which would hopefully result in an increase to the affordable housing provision. John Allen informed Members that the Corporation's Viability Advisor, Chris Marsh, was at the meeting if they wished to ask questions.
- 4.8 The Addendum Report also provided an update on further comments from TfL, the transit or busway route, noise, additional S106 Heads of Terms, revised conditions, and regarding phasing.
- 4.9 It was acknowledged that the current PTAL (Public Transport Accessibility Level) for the site was low. However the Corporation is currently considering ways in which it can deliver a public transport bridge across the River Roding which would lead to a significant increase in PTAL levels across the site. There would also be tariff funding available to go towards the bridge and some S106 tariff funds ringfenced to provide funding for bus routes through the site.
- 4.10 Alan Clark referred to the London Borough of Barking and Dagenham's Planning Policy Team comments in the main report regarding commercial space and shopping being acceptable if they are provided in small scale units, and requesting that any permission should be appropriately conditioned to achieve this. Whilst he thought Condition 28 went some way to achieving this he thought the wording should be broader. John Allen confirmed that the condition could be looked at but added that flexibility of the condition was needed partly because there was an intention to create something of a focus around the northern part of the site.
- 4.11 Sylvie Pierce was concerned that this was only an outline application for such an important site. She questioned how the Committee could ensure that the architecture was to the highest quality. She felt that the information provided was not adequate for a decision to be made on height, massing and density. She had concerns as to what the development would look like in the future.
- 4.12 Dru Vesty added that whilst she was not unsympathetic to tall buildings and had looked at the model and listened to the various comments made particularly from English Heritage and CABI, she did not think that a series of large tall slab blocks would create a development the Corporation would be proud of. She indicated her dissatisfaction with the scheme.

- 4.13 John Allen acknowledged that it would have been preferable for the tall building element to have been submitted in full as part of a hybrid application for the overall development. The applicants had been requested to do so but had declined. Members were reminded that details of materials could be requested by the Committee to ensure they are of a high quality, and could be refused if they did not meet high standards. John Allen suggested that the issues could be dealt with through planning conditions, the details of which could be brought back to the Committee for determination if that was the Committee's wish.
- 4.14 Dru Vesty sought clarification on room sizes of some of the residential units which did not meet required standards. Adele Williamson drew Members attention to paragraphs 9.3.18 and 9.3.19 of the main committee report which provided details. It was noted that 205 2-bed /3 person units did not meet the habitable floor area of Policy H16 of the London Borough of Barking and Dagenham's Unitary Development Plan. Overall 18.6% are affected.
- 4.15 In response to a query as to whether final room sizes for these units could be controlled by imposing a suitable planning condition, Nigel Hewitson referred to Planning Condition 26 in the main committee report. He indicated that as not all the units were affected it may be possible for partition walls to be moved around by reducing other space within the buildings.
- 4.16 Sylvie Pierce proposed that the application should be deferred to enable the applicant to provide more information. She asked for justification of the height and density, and detail of how the spaces between the buildings would work for the local community. She requested more detail of the relationship between the height of the building and landscaping, and more detail about the tower (i.e. materials and quality).
- 4.17 Richard Turner sought clarification on ELT2 (East London Transit) which was mentioned in the main committee report. He asked if the development protected the possibility of ELT2. John Allen confirmed that the development would protect what had been known as the ELT2 route. He added that via the S106 Agreement land would be made available for it free of charge.
- 4.18 The Committee **AGREED** to **DEFER** the application to enable the Applicants to provide more details on the relationship between the height of the proposed buildings and the landscaping, as well as more information on the materials they propose to use.

5. **S106 Planning Obligations Monitoring Quarterly Report**

- 5.1 John Allen introduced the regular quarterly update report. He referred Members to Appendix 1 attached to the report advising them of an error. The Financial Contribution for Devon Wharf showed zero, when it should read £660,000.

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

6. Planning Performance Monitoring Quarterly Report

6.1 John Allen introduced the regular quarterly update report, pointing out for the first time in its lifetime the Corporation has achieved 100% determination of applicants within the 13 week deadline during the previous quarter. It was noted that this covered 3 large applications and additionally, 2 applications with PPAs (Planning Performance Agreements) had also been determined within their agreed target dates.

6.2 Dru Vesty referred to paragraph 6.4 of the report noting that an appeal had been lodged against 4 conditions for an application which had been granted permission. She pointed out that the Committee would assume that the applicant would be consulted on conditions and any issues resolved before the application is considered by the Planning Committee. John Allen confirmed that the Corporation's Planning Officers do consult the applicant as much as is practically possible.

6.3 Dru Vesty asked if a note could be provided to the Committee covering the details of this case as well as the general procedure for drawing up and consulting on conditions. John Allen confirmed that this would be provided to all Members.

6.4 Conor McAuley made reference to paragraph 5.12 which detailed the potential number of affordable units. He referred to the low provision of affordable housing for the Fresh Wharf application (Item 4). John Allen advised that the originally submitted application had zero provision, and that the revised application was for a minimum provision of 10% with a maximum of 35%. It was a long term development with an opportunity to increase the affordable housing provision to 35% if the financial market improves.

6.5 Conor McAuley enquired about the progress of the S106 negotiations on the Broadway Chambers application which the Committee had recently deferred. John Allen confirmed that the Corporation's Planning Officers were still engaging in discussions with the applicant. Viability was being looked into, and then hopefully a revised S106 proposal would soon be reached.

6.6 Nigel Hewitson added that there was a growth industry for renegotiating S106 Agreements for developments which were no longer viable because of market conditions.

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

The meeting concluded at 7.15pm.

Date of next meeting:

Thursday 10 September 2009, 6pm

Old Town Hall Stratford, 29 The Broadway, Stratford, E15 4BQ