
London Thames Gateway Development Corporation

Planning Committee Meeting

Thursday 10 June 2010, 6pm

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

Present: Cllr Conor McAuley – Chair
Malcolm Chumbley
Alan Clark
Sylvie Pierce
Richard Turner
Dru Vesty

In Attendance: Peter Minoletti (Planning Development Manager)
Stephen Allen (Planning Development Officer)
Amanda Reid (Planning Development Officer)
Nigel Hewitson (Norton Rose)
Angela Flanagan (Committee Clerk)

1. Apologies, Announcements and Declarations of Interest

- 1.1 Apologies were received from Neil Deely and Cllr Mick McCarthy.
- 1.2 Nigel Hewitson notified the Committee that British Waterways (one of the applicants for Item 5) were his clients, but he had not advised them in this matter. He had spoken to British Waterways and Peter Minoletti at LTGDC and both were content for him to advise the Corporation on the matter.
- 1.3 There were no declarations of interests.

2. Minutes of the Planning Committee meeting on 13 May 2010

LTGDC/10/PC27

- 2.1 The Committee **AGREED** the minutes of the Planning Committee Meeting on 13 May 2010. There were no matters arising.

3. Dovers Corner Industrial Estate, Rainham Trading Estate & Boomes Industrial Estate, New Road, Rainham, Essex RM13 8QT

LTGDC/10/PC28

- 3.1 Patrick Keyes, Head of Development and Building Control at the London Borough of Havering reiterated the Borough's and the local community's very strong objections to this application. He felt there were areas where the application conflicted with policy and, in his opinion, it was unsatisfactory to say the scheme was not bad enough to refuse when the scheme needed better quality design. Mr Keyes stated that the proposal should link visually and functionally with existing communities, and as such Havering's LDF Site Specific Allocation Policy is very relevant and should be given weight in deciding the application. In his view the proposal was far removed from policy. The proposed layout and design would impact negatively on the surrounding area, and would not reflect the character of the conservation area. LB Havering had also sought their own advice from Counsel who had advised that the reasons for refusal (as outlined by LB Havering in their letter dated 11 May 2010) were legitimate and defensible. Viability should not be given too much weight and key policies should not be set aside. He urged the Committee to refuse the application, stating that approval would set an arbitrary baseline for others to follow.
- 3.2 Cllr Michael Deon Burton, London Borough of Havering, also spoke against the application, stating that he did not feel LTGDC officers had provided a convincing case to recommend approval. Reference was made to the Borough's LDF Site Specific Allocation policy being a legal document. However his main concern related to the failure to provide a water feature on the former Rainham Quay (i.e. a Thames barge). He appealed to the Committee to refuse the application and to encourage developers to submit better quality applications.
- 3.3 Peter Luder of WestonHomes (Housing) Ltd (the applicant) spoke in favour of the application. He referred to the Borough's London Riverside SPD which is not in place yet but which would refine the Borough's LDF policy. In light of the absence of the London Riverside SPD policy, he was of the opinion that the LDF policy should be interpreted flexibly and said it had been in the past by LB Havering itself, citing the nearby Carpetright site as an example, where the Borough had not objected to 6 storey buildings for Havering College. He advised that CABE had not rejected the proposal on form, mass and quantum grounds, but had raised concerns about connectivity. He addressed these concerns listing the 13 new links in and out of the site. Mr Luder added that the applicant's Three Dragons assessment demonstrated clearly that, if the development was predominately 3 storeys, there would be a very substantial deficit.

- 3.4 The Chair invited Members to pose questions to the speakers:-
- In response to a question about the Thames barge, Mr Luder said that the site does not have river frontage so there had not been an opportunity to provide the barge. However, via the S106 agreement, £4.5m would be provided for related improvements in the area and the LTGDC could fund such a project if they were so minded.
 - Mr Luder replied to a question on the design of the development acknowledging that it was a contemporary design. The design had evolved over 4 years and had support from Design for London (DfL) and CABE. Following contact from the LB Havering another officer at DfL who had not had involvement in the design discussions produced the report which indicated concerns.
 - Mr Keyes (LB Havering) confirmed they had not asked Counsel for his opinion on the likelihood of success. They had only sought advice on the legitimacy of the reasons outlined in their letter of 11 May. He added that he felt the first question was implicit in the second.
- 3.5 Peter Minoletti introduced the report. The Committee had deferred making a decision at its 13 May 2010 meeting to allow for advice from Counsel to be provided (a separate confidential summary of the advice from Counsel had been circulated to Members). An addendum report was tabled at the meeting which updated Members on a further letter of objection from LB Havering and the continued objection of the Health and Safety Executive (HSE) on the consultation zones. Whilst the HSE is still maintaining an objection, this is not considered to justify refusal. Given that the HSE recognises that the risks associated with the gas pipeline are not as great as previously thought and officers originally considered that the balance lay in favour of granting, this view is only strengthened by the latest response.
- 3.6 With regard to the impact of a predominantly three storey development on the viability of a development on the site the advice of the Corporation's consultant is that reducing density will undoubtedly have a detrimental impact on the viability given many costs are fixed eg acquisition, remediation and environmental works whilst obviously construction costs would vary. As accepted in the original report, this application is controversial with regard to non compliance with borough policies. The analysis in the original report when combined with the latest advice from both the Heritage Consultant and counsel instructed by the Corporation, which members have received separately, is considered on balance to justify the recommendation to Committee last month that had an appeal not been submitted, permission would have been granted subject to a S106 agreement and conditions as detailed (plus various referrals which do not now apply because of the appeal).
- 3.7 The Committee asked whether LB Havering had shared their counsel's advice with LTGDC officers and was advised it had not. Andrew Dick, the Corporation's Heritage Advisor, was invited to address the Committee. He

advised that there had been a fundamental change to policy with the introduction of the new Planning Policy Statement 5 (PPS5) which takes a different approach to previous policy. A key feature of PPS5 is policy HE10 which advises local planning authorities to treat favourably applications that preserve the heritage asset. Mr Dick was of the opinion that the current view of the unattractive Dovers Industrial area had a negative impact on the conservation area, whereas there would be open space between the conservation area and the proposed buildings and in his view this would create a significant buffer.

- 3.8 The Committee **AGREED** that had the appeal not been lodged, the Committee would have resolved to grant permission subject to the Section 106 Heads of Terms and conditions as set out in the main report (LTGDC/10/PC23).

4. Stratford Town Centre Public Realm, Stratford E15 *LTGDC/10/PC29*

- 4.1 The application by Studio Egret West on behalf of the London Borough of Newham and Land Securities sought full planning permission for public realm works and the erection of vertical sculptures in Stratford Town Centre.

- 4.2 The Committee took the opportunity to view a model of the proposed works, provided by the applicants, which gave visual context to the application.

- 4.3 An Addendum Report was tabled at the meeting, providing an update on further representations received from the London Borough of Newham, amendments to Conditions 14 and 18 and the addition of Condition 20.

- 4.4 Conor McAuley made reference to comments made at LB Newham's Strategic Development Committee on 9th June, specifically to the Eastern elevation (as illustrated in Appendix 10, of the main report) and the need for its design to be revisited. The officer drew attention to the proposed additional Condition (no. 20) which specifically addressed this point. Overall Members welcomed the proposals as providing much needed improvements in the area.

- 4.5 The Committee **AGREED** to delegate authority to the Director of Planning to grant full planning permission subject the draft conditions and informatives listed at section 3.5 of the Addendum Report, together with any amendments or additions that he considers necessary after the consultation period advising of minor amendments to the scheme has expired.

5. Lea River Park *LTGDC/10/PC30*

- 5.1 Mr Tom Ridge, a local historian and LB Tower Hamlets resident, spoke against the application. His objection related to the proposed access structure on the listed bridge at Twelvetrees. His view was that the proposed lift tower and stairs would have a negative impact on one of the

finest bridges in the Lower Lea Valley area. The visual impact to the setting of the bridge would seriously diminish the historical value as well as impact on the Limehouse Cut Conservation area. He suggested that the services bridge to the north could be utilised instead.

- 5.2 Julia Humphreys, London Thames Gateway Development Corporation (the applicant), spoke in favour of the application. She advised that every option had been considered. The services bridge referred to has high voltage cables running along it, and is not suitable for public use as although the bridge incorporates a ramp, it is too steep to be made DDA accessible. Referring to Mr Ridge's suggested alternative, she said that they had looked into this option but that as the land is owned by National Grid, and is operational, LTGDC would be unable to CPO the land to continue the route on that side.
- 5.3 Mr Tom Holbrook, 5th Studio (Design Team for the applicant) also spoke in favour of the application. He acknowledged the point made by Mr Ridge of the listed bridge's significance and historical value. The purpose of the proposal is to link structures along the Lower Lea which at the moment are not easily accessible. The lift and stairs proposed for the listed bridge would bring this important heritage structure into public use. The bridge meets the need and creates a link everyone can use. The Borough conservation officer and English Heritage have been involved and are satisfied with the proposed access structure.
- 5.4 The Chair invited members to ask questions, and in response to whether there was anything else that could be done, Mr Ridge (objector) suggested that the access structure could be on the other side of the bridge. Julia Humphreys responded that this was prevented by the presence of large gas mains.
- 5.5 Peter Minoletti introduced the report for the proposal by the London Thames Gateway Development Corporation (LTGDC) to extend the Lea River Park down to the Thames and provide landscaped pedestrian and cycle paths to the Olympics to the benefit of residents and businesses in both Newham and Tower Hamlets through which the route runs. There are four applications, two for listed building consent and planning permission at Twelvetrees Crescent, a bridge and park at Poplar Reach and a walkway link under the A13. An addendum report was tabled at the meeting providing further points of clarification in the main report, and detailing further objections received.
- 5.6 Dru Vesty raised concerns about the proposed fencing and asked if the Committee could see the materials proposed. The officer confirmed a condition would be added relating solely to the details of all boundary treatments and that these would be referred back to the Committee for approval.
- 5.7 The Committee **AGREED** to APPROVE subject to the conditions listed in Section 11 of the main report, as well as the above additional condition.

The meeting concluded at 7.31pm.

Date of next meeting:

Thursday 8 July 2010, 6pm

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