

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON THURSDAY, 18 JULY 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Zara Davis
Councillor Dr. Emma Jones
Councillor Kabir Ahmed
Councillor Md. Maium Miah
Councillor Carlo Gibbs (Substitute for
Councillor Carli Harper-Penman)

Other Councillors Present:

None.

Officers Present:

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Beth Eite	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Robert Lancaster	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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The order of business was changed at the meeting so that items 7.1 and 7.2 were considered before item 6.1. However, for ease of reference the items are set out in agenda order in this decision sheet.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Denise Jones, Carli Harper-Penman for whom Councillor Carlo Gibbs was deputising.

Apologies for lateness were received from Councillor Zara Davis.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Carlo Gibbs declared an interest in agenda item 7.2, Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1 (PA/13/00218 AND PA/13/00219). This was on the basis that he had received correspondence from interested parties

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13th June 2013 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

- 6.1 City Pride Public House, 15 Westferry Road, London, E14 8JH AND Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03248 & PA/12/03247)**

Councillor Carlo Gibbs left the meeting for the consideration of these items (6.1, City Pride and Island Point) as he had not been present at the previous meeting of the Committee on 13th June 2013 where the applications were initially considered.

Update Report Tabled

Owen Whalley (Service Head, Planning and Building Control) introduced the items regarding the City Pride Public House for a new residential 75 storey tower and the linked Island Point scheme providing 173 residential units and associated works.

Beth Eite (Planning Officer) presented the detailed report and update. The Committee were reminded that at the previous 13th June 2013 meeting of the Committee, Members were minded to refuse the City Pride scheme due to concerns over the height and scale, density, public open space and segregated housing mix. The Committee also considered the linked Island Point scheme and decided to defer this scheme in view of its links with the City Pride scheme.

Officers had since considered the Committee's reasons and had drafted suggested reasons for refusal as set out in the report for the two schemes.

Officers addressed each proposed reason offering their professional opinion on their strength and the applicant's views on them.

- Height of the City Pride scheme. The applicant had given further consideration to reducing the height of the scheme to that of the extant scheme. However, their assessment confirmed that this would result in a significant loss of affordable housing at the Island Point site due to the loss of profit and reduced viability.
- Lack of open space. It was considered the plans in this regard met policy requirements. The scheme at City Pride included amenity floors and a pavilion and overall provided higher levels of amenity space than the extant scheme. This was proportionate to the increase in population. The scheme was also delivering contributions for open space elsewhere to mitigate the lack of space to fully provide this on site. This approach was supported in policy.
- Segregation in housing tenures. It was considered that the benefits for Island Point in terms of the level of affordable housing and amenity space justified the proposed housing split across the two sites. Should the schemes be brought forward with mixed tenures, there would be a substantial reduction in affordable housing due to loss of profit, as shown by the viability testing.
- Density. The applicant had also addressed the issue of density and explained that there was no harm caused by the density of the development.

In response, some support was expressed for the Island Point scheme given the level of affordable housing.

In response to questions, it was reported that there was a possibility that the application may be called in by the London Mayor and determined in accordance with his own policies. However, there had been no indication that the Greater London Authority intended to do this. There was a full s106 that complied with policy to mitigate the impact on infrastructure. Therefore, any refusal on this basis would be weak on planning grounds. It was necessary to consider each application on its own merits in terms of housing mix and the suitability of mono tenures taking into account such issues as viability. It was considered that there were minimal differences between the extant scheme at City Pride and the current proposal in terms of height.

Officers confirmed that their recommendation remained to approve both schemes.

Decision.

- **City Pride Public House, 15 Westferry Road, London, E14 8JH PA/12/03248**

On a vote of 3 in favour of the Officer recommendation, 3 against and with the Chair using his casting vote in favour of approval, the Committee **RESOLVED:**

1. That planning permission (PA/12/03248) at City Pride Public House, 15 Westferry Road, London, E14 8JH be **GRANTED** for the erection of residential (Class C3) led mixed use 75 storey tower (239m AOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space SUBJECT to:
2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report of 13th June 2013.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report of 13th June 2013.

6. Any other conditions(s) and informative(s) considered necessary by the Corporate Director Development & Renewal
 7. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- **Island Point, Site At 443 to 451, Westferry Road, London PA/12/03247**

On a vote of 4 in favour and 2 against the Committee **RESOLVED:**

1. That planning permission (PA/12/03247) at Island Point, Site at 443 to 451, Westferry Road, London be **GRANTED** for the erection of buildings ranging in height from 3 to 5 storeys with rooftop pavillions rising to 6 storeys, providing 173 residential units (Use Class C3) with underground parking, open space, plant and associated community building (Class D1) SUBJECT to:
 2. Any direction by The London Mayor
 3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report of 13th June 2013.
 4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 5. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report of 13th June 2013.
 6. Any other conditions(s) and informative(s) considered necessary by the Corporate Director Development & Renewal
 7. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

The Members that voted on this item were Councillors Helal Abbas, Zara Davis, Dr Emma Jones, Marc Francis, Md. Miah Maium and Kabir Ahmed.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way And Ackroyd Drive, London (PA/12/02332)

Update Report tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the item for the demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary works.

The Chair invited Toby Davey to speak in objection to the application as a registered speaker. However, in view of his absence, the Chair then invited the registered supporter to address the Committee

Mike Haggerty spoke in support of the application as a former resident of Shelmerdine Close. He expressed concern at the anti-social behaviour (asb) in the estate and that residents felt very unsafe there at times. He considered that the blocks were unsightly and should be demolished. In response to Members, he considered that the stairwells were used by drug takers and the residents had to walk past them. They had also damaged parts of the building. The problems began in about 1986.

Nasser Farooq, (Planning Officer, Development and Renewal) presented the detailed report. Mr Farooq explained in detail the site location and the planning history including the outline plans for the entire estate and the phase 1 Leopold Estate scheme that had been implemented. He also explained the refurbishment works carried out by the applicant to improve the estate.

Mr Farooq drew comparisons with the extant phase 2 scheme and the subject application. In particular, he highlighted the changes in the housing mix and the net loss of affordable housing under the current scheme. It was considered that the net loss of affordable housing in this case was acceptable and accorded with policy given there would be an overall increase in affordable housing across the estate as a result of the whole regeneration scheme.

The proposal sought to deliver 32% affordable housing. Officers were satisfied that the maximum amount of affordable housing in this phase had been secured in view of the viability.

Officers highlighted the overall benefits of the scheme. This included high quality housing at decent homes plus standards and multi tenure communities. However, it was also necessary to consider the shortfalls (including the replacement of social rented with affordable rented in this phase and the net loss of family and social rented units estate wide). On balance, Officers considered that the merits outweighed the shortfalls and the proposal on balance provided an acceptable housing mix.

The scheme sought to address the lack of permeability at the estate with clear routes through the estate.

It was considered that the impact on amenity was acceptable with only minor impacts given the size of the development.

It was confirmed that the nearby gas holders were currently disused so were not a health and safety risk so long as they remained empty. However, the Health and Safety Executive (HSE) were required to object to the scheme and had substantial grounds for doing so on health and safety grounds whilst the Hazardous Substance Consent was in place. Officers had held discussions with the land owners regarding the redevelopment of the site in accordance with the site allocation in the Managing Development Document . It was understood that the National Grid would seek revocation of the HSE would remove their objection once the emerging plans to redevelop the site went ahead. Confidence was expressed that this would go ahead. The scheme had also been redesigned from outline stage to minimise any risk from the gas holders.

In response to Members, Officers noted the differences with the extant phase 2 scheme. In particular, the increase in 1-2 bed units and the net loss of rented family sized units. It was considered that these changes were necessary for viability reasons in view of the economic downturn since the extant scheme was granted. The target in Council policy required that a minimum of 35% affordable housing be provided. However, the policy allowed that a more flexible approach should be taken for estate regeneration schemes. The viability assessment solely related to this scheme as opposed to the first phase as this has already been completed.

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

1. That planning permission (PA/12/02332) at Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way and Ackroyd Drive, London be **GRANTED** for the demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary development SUBJECT to
 - (a) Any direction by The London Mayor
 - (b) Any direction by the Health and Safety Executive
 - (b) The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority
3. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report.

4. Any other conditions(s)/informative(s) considered necessary by the Corporate Director Development & Renewal
5. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Zara Davis could not vote on this item as she had not been present from the start of the item.

7.2 Aldgate Place Land Bounded By Whitechapel High Street, Lemn Street, Buckle Street & Commercial Rd, London, E1 (PA/13/00218 AND PA/13/00219)

Update Report Tabled

Owen Whalley (Service Head, Planning and Building Control) introduced the items for the demolition of existing buildings and creation of a mixed use development, including residential units, a hotel and commercial uses, public open space and associated works.

Robert Lancaster (Planning Officer) presented the detailed report and the update report. He explained the site location and housing mix including 35% affordable housing that complied with policy. He addressed the issues raised in objection in response to the local consultation about overdevelopment of the site and the construction impact. In response, it was considered that the plans were appropriate for the area given the location within the Central Activity Zone and City Fringe Opportunity Area. There were also contributions to mitigate the impact on services and infrastructure and a condition to mitigate the impact of construction.

It was evident, from the independent appraisal, that the site was unsuitable for large office space due to the site constraints and there a surplus of office use in the area. The site had also been marketed as office use for some time with out success. The plans were fully sustainable and accorded with the National Planning Policy Framework that considered that the proposed land use for the site should be considered on its own merits. Accordingly, it was considered that the evidence justified a departure from the Council's Development Plan that identified the site as a preferred office location.

It was considered that the impact on amenity was acceptable and was far better than the extant scheme in relation to sun light. The site had a good public transport level links.

Officers also explained the height of the scheme, the levels of amenity space, the design, the floor plans and permeability issues and the range of contributions including contributions for open space. Officers were recommending that the scheme be granted planning permission.

In response to Members, it was reported that it was unlikely that the commercial units could be used by large business due to the size of the units. It was estimated that there would be a reduction in peak time vehicle trips from parking at the development due to the removal of the multi storey car park. There would also be fewer servicing trips at peak times. Transport for London supported the method used for predicting trips and were supportive of the servicing strategy which would minimise impact and conflict between users. There would be a servicing bay off street as well as an on street servicing bay on Commercial Road.

It was noted that the proposed density range exceeded the range that the London Plan set. However these were for the whole of London. The proposed density range was typical for the City Fringe that was an area of high density development. There were also no undue impacts. There was an adequate level of affordable housing with mixed tenures. There would be a modest impact on the micro climate with only a minor increase in wind speeds. Appropriate landscaping could be secured via condition to address the concerns of the LBTH Arboriculture Officer about increased temperatures and the need for public realm improvement to mitigate this.

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

1. That planning permission (PA/13/00218) at Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1 be **GRANTED** for the demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and leisure (use class D2) uses; creation of new pedestrianised street, public open spaces, children's play spaces and associated car and cycle parking together with associated highways works and landscaping SUBJECT to
 - A Any direction by The London Mayor
 - B The prior completion of a legal agreement to secure the planning obligations set out in the committee report and the update report.
2. That the Corporate Director Development & Renewal and the Assistant Chief Executive (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
3. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure matters set out in the committee report.

4. Any other conditions(s)/informative(s) considered necessary by the Corporate Director Development & Renewal
5. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

6. That Conservation Area Consent (PA/13/00219) be **GRANTED** for demolition of building at 35 Whitechapel High Street in connection with the comprehensive redevelopment of entire site (address as described above) to create a mixed use development subject to the conditions set out in the committee report.

The meeting ended at 7.30 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee