

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 13 JULY 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar
Councillor Md. Maium Miah
Councillor Shafi Ahmed
Councillor Julia Dockerill
Councillor Asma Begum
Councillor Danny Hassell (Substitute for Councillor Sirajul Islam)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Sirajul Islam
Councillor Gulam Robbani

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Richard Humphreys	(Planning Officer, Place)
Fleur Francis	(Team Leader - Planning, Governance)
Zoe Folley	(Committee Officer, Governance)

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2017/18

It was proposed by Councillor Asma Begum and seconded by Councillor Danny Hassell and **RESOLVED**

That Councillor David Edgar be elected Vice-Chair of the Strategic Development Committee for the Municipal Year 2017/2018.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were declared.

Councillor Marc Francis declared a personal interest in agenda item 6.1 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north (PA/16/01920). This was on the basis that he was a Member of the Committee that considered an application for this site and resolved to defer it on 2nd February 2010. He also pointed out he was not present at the 16th March 2010 meeting where the Committee reached a final decision on the application

3. MINUTES OF THE PREVIOUS MEETING(S) - TO FOLLOW

RESOLVED:

That the minutes of the meeting of the Committee held on 28 June 2017 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance

5. DEFERRED ITEMS

None

6. PLANNING APPLICATIONS FOR DECISION

6.1 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north (PA/16/01920)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the erection of a part 18, part 37 storey residential and hotel led development and other associated works.

The Chair invited the registered speakers to address the meeting.

Councillor Andrew Wood spoke in opposition to the application. He stated that he was speaking on behalf of the Limehouse Community Forum. He stated that the application site was in the Limehouse ward, not the Canary Wharf ward, therefore the proposals conflicted with the tall buildings policy that directed taller buildings to the Canary Wharf cluster. Furthermore, the site lay outside the Isle of Dogs Opportunity Area so did not have any specific targets for the delivery of new homes and the development would be too dense for the application site. He also expressed concern about the roof top play space, in terms of child safety and also the over reliance on local parks given they were some distance away from the site. As a result of these issues, he considered that the application would be unsuitable for family homes. Councillor Wood also expressed concerns about the highway impact given the lack of parking in the area and the width of the roads. He also considered that the plans would harm the setting of the nearby conservation areas and should be refused due these concerns similar to the Whitechapel Sainsbury's decision. He also considered that whilst the affordable housing offer met the policy target, there would not be that many affordable units. There would also be air quality issues.

Mark Gibney (Applicant's representative) spoke in support of the application. He commented that the plans had been subject to a lengthy period of engagement with officers over a three year period. The applicant felt that the issues had been resolved. It would be a high quality development and all of the issues raised by the GLA in their Stage 1 report had now been addressed. The sunlight and daylight impacts would be acceptable and the microclimate concerns could be mitigated by conditions. Historic England had not raised any concerns about the proposals. The impact on heritage assets would be less than substantial. The public benefits of the application would offset any harm so the proposal would comply with policy tests.

Mr Gibney and a colleague responded to questions from the Committee. In response to questions about consultation with Officers, he advised that the

application had been amended to address their concerns. The response from officers at the pre application stage was that this would be an on balance decision based on the public benefits of the application.

In relation to the planning history, Mr Gibney stated that the previous scheme sought to provide a hotel led development. It was felt that the hotel use would generate employment and was generally supported. Furthermore, despite the increase in the height of the proposal, the impacts would not be that dissimilar to the previous proposals both in terms of the heritage and amenity impacts. Similarly, it was felt that the impacts from the density would be appropriate. He considered that the proposed density of the scheme, as corrected in the update report, complied with the London Plan guidance. The speakers also stated that their method of calculating the density of the proposal (that included the adjacent land where the public realm would be located) had been approved by the GLA and could be considered fair and reasonable. The speakers also highlighted some of the key features of the play space strategy and the public realm improvements.

In response to further questions, the speakers outlined the wind mitigation measures and the transport plans. They also discussed the merits of the layout of the proposals, compared to the previous scheme and the impact on Cayman Court. They also responded to questions about the height of the proposal in relation to the viability assessment and the affordable housing offer.

Richard Humphreys (Planning Services) presented the application drawing attention to advice in the Update Report about the wind impact assessment adding that a late representation had been received from the applicant with regard to the BRE wind assessment.

The Committee were advised of the planning history, the nature of the site and the wider area in which the applicant intended to fund landscaping improvements to Council owned highway land. Mr Humphreys advised of the character of the surrounding area, its policy status and the key features of the proposals including the recent revisions to the application in respect of the increase in the affordable housing offer and size of the communal amenity space. Child play space provision could now be met on site. As a result of these changes, the recommended refusal reason 4 'Amenity Space' now falls away.

In terms of the land use, officers considered that the proposed residential development and hotel scheme would be appropriate for the site. The application would provide new housing including an adequate level of affordable housing, create employment and public realm improvements.

The proposed density and the resultant height, bulk and relationship with adjoining properties would result in significant adverse impacts. As a result, the plans did not meet the criteria in the London Plan for exceeding the recommended density range for the site. The sunlight and daylight impacts including those to Cayman Court would be greater than the previous

application. It was also considered that the applicant's approach to measuring the density of the application did not comply with the London Mayor's SPG methodology.

The development would also conflict with the development plans criteria for tall buildings and would adversely impact on the setting of heritage assets. There were also concerns about the microclimate measures.

Overall, Officers considered that the unacceptable impacts were serious and would significantly outweigh the potential public benefits of the application. Officers were therefore recommending that the planning permission be refused.

The Committee asked questions about the sunlight and daylight impacts on Cayman Court, and how they differed from the 2010 consented application it was explained that the 2010 proposal had a three storey element opposite Cayman Court rather than a thirty storey element now proposed. As a result the impacts on Cayman Court would be greater. Whilst the number of windows affected would be broadly similar, the impacts on the windows would be more severe.

The Committee also asked questions about the density assessment in view of the conflicting views about the methodology. In response, Officers outlined the guidance in the London Mayor's SPG. Officers considered that it would be reasonable to base the assessment on the three scenarios detailed in the Committee report but not the fourth scenario including the wider public realm. Whilst contributions were offered to fund works to Council owned land there were no arrangements with Asset Management over the use of the highway land.

Officers also clarified their concerns about the wind conditions and outlined the results of the Building Research Establishment review, as referred to in the update report. In summary, the BRE felt that the proposed mitigation measures would not be sufficient in the long term.

In conclusion, Members expressed a number of concerns about the application.

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

That Subject to any direction by the Mayor of London, planning permission be **REFUSED** at 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north for the erection of a part 18, part 37 storey building comprising 20,079 m². (GIA) of residential floorspace (Class C3) (202 residential units comprising 69 x 1 bed, 100 x 2 bed and 27 x 3 bed and 6 x 4 bed), 11,597 m². (GIA) of hotel floorspace (Class C1) consisting of 320 hotel rooms with ancillary bar and restaurant area, 89 m². (GIA) of flexible retail and community floorspace (Class A1, A2, A3, D1 and D2), 1,729 sq. m. (GIA) of ancillary floorspace

comprising associated plant, servicing areas, cycle parking and refuse stores, demolition and replacement of the existing Westferry DLR staircase, creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works (PA/16/01920) for the following reasons as set out in the Committee report (excluding the recommended refusal reason on 'Amenity Space' following changes to the application)

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan 2016 Policy 3.4 '*Optimising housing potential*' (including Table 3.2 - '*Sustainable residential quality density matrix*'), Policy 3.5 '*Quality and design of housing developments*,' Policy 3.6 '*Children and young people's play and informal recreation facilities*,' Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy SP02 '*Urban living for everyone*,' Tower Hamlets Managing Development Document 2013 Policy DM4 '*Housing standards and amenity space*' and the Mayor's '*Housing*' Supplementary Planning Guidance 2016. This is explained further in the reasons below.

Urban design and heritage assets

2. Planning permissions for the redevelopment of 82 West India Dock Road in 2007 and 2010 determined that a tall building would be appropriate to mark Westferry DLR station. The building now proposed is very different in terms of height, mass and resultant impact. The proposed height, mass and scale would be excessive relative to local character. There would be a failure to preserve or enhance the character and appearance of three surrounding conservation areas and adverse impact on the setting of buildings of architectural or historic interest causing either substantial or less than substantial harm to designated heritage assets. There is particular concern about impact on the Grade 1 Warehouse at West India Dock, the group of Grade II buildings at Limekiln Dock and the Grade 1 St. Anne's Church together with their associated conservation areas.

The proposed development consequently conflicts with planning policy at national, regional and local levels. The scheme would not be consistent with NPPF Chapter 7 '*Requiring good design*' paragraphs 58 and 59, Chapter 12 '*Conserving and Enhancing the Historic Environment*,' London Plan Policy 7.4 '*Local character*', Policy 7.7 '*Location and design of tall and large buildings*', Policy 7.8 '*Heritage assets and archaeology*', Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and the Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*' and Policy DM27 '*Heritage and the historic environment*.' Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes and employment within the hotel; it is not considered these would outweigh the harm that would be caused and such public benefits could

be achieved by an alternative scheme paying regard to its context and not causing such demonstrable harm.

Impact on the surroundings

3. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, significantly breaching 7 guidance in the Building Research Establishment's publication '*Site Layout Planning for Daylight and Sunlight a guide to good practice*' 2011. There is particular concern about impacts on Cayman Court and Compass Point, Salter Street. The extent and severity of the impacts are such that the development would cause significant harm to the amenity of nearby occupiers and be inconsistent with the London Plan 2016 Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy SP10 '*Creating Distinct and durable places*' and the Managing Development Document 2013 Policy DM25 '*Amenity.*' The impacts indicate that the proposed density, height, massing and layout of the scheme are inappropriate and significantly outweigh the potential public benefits of the scheme.

Microclimate

4. It has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the Docklands Light Railway. This conflicts with London Plan 2016 Policy 7.7 '*Tall and large scale buildings, the Mayor's Sustainable Design and Construction SPG 2014, Tower Hamlets Core Strategy 2010 Policy SP10 'Creating distinct and durable places' and Tower Hamlets Managing Development Document 2013 Policy DM24 'Place sensitive design' and Policy DM26 'Building heights.'*

The meeting ended at 8.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee