

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 30 NOVEMBER 2017**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor David Edgar (Vice-Chair)  
Councillor Sirajul Islam  
Councillor Asma Begum  
Councillor Md. Maium Miah  
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Gulam Robbani)  
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)

**Other Councillors Present:**

None

**Apologies:**

Councillor Gulam Robbani  
Councillor Shafi Ahmed  
Councillor Julia Dockerill

**Officers Present:**

Paul Buckenham	(Development Manager, Planning Services, Place)
Kevin Chadd	(Legal Services, Governance)
Christopher Stacey	(Senior Planning Officer, Place)
Kate Harrison	(Principal Planning Officer, Place)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Place)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor David Edgar declared a personal interest in agenda item 5.1 Ailsa Wharf, Ailsa Street, London (PA/16/02692). This was on the grounds that as Cabinet Member for Resources he was the Lead Cabinet Member for a Cabinet report relating to the sale of the land determined by the Mayor in Cabinet earlier in the week. He stated that he would leave the meeting for the consideration of this application.

## **2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 26<sup>th</sup> October 2017 be agreed as a correct record and signed by the Chair.

## **3. 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.

## **4. DEFERRED ITEMS**

### **4.1 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 (PA/16/03518)**

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the demolition of existing buildings at the site and the comprehensive mixed use redevelopment of the site including two buildings ranging from 26 storeys to 30 storeys. He explained that the application was considered by the Strategic Development Committee on 26<sup>th</sup> October 2017. The application was recommended for approval, however members voted to refuse planning permission due to concerns over:

- The height of the proposal and its failure to step down;
- The overdevelopment of the site;
- The bulk and massing of the proposal.

Following negotiations with Council officers, the applicant had made a number of amendments to the scheme to increase the level of affordable housing and to provide a health unit within the development.

Christopher Stacey (Planning Services) presented the report reminding the Committee of the site location and the key features of the application. In terms of the changes, it was noted that the applicant had converted 18 of the private units to affordable units taking the overall affordable housing offer within the scheme up to 40% (from 35%). The tables in the Committee report showed the revised offer compared to the previous offer as presented to the October Committee. The applicant had also replaced A1 floor space with D1 floor space to be used as a doctor's surgery (subject to the health trust agreeing to take on the facility) or another community facility.

Officers remained of the view that the application should be granted permission. However, should Members still wish to refuse the application, one reason for refusal was proposed (incorporating the Committees three suggested reasons for refusal) as set out in the report as well as a further standard reason relating to the absence of a legal agreement, set out in the update report. The Committee were also advised of the implications of a refusal and that the emerging Local Plan and the London Plan might be given more weight at any appeal

Members asked questions about the status of the emerging plans at any appeal. It was confirmed that whilst at this stage in the process, the Committee were not required to take into account these plans, they would carry more weight in the future and the Planning Inspector at any appeal would need to take into account any policies in place at the time. This advice would apply to any applications.

Members also asked questions about the height of the proposal and the failure to step down given the policy requirements. Confirmation was sought that the suggested reasons covered this issue. In response, officers provided assurance about this.

In response to further questions, officers clarified the plans to provide an additional community facility in addition to a nursery (D1) and also the quantum of commercial space still proposed.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 0 abstentions, the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reason set out in the 30<sup>th</sup> November 2017 Committee report and the additional reason in the update report.

On a vote of 5 in favour, 0 against and 0 abstentions, it was **RESOLVED**:

That planning permission be **REFUSED** at 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 for the demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 2,034sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works (PA/16/03518) for the following reasons as set out in the 30<sup>th</sup> November 2017 report and the update report.

- (1) The excessive scale and height of the proposed development within its local context would not be proportionate to the site's position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf and the lower rise buildings to the south. The proposed scale, height and massing would result in a development that is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south. The proposed development therefore fails to respect the features that contribute to the area's character and local distinctiveness and demonstrates clear symptoms of over development and excessive density. This is contrary to Strategic Objectives SO22 & SO23 and Strategic Policies SP10 and SP12 of the Core Strategy (2010), Policies DM24 and DM26 of the Managing Development Document (2013) and Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016).
- (2) In the absence of a legal agreement to secure agreed and policy compliant financial and non - financial contributions including for affordable housing, employment, skills, training and enterprise, carbon offsetting and transport matters the development fails to mitigate its impact on local services amenities and infrastructure. The above would be contrary to the requirements of Policies SP20 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and Planning Obligations SPD (2016)

## **5. PLANNING APPLICATIONS FOR DECISION**

### **5.1 Ailsa Wharf, Ailsa Street, London (PA/16/02692)**

Update report tabled.

Paul Buckenham introduced the application for the demolition of existing structures/buildings and the redevelopment of the site for a mixed use residential led scheme with commercial floorspace within a series of thirteen building blocks varying between 3 and 17 storeys and associated works.

Kate Harrison (Planning Services) presented the application describing the nature of the site and surrounds including the plans for the Bromley Hall School, and the pedestrian and cycle links through the site. The Committee were also advised of the height of the proposed buildings, their position in the development and noted images of the proposal from key points. Members also noted the outcome of the consultation and the issues raised.

In terms of the land use, the proposal would deliver employment space and a significant amount of housing, open space, a riverside walkway and also a landing area for a new bridge amongst other things. Therefore, it accorded with policy in land use terms. Whilst the density of the proposal exceeded the guidance in the London Plan, the proposal displayed no symptoms of overdevelopment and met the criteria for schemes exceeding this guidance. In terms of the housing, the application would provide a suitable level of affordable housing - 35 % of the housing mix. This would be split 65%35% in favour of affordable rent with a 50/50 split between Tower Hamlets Living rent and London Affordable rent. The viability of the application had been reviewed and whilst the offer exceeded what the application could afford, the applicant had taken a commercial decision to provide this level of housing. There would also be a review mechanism to increase the number of affordable units if possible to be secured through the legal agreement.

It was considered that the proposal would be of a good quality design. The future occupants would have a good standard of amenity and there would be generous levels of open space and child play space for all age groups. The child play space strategy was noted. The impact on neighbouring amenity would be acceptable and there were measures to mitigate any impact from the waste transfer station. The proposal would not have an adverse impact upon the local highway and public transport network and a range of contributions would be secured. In view of the merits of the application, Officers considered that it should be granted planning permission.

The Committee asked questions about the measures to improve air quality and minimise pollution levels for the future occupants given the proximity of units to the A12. The Committee also questioned whether pollution from the highway could affect the appearance of the proposal and whether the materials would protect its appearance. Members also asked questions about the discussions regarding the layout of the scheme in view of these issues and the social housing mix given the level of 3 and 4 bed affordable units.

In response, Officers confirmed that the plans included measures to minimise any impact from the highway, including tree planting on the A12 and mechanical ventilation for units where necessary. LBTH Environmental Health had reviewed the application and considered that any impact could be mitigated subject to the conditions. It was also noted that there were a number of developments in the area near the highway that showed that the impact could be successfully mitigated. It was also felt that the materials should be able to withstand any impact from pollution from the highway but that there would be conditions for detailed material specifications where the durability of the materials would be taken in to account. Regarding the layout, it was noted

that the proposal had been arranged and positioned in a way so as to minimise any impacts. The plans would also facilitate the provision of court yard space and door step play space within the social housing block. The viability of the proposals had been tested and it was found that any changes to the layout or the inclusion of additional family sized units would impact the viability of the scheme.

Members also asked questions about the design of the scheme and whether this could be reviewed including the colour of the proposal. Officers explained some of the features of the design and its merits. It could be considered such features would result in a high quality proposal. Nevertheless, the detailed material specification would be considered at the point of discharging the conditions.

The Committee also asked questions about the impact on infrastructure in the local area from the increase in population from the development. It was felt that the proposals would place additional pressures on services such as health practices that were already operating at a capacity. In response, officers explained that the proposals fully complied with the requirements in terms of the provision of contributions for infrastructure. Whilst there was no requirement in the site allocation to provide a health practice, other developments coming forward in the housing zone might provide such facilities.

In view of the above issues, the Committee asked whether part of the commercial floor space could be converted into a health care facility. Officers reported that an informative could be added to the permission requesting that the applicant explore the feasibility of providing such a unit.

The Committee also sought assurances about the measures to improve the connectivity of the area given the public transport rating (PTAL). Members also asked about the phasing of the development and expressed comments about the child yield predictions over the long term. It was reported that the application would be one of the first developments to come forward within the Housing Zone area and that the regeneration of the wider area should improve the connectivity of the area as well as provide measures to mitigate air quality issues. Furthermore, it was likely that the provision of a new bridge, if it were to come forward should improve the PTAL rating of the site. Regarding the phasing plans, it was planned to deliver a number of the blocks under the first phase; the affordable housing would be split equally between the first and second phases and the majority of open space and child play space would be delivered in the first phase.

In response to further questions from the Committee, Officers provided assurances about the impact on the water supply infrastructure, the accessibility of the gym and the retail unit, health and safety measures in view of high voltage cable at the boundary of the application site, and also the rent levels for the intermediate housing.

On a vote of 6 in favour 0 against and 0 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor planning permission be **GRANTED** at Ailsa Wharf, Ailsa Street, London for the demolition of existing structures/buildings and the redevelopment of the site for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1/D2) within a series of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.88m); the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works(PA/16/02692): subject to
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report:
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters in the Committee report

## **5.2 Land bound by the East India Dock Basin to the west and Orchard Place to the East (PA/16/02249)**

Update report tabled.

Paul Buckenham introduced the application for temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin. The application was being brought to the Committee as it affected Metropolitan Open Land (MOL).

Christopher Stacey (Planning Services) presented the report explaining the nature of the site and surrounds, the existing use of the site and the key features of the application. He reported that in addition to the provision of the temporary structure, the plans would provide a range of permanent enhancements to the East India Dock Basin, that would be secured as part of the legal agreement. He also explained the outcome of the consultation and the issues raised.

It was noted that the development would result in the temporary loss of a small area of MOL. However, given the requirement to reinstate the site at the

end of the permission and the range of permanent enhancements to the East India Dock Basin, Officers considered that exception circumstances existed to justify this temporary loss of MOL. The proposed design of the temporary structure was considered to be acceptable. The proposal did not raise any undue amenity issues given the distance between it and the nearest residential properties and the proposed hours of operation. A range of contributions would be secured as set out in the committee report. Officers were recommending that the proposal should be granted planning permission.

The Committee asked questions about the choice of location and the consultation responses regarding: the loss of the temporary education facility on the site, the height of the development and parking and vehicle entry. Confirmation was also sought that the comments from the LBTH Biodiversity Officer had been addressed. In response, Officers explained that due a lack of space within the London City Island site, the proposed accommodation could not be provided on the site. Therefore an alternative site needed to be found to facilitate the next phase of the development. The applicant considered that this site would provide the most suitable location. Officers were mindful of the concerns about the loss of the education facility. However, Officers considered that the merits of the scheme would outweigh this in terms of the impact on the MOL given the proposed enhancements and the temporary nature of the structure.

It was also considered that the scale and height of the development would be appropriate and that it would accommodate less of the site than a two storey building. This would require more floor space to accommodate the proposed use. Steps would be taken to secure a travel plan for the development to manage the access arrangements. It was required that details of the proposed enhancements be submitted before the works within the EIDB could commence. Such plans would need to be agreed by the Council's biodiversity officer.

The Committee also sought reassurances about the time limit on the application and the intended use. Officers reported that any further application would need to be brought before the Committee to be determined and need to be considered on its own merits.

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

1. That planning permission be **GRANTED** at Land bound by the East India Dock Basin to the west and Orchard Place to the East for the Temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin. (PA/16/02249) subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.



3. The Corporate Director of Place's delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report

**6. OTHER PLANNING MATTERS**

None

The meeting ended at 9.00 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee