

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 28 MARCH 2019

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

Members Present:

Councillor John Pierce (Chair)
Councillor Dan Tomlinson
Councillor Dipa Das
Councillor Kevin Brady
Councillor Val Whitehead
Councillor Zenith Rahman

Other Councillors Present:

Councillor Candida Ronald
Councillor Andrew Wood

Apologies:

Councillor Abdul Mukit MBE
Councillor Rabina Khan

Officers Present:

Paul Buckenham	– (Development Manager, Planning Services, Place)
Kevin Crilly	– (Planning Officer, Place)
Amanda Helliwell	– (Legal Services, Governance)
Piotr Lanoszka	– (Team Leader, Planning Services, Place)
John Miller	– (Planning Officer, Place)
Zoe Folley	– (Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interests

2. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the meeting of the Strategic Development Committee held on 5th February 2019 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

There were none

5. PLANNING APPLICATIONS FOR DECISION

5.1 The Highway Business Park and The Highway Trading Centre, Heckford Street, London E1W 3HR (PA/16/00417)

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for the demolition of the existing structures and the construction of a new mixed-use development consisting of buildings ranging from 3 to 11 storeys in height.

Piotr Lanoszka, (Team Leader, Planning Services) presented the report, describing the site and the surrounds and the good transport links to the site. He explained the key features of the proposals, describing the layout, elevations, the quality of the communal amenity and play space and the measures to minimise any impacts.

The application had been significantly amended and consultation had been carried out on the original application and then on the amended application resulting in 26 representations to the original consultation, compared to 8 in response to the revised application.

Regarding the land use, there would be an uplift in employment benefits, due to the re – provision of light industrial/warehousing floorspace, and new SME office space. Other aspects of the development included:

- Delivery of good quality housing with private amenity space
- A policy compliant level of affordable housing. The proposals would deliver 35% affordable housing at a tenure split of 59.1% affordable rented (London Affordable Rent and Tower Hamlets Living Rent) to 40.9% intermediate (Shared Ownership/Intermediate Rent)
- A high-quality well thought out design
- Landscaping measures including a policy compliant level of play space
- A publically assessable café and a new pedestrian and servicing routes.

In terms of the impact on the surrounding area, the proposal would have a less than substantial impact on the setting of the Free Trade Wharf building. In addition a number of the neighbouring properties would experience sunlight and daylight impacts, as detailed in the Committee report. The Committee noted details of the assessments. On balance, Officers were of the view that such impacts could be considered as acceptable given the benefits of the application and the urban setting.

The Chair then invited the registered speakers to address the Committee.

Wassim El-Solh and Robbie McIntyre (local residents) spoke in opposition to the application. They raised concerns that the development would result in a loss of light to windows at their properties as they were south facing (in relation to the development). This was due to the excessive height and massing of the proposal and the proximity of the most harmful features to their properties.

Concerns were also expressed about the accuracy of the applicant's sunlight and daylight report, given the apparent decision to treat their development as one house, rather than individual apartments. Their properties would no longer be BRE compliant. The local residents expressed the view that the assessment should be reviewed to get an accurate assessment.

The proposal would also be out of keeping with the setting of the area so would be contrary to planning policy.

Applicant's presentation.

Philip Dunphy (Architect) and Bryony Gerega (Workspace) spoke in support of the application. They highlighted Workspace's good track record in providing similar mixed used developments in the borough. It was also noted that the proposals would provide a range of benefits including: high quality flexible work space (targeting local businesses), a relocation strategy, helping business to return to the site if they wished, with a right of first refusal. They

also confirmed the level of good quality affordable housing and shared play space.

The applicant had extensively engaged with the Council, residents and stakeholders, and had made amendments to the scheme.

The speakers were mindful of the concerns expressed by the objectors about the sunlight and daylight assessment. They provided reassurances that it was carried out on a 'window by window basis' to identify the impacts in accordance with the BRE Guidelines. They confirmed that any redevelopment of the site would affect sunlight and daylight exposure to some degree.

They also provided reassurances about the quality of the child play space in terms of the features to minimise the exposure to air pollution.

Members' Questions to objectors.

In response to questions about the amenity impact, the objectors explained in further detail the scale of the sunlight and daylight impacts. It was explained that they currently had good access to light. Since their properties were south facing, the impacts would be significant.

Member's Questions to Officers.

In response to questions about the applicant's sunlight and daylight report, Officers provided further reassurances about the assessment. Officers had appointed an independent specialist (BRE) to review the information. Whilst the specialist found issues with the assessment submitted by the applicant, those irregularities were resolved by the independent specialist in their report. Whilst it was noted that properties would experience significant reductions to daylighting and sunlighting, such impacts were to a large extent due to the empty nature of the existing site. In summary, Officers were satisfied that even the windows most affected by the proposal at the ground floor of Fathom Court would generally still receive good access to daylight and sunlight for an urban area.

In response to questions regarding the mirror image assessment, Officers confirmed that the issues had been identified by the specialists and addressed during course of the BRE review. Subject to BRE's clarifications and corrections, the technical report was correct and provided sufficient information to make a decision on.

In response to further questions about air quality issues, it was noted that the proposals complied with emissions standards. It was also noted that the proposed buildings and the play space would be situated within suitable locations, set back from the highway. This would also reduce exposure to air pollution. The accommodation would also be equipped with mechanical ventilation. Regarding the child play space, the older children would have access to amenity space near the development and the applicant confirmed that the play area would meet the exposure guidelines.

In response to further questions, it was noted that officers had engaged in discussions with the applicant regarding the balance between the affordable housing and the provision of affordable employment floor space. Whilst emphasis had been placed on delivering a good level of affordable housing and re - providing the commercial space, the development would also provide new SME space. Provision of affordable employment floorspace would not be possible without undermining the viability of the scheme.

Regarding the provision of blue badge parking spaces, the applicant had agreed to an obligation in the s106 agreement to provide further on street blue badge parking spaces if needed. It would also be required that a new energy strategy be submitted to identify potential more efficient and cost effective measures.

Regarding the 59.1/40.9 tenure split, the applicant had carried out a viability assessment. The report found that increasing the level of affordable rented units any further would make the development more expensive to provide and would affect the viability of the scheme.

It was also noted that there would also be a condition requiring TfL approval of works since the development would be in the safeguarding zone of the Rotherhithe Tunnel.

In response to questions about fire safety issues, the Committee noted the need for compliance with building regulations in respect of such matters.

RESOLVED:

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

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at the Highway Business Park and The Highway Trading Centre, Heckford Street, London E1W 3HR for the demolition of the existing structures and the construction of a new mixed-use development consisting of buildings ranging from 3 to 11 storeys in height (PA/16/00417) SUBJECT to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report:
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. 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 of Place is delegated the power to impose conditions and informatives to address the matters set out in the report

5.2 Skylines Village, Limeharbour, London (PA/17/01597)

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for the demolition of all existing structures and construction of a new mixed use development consisting of five buildings ranging from ground plus 3 to ground plus 48 storeys in height. He drew attention to the minor internal and external changes to the school following advice from the Council's Education team which were detailed in the update report. For procedural reasons the Committee were requested to delegate to the Corporate Director of Place authority to finalise the compliance condition to take account of these changes.

Kevin Crilly (Planning Services) presented the report, describing the site and the surrounds, and the relevant policy objectives for the site that identified the area as capable of accommodating high density mixed development. Members also noted the key features of the scheme in terms of the layout, building heights, the proposed new school, and verified views of the proposals from the surrounding area. The Committee also noted the outcome of the consultation.

In land use terms, the proposals would deliver an uplift in business floor space including affordable work space, accommodating SME units. There would be a relocation strategy to help support the existing business tenants on site. The development would also deliver a new two form primary school with a MUGA (Multi-Use Games Area).

There would be a policy compliant level of affordable housing of a good standard. The development would deliver 35% affordable housing, at a tenure split of 65% affordable rented (London Affordable Rent and Tower Hamlets Living Rent) to 35% intermediate (Shared Ownership/Intermediate Rent)

There would be a sufficient amount of play space, which would be accessible to all of the units. In design height and massing terms, the proposal was acceptable.

The proposals would relate well to the surrounding area and would generally achieve a stepping down in height from Canary Wharf. Regarding amenity issues, the application had been amended to minimise any impacts. Although there would be some amenity impacts on neighbouring occupiers these would be acceptable given the urban location and the benefits of the scheme.

The proposals would be car free and would not result in unacceptable stress on local transport infrastructure.

The Chair then invited the registered speakers to address the Committee.

Objectors case.

Tabrez Niazi and David Jones, (local residents and business owners) spoke in opposition to the application. They raised concerns regarding the loss of the existing businesses on the site and the lack of suitable replacement business spaces. They felt that the safeguards in the s106 to protect the existing business were inadequate. They were also fearful of the consequences of a CPO of the site.

Concern was also expressed about the impacts from the height, scale, massing, the daylight and sunlight impacts, the impact on services, micro climate issues and the failure to provide adequate public benefits.

Taner Akcesme (local resident) also expressed concerns that the proposal would block daylight and sunlight. Concern was also expressed about parking stress due to the loss of parking spaces.

Councillors Candida Ronald and Andrew Wood also raised objections to the application.

Concern was expressed about the DLR's capacity to deal with the increased population, especially at peak times. The applicants own report, (carried out in 2017 and update in 2018), underestimated the real impact given the failure to take into account the number of new developments granted permission since then. As a result of these issues, the PTAL rating should be revised downwards (from four to three), which in turn would have a knock on effect on the density range which would be acceptable on the site. The Committee rejected a similar application due to concerns over the density, lack of older children's play space and loss of employment space. The Committee should therefore also refuse this application.

Concern was also expressed that the scheme was too high, was poorly designed with poor quality podium play space. The open space proposals fell short of the expectations for the area, promoting the linking of green space, with other developments, given the overprovision of hard space.

It was also questioned whether a new school on this area was needed given the trends in pupil numbers for this area.

There would also be a lack of social rent houses and an impact on nearby social housing.

Applicant's presentation

Jon Roshier on behalf of the applicant, spoke in support. The application had been the subject of wide ranging consultation, and the feedback, including from the existing businesses, had been generally positive. There would be a wide range of benefits (including the affordable housing, a net up lift in mixed use employment space) and the proposals met the Mayor of London's threshold approach for the fast track delivery of the affordable housing.

The applicant had engaged with the business occupants on site and had agreed to enter in to a relocation strategy, providing opportunities for the existing tenants to have first refusal on the new business premises. Other benefits of the proposals included: the new primary school with a MUGA, that could be used by older children, and an above target level of under 11 child play space. The height of the buildings complied with the Council's tall building policy general achieving a stepping down from Canary Wharf and the tallest elements were broadly similar to the tallest neighbouring buildings. The development would provide landscaped open space including links to the wider public realm.

In terms of the DLR, the cumulative impacts had been taken into account and with the addition of the new South Quay bridge, there should be sufficient capacity on the DLR to cope with the increased population.

Members questions to Officers:

In response to questions about the density, Officers briefly described the density of the some of the other nearby developments that were within the Marsh Wall East site allocation. It was considered that the density could be supported given the policy aspirations relevant to the site and that it would contribute towards meeting the housing growth targets. The proposals also met the GLA density tests for assessing the appropriateness of high density developments.

In response to questions about the height, Officers were of the view that the buildings (that had been revised since submission) would generally step down from Canary Wharf and was broadly consistent with the tall buildings policy. Officers were mindful of the contrast in the height with the surrounding lower rise developments, but also noted that such relationships existed elsewhere in the opportunity area.

In reply to further questions, Officers addressed the concerns about the quality of the open space and the perceived disconnect with the wider public realm. The proposal would comprise a mixture of spaces. A high proportion of which would be green space. Furthermore, the proposed new walkway should improve connectivity with the surrounding area. As a result of this approach, the proposals should facilitate permeability and pedestrian access through the wider site. A proportion of the open space would be open to the public.

Officers also provided assurances regarding the play space in terms of its accessibility. It was explained that the podium play space would be open to children from all three of the blocks and be located on a single storey building.

Regarding the MUGA facility, it was confirmed that there would be a scheme of management covering opening hours to the public. It would be secured as part of the s106 and monitored accordingly. Committee Members were keen to maximise as far as possible, public access outside school hours. It was

requested that a condition be imposed to guarantee public access to the MUGA outside school hours all year round. This was partly to mitigate the shortfall in onsite over 12's child play space. Members agreed to impose such a condition.

Addressing the concerns about the DLR, Officers gave further assurances about the assessment (as detailed in the report) and the future infrastructure improvements. The improvements included: new funding for capacity improvements and the delivery of the South Quay bridge. With the opening of the Elizabeth Line, such measures would improve the capacity on the DLR and the local transport network. As a result, it was not considered that the proposals would not unduly impact on the local transport network.

In terms of the new school, the Council had carefully reviewed the suitability of the site to provide a new school having regard to the pupil projects. Having taking into account the issues, Officers welcomed the proposals and considered that it provided an opportunity to deliver a new school for the borough in line with the site allocation within the Council's Emerging Plan.

Regarding the impact of the development on daylight and sunlight to neighbouring residential properties, officers acknowledged that there would be major and moderate adverse impacts on some neighbouring properties. Officers advised that some impacts were to be expected given the scale of the development proposed and the proposal had been designed to limit these impacts where possible. Officers advised that given the benefits of the scheme the daylight impacts were considered acceptable.

Regarding the efforts to secure grant funding, Officers advised that the affordable housing offer was considered to be appropriate. The fact that it was policy compliant and the other benefits of the scheme, including the new school, made the current offer acceptable. The offer had been increased during the course of the application process.

Regarding the flood risks, Officers advised of the features to ensure that residents would have a safe access route.

In response to further questions, it was confirmed that Members should focus on the land use issues and that the issues around the use of the CPO was not a planning matter. In any event this was not something the Council would consider until other avenues had been exhausted.

Members Questions to the Applicant.

In response to questions, the speakers reported on the scope of the consultation involving a range of activities. They also provided further assurances about the transport assessment.

Members Questions to the Objectors.

In response to questions, Councillor Wood and Ronald clarified their concerns around: the lack of capacity of the DLR at peak time and the accuracy of the transport assessment. It was considered that due to the capacity issues, many of the residents would have to walk to the Elizabeth Line, which meant that the PTAL rating would be more like three than four. This meant that the recommended density range for the site should be adjusted accordingly.

Councillor Ronald also clarified her concerns about the need for a new school on this particular site in view of the projected fall in pupil numbers, the lack of social rented houses and the impact of neighbouring social housing.

On a vote of 4 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the Mayor of London, planning permission is **GRANTED** at Skylines Village, Limeharbour, London for the demolition of all existing structures and construction of a new mixed use development (PA/17/01597) SUBJECT to
2. The prior completion of a legal agreement to secure the planning obligations in the report SUBJECT to the following amendment (proposed by Members at the meeting):
 - Amendment to non - financial contribution (h) and planning condition 30 regarding access to MUGA, to provide details of the access arrangements to be secured outside of school hours to an appropriate time in the evening.
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. 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 of Place is delegated the power to impose conditions and informatives to address the matters in the report and to update the approved drawing list to take account of minor revisions as detailed in the Committee update report.

5.3 73-77 Commercial Road, London, E1 1RD (PA/18/03094)

Update report tabled.

Paul Buckenham introduced the application for the demolition and redevelopment of site with a ground plus 13 storey building with a single storey basement.

John Miller (Planning Services), presented the report, describing the site location and the nature of the surrounding area. He also noted the similarities between the proposal and the consented office based application. He described the key features of the application. He also outlined the nature of the community consultation on this application and that no representations were received.

Officers considered that the proposed redevelopment of the site represents a good example of hotel- led development (specifically an apart-hotel) and was considered appropriate in the location.

The proposal would appropriately respond to the local context, safeguarding the character and appearance of nearby heritage assets. There would be some impact to the adjacent conservation area however; officers consider that the proposals would be of high architectural quality and that public benefits that would result from the scheme (including improved permeability across the site, a net increase in employment and affordable housing) would outweigh this limited harm.

The impacts on the amenity of neighbouring occupiers would be minimal and would be acceptable for an urban location.

In relation to Transport matters, parking, access and servicing, it was not considered that the proposal would have a detrimental impact on the highway network.

In response to questions, it was noted that there would be a servicing and delivery plan and an obligations prohibiting coach bookings, however, it should be noted the transport study indicated that there would only be a small number of vehicle trips and most would be by foot.

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

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at 73-77 Commercial Road, London, E1 1RD for the demolition and redevelopment of site with a ground plus 13 storey building with a single storey basement, comprising a 156 bedroom hotel (Use Class C1), ancillary cafe and reception area, cycle parking provision, plant and storage, and other works incidental to the proposed development (PA/18/03094) SUBJECT to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report.

2. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. 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.
3. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the report

6. OTHER PLANNING MATTERS

6.1 Draft Protocol for Pre-Application Committee Engagement

Paul Buckenham introduced the draft report, highlighting the key points

In response the Committee generally supported the proposals. Members also expressed the following views:

- To receive more in-depth information on the sunlight and daylight assessments, particularly focusing on how they were carried out.
- Members expressed an interest in the new virtual reality software.
- Support was expressed for the proposals to allow ward Councillors to address the pre - application briefings. It was also suggested that the local planning forums should be given an opportunity to address the pre applications meetings if they wished.
- That consideration be given to adding the following bullet point to the criteria in paragraph 3.8:
 - Applications with a public significant interest.

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

1. That the draft protocol be noted and the Committee's comments (as set out in the minutes) be taken into consideration and that it provides any further comments to the Divisional Director of Planning and Building Control.

The meeting ended at 9.40 p.m.

Chair, Councillor John Pierce
Strategic Development Committee