

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 12 APRIL 2012

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

Members Present:

Councillor Bill Turner (Vice-Chair)
Councillor Khaled Uddin Ahmed
Councillor Dr. Emma Jones
Councillor Carlo Gibbs
Councillor Judith Gardiner

Councillor Peter Golds

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Abbas.

2. DECLARATIONS OF INTEREST

Councillor Bill Turner declared a personal interest in agenda item 8.1 (Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/3375)). The declaration was made on the basis that he had received correspondence for and against the item prior to the previous 1st March 2012 Committee meeting when the item was last considered.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meetings of the Committee held on 16th February 2012, 1st March 2012 and 6th March 2012 be agreed as a correct record and signed by the Chair subject to the minutes of the 6th March 2012 meeting being amended as follows:

Item 6.1 London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220) (PA/11/02221).

That the text for the supporters verbal statements be amended to reflect Members queries over the length of their comments on the S106 agreement and lack of comments on the more general concerns.

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.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 15-17 Leman Street and 1A Buckle Street, London (PA/11/03693)

Update report tabled.

Mr Jerry Bell (Applications Manager D&R) introduced the application regarding 15-17 Leman Street and 1 A Buckle Street (PA/11/3375).

The Chair reported that there were no registered speakers.

Mr Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report. Mr Murrell described the existing site and surrounds including the scale and height of the neighbouring buildings and recently approved consents. He explained the appeal scheme for a similar hotel development on site refused under delegated authority in 2010. He explained the main issues of concern identified by the Planning Inspectorate regarding the design of the lower building in relation to the public realm and the servicing plans. The current plan now addressed these issues. The ground floor layout had been redesigned by setting back the building from Buckle Street to improve permeability. It also included an undercroft area that could be used for coach pick up and drop offs. The plans would also activate the street frontage. In relation to servicing, the servicing area had been expanded from 8 metres to 12 metres. The shared servicing area could accommodate coaches as well as servicing vehicles. The servicing plans showed that there was sufficient room for vehicles to manoeuvre safely within the area.

Overall it was considered that the current plans contributed positively to the public realm and addressed the servicing issues.

The scheme included a full range of contributions. The contributions fully meet the requirements in the Planning Obligations SPD securing the maximum that could be sought. There was also an offer to enter into a social compact to provide local employment opportunities.

Overall the scheme fully complied with policy including the new National Planning Policy Framework regarding sustainability. It represented a significantly improvement on the Appeal scheme and should be granted.

Members noted the plans for the shared surface area for use by both pedestrian and servicing/delivery vehicles. They stress the need for adequate signage to be displayed to safeguard public safety in using this route and for signs generally to publicise the public access routes throughout the site. They sought assurances that there were mechanisms to fund and supply such notices in the plans.

In reply, Officers drew attention to the measures to secure this that would be bound by the S106 agreement. These included the use of retractable bollards in the shared surface area and supervision of the area. There were contributions for high quality signage to highlight the rights of way through the site and ensure there were safe.

Questions were also raised about overshadowing given the minor failings in the light report. Officers confirmed the nearest residential property was the

City Reach development. The surrounding residential units had been tested for light levels. Whilst there were some minor failings, it was evident from the testing that the windows would receive adequate levels of light comparable to that typically received in similar developments.

In response to further questions, Mr Murrell also explained in greater detail the issues considered at the appeal and also those raised in local representation as set out in the report. The height of the new building was broadly the same as the appeal scheme considered to be acceptable by the Planning Inspectorate.

Members also discussed the number of hotels in the area and how often this was reviewed to prevent a saturation in such uses. Officers explained that they did carefully monitor land use. Officers were guided by current policy. Both local and regional policy supported this hotel scheme in this area.

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

1. That planning permission PA/11/03693 be **GRANTED** at 15-17 Leman Street and 1A Buckle Street, London subject to:
 - A. The prior completion of a **legal agreement** to secure the planning obligations set out in the report.
 - B. Any **direction** by **The Mayor of London**
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
4. That, if after 6 weeks following GLA's Stage II response, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

8. OTHER PLANNING MATTERS

8.1 Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/3375)

Update report tabled.

Councillor Dr Emma Jones left the Committee at this point (7:40pm) as she had not been present at the previous meeting when this item was considered.

Councillor Peter Golds subsequently replaced Councillor Jones for the consideration and voting on the item as he had been present at that previous meeting.

Councillor Peter Golds declared an interest in the item (8.1, Poplar Business Park, 10 Prestons Road, London). The declaration was made on the basis that he was a Ward Councillor for the area and that he had received correspondence for and against the application. The Councillor reported that whilst he had listened to the representations he had not made any observations.

Mr Jerry Bell presented the application regarding Poplar Business Park (PA/11/03693). Members were reminded that at its meeting on 1st March 2012, the Committee resolved to refuse the application and it was agreed that the detailed reasons for refusal be brought back before the Committee for consideration.

These detailed reasons were now before the Committee for consideration with the original Committee report for a decision.

To assist the discussions, Mr Bell gave a concise presentation of the scheme covering the key points.

He also drew attention to the update report before Members.

The report detailed a number of new developments since the 1st March 2012 meeting. This included the offer of a uplift in the affordable housing offer to 28% (from 25%) and the offer to absorb the costs of the CIL without impact on the scheme.

The update also referred to the recently adopted National Planning Policy Framework (NPPF) that was a now material consideration and should be taken into account. Officers explained the aim of policy which was to encourage sustainable development. It was considered that the scheme complied with the NPPF.

In view of this new information, Officers substantive recommendation remained as at 1st March 2012 - that the scheme should be granted.

A comprehensive debate the ensued where the Committee raised a number of points and concerns regarding the following issues:

- The safety of the child roof top play spaces given the problems with a similar facility at the nearby Mikardo Court development. Members sought assurances that they would be safely managed. Disappointment was expressed that the concerns had not already been addressed given the concerns expressed at the 1st March 2012 meeting about the play spaces. There were also worries that the relocation of the play spaces to the ground level could reduce the overall amount of communal space provided.

- The ongoing concerns over the affordable housing. Specifically the lack of social housing. It was questioned whether the units were genuinely affordable under the affordable rent product.
- The credibility of the viability assessment given the subsequent offer of an uplift (28% affordable housing, the additional funding for CIL).
- The failure to secure this higher offer sooner as part of the initial negotiations.
- The viability of the scheme with 28% affordable housing.
- The layout of the housing, particularly the proposed separation of the private and affordable units. It was feared that this could lead to segregation and hamper community cohesion.
- The need for the red brick materials.
- The impact on local services given the number of new developments in the area.
- The adequacy of the health and education contributions to mitigate these pressures.
- In particular, concern was expressed at the capacity of local schools to accommodate the scheme as well as the collective pressures from the other major new consents in the area eg the Blackwall Reach development. Currently there was already understood to be a shortage of school places in the general area resulting in children being 'bussed out' to schools elsewhere. There was also a lack of health care facilities and a general lack of infrastructure to accommodate the scheme alongside the other major developments in the area.
- The sustainability of the scheme given the last two points and that it accorded with the NPPF.
- It was also considered that the contributions should be awarded to the local area to mitigate impact, rather than pooled centrally as in the case of education.

In response Officers addressed each point raised by Members:

- The roof top play spaces remained part of the application. Overall the scheme provided an overprovision of communal amenity space in relation to policy requirements. One option was to relocate the play spaces to the ground floor. This could be achieved by switching the play spaces with some of the ground floor community amenity space to avoid any net loss in communal amenity space and this could be secured by a condition.
- Explained the process for allocating the education contributions. Education services pooled the s.106 contributions and sought to allocate the funding based on need in the Borough. It was considered that scheme provided the maximum level of contributions that could be provided based on the Council's Planning Obligations SPD and viability. The Council was also an education provider and would be extending the capacity of schools generally so there should be sufficient capacity to accommodate the development.
- The scheme was subject to an independent viability assessment. The assessment found that the scheme provided the maximum percentage

of affordable housing (25%) and contributions that could be supported based on the evidence available at the time. Officers were guided by this assessment and planning policy and could only consider the evidence presented to them. They expressed confidence that the independent assessment of the viability report was sound and it was based on the ability of the scheme/site to deliver the s.106 contributions not the applicant.

- The assessment looked at a variety of factors including reasonable profit margins and was carried out by a very experienced well established independent consultant.
- The applicant had since independently volunteered 28% affordable housing and to absorb CIL without impacting the s106 contributions possibly by reducing their profit margin.
- The materials would be conditioned to ensure they were suitable. The proposals included a variety of bricks colours. Brick buildings tended to be more sustainable. It was required that samples be submitted for approval.
- The proposal would create 425 jobs.
- Of the affordable housing element 30% would be intermediate housing and 70% provided under the affordable rent product. There were no social rent units.
- The rents levels were tested by POD Partnerships, the Council's housing consultancy agents. The research concluded that they were affordable to people in the Borough based on market research. The information from the RSLs and relevant experts indicated it would be very difficult to pepperpot the affordable and private rent units due to increased service charges that could make such charges for the affordable units too expensive. Furthermore, it was intended that there would be no difference in design and quality between the types of tenures. All occupants would also have to access the same community spaces therefore helping social cohesion.
- It was planned that the majority of commercial units would be occupied by small and medium sized businesses.

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

On a vote of 5 for and 0 against, with 0 abstentions, the Committee **RESOLVED** –

That the Officer recommendation to grant planning permission PA/11/03375 at Poplar Business Park, 10 Prestons Road, London E14 9RL be NOT ACCEPTED.

Councillor Bill Turner moved a motion to refuse the application seconded by Councillor Carlos Gibbs for the reasons set out below.

On a vote of 5 for and 0 against, with 0 abstentions, the Committee **RESOLVED** –

That planning permission (PA/11/03375) be **REFUSED** at Poplar Business Park, 10 Prestons Road, London E14 9R on the grounds of:

1. The proposed affordable housing provision is considered to be inadequate and contrary to policies: 3.11, 3.12 and 3.13 of the London Plan 2011; SP02 of the Core Strategy 2010; and DM3 of the Managing Development DPD (proposed submission version 2012).
2. The proposed development, by virtue of its impact to local services and its failure to make adequate contribution towards education and health infrastructure, would result in an overdevelopment contrary to policies: 8.2 of the London Plan 2011; and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012. and as a result is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

The meeting ended at 8.55 p.m.

Chair,
Strategic Development Committee