

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 12 MAY 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Julia Dockerill

Other Councillors Present:

Councillor Andrew Wood
Councillor Dave Chesterton

Apologies:

Councillor Gulam Robbani

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Jerry Bell	– (East Area Manager, Planning Services, Development and Renewal)
Tim Madelin	– (Senior Public Health Strategist, Adults' Services)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.2 Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS (PA/16/00437) as he had received representations from interested parties on the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 12 April 2016 be agreed as a correct record and signed by the Chair.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 South Quay Plaza 4, Marsh Wall, London, E14 (PA/15/03073)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the erection of a 56 storey building comprising of 396 residential (Class C3) Units, Retail (Class A1-A4) Space, together with

basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

The Chair then invited registered speakers to address the Committee.

Richard Horwood (Chair, Isle of Dogs Neighbourhood Planning Forum), Jim Kean (Discovery Dock East Tenants Association) and Councillor Andrew Wood (Ward Councillor) spoke in opposition to the application. They expressed concern about the impact that the scheme would have on social infrastructure. The infrastructure must be in place first including the new South Quay bridge before the scheme was implemented to mitigate the impact. The current bridge has been deemed inadequate by TfL. They also considered that the height of the scheme would be out of keeping with the area and the South Quay Masterplan. They also objected to the density of the scheme more than double that recommended for the PTAL for the application in guidance.

In terms of the land use, the scheme conflicted with the GLA policy produced in March 2016 expressing a preference for commercial use of the site (not residential). Concerns were also expressed about the adequacy of the combined access route (given the expected usage figures including those for large vehicles) that would result in increased traffic congestion on the highway and the impact on neighbouring sunlight and daylight (given the findings in the Committee report). Concern was also expressed about the quantum, and quality of the child play space. Reassurances were also sought about access rights to existing parking spaces.

In response to questions from the Committee, the speakers clarified their concerns about the impact that the scheme would have on the transport network. They also answered questions about the cumulative impact from this and other schemes on the nearby junction, increased traffic congestion from the development, the unsuitability of the current bridge, the methods used for calculating the PTAL rating in the Committee report, the lack of play space and the changes to GLA policy.

Mike Nisbet, Patrick Campbell and James McAllister addressed the Committee on behalf of the applicant. They considered that the application would regenerate a vacant site maximising the development potential of the site in accordance with policy resulting in the delivery of good quality new homes that would be tenure blind, new public realm, a consolidated access route and generous levels of child play space. Consultation had been carried out and the scheme had been amended to mitigate the concerns. Care had been taken to minimise the impact of the scheme and the developer would continue to engage with the local community.

The speakers were mindful of the concerns about the impact on the highway and the combined access route. They reassured Members that a detailed transport assessment had been carried out. The findings showed that the combined access route could support this scheme and the other schemes without impacting on the highway. LBTH Highways and TfL had raised no

concerns about the scheme and a Travel Plan would be submitted to ensure that the impact would be minimal. They also provided reassurances about the sunlight and daylight assessment that had been tested by independent experts. It was considered that given the circumstances this did not warrant refusal on these grounds

In response to questions from the Committee, the speakers clarified the number of expected vehicles trips to the development and the measures to allow the free flow of traffic at peak hours. It was considered that the provision of eight delivery bays would be sufficient as shown in the travel plan. It was unlikely that all eight bays would be occupied at any one time and that there would be vehicles queuing outside the development given the findings of the travel assessment. It was required that details of the child play space be submitted for approval to ensure that it was of a high quality. The GLA welcomed the scheme's approach to child play space.

Jermaine Thomas, (Planning Officer, Development & Renewal) presented the detailed report explaining the site location, the surrounding consents, the nature of the existing site and the site designations in policy. Consultation had been carried out and the outcome was noted. The Committee were advised of the key features of the scheme including the quality of the housing, the new public realm, the play space, and amenity space and the measures to safeguard neighbouring privacy and outlook. The scheme showed no signs of overdevelopment.

The scheme would fit in and would improve the appearance of the area and would not harm local views. Regarding the housing mix, the applicant had agreed to provide 25% affordable housing in excess of what the scheme could afford with 3 and 4 bed units at social target rent levels.

In terms of amenity, Officers were mindful that the application would have a moderate to major impact on neighbouring properties. Slides were shown of the assessment. However, given that any development of the site would have some impact and the public benefits of the scheme, on balance, this was considered to be acceptable.

The Committee were also advised of the vehicle access/egress arrangements and the operation and merits of the single access arrangements allowing a greater quantum of public realm to be provided. The scheme would be car free. They also noted the waste management arrangements involving an in bin compaction system. Whilst the evidence submitted indicated that it would work, it was required that details of the proposed system be submitted for approval to ensure that it was acceptable prior to implementation.

Officers were recommending that the planning permission be granted

In response, the Committee asked questions relating to the impact on infrastructure, particularly the DLR, schools and health facilities. They also asked about the failure to provide a policy compliant level of affordable housing and the decision to provide 25% affordable housing given this

exceeded what the scheme could actually afford. They asked for further details of the viability assessment including the estimated land values compared to other recently approved schemes.

Questions were also asked about the density of the scheme, the exceptional circumstances that justified the deviation from policy in this regard, the progress with delivering the South Quay bridge and about the traffic management for the site.

In response, Officers confirmed that the plans included a CIL contribution to mitigate the impact on infrastructure. The viability assessment had been independently tested that supported the conclusion regarding the affordable housing. Some of the factors taken into account in the assessment were noted. The applicant had decided to take a calculated risk in providing 25% affordable housing in the hope of capturing more profit from the scheme at a later date. There would also be a viability review mechanism for the affordable housing and the operation of this was explained including the time scales involved.

Officers were mindful of the density of the scheme in relation to policy. However, having assessed the scheme against the relevant criteria in policy, Officers did not consider that on balance it would be appropriate to refuse the scheme due to excessive density. Officers also clarified the special circumstances that justified this level of development of the site given the site allocation in policy as an opportunity area site and that the plans would reactivate a site that had been vacant for so long.

It was also explained that the Council had undertaken a considerable amount of work with partners to improve connections across the area and in particular to deliver the South Quay bridge and it was anticipated that the planning application for the new bridge would be submitted to the Council this year. It was confirmed that the issues around the bridge were a material consideration however it was down to the Committee how much weight they placed on this.

Officers also clarified the traffic calming measures within the scheme to prevent traffic queuing from the scheme on the highway.

In summary the Chair, considered that the plans had some merit. However he did not consider that they outweighed the negative impacts of the application such as the sunlight and daylight failings, that was a hall mark of overdevelopment. There were also questions about the level of affordable housing.

On a vote of 0 in favour and 7 against, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Danny Hassell seconded a motion that the planning permission be not accepted (for the

reasons set out below) and on a vote of 7 in favour and 0 against, it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at South Quay Plaza 4, Marsh Wall, London, E14 for the Erection of a 56 storey building comprising of 396 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works

The Committee were minded to refuse the scheme due to concerns over:

- Excessive density.
- Impact on infrastructure particularly the transport network, the highway, social infrastructure including education and health facilities.
- Unacceptable level of affordable housing.
- Impact on residential amenity in terms of sunlight and daylight.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

6.2 Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS (PA/16/00437)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of 3. no existing modular units and siting of 6 no. modular units for use as a primary school temporarily for 1 academic year, until 31 August 2017 and the retention of 3 no. modular units after 31 August 2017 for use by Docklands Sailing and Watersports Centre for a period of 5 years from the date of permission.

The application had attracted 21 objections meaning it was referable to Committee. The application had been referred to the Strategic Development Committee (as opposed to the Development Committee that did not meet until 8 June 2016), by the Corporate Director of Development and Renewal, as he considered it appropriate as the applicant is seeking a timely outcome of the planning process prior to the start of the new school term in September.

The Chair then invited registered speakers to address the Committee.

Daniel Anson (Governor of Arnhem Wharf Primary School) Katy Bennett-Richards and Councillor Dave Chesterton addressed the Committee in objection. (Councillor Chesterton explained that he was not speaking as a Councillor or a Trustee of the Dockland Sailing Centre).

They objected to the impact of the development on the highway during the school run given its close proximity to the Arnhem Wharf Primary School. Given the overlap in the school hours, the plans would worsen the existing problems with traffic and parking congestion around the school.

They also objected to the impact on the Dockland Sailing Centre from the loss of the club facilities and the position of the new modular units that would 'bisect' the site. Furthermore, there was no guarantee that the development would only be temporary.

In response to questions from the Committee, they clarified their concerns about the ongoing issues with parking congestion outside the Arnhem Wharf Primary School, expressed concerns about the safety of the highway in the vicinity and outlined the measures that the school implemented to try to prevent this. They also answered questions about the impact on the Dockland Sailing Centre and the lack of consultation with the centre

Sarah Counter (Canary Wharf College), Peter Webb and Councillor Andrew Wood spoke in support of the scheme emphasising the need for a new school in the area. They considered that if refused, the children would have to be bussed to schools outside the Borough. Council Officers had raised no objection to the scheme. There would be staggered start times to avoid conflict with the Arnhem Wharf Primary School and any undue impact on the highway. The students would be from the local area, resulting in minimal vehicle activity. The college operated a similar college nearby that had not given rise to any highway issues.

The Council and the sailing club had been consulted about the plans and the management were supportive of the plans given the long term benefits for the centre so were many parents.

Chris Stacey-Kinchin (Planning Officer, Development and Renewal) gave a presentation on the application explaining the application site, the surrounding area and the existing site plan and the outcome of the consultation and the issues raised. The Committee were advised of key features of the scheme and the implications for the Docklands Sailing Centre and how this would be managed. The Docklands Sailing Centre were generally supportive of the proposals. A travel plan had been submitted indicating that the impact on the highway would be minimal given the staggered start times and the low number of vehicle trips predicted. Furthermore the college had a good track record with enforcing travel plans at their other colleagues. It was also considered that the design of the proposed development complied with policy given it would be a temporary structure and would have minimal impact on the street scene.

Officers were recommending that the planning permission be granted

In response, Members questioned whether the permission could be extended beyond the proposed period under the permitted development rights especially if there were a change in law permitting this. Members were keen

to avoid this. Officers explained that given the status of the site the applicant would not automatically benefit from such rights so would have to apply for a new permission. However, a condition could be added to ensure that any permitted development rights would be removed. Councillor Marc Francis moved an additional condition requiring the removal of any permitted development rights for the development and on a unanimous vote, this was agreed.

In response to further questions, Officers clarified the outcome of the transport assessment, the number of predicted vehicle trips to and from the new school. Officers also clarified the measures to minimise any impact on the highway and that there would be a requirement to ensure that the land was returned in its existing state following the expiry of the permission.

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

That planning permission be **GRANTED** at Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS for the Demolition of 3. no existing modular units and siting of 6 no. modular units for use as a primary school (Class D1) temporarily for 1 academic year, until 31 August 2017. Retention of 3 no. modular units after 31 August 2017 for use by Docklands Sailing and Watersports Centre (D1/D2) for a period of 5 years from the date of permission (PA/16/00437) subject to the conditions and informatives set out in the Committee report and the additional condition agreed at the Committee meeting regarding the removal of any permitted development rights for development if Officers consider such rights are applicable.

7. OTHER PLANNING MATTERS

7.1 S106 Planning Obligations - Use of Health Contributions for Preventive Health Projects.

Paul Buckenham (Development Manager, Development and Renewal) introduced the report seeking approval of the use of a proportion of the health s106 contributions (£1,392,773) secured in connection with planning permission PA/06/02068, for preventive health measures such as the proposed green grid projects.

With the prior permission of the Chair, Councillor Andrew Wood addressed the Committee. He expressed concerns about the delays in implementing some of the projects within the green grid programme, and questioned the merits of some of the spending decisions and whether they represented value for money. Whilst mindful of the timescales involved, he stressed the need for such issues to be taken into account and that the proposals be subject to a cost benefit analysis.

Tim Madelin (LBTH Public Health Strategist) presented the detailed report. He explained the aims of the proposal to mitigate demand on health care by improving the environment. The Council's Planning Contributions Panel had

considered the proposals and they considered that it provided a practical solution to improve health and wellbeing. The plans also complemented the Council's approach of providing support and funding to NHS schemes that it could not fund itself. Details of current projects were noted.

A letter of support from the Clinical Commissioning Group for the proposal was set out in the agenda.

The Committee asked about the process for selecting projects and how they could get involved in the programme.

In response, officers discussed in greater detail some of the projects included in the programme. They also highlighted the process for identifying projects, determined by the Council's Green Grid Strategy. Officers undertook to circulate to Members information on the Council's Green Grid Strategy that would be refreshed as part of the Local Plan review.

In summing up, the Chair welcomed the greening of the Borough and felt that this was an innovative use of money. Nevertheless he felt that it was important that some of the funding was allocated to the provision of health care facilities given the pressures on such facilities in the Borough.

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

That the Committee agrees the use of a proportion of the health s106 contributions (£1,392,773) secured in connection with planning permission PA/06/02068, for preventive health measures such as the proposed green grid projects.

The meeting ended at 9.40 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee