

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 28 JULY 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 Denise Jones
Councillor Gulam Robbani
Councillor Helal Uddin
Councillor Julia Dockerill
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Md. Maium Miah)
Councillor John Pierce (Substitute for Councillor Asma Begum)

Other Councillors Present:

None

Apologies:

Councillor Asma Begum
Councillor Md. Maium Miah

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Fleur Francis	(Acting Team Leader - Planning, Directorate, Law Probity and Governance)
Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Jermaine Thomas	(Planning Officer, Development & Renewal)
Brett McAllister	(Planning Officer, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Gareth Gwynne	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 16 June 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

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

Update report tabled.

The Chair reported that the Council had received representations from objectors to address the Committee. Given that the application was a deferred item and that the Council's Constitution did not allow public speaking on deferred items he was not minded to approve this request. The Chair then asked the Committee if they had any objections to this decision and they indicated that they agreed with the Chair on this matter.

Paul Buckenham (Development Control Manager, Development and Renewal) reported that the application was previously considered by the

Committee on 12 May 2016 where Members were minded to refuse the scheme for the following reasons:

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

Since that meeting, the applicant had modified the application to help overcome the concerns as set out in the Committee report.

Jermaine Thomas (Planning Officer, Development and Renewal) gave a presentation on the revised application reminding Members of the site location plan, nature of the existing site and the site designation in policy. He showed the Committee images of the proposed scale and massing of the proposal in context with surrounding buildings.

As mentioned above, the applicant had proposed changes to the proposals to provide:

- 189sqm community facility (D1 use) provided at ground floor level
- All 49 on site affordable units (1,2,3 and 4 beds) provided at Social Target Rent Level
- Replacement of 27 intermediate units with 27 market sale units
- A £7 million commuted sum to deliver affordable units off site
- S106 clause securing expansion of approved SQP2 Nursery from 678sqm to 891sqm prior to occupation of the development (SQP4)

He explained the implications of the changes drawing attention to the revised housing mix and the updated viability appraisal including the revised cost of delivering the off site intermediate units.

It was also explained that Highway Services had no objection to the scheme and that any impact would be mitigated by the Community Infrastructure Levy. Regarding the density, the Greater London Authority had no concerns about the plans. The proposal exhibited one symptom of overdevelopment relating to the sunlight and daylight impact. However, this was a common problem experienced in building tall buildings in a dense urban area. Overall, Officers felt that given the significant public benefits of the scheme, it cannot be considered that the resultant harm outweighed this. Therefore, Officers considered that the previous issues had been addressed and Officers were recommending that the application be granted permission.

Mr Thomas advised that should the Committee be minded to refuse the scheme there were suggested reasons for refusal set out in the update report.

In response to the presentation, Members asked questions about the proposed community facilities, in particular whether they could be ring fenced for community activities. They also asked about the density of the scheme, the tests in policy for assessing overdevelopment, the sunlight and daylight impacts, the waste and recycling arrangements, National Grids comments, the number of apprenticeship places and disabled parking bays.

They also asked questions about the affordable housing offer, the negotiations to secure the revised offer and the targets in policy for 'hybrid schemes' (comprising on site affordable housing and an off site contribution)

Officers reported that the applicant was in discussions to provide an end user for the D1 use and that the developer had expressed a commitment to provide a genuine community use. It would be best to leave the proposed use as a general D1 use to give the applicant greater opportunities to find a suitable occupant. It was also noted that any change of use (to say an office space) would require another application.

Regarding the density issues, the scheme passed all but one of the tests in policy as mentioned in the presentation (applicable to schemes that exceeded the London Plan density matrix). Whilst the scheme would result in a loss of daylight and sunlight, any development of this cleared site would have an impact in this regard. It should also be noted that other schemes such as the Alpha Square development, which result in a loss of light, were not refused by Members for sunlight and daylight impacts. The application site was also designated for strategic housing development. In other words a large development. It was also confirmed that the impact on Discovery Dock in terms of the sunlight and daylight impacts remained as per the May 2016 scheme.

Officers have had extensive discussions with the Council's refuse team with regard to the proposed waste management system. In light of this, there would be a condition requiring that the Council and their waste contractors were satisfied with the proposed in skip compacting system. Details of the recycling measures would be included in the waste management strategy.

As highlighted in the presentation, the Council's viability consultants have reviewed the estimated costs of delivering the off site intermediate units. The findings of the study confirmed that the cost to deliver this housing would be £87,500 per habitable room. Therefore, the proposed commuted £7m would now equate to a reduced affordable housing provision of 25%. Overall, Officers considered that the revised housing proposal would produce the greatest public benefits.

The Committee also heard about the percentage of affordable housing that could have been provided if the Council were still only securing £55k per habitable room (as previously advised and adopted by the Council).

On the issue of the affordable housing, it was explained that there were no specific targets in policy for hybrid schemes (involving on site affordable

housing and an offsite contributions). The key question to take into account was whether the proposal maximised the affordability housing products and mitigated wider affordability housing issues within the Borough.

In summary, the Chair commented that the impact of the scheme in terms of the sunlight and daylight failing had not been addressed. However, he was also mindful of the fact that the scheme only displayed this one failure when assessed against the density and overdevelopment tests. Furthermore, he welcomed the fact that the revised plans would deliver generous levels of social housing. Therefore he considered that it should be granted permission.

On a vote of 3 favour, 2 against and 0 abstentions, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at South Quay Plaza 4, Marsh Wall, London, E14 for the Erection of a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works(PA/15/03073) subject to:
2. Any direction by The London Mayor.
3. The prior completion of a Section 106 legal agreement to secure the planning obligations set out in the update report (dated 28th July 2016)
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the 12 May 2016 Committee report

6. PLANNING APPLICATIONS FOR DECISION

6.1 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/16/01090)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the erection of buildings that range from 3 to 12 storeys in height comprising of 143 residential units including 28 car parking spaces and a central landscaped courtyard.

The Chair then invited registered speakers to address the Committee. Catherine O'Mahony (Aqua Vista Development) and Andy Ager (Silver Wharf Development) spoke in opposition to the development.

They considered that the concerns raised in relation to the previous scheme around impact on the neighbouring properties still applied and had not been addressed. The application would obstruct sunlight and daylight to neighbouring properties given that many of the properties were single aspect. There would also be a loss of privacy, the development would obscure local views (given the height of the scheme), displayed symptoms of overdevelopment due to the density and would have an adverse impact on the amenity value of the canal. They also expressed concern that views of Canary Wharf would be obscured and that the height of the scheme was out of keeping with the surrounding building heights. There was no justification for a deviation in policy in this regard. A low rise, low density development would be more in keeping with the area and would comply with policy. They also objected to the lack of consultation with neighbours.

In response to Members questions, they clarified their concerns about the consultation exercise, the height of the scheme and its appearance, the sunlight and daylight impacts, overshadowing from the scheme, the density of the scheme and overdevelopment of the area given the existing issues in this regard.

The applicant's agent Mike Walker, spoke in favour of the scheme, highlighting the scope of the applicants consultation exercise that involved amongst other measures door step canvassing. There had been significant improvements to the application since previously submitted to the Committee with regards to the height, massing, density, sunlight/daylight impacts, removal of balconies nearest the tow path to ensure that the application would be more in keeping with the area, protect amenity and preserve the setting of the tow path. He also highlighted the benefits of the application including the provision of 35% affordable housing. Should this application be approved, the previously refused application would be withdrawn. The applicant then answered questions from Members about the changes to the scheme, the scope of the local consultation, that primarily focused on the immediate neighbours most effected by the plans, the measures to improve the scheme's relationship with the tow path and protect privacy including the introduction of landscaping. The Canal and River Trust had no objection to the application and the developers provided a litter picking service covering the canal side and this was very effective.

Nasser Farooq (Planning Services, Development and Renewal) gave a detailed presentation of the plans explaining the site location showing images of key views including the canal side. He described the planning history and the key changes to the scheme (compared to the previous scheme) in regard to the height, massing, number of units, reduction in balconies and the sunlight and daylight impacts on Werner Court and Craig Tower. Overall the changes to the scheme had resulted in a reduction in the number of properties experiencing adverse daylight and sunlight impacts. The daylighting to these properties would remain at a good level. It was also explained that despite the changes to the proposal, the proposed number of affordable remained unchanged – 35% by habitable room.

Officers considered that the proposed changes to the scheme overcame the previous reasons for refusing the November 2015 application therefore Officers recommended that the development should be granted permission

The Committee asked questions relating to the location of the affordable housing in the development, the quality of the accommodation and the location of the entrances to these properties. They also asked about the location of the proposed balconies, the concerns about loss of light, lack of consultation, the previous application and the outstanding appeal.

In response Officers drew attention to the location of the affordable housing and the access arrangements within the development. It was explained that the units were of a high quality design and would have views across the nearby park comparable in quality to the private units that would have views across the canal. For viability reasons, it was considered necessary to locate the private units in the more profitable areas of the development to provide enough profit to support the affordable housing.

As explained in the presentation, the plans had been amended to reduce the number of balconies and move them away from the tow path. Any development on this site would have some impact on the amenity of the neighbouring ground floor units. However, the reduction in the height and massing should minimise the impacts.

It was also explained that in considering the sunlight/daylighting issues, it was important to take into account the nature of the site and surrounds and the mitigating factors (such as the generous separations, the fact that the properties were south facing), rather than merely the statistics. Given these factors, Officers were of the view that the properties would continue to receive acceptable levels of light.

In terms of the LBTH consultation, it was explained that the correct process had been followed. However, Officers would look into any concerns about this.

Officers also responded to the questions about the outstanding appeal in respect of the previously refused scheme, explaining the date of its submission and that it was scheduled to be heard in December 2016.

On a vote of 4 in favour and 4 against with the Chair using a casting vote in favour of the application, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX for erection of buildings that range from 3 to 12 storeys in height comprising of 143 residential units including 28 car parking spaces and a central landscaped courtyard (PA/16/01090) subject to:

2.Any direction by the London Mayor and the prior completion of a legal agreement to secure the planning obligations in the Committee report.

3.In addition to the above, the development would be liable for approximately £276,255 to the Mayor of London's Community Infrastructure Levy (CIL) and £276,255 for the London Borough of Tower Hamlets CIL.

4.That the Director of Development & Renewal is delegated authority to negotiate and complete the Section 106 legal agreement referred to above.

5.That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the planning obligations in the Committee report

6.Any other planning condition(s) considered necessary by the Strategic Development Committee and/or Corporate Director Development & Renewal.

6.2 116-118 Chrisp Street, Poplar London, E14 6NL (PA/14/02928)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of public house and former Tyre and Exhaust Centre building and erection of a mixed-use development.

Brett McAllister, (Planning Services, Development and Renewal) gave a presentation on the proposals. The Committee were advised of the site location that had good transport links and that the surrounding area included residential developments ranging in height and of a comparable scale to the proposal. The site was located at the northern end of the Chrisp Street Market District Centre. Consultation had been carried out and the outcome of this was noted including the concerns about the loss of the public house.

The Committee were also advised of the proposed layout, the level of child play space and amenity space and the separate access cores for the affordable and private tenures. It was considered that the design of the building was of a high quality.

The proposed housing offer comprised 37.4 % affordable housing including family sized housing with private amenity space. Whilst the density of the application exceeded that recommended for a development of this size in the London Plan density matrix, it was considered that the impacts were acceptable, and this should be weighed against the positive impacts of the development. It was noted that the proposal would have a significant adverse impact on the Equinox development in particular. However, Officers considered that this was to be expected given the existing low rise nature of the application site and given the regeneration benefits, on balance, that this was considered acceptable.

There would be a CIL contribution and Planning Obligations to mitigate the impact of the proposal. In view of the merits of the application, Officers were recommending that it was granted.

The Committee then asked questions about the affordable housing. In particular, they questioned the approach of delivering the units as affordable rents instead of social rents, the separate entrances for these units, whether the occupants of these properties would have access to all of the communal space or only part of it and the impact of these issues in terms of social segregation.

They also asked about the shortfall in child play space, the overall quantum of communal space, the impact on social infrastructure, the impact on the neighbouring properties particularly the Park View and the Equinox developments. It was asked whether the design of the Equinox building had been taken into account and whether an alternative design would effect that building less.

The Committee also enquired about the contributions for employment, skills and training, the suitability of the retail offer and the loss of the public house. Members questioned the acceptability of this given the lack of alternative public houses in the nearby area. In particular the Committee questioned the findings in the viability report in respect of its future viability and if it was possible to include it in the scheme.

Concern was also expressed about the appearance of the scheme.

The Committee were reminded that the scheme would provide a policy compliant level of affordable housing. All of which would be affordable rent. Officers had investigated with the developer if these units could be provided at social rent levels. However, based on the viability assessment, it was found that the development could not afford this.

Officers had worked with the applicant to increase the quantum of affordable housing. As a result, the plans had been amended, since submission, to provide 37.4 % affordable housing.

Officers were supportive of the child play space plans. The plans had been amended (at the suggestion of Officers) to maximise the level of door step child play space within the scheme to accommodate the increased child yield arising from the increase in affordable housing. Notwithstanding this there was still a shortfall in child play space. Given the proximity of the proposal to nearby parks amongst other matters, Officers considered that this was acceptable.

As noted in the presentation, there would be separate ground floor entrances and separate areas of community space.

In terms of the Equinox building, Officers had carried out testing to identify how a mirror design on the site would have affected the development and the results were set out in the update report. The results showed that a mirror building would still have a significant impact on the Equinox building, albeit less than the proposed development. Officers considered that the benefits of the scheme outweighed the amenity impacts and the standard of the internal daylighting to the Equinox building would still be acceptable in the context of the dense urban nature of the site. It should also be noted that plans would optimise use of the brownfield site and maximise the affordable housing potential of the site.

The Committee were also advised of the separation distances to the nearby properties including the Parkview apartments and that there would be no direct overlooking into habitable rooms.

Regarding the design, there would be conditions to ensure that the materials were sympathetic to the area. Officers considered that the proposed design would fit in with the area.

Regarding the re - provision of the public house, Officers considered that there would be some difficulties including this within the development. There would be issues with the opening hours given the residential nature of area and there were concerns about its viability amongst other matters as set out in the viability report.

Officers also highlighted the process for calculating the employment contributions, the process for allocating the funding and that the CIL contributions fully complied with the requirements and would mitigate against the impacts of the development.

On a vote of 0 in favour of the Officer recommendation, 7 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 7 in favour, 0 against and 1 abstention, it was **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 116-118 Chrisp Street, Poplar London, E14 6NL for the demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 14, part 16 storeys comprising of 71 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station, formation of new vehicular and pedestrian accesses onto Chrisp Street(PA/14/02928).

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

- Overdevelopment of the site.
- Height, bulk and massing of the proposal.
- Density of the proposal, particularly in terms of the daylight and sunlight impact.
- Loss of the public house.
- Under provision of child play space and community space.
- Quality of the design and the separate entrances for the affordable units.

The Committee also requested an explanation of the contribution for employment, skills training for unemployed residents.

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.

6.3 Royal Mint Court, London, EC3N 4QN (PA/16/00479, PA/16/00480)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for planning and listed building consent for the comprehensive redevelopment of the site to provide an employment led mixed use development.

Gareth Gwynne, (Planning Services, Development and Renewal) gave a detailed presentation on the proposal and the site including the location of the heritage assets. He explained the plans for the Johnson Smirke Building (Grade 11* listed), the proposed remodelling and refurbishment of the façade of the Registry (Grade 11 listed), the proposed changes to Murray and Dexter House, the proposed erection of a standalone four storey building and the proposed creation of new access points to the site and new public realm and landscaping. Objections had been received by historic groups but the plans had since been amended to address these issues involving amongst other things reducing the height of the proposed development to preserve views.

The land use complied with policy. Given the merits of the proposal, officers were recommending that it was granted planning permission.

The Committee sought clarity about the location and the plans for the nearby subway. Officers advised that it did not form part of the development but would provide a route into the site. The applicant had expressed a wish to engage with TfL to discuss ways of improving the access route.

The Committee also discussed the heritage aspects of the proposal. They welcomed the changes to reduce the impact on the heritage assets and asked if there were any measures to promote such assets and the history of the site.

It was questioned whether some of the CIL contributions could go towards providing signage in the immediate vicinity. They also drew attention to the comments of the Twentieth Century Society about the value of the Murray and Dexter House.

Officers replied that since receiving the application, they had worked hard to ensure that the site's archaeology was better displayed to the public. Accordingly there would be a planning obligation to secure the conservation, management and display of the site's archaeology including the provision of an event space. The obligation would include a requirement to provide heritage signage.

Officers were mindful of the comments of the Twentieth Century society about the historic value of the Murray and Dexter House. However, given the condition of the building and the benefits of the scheme (in terms of the generation of jobs etc.) Officers did not consider that these factors merited the retention of the whole building and the scheme being refused.

On a vote of 6 in favour, 0 against and 1 abstention, the Committee **RESOLVED**

1. That the planning permission and listed building consent at Royal Mint Court, London, EC3N 4QN (PA/16/00479, PA/16/00480) be **GRANTED** for

PA/16/00479:- Full Planning

Full planning permission for comprehensive redevelopment of the site to provide an employment-led mixed use development of up to 81,000sqm of B1, A1, A3 and D2 floor space, involving the refurbishment and restoration of the Johnson Smirke Building (Grade II* listed), remodelling and refurbishment of the façade of the Registry (Grade II listed), with alterations and extensions to the remainder of the building, the retention, part demolition, alterations and extensions to Murray and Dexter House, the erection of a standalone four storey building with the south west corner of the site, alterations to existing boundary wall to create new access points to the site and associated public realm and landscaping and all ancillary and associated works.

PA/16/00480:- Listed Building Consent

Listed Building consent for the refurbishment and restoration of the Johnson Smirke Building (Grade II*), remodelling and refurbishment of the Grade II façade of the Registry, with alterations and extension to the remainder of the building and alterations to existing boundary wall to create new access points to the site and all ancillary and associated works.

Subject to

2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report:
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.
5. 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 Committee report
6. Any additional conditions as directed by the Corporate Director Development and Renewal

The meeting ended at 10.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee