

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON TUESDAY, 21 JULY 2015**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Helal Uddin  
Councillor Andrew Cregan  
Councillor Danny Hassell  
Councillor Muhammad Ansar Mustaquim (items 8.1-8.2)  
Councillor Shahed Ali  
Councillor Gulam Robbani  
Councillor Julia Dockerill  
Councillor John Pierce (Substitute for Councillor Asma Begum)  
Councillor Md. Maium Miah (Substitute for Councillor Muhammad Ansar Mustaquim for 7.1 only)

**Other Councillors Present:**

None.

**Apologies:**

Councillor Asma Begum

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Pat Watson	– (Head of Building Development, Childrens and Adults Resources)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

**1. ELECTION OF VICE CHAIR FOR THE MEETING**

It was proposed by Councillor Helal Uddin and, seconded by Councillor John Pierce and **RESOLVED**

That Councillor Danny Hassell be elected Vice-Chair of the Strategic Development Committee for the remainder of the Municipal Year 2015/2016

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 4<sup>th</sup> June 2015 be agreed as a correct record and signed by the Chair.

**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 AND MEETING GUIDANCE**

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

**6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS**

The Committee **RESOLVED**

That the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings be noted as set out in Appendices 1, 2 and 3 to the report.

## **7. DEFERRED ITEMS**

### **7.1 Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195)**

#### **Councillor Danny Hassell (Chair)**

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item reminding Members that the application was initially considered at the 4<sup>th</sup> June 2015 meeting of the Committee where it was resolved that it should be deferred for a site visit (held on 13<sup>th</sup> July) and to address four issues as set out in the Committee report.

Jerry Bell (Applications Team Leader, Development and Renewal) presented the report, addressing the four areas in further detail. He reminded Members of the site location, the existing site use and the proximity to the major developments nearby. He also described the key features and the layout of the proposal showing visual images of the various plans. In terms of the child play space, it was confirmed that the level proposed exceeded policy requirements by 564sqm and was of good quality, including a destination playground. Most of which would be located at ground floor level. There were also generous levels of community space including new parks.

In terms of the affordable housing, it was confirmed that the proposed rent levels complied with the Greater London Authority (GLA) affordability criteria at the upper levels

It was also confirmed that the servicing route was of sufficient width to allow two vehicles to pass (as shown by the highway assessment). Furthermore, whilst not a planning matter, that there had been meetings between Lanterns and the developer over the re-provision of the Lanterns facilities in the development. Whilst they continued to meet, no agreement had yet been reached. The latest position on this matter was set out in the update report.

In summary in view of the merits of the scheme and the above advice, Officers remained of the view that the scheme should be granted planning permission.

In response, Members expressed concern at the affordability of the three bed intermediate units given their removal from the 2 Millharbour scheme due to lack of affordability. Members doubted that they were genuinely affordable and questioned the evidence showing that they were.

Concern was also expressed at the overall level of the affordable housing (taking into account the proposed contributions, the new school and the Community Infrastructure Levy (CIL) relief). In view of these concerns, Members questioned the viability assessment and asked that it be explained in further detail, especially the factors taken into account and the scope for capturing further profit from the scheme should the market conditions improve. For example in the form of an overage clause.

Members also asked if a condition could be added to safeguard the D1 community use in the scheme, the discussions with Lanterns, the density of the scheme per hectare given the Public Transport Accessibility Level rating (PTAL) and the level of mitigation for this.

Questions were also asked about the quality of the new school, the standards applied, the number of car parking spaces available for the family sized units. It was asked whether a condition could be added to secure a proportion of car parking spaces for these units.

In response to these questions, Officers referred to the proposed rent levels for the intermediate family units and the market value of these properties based on information provided on the nearby Indecon development. Members were reassured that the units were genuinely affordable taking into account this research (along with the increase in property prices since the 2 Millharbour decision and the recent changes in to the GLA criteria). Any attempts to push down the rent levels further could require a change in policy.

It would be possible to impose a condition requiring that any proposals to change the use of the D1 community facility be brought back to the Committee. However a criteria for this would need to be worked out to ensure that the condition was reasonable. Whilst the Council could secure that the D1 community space be used for such purposes, it could not as a Planning Authority, require that it be allocated to a specific end user.

The viability of the scheme had been robustly scrutinised by Officers and independent consultants. The factors taken into account here were explained (such as building costs, the land value based on current use of the site, profit margins, financial contributions, the new school and the level of affordable housing). The assessment showed that the optimum level of affordable housing, that could reasonable be requested, had been secured. In addition, there was an obligation in the legal agreement requiring that a viability appraisal be carried out, providing an opportunity to capture further contributions from the scheme should profit margins increase in the future. Whilst the scheme would be delivered in phases, no formal phasing plan had been submitted. An 'overage clause' could only be applied to phased schemes.

Consideration could be given to dedicating parking spaces for the family sized units under delegated authority. A car parking management plan would need to be submitted for this.

In response to further questions, Officers explained the costs of delivering the new school, the merits of the phased approach to delivering the facility, allowing the Council more control over the finish. The school would be built out in as if it was a Council school. They also explained the level of contributions, the CIL ask, that the levels of open space exceeded policy and would be open to the public and that the scheme mitigated against its own impacts. Therefore, the proposed density could be supported.

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

Accordingly, Councillor John Pierce seconded by Councillor Maium Miah proposed that the recommendation to grant permission be not accepted (for the reasons set out below) and on a vote of 5 in favour of this recommendation and 0 against, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195) for

- The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. (PA/14/03195)

Members were minded to refuse the scheme in view of concerns over:

- Insufficient provision of affordable housing and the affordability of the family sized intermediate units.
- Lack of supporting infrastructure to accommodate the density of the scheme in particularly the additional car parking and servicing from the development.

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.

## 8. PLANNING APPLICATIONS FOR DECISION

### 8.1 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 (PA/14/03548& PA/14/03618)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update report

The Chair then invited registered speakers to address the Committee.

Oliver Leigh-wood (Spitalfields Trust) and Alex Foreshaw spoke in objection to the scheme. They objected to the impact of the scheme on the Conservation Area given the proposed demolition of valued buildings, the height, scale and bulk of the replacement buildings out of keeping with the area and the uncertainty around reuse of materials. The impact of the scheme, especially the s1 plot would be far worse than the consented 2011 scheme, contrary to the Historic England report that underestimated the impact of the proposal and the damage to buildings. They also expressed concern at the affordability of the business units, displacement of businesses due to this and the lack of affordable residential properties.

The scheme had attracted over 500 objections many of which came from outside the Borough. The area was world known. There were only seven representations in support. Furthermore, the proposals only involved part of the site so it was likely that if approved the applicant would propose further development.

The current building could be easily converted and refurbished, given the standard of the buildings, with lower rentals due to the reduced costs of refurbishment with a lot less harm to buildings. The Trust had a successful track record with preserving historic buildings and the character of the areas and improving plans. However, the Applicant in this case had failed to consult.

In response to questions, it was noted that the national groups (such as Historic England) were generally supportive of the scheme whereas the local groups placed more emphasis on the importance of the buildings possibly due to greater local awareness and knowledge. Whilst they might lack original features, the buildings identified for demolition were generally in a good condition. In response to further questions, they expressed concern at the plans for the 1927 warehouse, recognised as a building of some merit in the Council's Conservation Area policy. They also clarified their concerns about the scale of the development representing excessive development in a Conservation Area, low rise in nature.

Mike Wiseman and Ben Davies spoke in support of the scheme for the applicant. The plans would bring back into use a disused site, whilst recognising and preserving the historic buildings and the special character of the area. The measures to ensure this were explained including the delivery of high quality replacement buildings. The historic groups were supportive of the proposal such as CABB, Historic England and the LBTH Conservation experts.

Turning to other issues, the scheme would deliver much needed commercial space for start-up businesses and grow on units, lacking in the tech city area

and would generate many new jobs.

In response to questions, the speakers explained in further detail their employment and training strategy with particular focus on creating opportunities for local residents.

They also answered questions about their business retention strategy with particular focus on the start - up business. There was a good chance that business would naturally want to stay in the development given the environment. They also answered questions about the scale of the development, the consequences of reducing the height of the scheme in terms of viability, the restoration plans and the reuse of materials. It was emphasised that the warehouse facades would be retained and the listed buildings refurbished. As stated by the heritage experts, the buildings to be demolished were of limited worth.

Beth Eite, (Deputy Team Leader, Development and Renewal) gave a detailed presentation on the application explaining the application site within the City Fringe Opportunity Area and the Tech - City Cluster. She also explained the extant 2011 scheme and the outcome of the consultation and the main issues raised.

She explained the plans for each plot (s1a,b,c s2 and s3 ) including the height and scale of the proposed buildings, the nature of the demolition work, the restoration and retention strategy and the design measures to protect valuable buildings and the provision of SME units. Overall, it was considered that whilst there would be some heritage impacts, that they were less than substantial, and the public benefits of the scheme (including the creation of many new jobs and the reactivation of the area) outweighed these. Therefore, Officers were satisfied with the scheme on heritage grounds.

Turning to housing, it was considered that the housing offer was acceptable, in terms of overall supply and quantum of affordable housing: given the heritage constraints, the quality of the units, the amount of family sized affordable units amongst other issues. The impact on amenity was also acceptable

Ms Eite also explained: the car parking plans, the servicing and refuse plans and the highway issues, the s106 contributions and the CIL contribution.

Overall given the benefits of the scheme, Officers were recommending that the planning permission and the listed building consent be granted permission.

In response Members asked questions about:

- The Historic England appraisal. It was questioned whether the scheme complied with the principles set out in this statement given the height and scale of some of the new buildings

- The need for better visuals of the proposals including views of inside the warehouse, the height, scale and massing of the proposal compared to the extant scheme.
- Concerns about the lack of affordable housing in the scheme. It was questioned whether more could have been done to increase the offer
- Nature of the objections
- Loss of light to neighbouring properties.
- Servicing and waste management plans.
- Impact on infrastructure and the dental surgery.
- Car parking for the scheme

In response, Officers referred to the extant 2011 scheme covering part of the application site. It was explained that this was a material planning consideration only where there were common characteristics between the two schemes. Therefore, it should be given some weight where relevant. Most of the objections related to the heritage impacts rather than personal amenity impacts. It was also explained that the Council had a statutory duty to consult neighbouring Boroughs however it was only necessary for the Council to assess the plans in accordance with their own Conservation Area policy not theirs. No comments had been received from neighbouring Boroughs. Right to light issues were not a planning consideration.

An Environmental Statement had been submitted and reviewed by an independent expert who was present to explain the findings. He reported that whilst there were a number of failings in relation to the BRE guidance, most were minor in nature and a minor contributor to the cumulative impact on light from surrounding properties.

The meeting also heard from the Director of Historic England. He explained that the plans were in line with their Conservation Area Appraisal and also national policy. Of the buildings to be demolished, the majority had either a neutral or negative impact on the setting of the Conservation Area. The proposal would only affect part of the Elder Street Conservation Area i.e – two thirds of part of the Conservation Area not two thirds of the whole Conservation Area.

The scheme should have little impact on community infrastructure given the nature of the scheme.

In response to further questions, Officers clarified the car parking proposals, within the maximum standard in policy, the servicing and waste management plans and the status of the local heritage group in terms of the consultation. They also answered questions about the transport assessment, the need for growth on business space in the area to facilitate small business growth and the loss of the private dental clinic given the availability of NHS dental surgeries in the vicinity of the site.

Planning Permission (PA/14/03548)

On a vote of 0 in favour of the Officer recommendation to grant planning permission 4 against and 4 abstentions, the Committee did not agree the Officer recommendation to grant planning permission

Accordingly, Councillor John Pierce proposed and Councillor Danny Hassell seconded a motion that the recommendation to grant planning permission be not accepted (for the reasons set out below) and on vote of 4 in favour, 0 against and 4 abstentions, it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 for

- Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

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

- Insufficient provision of housing within the scheme and the proportion of affordable housing is too low
- Impact of the scale and massing of the proposal on the setting of the Elder Street Conservation Area both in terms of the overall scheme and the S1 plot.

Listed Building Consent (PA/14/03618)

On a vote of 1 in favour of the Officer recommendation to grant listed building consent 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant consent

Accordingly, on vote of 6 in favour, 0 against and 2 abstentions, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent be **NOT ACCEPTED** at Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 for

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation

of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

The Committee were minded to refuse the listed building consent due to concerns over the impact of the scheme on the setting of the Elder Street Conservation Area.

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.

Councillor Andrew Cregan did not vote on the listed building consent as he was not present during the vote on this part of the scheme.

## **8.2 Thirty-Eighth Floor, 1 Canada Square, London, E14 5AA (PA/15/01229)**

Update report tabled.

Christopher Stacey – Kinchin (Planning Officer, Development and Renewal) presented the report explaining the site location and the existing site use. The proposal was for the change of use of Level 38, One Canada Square from class B1 office space to class D1 (non residential institution). It was explained that whilst the proposed net loss of B1 Office space was not usually supported, it was considered that in this specific instance, there were reasonable grounds to support this given the very small loss of such space, the similarities between the B1 office space and the proposed D1 use and that the scheme would introduce a world class research and innovation centre that would support rather than undermine the Canary Wharf Preferred Office Location.

No objections had been received, the site had excellent transport links and there would be no adverse impact on amenity.

Given these issues, Officers were recommending that the planning permission be granted.

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

1. That planning permission be **GRANTED** at Thirty-Eighth Floor, 1 Canada Square, London, E14 5AA for the change of use of Level 38, One Canada Square from Class B1 (Offices) to Class D1 (Non-Residential Institution)(PA/15/01229) subject to
2. Any direction by The Mayor of London
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report.

Councillors Muhammad Ansar Mustaqim and Gulam Robbani were not present for this item.

**8.3 Land at 160-166 Chrisp Street (PA/15/00039)**

Application not considered due to lack of time.

**8.4 Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP (PA/15/01209)**

Application not considered due to lack of time.

The meeting ended at 10.15 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee