

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 8 OCTOBER 2015

**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 Shahed Ali
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor Md. Maium Miah (Substitute for Councillor Muhammad Ansar Mustaqim for Item 5.1)
Councillor John Pierce (Substitute for Councillor Asma Begum for Item 5.1)

Other Councillors Present:

None

Apologies:

None.

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Nasser Farooq	– (Deputy Team Leader, Planning Services, Development and Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Shay Bugler	– (Planning Officer, Development and Renewal)
Robert Lancaster	– (Deputy Team Leader, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)

Pat Watson

– (Head of Building Development,
Childrens and Adults Resources)

Marcus Woody

– (Legal Advisor, Legal Services)

Zoe Folley

– (Committee Officer, Directorate
Law, Probitiy and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the meeting of the Committee held on 27 August 2015 be agreed as a correct record and signed by the Chair subject to the inclusion of Councillor Muhammad Ansar Mustaqim in the list of apologies

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 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)

Update report tabled.

Councillor Danny Hassell (Chair)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition and redevelopment of the site.

He explained that the application was initially considered at the 4 June 2015 meeting of the Committee where Members deferred the consideration of the application for a site visit and to address concerns about the scheme. The application was brought back to the Committee on 21 July 2015 where Members, having considered the additional information, were minded to not to accept the scheme due to 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.

Nasser Farooq, (Deputy Team Leader, Planning Services, Development and Renewal) presented the detailed report. He reminded Members of the site location and surrounding developments, the proposed layout, height of the scheme, the number of units and the proposed new school.

In relation to the affordable housing, it was noted that according to the viability appraisal, the maximum amount that the scheme could provide had been secured and that the 3 bed intermediate units would be affordable in line with the Greater London Authority (GLA) affordability criteria. However, in view of the concerns about the affordability of the units, the application had been amended to omit 19 of the three bed intermediate units and to replace these with a range of smaller units within the same tenure. The proposed rent levels for the units were clarified. It was also clarified that the 3- 4 bed affordable units would be delivered at social rent and that this had been factored into the viability appraisal.

In relation to highways, whilst the width of the proposed servicing route remained the same, Officers still considered that it was appropriate for servicing. In support of this, the applicant had provided information showing likely usage of this route during peak hours. Transport for London and LBTH Highways had reviewed this information and considered that it was acceptable. The servicing would be conditioned which would include details of servicing hours to avoid peak hours.

It was also pointed out that the level of car parking fell short of the maximum allowed in policy for the density proposed.

As a result, Officers remained of the view that the scheme should be granted permission. However, if Members were minded to refuse the scheme, they were directed to the three suggested reason in the deferred report.

In response to questions, Officers clarified the proposed rent levels for the social rent units that excluded service charges. The rents would be ensured in perpetuity and controlled by way of a S106 obligation.

The viability report had been tested, based on the premises that the 3-4 four bed affordable units would be delivered as social rent (which it always had been). The report was found to be sound. There would be opportunities to reassess the viability of the scheme should there be a delay in implementing the scheme. The triggers and timescales for this were noted.

Officers also answered questions about the housing mix and the downsides in requesting that parking spaces be reserved for the rented units. According to LBTH Housing and the Developer, this would have an impact on their service charges. It was also explained that the scheme would be subject to the Council's permit transfer scheme, allowing residents of the family social housing to transfer their permits to the scheme.

In conclusion, Members welcomed the changes to the scheme and felt that the scheme would provide much needed affordable units.

On a vote of 4 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London 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)

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 4th June 2015 Committee report and 8th October 2015 Committee report.
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 4th June 2015 Committee report.

6. PLANNING APPLICATIONS FOR DECISION

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

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide a mixed use development.

Shay Bugler, (Planning Officer, Development and Renewal) presented the detailed report and update. The application was originally presented to the Committee on 27th August 2015, where Members were minded to not to accept the scheme due to concerns over:

- (i) Height bulk mass;
- (ii) Impact on amenity of neighbouring properties;
- (iii) The lack of a study on the impact upon the social infrastructure;
- (iv) The density; and
- (v) Shortfall of play space.

Since that meeting, the applicant had made a number of material changes to the scheme to address the above issues. As a result, the application was being resubmitted to the Committee as a new application in accordance with the Council's Constitution.

The Committee were advised of the key features of the scheme in terms of the site location, character of the area including the new residential developments nearby, the public transport links and the existing use of the site.

The Committee were also advised of the changes to the scheme to address the concerns in terms of the reduction in units, the provision of addition family units (with 25 in the affordable target tenure), the reduction in height to better respond to the area and reduce the impact on amenity and the increase in child play space. The level of affordable housing remained at 35%.

A further round of consultation on the revised application had been carried out and the outcome of this noted. None of the original respondents had raised concerns.

Officers were still of the view that the development responded well to the local area (given the materials, scale, the variations in height and the recent changes to the scheme). The site had good public transport links and showed no signs of overdevelopment. The impacts on amenity would be minor in nature. Given these points, the density of the scheme could be supported.

Careful consideration had been given to the impact on local infrastructure.

Taking into account the capacity analysis of local schools and healthcare facilities, it was considered based on the expert advice that there was sufficient capacity in the area to accommodate the development.

In summary, Officers remained of the view that the scheme should be granted planning permission. However, if Members were minded to refuse the scheme, they were drawn to the suggested reasons for refusal in the Committee report.

In response to questions, Officers highlighted the contributions for education and the number of recently created school places. Pat Watson (Head of Building Development Childrens and Adults Resources) also highlighted the factors taken into account when planning school places across the Borough that included population forecasts from planned developments. She also pointed out that there would be a number of new schools coming forward including the new Bromley Hall Primary School that should relieve pressure on school places from the scheme. Furthermore, given the anticipated timescales for building out the scheme, there would be plenty more opportunities for the Authorities to plan for the additional population. Whilst the development would have some impact on the GP practices, the data showed that the nearest practice could accommodate additional patients. The patient to GP forecasts with the addition of this scheme, was noted.

Officers also answered questions about the impact on the highway, the circumstances where apprenticeships for local people may be sought and the Community Infrastructure Levy.

In conclusion, Members welcomed the level of affordable housing and considered that the revisions to the scheme generally addressed their initial concerns.

On a vote of 5 in favour 0 against and 2 abstentions the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at Land at 160-166 Chrisp Street for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide 254 residential units (comprising 99 x 1 bed; 100 x 2 bed; 51 x 3 bed: 4 x 4 bed), together with associated car parking, amenity space, child playspace, gym and infrastructure works (REVISED DESCRIPTION) (PA/15/00039) subject to
2. Any direction by the Mayor of London
3. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations set out in the 27 August 2015 Committee report and 8th October 2015 Committee report and update.

4. That the Director of Development & Renewal is delegated authority to negotiate 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 matters set out in the 27 August 2015 Committee report.
6. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Councillor Shahed Ali did not vote on this item having not been present for the full consideration of the item

6.2 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for the demolition of existing buildings on the site and erection of buildings ranging in height containing for a mixed use development.

The Chair invited registered speakers to address the meeting.

Catherine O'Mahony (Aqua Vista Development) Andy Ager (Silver Wharf Development) spoke in opposition to the scheme. Whilst supporting the development of the site to address anti social behaviour (asb) they objected to the scheme on the following grounds:

- Height and density of the scheme in relation to the surrounding area.
- That the scheme conflicted with the Council's policies that stated that developments in this area should be low rise and low density unless there were good reasons why they shouldn't be. This had not been demonstrated.
- Loss of light to neighbouring properties. Many of the neighbouring properties were single aspect properties and would lose a lot of light.
- Loss of privacy due to the position of the windows and balconies that faced neighbouring properties.
- Increased sense of enclosure.
- Lack of consultation by the developers, specifically with the units located behind the site. A site visit should be arranged to see how it was possible to exclude these households from the consultation and the assessment.
- Loss of views to Canary Wharf and Bartlett Park.
- A low rise scheme would address the concerns, protect the setting of area and comply with planning policy.

In response to Members questions, the speakers clarified their concerns about the height of the scheme, the impact from this on the surrounding area and the lack consultation by the developer. They expressed support for a low to medium density scheme at this site with taller developments nearer Chrisp Street as originally promised.

Krystian Groom (Applicant's Agent) spoke in support of the application. He spoke about the extensive nature of the consultation with residents and Officers. This included individual letters to surrounding residents, door step canvassing, stakeholder and consultation events and engagement with schools and the health services. As a result, the applicant had reduced the height, massing and increased the affordable housing within the scheme. As stated in the report, the scheme makes best use of a brown field site without leading to overdevelopment. This benefits of the scheme were explained.

In response to questions, he explained that consultation was carried out at both pre and post submission stage as detailed in the Statement of Community Involvement document. There was genuine support for the scheme. At this point, Officers reminded Members that the Localism Act 2011 required developers to engage and consult the community. It was up to the Committee to decide how much weight should be put on the developers consultation. However, it was suggested that more weight should be given to the Council's consultation that could be more easily evidenced.

The speaker went on to report that the developer had worked closely with the health centre to facilitate it's request for further funding to expand. He also answered questions about the improved access arrangements, the reductions in height, the design that would preserve the setting of the park and the exclusion from the plans of a direct link to the tow path given the concerns that it would create asb.

Robert Lancaster, (Deputy Team Leader, Development and Renewal) gave a detailed report presentation of the application, describing the existing site and surrounds, the layout and the appearance of the scheme. Consultation had been carried out and there were representations in support and objections. The reasons given were noted.

As explained above, the scheme had been amended to reduce the height, number of units and increase the affordable housing. Overall, it was considered that it was a well designed scheme that would complement the surrounding area and the setting of the Conservation Area.

He also explained the level of affordable housing, the rent levels, the level of amenity space open to all residents of the scheme. The quality of accommodation complied with policy. The scheme passed the BRE guide for daylight. Whilst some of the neighbours that faced onto site would experience a loss of light, they would still receive good levels of light. Furthermore, due to the separation distances and orientation of windows, there would be little impact on privacy.

He also explained the car parking and cycle parking plans, the Highways improvements, the Community Infrastructure Levy and S106 agreement.

Given the merits of the scheme, Officers were recommending that it be granted planning permission.

In response, Members asked questions about:

- The density of the scheme given the Public Transport rating of 2 and its position at the edge of the town centre in the Council's Core Strategy suggesting that schemes in this area should be lower in density.
- Height in relation to surrounding buildings and the recently approved schemes in the area.
- Impact on sunlight and daylight to neighbouring properties in view of the failings listed in the Committee report.
- Impact on Bartlett Park and the contributions for this.
- Impact on local services.
- The housing mix
- Car parking from the scheme and the impact this would have on the highway.
- The measures to maintain the canal and tow path environment.
- Number of wheelchair assessable units and the location of these units.

In response, it was reported that there were conditions to mitigate the issues raised by the Canal and Rivers Trust. Most of their suggested conditions would be implemented save for the request that the applicant repair the water way wall. There was no evidence that the development would affect it. 10% of the residential units would be wheelchair accessible in compliance with policy and be spread round the development facilitated by the lifts in the blocks.

In terms of the housing mix, it was considered that the intermediate units, were genuinely affordable given the location, noting the lack of one bed units and emphasis on 2-3 bed units in this tenure.

Whilst the density clearly exceeded that envisaged in the London Plan, and the Core Strategy, the Greater London Authority and Officers were supportive of the plans given the lack of negative impacts and the benefits of the scheme. The density matrix in the London Plan was only guidance. The key test was whether the plans would cause any real harm to the area. As explained above, it was difficult to see that it would.

It was emphasised that the impact on sunlight and daylight to surrounding properties was acceptable. Despite the slight loss, the vast majority of the properties complied with the tests in policy and would continue to receive good levels of light. In many cases, the slight losses were due to the fact that the properties currently benefited from excellent light levels. The outcome of the testing was explaining including the impact on Craig Tower due to the position of the balconies above.

Whilst the plans would have some impact on the local GP Practice, the predicted GP to patient ratio, with the addition of the scheme, was still well within the maximum ratio recommended.

Officers also answered questions about the increase in the affordable housing and the management of Council owned parks. They also referred to other schemes coming forward that included contributions for Bartlett Park.

Officers also clarified the waste collection, cycling and car parking plans.

In conclusion, Members noted the issues around the scale of the scheme and impact on the area. In order to understand these issues more, Councillor Marc Francis proposed seconded by Councillor Shahed Ali that the application be deferred for a site visit.

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

That the planning application be **DEFERRED** for a SITE VISIT to enable Members to better understand the impact of the scheme on the area.

Councillor Gulam Robbani was not present for the consideration of this item.

6.3 2 Trafalgar Way, London (PA/15/02668)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for a deed of variation to the section 106 agreement dated 10 Nov 2009 ref PA/08/01321.

Jermaine Thomas (Planning Officer, Development and Renewal) presented the detailed report. He explained the background to the application. In March 2015, the Applicant submitted an application under a new provision known as Section 106B to change the affordable housing requirements of the 2014 and the 2009 permission to reduce the off-site contribution and to remove the 66 on site affordable units. The Council's Viability Consultants have carried out a robust assessment and agree with the developer that the 2014 scheme was unviable with the current affordable housing requirement.

However, the application was refused in April 2015 on the basis that it did not represent a stalled scheme and that an alternative viable scheme has planning permission and is capable of being built. .

The applicant had since submitted an appeal against the refusal to be determined at a Public Hearing scheduled for November 2015. The possible outcomes of the appeal were noted.

As part of the process of planning for the hearing, the applicant and the Council have met to explore ways to provide a good level of affordable housing without compromising the viability of the scheme, by agreeing a variation to the current legal agreement under Section 106A.

One option considered, that was the subject of this application, was that the applicant would remove entirely the onsite requirement for affordable housing but would increase the off-site contribution.

The table in the committee report showed a clear comparison between the consented schemes and the proposal.

The application complied with policy given the results of the viability assessments, that it would deliver additional affordable housing in the Borough and that the contribution met the relevant tests in policy.

In view of the issues, Officers were recommending that the variation be approved.

In response, some Member questioned the need for the proposal given the market value of the proposed units within the scheme. It was also questioned whether the proposal represented a fair exchange and why, given the nature of the amendment, it could be considered a variation.

In response to these points, it was reported that, if approved, it was likely that the parallel appeal would be withdrawn. However if the appeal proceeded, the applicant's offer and the Council's decision on the Section 106A variation would be a material consideration.

The Greater London Authority have been consulted and have confirmed that they do not wish to make any further comments.

In response to further questions, Officers explained the issues that would be taken to account at the appeal. It was also pointed out that given the difficulties with delivering affordable housing on the site due to the site constraints, this was a unique case.

In conclusion, Members noted the need for affordable housing in the Borough and that there were a number of other scheme coming forward that would provide contributions for the public realm. Councillor Marc Francis proposed, seconded by Councillor Andrew Cregan that the contribution towards public realm be added to the sum towards off site affordable housing. This was agreed

On a vote of 7 in favour, 1 against and 0 abstentions, it was **RESOLVED**:

1. That a modification under s106A of the 1990 Planning Act of the 2009 Agreement (as modified by the 2014 Agreement) be **APPROVED** at 2 Trafalgar Way, London (PA/15/02668) subject to:
2. Any direction by The London Mayor.
3. The prior completion of a second deed of modification to secure the planning obligations in the Committee report subject to the following change to the financial obligations:

That the contribution towards public realm be added to the contribution towards affordable housing.

4. That the Corporate Director Development & Renewal is delegated power to negotiate the second deed of modification referred to at 3.3 above within normal delegated authority.

The meeting ended at 10.15 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee