

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 12 APRIL 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Danny Hassell item 5.2)
Councillor Khaled Uddin Ahmed (Substitute for Councillor Danny Hassell, items 6.1-7.1)

Other Councillors Present:

Councillor Andrew Wood
Councillor Dave Chesterton

Apologies:

Councillor Danny Hassell

Officers Present:

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Alison Thomas	– (Head of Housing Strategy, Partnerships and Affordable Housing, Development and Renewal)
Richard Humphries	– (Planning Officer, Development and Renewal)
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 5.2 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595) and 7.1 Westferry Printworks, 235 Westferry Road, E14 8NX (Tower Hamlets Ref: PA/15/02216, GLA Ref. D&P/3663) as he had received representations from interested parties on the applications.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 10 March 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 34-40 White Church Lane and 29-31 Commercial Road, London, E1 (PA/15/02527)

Application withdrawn from the agenda

The decision was taken after the applicant agreed to enter into further negotiations with officers and is preparing amended drawings that seek to address the reasons for refusal given by Members at March Strategic Development Committee. These amendments will be re-consulted on with the application targeted to return to the June SDC

5.2 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595)

Update report tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application for the demolition of existing buildings on the site and the erection of 16 blocks ranging in height from three-storeys up to 30 storeys providing 804 residential units; Retail / Employment Space; Management Offices and Education Space; car parking spaces; bicycle parking spaces; and associated works.

It was noted that Members previously considered the application at its 10 March 2016 meeting and resolved to defer the consideration of the application pending information on the following:

- The operation of the viability review mechanism.
- The viability of the application with different mixes of affordable housing

The Committee also asked that the Greater London Authority be requested to confirm whether their concerns about the application had been addressed.

Jermaine Thomas (Planning Officer, Development and Renewal) presented the detailed report, reminding Members of the site location and surrounds, comprising three different wharves and the nature of the proposal. The Committee viewed slides showing the scale and mass of the development.

In relation to the first issue, it was noted that details of the review mechanism for the affordable housing (to be secured in the S106) were in the committee report setting out the circumstances in which it would be triggered to secure additional affordable housing. Both the applicant and Officers were satisfied with these arrangements.

In relation to the second issue, it was noted that the delivery of the affordable units with 3-4 bed affordable rents would allow for the provision of 27% such units. However, should the 3 to 4 beds units be delivered at social targets rents, the scheme could only afford 23%. Nevertheless, the applicant had undertaken to provide 27% affordable units with such rent levels absorbing a deficit.

In addition, since the last meeting, the GLA had provided a post stage 1 response stating that their concerns about noise mitigation had been addressed. Any outstanding issues could be addressed at stage 2. Further consultation had been carried out and the Port of London Authority had confirmed that their concerns had been addressed now only raising questions of clarification that had been addressed in the update report. A further 11 objections had been received about the impact of the scheme on Trinity Buoy Wharf but these did not raise any new issues so had not impacted on the recommendation.

In light of above and the information presented to the Committee, Officers continued to recommend that the planning permission and listed building consent was granted permission.

In response to questions of clarification, Officers confirmed that the separation distance to the nearest neighbouring property at the eastern side of TBW measured 0.5 metres. However, it should be noted there were no habitable rooms facing the application site at this point. The separation distance to the nearest residential units measured 2.25 meters. The Council were the freeholder of TBW and its Asset Management Team did not believe that the proposal would impact on that asset. It was noted that the review mechanism of the affordable housing would be triggered if no substantial development of the site took place in two years and this would be written into the legal agreement.

Members also asked questions about the affordability of the service charges for the social rent units. It was reported that steps would be taken to ensure that they remained affordable. Officers would work with colleagues in Housing Services to ensure this. Questions were also asked about the viability testing of the affordable housing and, in response officers, confirmed the results of the scenario testing.

Members also asked about the objections from the occupants of TBW regarding the impact of the scheme on the units in TBW. Members questioned what could be done to ensure that they would not be affected by the development and if a condition could be imposed to ensure this. Officers pointed out that whilst on planning grounds this was not possible, an informative could be imposed. Accordingly, Councillor Marc Francis and Councillor Julia Dockerill proposed an additional informative that was unanimously agreed by the Committee encouraging the applicant and the occupants of TBW and LBTH to reconcile any potential tensions between the parties.

In summing up, some disappointment was expressed that the scheme did not achieve the Council's targets for affordable housing. However, it was noted that this was a difficult site to develop and there were many positive aspects to the scheme. Members particularly welcomed the fact that the applicant was willing to convert affordable housing to social housing at the expense of their profits margins.

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

1. That planning permission be **GRANTED** at Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 for the demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft

landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall accompanied by an Environmental Impact Assessment (PA/14/03594), 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 10 March 2016 Committee report and Update 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 in the Committee report and the additional informative agreed by the Committee encouraging the applicant and the occupants of Trinity Buoy Wharf and LBTH to reach an agreement to reconcile any potential tensions between the parties.

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

6. That listed building consent be **GRANTED** at Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 for works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design (PA/14/03595) subject to the conditions in the Committee report.

6. PLANNING APPLICATIONS FOR DECISION

6.1 120 Vallance Road & 2-4 Hemming Street, London, E1(PA/15/01231)

Update report tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application for the demolition of existing buildings at 120 Vallance Road and 2-4 Hemming Street and erection of two buildings to provide 1,311 sqm (GEA) of commercial space, 144 residential units and associated works

Jermaine Thomas (Planning Officer, Development and Renewal) presented the detailed report explaining the character of the site and the surrounding area and the site designation in policy. The Committee were advised of the

key features of the amended scheme. To this end, the Committee noted images of the design, scale, massing, materials and the layout of the proposal. It was reported that one letter had been submitted in response to the consultation.

It was considered that the introduction of a retail and commercial development at the site was acceptable. Given the limitations on the A1/A3 uses and low vacancy rates in the Town Centre, it was not considered that it would harm the viability of the Town Centre. The scheme displayed no signs of overdevelopment and both the Council and the GLA considered that the density of the scheme was acceptable given the location.

The applicant had undertaken to provide 35% affordable properties with social rent units, (in excess of what the scheme could afford), benefiting from a high quality entrance on Hemming Street. Other benefits of the scheme included: the provision of high quality public realm, policy compliant levels of child play and community space and a good quality design that would enhance the local town scape with no harm to local views. In addition, due to the design and scale of the scheme, the impact on internal and neighbouring amenity (in terms of sunlight daylight and overlooking) would be acceptable.

Officers were recommending that the application was granted planning consent.

Members asked questions about the quality of the affordable housing. In particular they asked about the design of the ground floor entrances and the quantum of play space available to these dwellings (given the high number of family units within this tenure).

Members also sought assurances that all children in the scheme would have access to the play space in the interests of social cohesion.

Members also asked about the overall quantum of child play space given the child yield and the impact of the scheme on social infrastructure and the measures to mitigate this

The Committee were informed that all of the dwellings were of a good quality design and would benefit from private amenity space and appropriate levels of communal space. A point to note was that the ground floor maisonette (that was within the affordable rented tenure) would have its own private garden. In terms of the ground floor entrances, it should be noted they would be of a similar quality. Both the entrances for the private and affordable units would front onto the street, so there were no issues about 'inferior doors'.

As explained above, the proposed child play space complied with policy. The plans included an area of ground floor play space, that all of the children from the development would have access to. In addition to this, the private and affordable units would have their own area of play space that complied with policy. The Committee were advised to put more weight on the Officers

comments in the report in respect of the child play space rather than the GLA comments as these had been addressed.

The scheme would be CIL liable. The contributions would be allocated by the LBTH Mayor in accordance with Council priorities.

Members also asked questions about the daylight and sunlight assessment and the overlooking from the scheme and the measures to prevent this. It was explained that the scheme had been carefully designed to minimise the impact on amenity and prevent overlooking. Whilst there would be a slight impact on daylight, the results compared favourable to developments in similar built up urban setting. On balance Officers did not consider that this warranted a refusal on these grounds.

Officers also clarified the rent levels for the affordable housing, the location and number of wheel chair accessible units and the cycle and car parking spaces.

In summary, the Chair welcomed the changes to the scheme and praised the efforts to secure the social housing in the scheme.

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

1. That planning permission be **GRANTED** at 120 Vallance Road & 2-4 Hemming Street, London, E1 for the demolition of existing buildings at 120 Vallance Road and 2-4 Hemming Street and erection of two buildings to provide 1,311 sqm (GEA) of commercial space, 144 residential units and new public realm, landscaped amenity space, cycle parking and all associated works (PA/15/01231) 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 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 Committee report.

7. OTHER PLANNING MATTERS

7.1 Westferry Printworks, 235 Westferry Road, E14 8NX (Tower Hamlets Ref: PA/15/02216, GLA Ref. D&P/3663)

Update report tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the application for the demolition of existing buildings and structures and the comprehensive mixed use redevelopment including buildings ranging from 4 - 30 storeys in height (tallest 110 m. AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Classes A3/A4), flexible office and financial and professional services uses (Classes B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and enabling work.

It was reported that by letter dated 4th February 2016, the Mayor of London directed the Council that he would act as the local planning authority for the purposes of determining the planning application. The Council was consequently unable to determine the application. The Mayor of London intended to hold a Representation Hearing on 27th April 2016 when the application would be determined. Officers were recommending that the Council informs the Mayor that objection was raised to a grant of planning permission given the concern around the impact on the use of the dock for water sports and the level of affordable housing given the results of the viability assessments.

The Chair then invited registered speakers to address the meeting.

Dr Mike Barraclough (Chair, East London Marine Venture) Leila Moore, (a sailor at the Docklands Sailing and Waters Sports Centre), Councillor Dave Chesterton (Ward Councillor and a Trustee of the Centre) and Councillor Andrew Wood (Ward Councillor) addressed the Committee in opposition to the application. Whilst noting the merits of the scheme, they stated that the application would adversely affect the wind sailing conditions around the dock, due to the proposed building heights and their proximity to the water's edge as set out in expert reports. This would particularly affect sailing conditions around the north west corner of the outer dock. This in turn would seriously jeopardise the club's attractiveness to sailors and potential sailors putting the clubs future at risk. Whilst it was noted that the application would deliver new social infrastructure, this should not be delivered at the expense of existing sporting facilities. Accordingly, the scheme should be redesigned in conjunction with wind engineers to maintain present wind conditions to enable this highly regarded sailing club to continue to operate.

The speakers also commented on the popularity of the club, its unique features and potential, its charity status, the opportunities that it provided to young people and the shortage of sporting facilities in the area.

Concern was also expressed about a lack of affordable housing within the scheme and the credibility of the viability assessment saying that only 11% affordable housing could be afforded and also about the proposed school

In response to questions, the speakers clarified their concerns over the wind impact from the scheme, explaining that it would make sailing conditions unpredictable causing crafts to capsize. To lessen the impact, it would be necessary to move the buildings back further from the water's edge in consultation with micro climate specialists. Alternative plans that achieved this should be considered. They also answered questions about the popularity of the club, the shortage of local sports facilities in the area and the findings of the wind engineers reports

It was noted that the applicant had been invited to address the Committee but had declined to.

Richard Humphreys (Planning Officer, Development and Renewal) presented the detailed report and the update report. He firstly drew attention to the proposal to delete reason 3 in the main report given the concerns about the affordability of the 3 bed intermediate units, and the recommendation to delete conditions 1-3 as full details of the school had been submitted so these were superfluous. It was also recommended that an additional condition be included regarding the submission of a waste and recycling strategy.

He explained and showed images of the site and surrounding area and the site design principles in the Council's Managing Development Framework. The scheme would meet a number of these aims.

He drew attention to the key features of the application including the proposed building heights and the proposed new facilities, showing images of the surrounding area with and without the scheme. Objections had been received and these were summarised. Whilst objections had been received by Thames Water about pressure on water infrastructure from the plans, this could be addressed.

Whilst the scheme had a number of positive features, it was considered that on balance that the negative aspects of the scheme outweighed these benefits. Therefore it was recommended that the Committee inform the Mayor of London it should be refused for the two suggested reasons.

Members asked questions of clarification about the proposed changes to the recommendations. It was confirmed that the provision of larger affordable units was generally not supported by LBTH Housing from an affordability perspective. This decision had been partly informed by the discussions at Committee last year on the 3 Millharbour scheme. The GLA had also raised concerns about the affordability of such properties. Members also asked about the impact on the Docklands Sailing Centre and the findings of the experts' assessment of this as mentioned by the speakers. It was explained that the Council had not been provided with the report by the Building Research

Establishment. However, the speaker had indicated that the BRE advised that it was likely that the impact on sailing conditions had been underestimated. In response to questions about the viability assessment, it was reported that, according to the independent BNP Paribas report, the scheme could afford 36% affordable housing as opposed to 11% as set out in the applicant's viability report. Officers had earlier today received a further report submitted on behalf of the applicant challenging the results of the BNP Paribas report. However given the absence of the expected GLA viability appraisal and the lack of time to assess this latest review, Officer saw no reason to alter the reason for refusal regarding the quantum of affordable housing.

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

That the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission for the following reasons:

Reasons for refusal

Site design principles and microclimate

1. It has not been satisfactorily demonstrated that the proposed development would not place the important Docklands Sailing and Watersports Centre in jeopardy due to adverse effect on wind climate in the northwest corner of Millwall Outer Dock with resultant conditions unsuitable for young and novice sailors. This would conflict with London Plan Policy 7.27 '*Blue Ribbon Network: Supporting infrastructure and recreational use*' and Policy 7.30 '*London's canals and other rivers and waterspaces,*' Tower Hamlets Core Strategy Policy SP04 '*Creating a green and blue grid,*' Tower Hamlets Managing Development Document Policy DM12 '*Water spaces*' and Policy DM26 '*Building heights.*'

Affordable housing

2. Westferry Printworks is a crucial element within Tower Hamlets supply of land for both market and affordable housing. The affordable housing offer of 11% within the proposed development would fail to meet the minimum requirement of the Tower Hamlets Local Plan, is not financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with the NPPF, London Plan Policy 3.8 '*Housing choice,*' Policy 3.11 '*Affordable housing targets,*' Policy 3.12 '*Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites*' or Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone.*'

3. Planning obligations - Heads of Agreement

The Council requests that the Mayor of London refuses planning permission for the above reasons. Should the Mayor decide to grant permission, it is recommended without prejudice that this should be subject to the prior completion of a legal agreement with the developer to secure the planning obligations in the Committee report

4. Conditions and Informatives

To adopt the indicative conditions and informatives at Appendix 1 of the Committee report for recommendation to the Mayor should he decide to grant planning permission save for the deletion of conditions 1-3 and the inclusion of an additional condition and informative regarding the submission of a Waste and Recycling Strategy for the operation of waste as set out in the update report.

8. OTHER PLANNING MATTERS

Bishopsgate Goods Yard, Braithwaite Street, E1

The Committee were reminded that at its December 2015 meeting, the Committee considered the above application that had been called in by the London Mayor. The Committee resolved to inform the Mayor that should it be in a position to decide the application, it would have refused the application for a number of reasons. It was reported that Officers have subsequently been provided with the GLA stage 3 report on the application. In which the GLA were recommending refusal. The Council would be attending the representations hearing to present the Council's views on the application.

The meeting ended at 9.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee