

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 20 OCTOBER 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 Asma Begum
Councillor Denise Jones
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Helal Uddin
Councillor Julia Dockerill

Other Councillors Present:

Councillor Dave Chesterton

Apologies:

None

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Beth Eite	(Team Leader, Planning Services, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Jermaine Thomas	(Team Leader, Planning Services, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Julia Dockerill declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as she had received hospitality from the Canary Wharf Group, had attended a

political conference at a Canary Wharf Group site and was writing a book with the Chief Executive of the Canary Wharf Group.

Councillor Asma Begum declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as her husband had received hospitality from the Canary Wharf Group and, referring to her role as the Council's Cabinet Member for Culture, on the grounds that the Canary Wharf Group had sponsored certain cultural events in the Borough.

Councillor Maium Miah declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as he had attended events arranged by the Canary Wharf Group.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meetings of the Committee held on 24 August and 8 September 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 99 Mansell Street & 31-33 Prescott Street, London E1 (PA/16/00757)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments on the upper floors and 1,115sqm of office floorspace at basement, and retail/financial services/restaurant/cafe/drinking establishment floorspace.

It was noted that the application was previously considered by the Committee on 24th August 2016 and Members were minded to refuse the application. Due to the scale of the change that had been made to the application to address the Committee concerns, the application was being brought back to the Committee afresh as required by the Council's Development Committee procedure rules where material changes have been made to a deferred application.

The Chair invited registered speakers to address the Committee.

Dr. David O'Neil and Dr. Maria Salichou (Londinium Tower) addressed the Committee in opposition to the application. The speakers felt that their concerns about the August application had not been addressed. They objected to the impact of the nine storey Mansell Street element on the historic setting on the area. The proposal would reduce views of the listed church. They also objected to the impact that the height and close separation distances would have on neighbouring amenity. As a result, the plans would result in a loss of light to properties at Londinium Tower, particularly during the winter months, a loss of privacy and overlooking into habitable rooms. To address the concerns the height of the proposal should be reduced. In response to questions they discussed the consultation process, the construction impact and requested that the height should be reduced to minimise the developments impact.

The applicant's representatives, Simon Smith and Oliver Law spoke in favour of the application referring to the three previous reasons for refusing the application (set out in the officers report). The application, that primarily concerned the Mansell Street extension, had been significantly amended to address the concerns. The height had been reduced so that there would now only be a single storey step up from the existing building and the proposal would be lower than the church spire. The sunlight/daylight assessment had

been reassessed and the Committee report had been updated to record that all of the windows passed the BRE tests in respect of sunlight levels. Only three representations had been received. The design would safeguard privacy and there would be contributions to mitigate any impact from the plans. In response to questions from Members, they confirmed the results of the sunlight and daylight testing. A small number of windows would experience a loss of light, but generally the neighbouring windows would continue to receive adequate levels of light and the compliance levels were quite typical for an urban setting. Furthermore, while the separation distances just fell short of the policy requirements, they were sufficient to maintain privacy and there would also be mitigation to safeguard privacy.

Beth Eite (Planning Services) presented the Committee report. The Committee were advised of the site location and the site designation in policy and the previously consented permission in respect of 31-33 Prescott Street. The Committee were minded to refuse the previously submitted application at its meeting in August 2016 due to concerns over the following issues

- The adverse impact on the setting of the grade II listed Church and 30 Prescott Street
- The adverse impact on the residents of Londinium Tower particularly in terms of access to sunlight and daylight.
- Insufficient evidence to demonstrate that the proposed serviced apartments use would assist in meeting the targets in the London Plan and LBTH Core Strategy.

Since that time the application had been revised to reduce the number of stories by two floors, improving the relationship with the grade II listed church. It now sat below the church spire. As a result it would preserve the setting of the area.

Turning to the amenity impacts, Ms Eite drew attention to the outcome of the revised assessment as set out in the Committee report and the update report. Overall, the changes had resulted in a reduction in the number of windows failing the policy tests and a reduction in the degree of impact. So the proposals were not considered to be harmful to neighbouring amenity. In terms of overlooking, the narrowest separation distance fell marginally short of the minimum requirement of 18 metres in policy. As a result, it was not considered that this would have an unacceptable impact on privacy. Regarding the supply of short stay accommodation, there was no upper limit on the supply of such accommodation in the Council's Local Plan. In fact policy promoted the provision of visitor accommodation and there was no suggestion that the Council should refrain from granting new consent.

Officers continued to consider that the application was acceptable so should be granted permission.

The Committee asked questions about the impact on the setting of the listed church as viewed from the northern side of the development and Officers considered that given the separation distance, that the relationship would be

acceptable. Officers also answered questions about the waste management arrangements and provided assurances about the condition in respect of this.

On a vote of 6 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 99 Mansell Street & 31-33 Prescott Street, London E1 for mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level. (PA/16/00757) subject to:
 2. The prior completion of a legal agreement to secure the planning obligations in the Committee report.
 3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 4. 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.
 5. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
 6. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

5.2 116-118 Chrisp Street, Poplar London, E14 6NL (PA/14/02928)

Update report tabled.

Paul Buckenham introduced the application for the demolition of public house and former Tyre and Exhaust Centre building and erection of mixed-use development with ground floor commercial unit and associated works.

It was noted that the application was previously considered by the Committee on 28th July 2016 and Members were minded to refuse the application due to concerns over the following issues:

- Overdevelopment of the site.
- Height, bulk and massing.
- The density of the proposal and the impact this would have had on the

daylight/sunlight of neighbouring buildings.

- Loss of a public house.
- Underprovision of child play space and communal amenity space.
- Quality of the design.
- The existence of a separate entrance for the affordable units.

Since that time, a number of changes had been made to the application to address the Committee concerns, and due to the nature of the changes, the application was being brought back to the Committee afresh in accordance with the Council's Development Committee procedure rules.

Nasser Farooq, (Planning Services) gave a presentation on the application. He reminded the Committee of the site location and surrounds and the changes to the application since previously considered by the Committee in relation to: the reduction in the height of the development and the consequential reduction in units, the reduction in massing and volume and the increase in separation distances to neighbouring buildings. He also drew attention to the changes to the housing mix, the addition of the A4 drinking establishment, the increased level of communal space/child play space and the improvements to the design of the building. The images now before Members showed a more accurate representation of the design of the building.

A further round of consultation on the revised application had been carried out and the results of this were noted.

It was reported that the child play space and communal amenity space provision now met the policy targets and that despite the loss of units, the level of affordable housing remained at 37% per habitable room. The plans also included a commitment to market the drinking establishment as a public house for a 6 months period. The density had been decreased but still exceeded the London Plan guidance. However the plans showed no symptoms of overdevelopment. A small number of windows failed the sunlight and daylight tests in policy but the results could in part be attributed to the design of the existing buildings. Overall the results were considered to be acceptable.

Officers remained of the view that the application should be granted planning permission.

In response to the presentation, Members asked about the proposed drinking establishment, and sought assurances about the robustness of the plans for marketing it as a public house in the first instance. In response, it was reported that the viability report had been updated with the latest marketing information and the information showed that it was not viable in the short term. If granted, Officers would take on board Members comments regarding the need for the marketing exercise to be monitored and this could be written into the legal agreement.

The Committee also asked about the amenity impact on the neighbouring

buildings, particularly the impact on the Equinox building and the weight that should be applied to the consented 10 storey permission in assessing the application.

It was reported that any development of the site would impact on the Equinox building as it currently overlooked low rise buildings and had exceptionally good outlook. The information in the committee report showed the expected impacts from the amended application on the Equinox building compared to the 10 storey consented development. The impacts would not be that dissimilar. Furthermore, the revised scheme compared favourable to the July application. In addition, Officers considered that reducing the height any further would have a negligible impact on the amenity of the ground floor neighbouring apartments most affected by the application. The Committee needed to balance any potential impacts with the benefits of the application.

In response to questions about the separation distances and the density of the scheme, Officers explained that the gap to the Parkview apartments had been increased to minimise the impact on neighbouring amenity. Officers also considered that the density could be accommodated and justified given the significant public benefits of the application and that the proposal displayed no symptoms of overdevelopment.

In relation to transport and highway matters, it was reported that neither the Greater London Authority or the DLR had objected to the scheme taking into account the impacts from other schemes. The comments of highway services had been taken into account (regarding the provision of disabled parking spaces amongst other matters) and the conditions would reflect this.

In response to questions about the affordable housing, particularly the number of family sized units, it was clarified that the scheme would deliver 22 affordable units and that Officers felt that the plans would deliver a good mix of family sized units. The revised housing mix now included a number of double bedroom units. Furthermore, it was now proposed to provide a single open plan entrance lobby instead of separate access cores for the affordable and private tenures to address the concerns about this.

In response to questions about the play space, Officers confirmed that the level of which had been increased to address the Committee's concerns. They also provided reassurances about the increased play space provision for the affordable units and answered questions about the accessibility of the other areas of the play space and the amount of which that would be provided on the ground floor.

The Committee also asked questions of clarity about the letters of objections and also the CIL contributions for health services.

In conclusion, Members considered that the plans went some way to addressing the Committee concerns. However some Members remained concerned about elements of the application and therefore were minded to refuse the application.

On a vote of 1 in favour of the Officer recommendation and 7 against, 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 and 1 against, 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 12, part 15 storeys comprising of 63 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3/A4), 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 proposal due to concerns over the following matters:

- Excessive height, bulk and massing of the proposal.
- Symptoms of overdevelopment, particularly in relation to the loss of daylight and sunlight to the nearby Equinox building.

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.

5.3 The Quay Club, Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900)

Update report tabled.

Officers clarified that the application address should be entitled 'Land at Bank Street' Canary Wharf, London, E14.

Paul Buckenham introduced the application for the demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

The Chair then invited registered speakers to address the Committee.

Councillor Dave Chesterton spoke in opposition to the application. He objected to the loss of the open water space and that the policy criteria for allowing this in the report had not been met. He also urged that if granted, the proposed S106 contribution for improving and enhancing the natural environment in the Borough should be used to enhance the water space. He cited examples of previously approved applications that had resulted in the loss of a water space without providing sufficient mitigation. Councillor Chesterton then answered questions from Members about his concerns.

The applicant had declined to speak in support of the application.

Jermaine Thomas (Planning Services) presented the application explaining the planning history and the site location and the key features of the application. Consultation had been carried out and no objections had been submitted. It was considered that the land use was acceptable for a town centre location and also that the loss of the water space could be supported given the limitations in terms of its potential use. The plans would be of a high quality design and would be carried out in a sensitive matter to protect the heritage assets. There would also be a S106 contribution towards improving and enhancing the natural environment in the Borough. The plans also included biodiversity measures to mitigate the impact of the application

Officers were recommending that the application was granted permission.

In response to the presentation, Members also asked about the impact of the development on pedestrian access and the employment opportunities from the plans. Officers explained that the proposal would be subject to a construction management plan and if granted Officers could ensure that it would safeguard pedestrian access during the construction phase where possible. The plans also included obligations in respect of local employment.

Members also asked about the loss of water space and the special circumstances justifying this. It was questioned whether alternative designs had been considered to lessen the impact on the water space. The Committee also asked about the other measures explored prior to proposing the financial contribution and if the contribution could be spent towards enhancing dock heritage and waterway facilities to offset the loss of water space.

Members also asked about the design of the proposals, the nature of the proposed use and if the proposed facilities would be open to the general public.

In response, it was reported that S106 planning contributions could theoretically be allocated to enhancing existing water space. However, care would need to be taken to ensure that such a contribution would not be for the provision of infrastructure of a type specified on the Council's Community Infrastructure Levy Regulation 123 List as that would be a duplication of liability with the Community Infrastructure Levy; in which case the failure to secure such a contribution could not be a reason to refuse permission.

It was also noted that the loss of water space was not normally supported but given the limited value of the water space in this case, it was felt that special circumstances existed to agree to its removal. There might be some difficulties in providing replacement water space given that this might involve the agreement of a third party. It was considered that the proposal would be of a high quality design and would include special features to reflect the water space. Consideration had been given to an alternative design but the plans had been designed by the applicant with a particular end user in mind. It was understood that some of the facilities would be open to the general public, but use of the facilities would mainly be restricted to Members and their guests.

The Committee also asked about the impact on heritage assets particularly the listed wall. Members also asked about the impact on biodiversity and the comments of the relevant experts on the plans.

Officers considered that the impact of the scheme, involving essential intervention to the coping of the wall, would be less than substantial, and be outweighed by the benefits of the proposal. The Council's Conservation Officer and Council's Biodiversity Officer had considered the application including the proposed lighting on the underside of the development, and felt that it would not harm the setting of the area or the heritage assets. If granted, the plans would be reviewed with the Council's Conservation Officer and the Biodiversity Officer again to ensure they were satisfied with the proposal. In response to further questions about the measure to promote the local heritage assets, it was noted that plans included a requirement to install interpretation boards within the public realm to promote the heritage of the area that should raise its profile.

The Committee also discussed the planning history of the site.

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 and listed building consent.

Accordingly, Councillor Marc Francis proposed a motion that the recommendation to grant planning permission and listed building consent 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 and listed building consent be **NOT ACCEPTED** at Land at Bank Street, Canary Wharf, London, E14 for demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development. (PA/16/00899 & PA/16/00900)

The Committee were minded to refuse the proposal due to concerns over the following issues:

- The loss of open water space and the exceptional circumstances justifying this, set out in the Committee report.
- Impact on the biodiversity of the dock
- Impact on the heritage assets, particularly the Grade 1 listed wall.
- Inadequate mitigation to address the harm caused by 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.

6. OTHER PLANNING MATTERS

6.1 Planning Appeals Report

Paul Buckenham presented the planning appeals report highlighting the key issues for consideration. It was noted that Appendix 1 of the report sets out the Council's Appeal decision results between April 2015 and September 2016 and Appendix 2 detailed live appeals. He drew attention to the importance of the appeal decision process and the benchmarking data for inner London Authorities in respect of major and minor appeals. He also drew attention to some of the appeal decision outcomes on applications determined at Member level and the lessons learned from this. The results showed that overall the Council's performance at appeals compared favourable to the other Authorities in terms of quality of decision making.

In response to the presentation, the Committee discussed the Council's success rate at appeal and also its approach to negotiating amendments with the applicant to address concerns at the Committee stage. In summary the Chair felt that the Committee had a good success rate in upholding its decision at appeals and thanked Officers for producing such a comprehensive report.

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

The contents of the report be noted.

The meeting ended at 10.00 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee