

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 4 OCTOBER 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Sirajul Islam
Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)
Councillor Danny Hassell (Substitute for Councillor Asma Begum)

Other Councillors Present:

None

Apologies:

Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Julia Dockerill
Councillor John Pierce (items 4.1 – 4.2)
Councillor Chris Chapman (items 4.1 – 4.2)

Officers Present:

Jerry Bell	(Area Planning Manager (East), Planning Services, Place)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Jennifer Chivers	(Planning Officer, Place)
Kate Harrison	(Planning Officer, Place)
Tim Ross	(Team Leader, Planning Services Place)
Joseph Ward	(Development Viability Team Leader, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were declared.

2. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the meeting of the Committee held on 17th August 2017 be agreed as a correct record and signed by the Chair subject to the following amendments:

Item 5.2, 562 Mile End Road & 1a, 1b, 1c Burdett Road (PA/16/00943)

That in respect of the second paragraph of the minute:

- 'Mrs McGinley' be replaced by 'Ms McGinley'
- That 'They welcomed the inclusion of the nightclub' be replaced by 'Mr Whitfield and Councillor Golds welcomed the inclusion of the nightclub'

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, Place 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, Place 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

4.1 Enterprise House, 21 Buckle Street, London E1 8NN (PA/16/03352)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced the report for the demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) containing aparthotel with office workspace an ancillary café and hotel reception space at ground floor, together with associated works.

Gareth Gwynne, (Planning Services) presented the application. He advised that the application was considered by the Strategic Development Committee on 17th August 2017. The Committee voted against the officer's recommendation for approval and were minded to refuse the application on grounds of:

- Sunlight and daylight impacts from the development.
- Scale bulk and height of the development.
- Adverse heritage impacts.
- Overprovision of short stay accommodation and associated opportunity cost.

It was also noted that since that meeting, Officers had drafted proposed reasons for refusal that reflected the Committee concerns as set out in the 4th October committee report and the update report.

In terms of the amenity impacts, Officers acknowledged that there was tangible evidence that the application would result in significant adverse sunlight and daylight failing to properties. Furthermore, it was open to the Committee to place less weight on the public benefits of the application compared to Officer's deliberations in the Officer report, and therefore consider that the harm to residential amenity was not outweighed.

Regarding the overdevelopment of the site and heritage impacts, Officers remained of the view that the reductions in the height of the building and the other design features were sufficient to overcome the reasons for refusal of the previous application. Notwithstanding this, Officers recognised that the height and overall scale of the proposal on this confined site presented challenges in respect of residential amenity, townscape impacts and the setting of listed buildings. Accordingly, a reason on this basis could be defended at appeal.

Regarding the visitor accommodation, it could be considered that the need for additional short stay accommodation had not been adequately demonstrated given the levels of supply in the pipeline and that forecast. Members were also reminded that the benefit of the proposed additional rooms to the local economy was likely to be relatively small due to the nature of the application and would result in a net loss of office space and jobs. Therefore, it was considered that a reason for refusal based on the above issue, subject to the amendment in the update report, could be defended at appeal.

It was also reported that if refused, the applicant had stated that they would appeal the decision and this would be considered at a public enquiry.

The officer recommendation remained to grant the planning permission. However if Members were minded to refuse planning permission, they were invited to consider the four reasons of refusal set out in the Committee report subject to the revision in the update report regarding the third reason for refusal.

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

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 4th October 2017 as amended in the Committee update report (in respect of the third reason for refusal). On a vote of 4 in favour, 0 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission be **REFUSED** at Enterprise House, 21 Buckle Street, London E1 8NN for the demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store(PA/16/03352) for the following reasons as set out in the 4th October 2017 Committee report as amended in the Committee update report as detailed below:

(1) Harm to residential amenity

The proposed development would cause significant harm to the amenities and living conditions of occupiers of neighbouring residential properties through both major and moderate losses of daylight and sunlight, excessive loss of outlook resulting from the overbearing nature of the development including an undue sense of enclosure. As such the development would be contrary to NPPF, as set out paragraphs 14, 17 and 56 of the NPPF and the Local Plan including Policy SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to protect the amenity of residents including ensuring that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.

(2) Overdevelopment

The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:

- a) its adverse amenity impacts to residential neighbours;
- b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site edged by two narrow streets and set within an established lower scale urban street block;
- c) resultant harm to the significance of the setting of the Grade II* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's

German and English Infants' School, that are not outweighed by the public benefits of the scheme, by reason of the height, scale, mass of the development set in immediate proximity to these designated heritage assets and the proposed schemes impacts upon local townscape views of this cluster of listed buildings.

d) unacceptable relationships to other developments that limits the opportunity to achieve a tall building on site or increase significantly the height of the existing building envelope on site such that it is compatible with the objectives of sustainable development and delivering high quality place-making within Aldgate.

As such the scheme would fail to provide a sustainable form of development in accordance with NPPF including paragraphs 17, 56, 61, 128-134 and would be contrary to the development plan in particular policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM0, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the Borough's vision for Aldgate, that taken as a whole, have an overarching objective of achieving place-making of the highest quality.

(3) Need for short-stay accommodation insufficient to outweigh amenity harm, loss of office floorspace and harm to heritage assets.

The need for additional short stay accommodation to serve visitors and the borough's economy has not been adequately demonstrated given the strong pipeline supply of short stay accommodation, the limited contribution to the local economy arising from the proposed development, and the discernible disbenefits to the local economy arising from a net loss of office floorspace and associated net loss of local jobs. In addition any need for additional short stay visitor accommodation in the Borough would not outweigh the harm to residential amenity, local townscape and heritage assets.

As a result the proposal is not considered to be in accordance with the development plan including Policies DM0, DM7, DM24, DM25 of the Managing Development Document, Core Strategies Policies, SP06, SP010, London Plan Policies 2.13, 4.1, 4.2 7.4.

(4) Lack of a legal agreement to secure mitigation

In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

4.2 225 Marsh Wall, E14 9FW (PA/16/02808)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced the application for full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey residential led development with commercial and community uses and associated works.

Kate Harrison (Planning Services) presented the report reminding the Committee of the site location and the nature of the surrounding area including the developments nearby. The Committee were advised that the application for planning permission was considered by the Strategic Development Committee on 17th August 2017. The Committee voted against the officer's recommendation for approval and were minded to refuse the application on the grounds of

- Overdevelopment of site due to the:
- Height,
- Density,
- Impact on infrastructure and
- the failure of the proposal to provide an adequate transition between the higher rise commercial area to the north and the low-rise residential areas to the south and east

The applicant had not made any changes to the scheme.

Officers had drafted detailed reasons for refusal reflecting the Committees proposed reasons set out in the 4th October 2017 Committee report and the update report.

In relation to the concerns around infrastructure, officers strongly advised that this should not be included as a reason for refusal as officers did not consider this to be a robust reason for refusal and unlikely to be defensible at appeal. The Marsh Wall East site allocation did not require the inclusion of any on site community infrastructure. Furthermore, the applicant would make the policy compliant contribution through the Community Infrastructure Levy payment and had committed to a number of additional Section 106 payments including contributions to buses in the area. However, a reason had been drafted should members seek to refuse the scheme on these grounds. Officers had also drafted an additional standard reason for refusal relating to the absence of a legal agreement.

The Committee supported the two proposed reasons set out in paragraph 5.3 of the Committee report and paragraph 1.1 of the Committee update report.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 3 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in paragraph 5.3 of the Committee report dated 4th October 2017 including the additional proposed condition set out in paragraph 1.1 of the Committee update report. On a vote of 3 in favour, 0 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission at 225 Marsh Wall, E14 9FW be **REFUSED** for Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of flexible community/ office floorspace (use class D1/ B1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works (PA/16/02808) for the following reasons set out in paragraph 5.3 of the 4th October 2017 Committee report and paragraph 1.1 in the update report .

1. The excessive scale and height of the proposed development within its local context would not be proportionate to the sites position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf to the north and the lower rise buildings to the south and east. The proposed scale, height and massing would result in a development that fails to present a human scale of development at street level, is too large for the plot size, is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south and east. The proposed development therefore fails to respect the features that contribute to the area's character and local distinctiveness and demonstrates clear symptoms of over development and excessive density. This is contrary to Strategic Objectives SO22 & SO23 and Strategic Policies SP10 and SP12 of the Core Strategy (2010), Policies DM24, DM26 and DM27 of the Managing Development Document (2013) and Policies 3.5, 7.4, 7.6, 7.7 & 7.8 of the London Plan (2016).
2. In the absence of a legal agreement to secure agreed and policy complaint financial and non financial contributions including for employment, skills training and enterprise and transport matters the developer fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Polices 8.2 of the London Plan, (2016) and LBTH Planning Obligations SPD, (2016).

5. PLANNING APPLICATIONS FOR DECISION

5.1 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced this item for the demolition of existing single storey commercial buildings, with the retention, restoration, and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide a residential led scheme.

He also introduced item 6.1 for the demolition of existing single storey commercial buildings, with the retention, restoration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide a residential led building. This application had been subject to an appeal for non – determination. Therefore, the Council no longer had the power to determine this. Therefore, the Committee were being asked to provide their decision on the application should they have been empowered to determine the application.

The applications would be presented to the Committee and considered together (Officer presentation and Member questions on the application), however would be voted on separately.

Jennifer Chivers (Planning Services) presented the reports. The Committee were advised of the nature of the site including the coach depot and the key features of the cottages. They were also reminded of the surrounding area that mainly comprised light industrial uses. The Committee were also advised of the site allocation in policy (which designated the site for a comprehensive mixed used development with strategic housing) and the current status of the gas works and the impact of this on the development as set out in the Committee report.

It was also noted that the previous two applications for the redevelopment of the site had been subject to a planning appeal by Inquiry in 2016. The Inspector dismissed the appeal on two grounds which related to the height of Block A (at both 16 and 18 storeys) and the retention of the historic Regency and Georgian Cottages. While the appeal was dismissed, the Inspector identified several key features of the scheme as having positive elements and that the proposal bore the hallmark of a well-designed mixed use development. The appeal decisions were important material planning considerations in relation to the applications before members. (The appeal decision was attached to the Committee agenda). The applications shared many similarities with the appeal schemes save for a marked reduction in the height of the proposed buildings and the retention of the cottages.

The officer explained the key features of the applications. The proposed residential use of the site conformed with the site location in policy. Whilst the proposed 10 storey (Block A) building was considered to cause some harm to the Regents Canal Conservation Area, it was considered that the public merits of the application would balance this harm. The proposed development and 8 storey (Block A) would preserve the setting of the Conservation Area

In relation to the 10 storey application, 13% of the housing mix would be affordable housing by habitable room and 6% of the 8 storey application would provide such accommodation. Officers acknowledged that the provision of affordable housing was low. However, taking into account the viability constraints of the site and the appeal decision of the Planning Inspector, and the viability reviews (which all concluded that the maximum provision of affordable housing had been achieved), Officers considered that the proposed development complied with the Council's policies. It was also recommended that a viability review mechanism be secured within an s106 agreement which was recommended to include a requirement to take account, where possible, the use of grant funding to increase affordable housing delivery on site.

It was proposed that the viability review mechanism would provide two opportunities for a review to be triggered, firstly if the development had not been implemented within 24 months from the grant of permission, and secondly at an advanced stage (i.e. when the scheme is 75% occupied). It was also proposed to restrict occupation of Block B where the affordable units were located, so if there was further surplus it could be provided in this location in tangible units.

Officers also explained that the proposed level of child play space complied with policy, that the amenity impacts and transport matters would be acceptable subject to the conditions. They also drew attention to the package of Section 106 obligations.

Overall Officers considered that in view of the merits of the applications that permission should be granted.

In response, the Committee welcomed the retention of the cottages but asked about the scope of the alterations and the measures to preserve their historic features. Officers advised that the cottages would be subdivided and their external features upgraded to preserve their historic features. There would be a condition requiring that a schedule of the works be submitted.

The Committee also asked questions about the height of block B and the location of the affordable housing within this block. It was also questioned if there were any restrictions in policy on the height of this block. Officers confirmed that this block would comprise a mixture of affordable and private units. There would be separate entrances to the private and affordable units. Whilst there was nothing in policy restricting the height of this block to four storeys, the Planning Inspector found that a lower building at this location would complement the setting of the cottages.

Members also asked questions about the level of dedicated child play space giving its proximity to the communal amenity space (within the 'shared amenity space'). Members also sought clarity on the nature of the integrated play space and whether all of the play space would in practice provide such space. Officers reassured Members that the scheme met the policy requirement in relation to play space and that there had been no 'double counting' in terms of play space and amenity space. In addition, a condition would be added to the permission to ensure that the play areas catered for all age groups.

Questions were also asked about the proximity of the site to the gas holders site given the health and safety issues. In particular, concern was expressed about the restrictions preventing the occupation of units pending the decommissioning of the gas holders. Officers reassured Members about the need for this condition given the site's location. It was also noted that the gas holders had not been in use for a number of years and that the site had been bought by a developer who would seek to revoke the hazardous substance consent. In the meantime, it was necessary to add this condition in view of the health and safety issues.

The Committee also asked questions about the density of the application given that it exceeded the guidance in the London Plan and the special circumstances justifying this. Officers advised that this guidance should not be applied mechanistically and felt that the application met the tests in policy in this regard, (given the site allocation, design, mixture of tenures, fact that it could prompt the wider development of the area), amongst other benefits.

Concern was also expressed about the height of the tallest elements of the applications given the mid - rise nature of the surrounding area and the Planning Inspectors concerns about the appeal scheme and also Historic England's comments. It was questioned whether there were any other examples of where the Council had approved buildings of a similar height along the Regents Canal Conservation Area. In response, Officers drew attention to the changing nature of the area and also outlined the prevailing building heights. Officers confirmed that the Council's Conservation Officer was of the view that the 10 storey building would cause some harm to the Conservation Area, but that the eight storey building would not cause any harm. The National Planning policy framework required any harm to be offset by public benefits of the application. Officers felt that on balance that the public benefits would outweigh any harm caused.

Members also asked questions about the land use itself in view the nature of the surrounding area. It was questioned whether consideration had been given to the possibility of a commercial development on the site. In response, Officers drew attention to the site allocation in policy for this site and stated that this had informed the Council's position.

The Committee also asked questions about the land contamination assessment. Concern was expressed about the quality of the land itself given the site's longstanding use as a coach depot and how this could affect the

development. Officers reported that the Health and Safety Executive had not raised any concerns and that there would be a detailed condition relating to land contamination.

The Committee also asked questions that were answered by Officers about the possibility of securing a contributions for offsite affordable housing and the shortcomings of this in terms of the housing mix.

In summary, Members expressed concern about the level of affordable housing (it was feared that this could set a precedent). Members were mindful of the review mechanism but felt that this would not overcome their concerns. Concern was also expressed about the focus on residential and the lack of employment use, given the current employment opportunities at the site. Members also expressed concerns about the height, bulk, massing from block A, the adverse impact on the Conservation Area, (notwithstanding the need for the areas regeneration), given it was a key part of the Borough's industrial heritage. Members were mindful of the concerns of the Planning Inspectorate and Heritage England in relation to this. Concern was also expressed about the lack of certainty as to when the units could be occupied given the issues surrounding the gas works.

On a vote of 0 in favour of the Officers recommendation, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour 0 against and 0 abstentions the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS for the demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). (PA/16/03771)

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

- Land use and lack of employment use.
- Height, bulk and massing of Block A.
- Impact on the character and appearance of the Conservation Area.
- Level of affordable housing.
- Environmental concerns arising from use of the site as a coach depot.

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 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03773)

Update report tabled.

On a vote of 0 in favour, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation that were it empowered to determine the planning permission, the Council would have GRANTED permission.

Accordingly, Councillor Marc Francis proposed a motion that were it empowered to determine the planning permission, the Council would have **REFUSED** the planning permission (for the reasons set out below) and on a vote of 6 in favour 0 against and 0 abstentions the Committee **RESOLVED**:

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission at 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS for the demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1) (PA/16/03773) due to concerns over the following issues:

- Land use and lack of employment use.
- Height, bulk and massing of Block A.
- Impact on the character and appearance of Conservation Area.
- Level of affordable housing.

The meeting ended at 8.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee