

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 26 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 Asma Begum
Councillor Shafi Ahmed
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)
Councillor Danny Hassell (Substitute for Councillor Sirajul Islam)
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Md. Maium Miah)

Other Councillors Present:

Councillor Dave Chesterton

Apologies:

Councillor Sirajul Islam
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Julia Dockerill

Officers Present:

Nasser Farooq	(Team Leader, Planning Services, Place)
Jennifer Chivers	(Planning Officer, Place)
Christopher Stacey	(Senior Planning Officer, Place)
Kevin Crilly	(Planning Officer, Place)
Piotr Lanoszka	(Principal, Planning Officer, Place)
Kevin Chadd	(Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made .

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 4th October 2017 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, 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 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)

Nasser Farooq, (Team Leader – East Area, Planning Services) introduced the application 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.

Jennifer Chivers (Planning Services) presented the application. The application for planning permission was considered by the Strategic Development Committee on 4 October 2017 (along with similar appeal scheme for an 8 storey development for the Committee to express a view to the planning inspector)

The Committee voted against the officer's recommendation for approval and were minded to refuse the application on the following basis:

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

- Environmental concerns arising from use of the site as a coach depot.

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.

The officer recommendation remained to grant the application. However, officers had drafted suggested reasons for refusal to reflect the concerns should Members decide to refuse the application.

Ms Chivers then addressed each of the Committee's reason for refusal.

- Scale of the development.

It was noted that Members expressed concern that the proposal would exceed the prevailing buildings heights within the local context, despite the reductions in the proposals height. It was noted that the proposal presented a marked contrast in scale to the surrounding buildings and it could therefore be considered that the proposal would be out of keeping with the setting of the surrounding area. Therefore, whilst officers considered that the proposal would be acceptable on this ground, it would be reasonable for Members to reach a different conclusion.

- Land use

Members considered that the proposal failed to provide a significant level of employment floor space and that the proposal would not offset the loss of existing floor space. Taking into account the low quantum of employment floor space, Members could conclude that the proposal conflicted with the aspirations in the City Fringe/Tech Opportunity area. A reason on this ground could therefore be defended at appeal

- Level of affordable housing.

Members were advised that it would be reasonable for them to conclude that despite the submission of detailed and robust financial statements (which were independently reviewed), that there were insufficient benefits of the scheme to outweigh the low levels of affordable housing. Officers therefore considered that a reason on this ground could be defended at appeal.

- Impact on the Conservation Area.

Members felt that the proposals would cause harm to the setting of heritage assets and that the merits of the plans would not outweigh this. In the absence of Members identifying public benefits that outweigh the identified harm to heritage, this reason could be defended at appeal.

- Environmental concerns.

It was noted that the applicant had provided a site investigation preliminary risk assessment report. The environmental health contaminated land officer had reviewed the submitted information and considered there was a possibility for contaminated land to exist, however that the risk could be mitigated by condition. The Environmental Health Officer had recommended a two part condition which required a report which identified the extent of the contamination and measures to be undertaken to avoid risk to public and environment. The redevelopment would not be occupied until this remediation had been carried out in full, and further reports have been submitted to the council demonstrating the remediation works had been effective. As such, officers consider that this reason for refusal would be difficult to defend at appeal.

The Committee were also advised of the implications of a refusal and the possibility that any appeal would result in a cost of awards.

In view of the advice, the Committee agreed that the fifth suggested reason in respect of land contamination should not be pursued.

It was also noted that the application was for a 10 storey development and that the reasons should read as such.

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

Councillor Marc Francis moved that the application be refused for the reasons set out in the 26th October 2017 Committee deferral report with the exception of the reason for refusal on land contamination.

On a vote of 4 in favour, 0 against and 0 abstentions, it was **RESOLVED**:

That planning permission at **REFUSED** 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) for the following reasons as set out in the 26th October 2017 Committee deferral report

Reason 1 - Scale of development

1. The proposed development does not respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and fails to integrate with heritage

assets in the surrounding areas; Block A at 10 storeys would be significantly higher than the prevailing height of development, within its local context, the Regents Canal and within the Regents Canal Conservation area. It would therefore be contrary to policy SP10(4) of the Core Strategy (2010), Policy DM24 of the Councils adopted Managing Development Document (2010) and Policy 7.3 and 7.6 of the London Plan (2016).

Reason 2 - Land Use

2. The proposal results in the loss of an existing business which has not been adequately justified, loss of an existing employment site and low quantum of replacement employment floorspace is contrary to the objectives of the City Fringe / Tech City Opportunity Area Framework and meeting the needs of small-medium enterprises, start-ups and creative and tech industries. As such the proposal is contrary to Core Strategy Policy SP06, Policy DM15 of the Councils Managing Development Document (2010), policies 4.3 and 4.4 of the London Plan (2016).

Reason 3 – Housing

3. By virtue of its excessive density, and level of affordable housing in a strategic housing allocation which falls significantly below the Council's target of 35 – 50%, the proposed new housing would not assist in the creation of a sustainable place and contribute to the creation of socially balanced and inclusive communities and would fail to meet identified housing needs contrary to Policy SP02 of the Council's adopted Core Strategy (2010), Policy DM3 of the Council's adopted Managing Development Document (2013) and Policies 3.3, 3.4, 3.9, 3.11, 3.12 and 3.13 of the London Plan (2016).

Reason 4 - Impact on the Conservation Area

4. The proposed development would cause less than substantial harm to the Regents Canal Conservation Area and would fail to preserve or enhance the character of this heritage asset. Block A at 10 storeys would be significantly higher than the prevailing height of development, within the Regents Canal Conservation area. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme. The scheme would therefore be contrary to paragraph 134 of the National Planning Policy Framework, and policies SP10 of the Core Strategy (2010) and policies DM24 and DM27 in the Managing Development Document.

Reason 5 – necessary mitigation not secured

5. 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).

5. PLANNING APPLICATIONS FOR DECISION

5.1 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14

Update report.

Nasser Farooq (Team Leader – East Area, Planning Services) introduced the application for the demolition of existing buildings at the site and the comprehensive mixed use redevelopment of the site including two buildings ranging from 26 storeys to 30 storeys

The Chair invited registered speakers to address the Committee

Councillor Dave Chesterton and Iain Dootson, local resident, spoke in opposition to the application. It was considered that the proposal did not comply with the Council's stepping down policy for tall buildings, due to the height of the proposal. The proposal would exceed the height of the surrounding buildings. It would also harm the setting of the Glengall Bridge and impact on access to the area, particularly during the construction phase and cause overshadowing to properties. The proposals would increase parking stress. The travel information was out of date. The density of the proposal would be too high, and put pressure on local services that were already at capacity. There was also a lack of genuinely affordable housing and concerns about the suitability of the child play space.

In response to questions, the objectors explained in further detail their concerns about the height of the proposal in view of its proximity to low rise developments. It would create a 'cliff edge affect' and be not in keeping with the existing pattern of development near lower rise buildings that provided a more appropriate gradient in building. It would therefore conflict with policy and the emerging tall buildings policy. They also clarified their concerns about the affordability of the housing and felt that this would not offset the breach in tall buildings policy and the impact of local infrastructure.

Mark Gibney (Applicant's representative) spoke in favour of the application. He advised of the changes made to the proposals, following engagement with the Council, the GLA and the Council's Conservation and Design Advisory Panel. The height of the building had been reduced and it was considered that it would conform with the policy and emerging policy and fulfilled the aspirations of the site allocation in policy. There would be conditions to mitigate the construction impact and preserve access. There would also be a generous level of play space, amenity space, public realm improvements and a car free agreement with opportunities for assessable parking spaces. TfL

had not raised any concerns about the impact on the transport network. The scheme would provide a generous level of affordable housing weighted in favour of family sized units.

In response to questions, Mr Gibney reported that the applicant and officers had carried out a lot of work in terms of assessing the impact of the height. Overall, it was felt that it would broadly comply with the Council's policy in terms of building heights. In response to further questions he provided assurances about the transport assessment. With the permission of the Chair, the applicant's highways specialist, outlined the findings of the travel survey and explained that it complied with the relevant standard. So it included up to date information.

In response to further questions, the speakers provided reassurances about the measures to mitigate the construction impact, the nature of their consultation and the waste management measures. It was also reported that the proposal would preserve the setting of neighbouring buildings and their development potential.

Chris Stacey (Planning Services) presented the application explaining the site location, the site allocation in policy and the planning history. He explained that Officers had worked hard with the applicant to improve the level of affordable housing, the play space offer and the appearance of the proposal amongst other issues. He also explained the key features of the application and the outcome of the consultation.

It was reported that the introduction of a residential - led mixed used development on the site including a new nursery complied with policy. The loss of the existing employment use to allow for the development could be considered acceptable in this instance. Given the lack of businesses with long lease agreements, it would not unreasonable impact existing businesses. Furthermore, the applicant had indicated that they would be prepared to help the businesses relocate.

The proposal would provide an acceptable level of affordable housing of a high residential standard - 35% of the overall amount of housing mix. This included the provision of social/affordable housing at TH living rents and London Affordable rents and family units at the lower London Affordable rent levels. This offer exceeded what could be considered to be the maximum level viable. The applicant had however indicated that they were prepared to take a long term view in terms of the rental incomes. It was noted that the height of the proposal would exceed the surrounding building heights in the area from the north to the south. However, it would broadly step away from taller buildings when viewed from east and west.

It was also considered that the proposal was acceptable in terms of its design, heritage impacts, neighbouring amenity and transport matters. Further work had been carry out to address the issues raised by LBTH highways in the Committee report. There would also be a financial contributions for local infrastructure.

In view of the merits of the application, Officers were recommending that it was granted planning permission.

The Committee asked questions about the height of the proposal given it would involve a 'step up' from the north of Canary Wharf in terms of building heights. It was questioned if this escalation in height complied with building heights policy and would sit conformably with the lower rise buildings nearby. Clarity was also sought as to the weight that should be attached to the emerging tall building study. The Committee also asked questions about the child play space, in terms of the allocation for the different age ranges and tenure types. Members also asked questions about the density of the proposal and the special circumstances justifying this, the location of the affordable housing and also the microclimate measures.

Questions were also asked about the sunlight and daylight impacts particularly to 45 Millharbour, the impact on parking, the scope of the trip assessment in the Committee report given the highway services comments, the community facilities and the measures to ensure that the proposal would be secure by design.

Officers advised that the proposal would comply with the planning policy on buildings heights in the area despite the escalation in height. The policy sought to create an overall stepping down to the north of Canary Wharf and this building would broadly conform with this when viewed from the wider context. It should also be noted that the building would mark the junction of key routes. Therefore in view of these issues, a tall building at this location could be supported. The emerging tall building study should be given limited weight at this stage as it had not been subject to public examination and had not been adopted as part of the Council's new local plan.

The affordable housing units would be located in block B and there would be one entrance for this block. It was also noted that the wind tunnelling measures had been assessed by the EIA consultants and the EIA Officer and considered to be acceptable.

It was noted that the child play space offer met the policy requirements and the allocation reflected the anticipated child yields for the different sized units. It included play space for younger and older children. The proposal would provide a nursery, but apart from this, no other community uses were proposed. The scheme would be subject to a car free agreement and there would be limited opportunities to park vehicles on the surrounding streets in view of the parking restrictions. Therefore, the impact on parking should be minimal.

It was also reported that the travel study included the proposed residential and nursery use. In view of the findings, Officers considered that the proposal would not have an adverse impact on the highway network.

The scheme displayed no symptoms of overdevelopment and it should also be noted that the policy directed tall buildings to the area. Therefore on these grounds, it was felt that in density terms the proposal could be supported.

It was felt that the impact on neighbouring amenity could be considered acceptable for an urban setting. Whilst the proposal would have a minor to moderate impact on neighbouring sunlighting and daylight levels to 45 Millharbour, the results of the study could partly be attributed to the presence of balconies above windows within the existing developments. These characteristics acted as a constraint on their outlook.

Officers also explained the secure by design measures

Overall, Members expressed concerns about overdevelopment of the site, the pressures on local services, the height of the building and the lack of employment uses within the application. It was felt that the proposal took its reference from buildings in the area that represented overdevelopment.

On a vote of 0 in favour, 6 against and 1 abstention, 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 1 abstention the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission at 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 be **NOT ACCEPTED** for the demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 1,708sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works.

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

- Height and the failure to step down
- Overdevelopment of the site
- Bulk and massing of the application.

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

5.2 East India Dock Basin, Lower Lea Crossing

Update report tabled.

Nasser Farooq (Team Leader – East Area, Planning Services) introduced the application to relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel would occupy an elevated position on the east side of the Lock Entrance beside the River Thames. The application had been submitted to the Committee as it involved open metropolitan land

Kevin Crilly (Planning Services) presented the report explaining the nature of the site, the surrounds and the site designations in policy for the site and the historic importance of the vessel. The committee were also advised of the outcome of the consultation.

The committee were advised that the loss of 1.3% of the existing Metropolitan Open Space could be considered to be acceptable in this instance as the proposed development met the relevant exceptions in policy for developing within metropolitan open space and would provide additional cultural and historic interest within the Borough. It was considered that any impact upon the open character of the East India Dock Basin would be outweighed by the benefits of the proposal. The Council's biodiversity officer had raised no objections to the proposal. Officers were also of the view that the proposed location of the vessel was acceptable in terms of its layout, scale and appearance. Therefore, officers were recommending that the proposal was granted planning permission and listed building consent.

Members asked about the measures to guarantee public safety and it was noted that the vessel would only be viewable from the outside during daylight hours and there would also be on site management.

The Committee welcomed the proposal and thought that it would be a valuable addition to the borough's heritage.

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

1. That planning permission and listed building consent be **GRANTED** at East India Dock Basin, Lower Lea Crossing to relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin subject to:
2. That the Corporate Director of Place is delegated authority to issue the planning permission and listed building consents and impose conditions and informatives to secure the matters set out in the Committee report
3. Any other conditions and informatives considered necessary by the Corporate Director of Place.

The meeting ended at 9.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee