

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 15 FEBRUARY 2018

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

Members Present:

Councillor Marc Francis (Chair) (items 1-4 & 6.1)
Councillor David Edgar (Vice-Chair)
Councillor Sirajul Islam
Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Danny Hassell (item 5.1)
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)

Other Councillors Present:

Councillor Khaled Uddin Ahmed
Councillor Gulam Kibria Choudhury
Councillor Aminur Khan
Councillor Rabina Khan
Councillor Andrew Wood

Apologies:

Councillor Julia Dockerill

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Brian Hurwitz	(Legal Advisor)
Kate Harrison	(Principal Planning Officer , Place)
Simon Westmorland	(Senior Planning Officer, Place)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Place)
Zoe Folley	(Committee Officer, Governance)

The agenda order was varied at the meeting to consider item 6.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920) before item 5.1 Chrisp Street Market, Chrisp Street, London (PA/16/01612). For ease of reference, the items are listed in the minutes in the order that they appeared on the agenda.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis reported that he would not be participating in agenda item 5.1 Chrisp Street Market, Chrisp Street, London (PA/16/01612). Councillor Francis left the meeting for the consideration of this application.

Councillor Peter Golds declared a personal interest in agenda item 6.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920). This was on the basis that he had undertaken consultancy work on behalf of Sainsburys.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 11 January 2018 be agreed as a correct record and signed by the Chair subject to the inclusion of Councillor Peter Golds in the list of Councillors present.

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

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Chrisp Street Market, Chrisp Street, London (PA/16/01612)

Councillor David Edgar (Chair) for this item

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for the comprehensive redevelopment of the site comprising the demolition of existing buildings (with the exception of the Festival of Britain buildings, Clock Tower and Idea Store) for the erection of a 19 new residential buildings (including the re-provision of the 124 existing affordable residential units); existing market enhancement, the reconfiguration, replacement and provision of new commercial uses and associated works.

The Committee's attention was drawn to the two update reports for this application detailing: changes to the proposed affordable housing, the offer to provide additional affordable retail units as well as clarifications and additional representations.

The Chair invited registered speakers to address the Committee.

Ammar Hasanie and Terry Mcgrenera spoke in objection to the application. They expressed concern about the applicant's consultation and the lack of engagement with local residents and businesses. They also expressed concern about the lack of car parking and the findings of the applicant's transport survey that concluded that most of the visitors to the market travelled to and from it by foot or public transport. The objectors felt that many more customers travelled by car. Concern was also expressed about the amount of affordable housing proposed. There would be a disproportionate increase in the number of private housing compared to affordable housing. More affordable housing should be provided.

In response to questions from Members, they clarified their concerns about the lack of consultation by the developer and engagement with the local community. It was felt that a 'top down approach' had been undertaken with very little publicity resulting in a lack of awareness of the plans in the community.

Jean Cuomo, local business owner and Anastasia Edwards, local resident spoke in support of the application. They considered that the scheme would regenerate the area, provide greater choice, increase footfall and trade and address security issues. The local community had been kept fully informed of the plans and the proposals had been regularly discussed at the Chrisp Street Partnership meetings. There was concern about the continued operation, the increased rents and the physical state of the centre and the market area if the development did not go ahead.

In response to questions from the Committee, they discussed in further detail the consultation process including the role of the Chrisp Street Partnership in raising awareness of the plans with the local traders over many years. They also shared their thoughts about the affordability of the new rent level for the traders and the phasing plans.

Scott Hudson (Applicant's representative) spoke about the planning benefits of the application. He emphasised the scope of the applicant's consultation with the local community. Details of which had been submitted to the Council.

In response to the questions from the Committee, he considered that the Chrisp Street Market was in need of regeneration. The applicant had consulted widely and the plans had been widely publicised for all to see. For example, there had been one to one meetings with traders, festival events, and a detailed statement of community involvement. In terms of the local traders, there would be a Retail Management strategy (that had been updated) to ensure that those who wished to, would have the opportunity to renew their lease with fixed rents levels until the completion of the first phase of the scheme. The rents would then be incrementally increased. There would also be measures to support those who wished to relocate. The retail strategy would be secured via a legal agreement. With the permission of the Chair, Chris Clarke from the applicant's team also answered questions about the proposed phasing plans.

Regarding the Post Office, the applicant's team reported that it would have the opportunity to relocate to one of the units within the development. Steps would be taken to ensure a continuation of trade during the construction phase. The applicant's team also advised that there would be car parking for local traders in the form of garages, and no dedicated parking for customers. Such restrictions on parking complied with planning policy. The applicant's team also stated that customer car parking could however be provided near the site should this prove necessary. The planning officers later clarified, parking was only to be provided for marker traders not for customers or commercial occupants.

In response to further questions, it was reported that there would be an increase in restaurants alongside, new community uses, affordable work space and an opportunity to expand the Chrisp Street Idea store. The application would provide a good mix of uses. It was also reported that the scheme had been carefully designed to respect the setting of the area including the recently listed Clock Tower. The proposal would provide a good level of affordable housing. The level of which had recently been increased as set out in the update report. Whilst there would be a loss of 6 affordable units, from the previous iteration of the scheme due to the conversion of small to larger units, but an overall increase of 76 units and an uplift of 11.9% affordable housing by habitable room from the existing situation.

Kate Harrison (Planning Services) presented the application describing the site location, the surrounding area and the existing site. The Committee were advised of the key features of the application including the proposed massing

and height, the layout, the market enhancements and the public realm improvements. Consultation had been carried out and the main issues raised were noted. The concerns most frequently raised in objection related to: a lack of car parking, affordable family housing, a lack of consultation and the proposed terms for the existing businesses. The representations in support stated that the area was in need of regeneration so the proposal was welcomed.

In terms of the land use, the proposed mix of floor space complied with policy. There would be a Retail Management Strategy setting out the terms offered to the businesses who wished to remain and the support that would be provided to the existing businesses. Details of this agreement and the concessions in terms of the rents levels were noted. The applicant had also agreed to provide a number of affordable retail units and there would also be an obligation requiring reasonable endeavours to relocate the Post Office. There would be dedicated car parking for market traders and blue badge spaces.

The scheme would provide a good level of affordable housing – 35.9% of the housing mix. Of the 206 affordable units, 136 would be at social rent, 27 would be at Tower Hamlets Living rent and 37 would be intermediate (shared ownership). The units would be ‘tenure blind’.

It was also considered that the child play space complied with policy in terms of the quantum and the distribution. The design, layout and massing of the proposal responded well to the context and would result in less than substantial harm to heritage assets. The proposal would not significantly adversely impact on the amenity of surrounding residents. Incidences of direct overlooking would largely be avoided. There would be some impact on properties in terms of loss of sunlight and daylight, but such impacts could be attributed to the design of these existing developments amongst other matters. Planning obligations had been secured.

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

In response to the presentation, the Committee asked questions about the car parking plans and the impact from parking stress from the scheme. Officers confirmed that there would be dedicated parking for the market traders and this would be secured in the legal agreement. Apart from this, no other plans had been formally submitted in relation to additional car parking and agreed with Officers. It was reported that the transport assessment and the trip forecasts for the proposal had been assessed by the Council’s Highways team and they had no objections to the application subject to the conditions. It was also noted that the site had good transport links.

Members also asked questions about the increase in drinking establishments and the impact of this on the night time economy and levels of anti-social behaviour. Officers reported that there would be a management plan to minimise any impact in this regard. Environmental Health could also take

steps to address any issues. Overall, given the site's location in a town centre the proposed mix of uses was considered appropriate.

Questions were also asked about the uplift of affordable housing compared to that for the private units and the affordability of the intermediate housing. There was also some concern about the loss of affordable housing compared to the existing site. Members also asked questions about the rehousing strategy for the existing tenants. Officers reported that there would be an uplift in affordable housing compared what was currently on site. The offer had been increased during the course of the application process. Consideration had been given to increasing the level of affordable housing to 40% with additional grant support. However it was found that this would result in a greater deficit than the currently proposed level so would not be viable. There would also be a review mechanism at three points in the scheme to increase the level of affordable housing if the scheme could support this. In response to further questions, officers clarified the rent levels for the affordable and intermediate units.

The Committee also asked questions about the relocation of the Post office. The Committee sought reassurances that it would be safeguarded. Officers confirmed that there would be measures to ensure this as detailed in the presentation. It was also understood that there would be a number of retail units in the development where they could potentially relocate should the post office wish to remain in the scheme.

Officers also answered questions about the child play space plans in terms of the quality and the amount of internal and external play space.

Having considered the issues, Members discussed the need to defer the application for further information on a number of areas. In response Officers advised the Committee about the potential implication of this in terms of the grant funding and future policy changes in relation to consultation on regeneration schemes.

Councillor David Edgar proposed and Councillor Asma Begum seconded a proposal that the application be deferred for the reasons set out below. On a vote of 7 in favour and 1 against the Committee **RESOLVED:**

That the application for planning permission at Crisp Street Market, Crisp Street, London be **DEFERRED** for the comprehensive redevelopment of the site (the full description of the proposal is set out in the Committee report and the update report)

The Committee were minded to defer the application for further consideration and information on the following issues:

- The level of affordable housing being provided.
- The applicant's consultation with the local community.
- The increase in A4 (Drinking Establishments) in terms of the measures to mitigate any adverse impact from such uses.

- The measures to safeguard the Post Office within the development
- Details of the car parking plans.

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 addressing the above issues.

6. OTHER PLANNING MATTERS

6.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920)

Update report.

Paul Buckenham (Planning Services) introduced the application for the demolition of the existing store and decked car park to allow for a replacement Sainsbury's store to include an 'explore learning' facility, flexible retail/office/community floorspace, 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height with associated works.

The Committee were advised that on the 14 December 2017, the Planning Inspectorate notified the Council that an appeal had been submitted because the statutory period for determining the application had expired and no decision had been made. As such, the powers to determine the planning application had been taken away from the Council and now lie with the Secretary of State (Planning Inspectorate). The Committee was advised to consider the application in the same manner as it would have done if the decision to determine the application had not been removed from the Committee. The Committee's resolution would determine the position that the Council would adopt at the Appeal. The appeal for non-determination would be considered alongside the appeal for the refusal of planning application PA/15/00837 in May 2017 at a conjoined Public Inquiry with the appeal.

Simon Westmorland (Planning Services) presented the report describing the site location, the surrounding area including the conservation areas and the listed buildings that were close to the site. He also referred to the consultation responses and the issues raised. The Committee were reminded of the concerns about the previously refused application relating to harm to heritage assets and loss of sunlight and daylight to neighbouring properties. Members noted the key changes to the proposal in terms of the reduction in the height of the proposal that had in turn reduced the number of residential units.

The Committee were advised of the key features of the application, including the proposed layout, floorspace, the elevations and the new walkway. Overall the proposal was considered to have a good design. The application would provide 17.5% affordable housing by habitable room (65 units). This falls significantly below the development plan policy requirements for 35 to 50 per cent affordable housing provision. The viability of the application had been independently tested on behalf of the Council and by the Greater London

Authority (GLA). However no agreement on the viability of the application had been reached and the GLA considered that the amount of affordable housing to be wholly unacceptable. The application was appealed before viability matters could be resolved.

In heritage terms, the reduction in height had removed some of the harmful impacts from the previous refusal, particularly in relation to the Grade 1 listed Trinity Green Almshouses. However, the scheme would still result in less than substantial harm to the Grade 11 listed Albion Yard Brewery and the Whitechapel Market Conservation Area. In terms of the daylight and sunlight issues, there had been some positive improvements to a limited number of nearby properties when compared to the previous refusal. Despite this, the proposal would still result in the loss of daylight and sunlight to a significant number of neighbouring properties.

The Committee also noted the revised play space requirements and the issues around the felling of the trees.

Overall, it was considered that, whilst there were a number of public benefits arising from the application, these were not considered sufficient to outweigh the harm to the heritage assets. Additionally the proposed level of affordable housing was not justified and failed to meet the policy targets. Finally the changes with respect to daylight/sunlight were not considered sufficient to overturn the refusal of the previous application on these grounds.

Therefore, Officers were recommending that the application should be refused permission for the reasons set out in the Committee report.

The Committee asked questions about the level of affordable housing and the efforts to increase this from 17.5% of the proposed housing. They also asked questions about the lack of an agreed position on the viability assessment. It was reported that a lot of work had gone into looking at the viability of the scheme (as detailed in the presentation). Should the appeal not have been submitted, Officers would have carried out further work to try to increase the level of affordable housing given the shortfall. However, the appeal was submitted before such further action could be taken. The Greater London Authority considered that the level of affordable housing was unacceptable and had questioned the methodology used for the viability assessment.

The Committee also asked questions about the sunlight and daylight impacts particularly to Albion Yard, Kempton Court and Grindall House.

It was noted that these properties would experience a moderate/adverse impact in terms of loss of daylight and sunlight with some properties experiences a major loss of daylight and sunlight

In response to further questions, it was noted that any new application submitted before the planning appeal inquiry, would need to be considered on its planning merits.

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

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission at Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920) the Council would have **REFUSED** permission for:

- Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store to include a 'explore learning' facility, flexible retail/office/community floorspace, 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height, an energy centre and plant at basement level; car parking spaces, the creation of a public realm route, public realm enhancements and associated highway works. (The full description of the proposal is set out in the Committee report)

For the following reasons as set out in the Committee report:

- 1) The affordable housing offer of 17.5% within the proposed development would fail to meet the minimum requirement of the adopted Tower Hamlets Local Plan. The offer has not been justified in financial viability terms and would fail to provide an adequate amount of affordable housing to meet strategic targets.

The development consequently fails to accord with a number of material considerations, including but not limited to: the Borough's adopted Development Management Document policy DM3, the Borough's adopted Core Strategy policy SP02, the adopted London Plan including policies 3.8, 3.11 and 3.12, the National Planning Policy Framework and supplementary planning guidance as set out in LBTH's Development Viability SPD (October 2017), LBTH Planning Obligations' SPD (2016) and the Mayor of London's Affordable Housing and Viability SPG (August 2017).

- 2) The proposed development within the setting of the Grade II listed Albion Yard Brewery would cause less than substantial harm to the significance of the heritage asset and would fail to preserve or enhance the character or appearance of the Whitechapel Market Conservation Area, by reason of the adverse impacts of the development upon townscape views of Albion Yard Brewery from Whitechapel Road.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

- 3) The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties namely, Albion Yard, Blackwood, Berry, Collingwood and Grindall Houses, Kempton Court, Key Close breaching guidance in the Building Research Establishment Handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 B(d) and the Borough's 'Managing Development Document' Policy DM25 Amenity.

- 4) In the absence of a legal agreement to secure financial and non-financial contributions including affordable housing, street market enhancements, highway works, land allocated for Transport for London bike station, employment, skills, training and enterprise, and energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on highways, local retail sector, local services and amenities. This would be contrary to the requirements of Policies SP01, SP02, SP09, SP12, and SP13 of the LBTH Core Strategy, Policy DM1, DM3, DM20, DM21 of the LBTH Managing Development Document and Policies 2.15, 3.11, 3.12, 4.7, 6.3 and 8.2 of the London Plan and the LBTH Planning Obligations SPD 2016.

The meeting ended at 10.30 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee