

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON THURSDAY, 9 MAY 2019

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

Members Present:

Councillor John Pierce (Chair)
Councillor Abdul Mukit MBE (Vice-Chair)
Councillor Dan Tomlinson
Councillor Val Whitehead
Councillor Zenith Rahman

Other Councillors Present:

Councillor Tarik Khan
Councillor Gabriela Salva Macallan
Councillor Andrew Wood

Apologies:

Councillor Dipa Das
Councillor Kevin Brady
Councillor Rabina Khan

Officers Present:

Elizabeth Donnelly	(Principal Planning Officer, Place)
Jane Jin	(Team Leader, Planning Services, Place)
Paul Buckenham	(Development Manager, Planning Services, Place)
Amanda Helliwell	(Legal Services, Governance)
Christina Gawne	(Principal Planning Officer, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interests

2. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the meeting of the Strategic Development Committee held on 28 March 2019 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

There were no items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Poplar Gas Works, Leven Road, London

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for a hybrid planning application (part outline/part full) for a mixed used comprehensive development of the site.

Elizabeth Donnelly (Planning Services) presented the report, describing the site location, the nature of the outline planning application and the key features of each phase of the scheme.

It was noted that the overall development would deliver a mix of land uses contributing to sustainable development in line with the site designations.

The Committee noted that the development would deliver:

- 2800 new housing with 35% affordable housing (up to 980 affordable homes), helping meet housing targets.
- A policy compliant tenant split of affordable housing to be delivered in phase 1 of the scheme. The standard of the accommodation would be of a high quality and meet the relevant standards.
- Provision of amenity and play space across phase 1 that exceeded the policy requirements.

- Retail, leisure and community uses.
- Land for a new school to be transferred to the Council to deliver.
- Open space. This included a public park within phase 1 of the scheme and a new river walkway, opening up a previously closed route and facilitating access to the surrounding area.
- Improved permeability through the site and to the surrounding area.
- Measures to safeguard the provision of the land for future bridge connections.
- Financial contributions for improved bus connectivity.
- That the proposed design and building heights would be in keeping with the area.

In terms of the amenity impacts, it was noted that the development would cause some impacts to neighbouring properties particularly in terms of sunlighting and daylighting. However, officers were satisfied that the buildings had been designed in a manner in order to minimise impacts.

The Committee also noted the outcome of the consultation and the key issues raised.

Tom Ridge, addressed the Committee. He expressed concern about the treatment of the retained gasholder no 1 bays and landscape setting, highlighting its historic importance. He expressed the opinion that features of the gasholder(s) should be retained and displayed. He also referred to his letter of 30 April 2019, proposing six conditions. He expressed concern that the letter had not been included in the update report and requested that these conditions should be agreed. He felt that the bays should be given equal importance as the green link.

Councillor Andrew Wood also addressed the Committee. He expressed concern in respect of public transport issues given the low PTAL rating of the site. He expressed concern about the poor quality of the existing pedestrian route to the Canning Town station and the lack of progress with building a new bridge. He stressed the need for action to improve the transport capacity, particularly the bus capacity to accommodate phase 1 of the development. He was of the view that the application should be deferred pending the completion of an in-depth transport study, or a condition should be attached to secure this.

With the permission of the Chair, Steven Tomlinson (London Legacy Development Corporation) addressed the Committee. He referred to their representations about the connectivity issues and the delivery of the bridge. This was a longstanding aspiration for the London Legacy Development Corporation. He considered that the current application could jeopardise the bridge's delivery. He stressed the need for the details of the new bridge to be secured ahead of finalising the foot print of the application.

Simon Lewis, (St Williams) spoke in support of the application. He drew attention to the merits of the application in terms of: the connectivity and open

space improvements, the provision of community facilities, the delivery of many new homes including family sized housing and the delivery of a land for a new school amongst other benefits. He also highlighted the measures to safeguard land to deliver future river crossings. The application had been subject to a substantial amount of consultation and this had informed the proposal.

Questions to Objectors:

In response to questions about the revised condition regarding the retained elements of the gas holder, no1 bays, Tom Ridge emphasised his concerns about the summary of his representations in the update report (set out in full in his letter dated 30 April). He explained in further detail his concerns regarding the suitability of the proposed display bays.

Steven Tomlinson also clarified his concerns about the delivery of the 2010 bridge. He considered that agreeing the layout of the scheme as proposed without securing details of the bridge in advance of this may impeded its delivery.

Committee Questions to Officers:

In response to questions about the delivery of the bridge, it was noted that steps had been taken to facilitate the delivery of this. The finding of the applicant's high level feasibility study had been independently reviewed by experts appointed by the Council. The report concluded that the development would deliver a feasible piece of land in terms of facilitating the future delivery of the bridge.

In response to further questions about the bridge, Officers outlined some of the consultations responses from external consultees and the lack of certainty around the bridge's delivery and its timescale. It was confirmed that its deliver would require the cooperation of number of third parties and the resolution of issues that was outside of the applicant's control. All that the Council could do in relation to this application was to seek the safeguarding of the land for crossings. Members were also reminded of the need to consider the application on its merits and that the plans met the Site Allocation Policy in relation to the future delivery of river crossings. It was also noted that the planning permission for the bridge granted permission in 2011 had expired.

Officers also confirmed that, since this application was (in part) an outline application and delivered in phases, the finer details would be regularly reviewed as part of the reserve matters applications should planning permission be granted. This approach would enable the Council to review each reserve matters applications and take any action necessary to facilitate plans for the delivery of the bridge. In addition, there was also a planning obligations requiring that a local connectivity study be carried out. Should the study identify any issues requiring the amendment of the scheme to facilitate new plans for a bridge, it would be possible that the plans could be amended at the reserved matters stage.

In relation to the responses received from TfL, Officers were mindful of their comments about the need for connectivity improvements, particularly at phase 2 of the scheme and beyond amongst other issues. In view of this, it was emphasised that, the transport plans would be continually reviewed as outlined above. It was also emphasised that contributions had been secured for bus capacity improvements in line with policy. It was also considered that a contribution for strategic transport infrastructure was not necessary to make the application acceptable.

In view of the issues regarding the delivery of the bridge and the connectivity challenges, the Committee discussed whether it would be possible to secure further measures requiring that the connectivity of the site be improved before the future phases of the scheme was delivered. The Committee were keen to ensure that the plans could facilitate any new bridge's delivery.

The Committee also discussed the possible of requiring that the bridge was delivered before phase 2 of the development could be progressed. In response, Officers expressed caution about delaying the implementation of the development pending the delivery of the bridge given the uncertainty around this and time it could take to deliver. Members would need to consider that such a condition was absolutely necessary on planning grounds to make the scheme acceptable.

Having considered the issues, Members agreed that the conditions should include the following in respect of the local connectivity study,

- a more detailed condition regarding the need to submit a detailed transport study prior to the submission of the reserved matters for phase 2 stage of the application.

In response to questions about the retained gas holder no 1 bays, it was noted that Officers had worked with the East End Waterways Group, in drawing up this condition in the update report around the setting and the landscaping. It was noted that the proposals would be subject to further consultation with EEWG and other local groups. Officer's also clarified that Mr Ridge's letter had been made available on the Council's website in line with the normal practice and that its content had been summarised and taken into account in drawing up the conditions.

Questions to the applicant:

In response to questions, Simon Lewis provided reassurances regarding the flood control measures, requested by the Environment Agency. He also provided assurances about the plans to locate the assessable apartments near the ground floor.

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

1. That subject to any direction by the London Mayor, conditional Planning permission is **GRANTED** at the Poplar Gas Works, Leven Road, London for a hybrid planning application (part outline/part full) for a comprehensive mixed used development, subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report.
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report including the following:
 - the indicative wording set out in paragraph 2.2 of the update report in respect of the planning condition no 32 listed in paragraph 8.6 of the Committee report
 - In relation to the local connectivity study, a more detailed condition regarding the need to submit a detailed transport study prior to the submission of the reserved matters for phase 2 stage of the application.

5.2 255-279 Cambridge Heath Road, London, E2 0EL

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for the demolition of existing buildings on site and redevelopment to provide a residential lead development

Christina Gawne (Planning Services) presented the report, highlighting the site surrounds and key features of the application.

The Committee noted the following issues in respect of the application:

- The concerns around the proposed affordable housing split and the commuted sum.
- Concerns about the overall residential mix.
- That the standard of the new dwellings broadly met the housing standard requirements.
- That the impact on amenity was considered to be acceptable. Whilst it was noted that a number of neighbouring properties would experience impacts, given the mitigating factors (transient nature of the

surrounding student accommodation, the design of the buildings that restricted exposure to light), such impacts were considered to be acceptable.

- The concerns regarding the lack of information submitted to assess the wind/microclimate effects, and the consequences of this.
- The public highways issues in view of the safety concerns.
- The design and heritage issues. Officers considered that the proposed 15 storey element in particular would be out of context with the area and detract from the character of the area. The design would incur harm, albeit less than substantial harm, upon neighbouring heritage assets. Officers were of the view that the public benefits of the scheme, which were greatly reduced due to the above mentioned issues, would not be significant enough to outweigh the harm caused.

For the reasons set out in the report, Officers were recommending that the application was refused permission.

Councillors Gabriela Salva Macallan and Tarik Khan addressed the Committee. They expressed concerns regarding the failure to comply with GLA's Affordable Housing and Viability SPF and the commuted sum for off site affordable housing, given the expectations in this regard for former public land. They also expressed concern about the wind climate issues and additional parking congestion in the surrounding streets.

Amit Malhotra (applicant's representative) spoke in support of the application, highlighting the benefits of the application and that the Council's consultation had resulted in more representations in support than objection. The application had been amended to address the concerns raised at the pre application stage by the Council about the development. He considered that the revised application provided the maximum amount of affordable housing that could be delivered working within the design parameters requested by the Council. Mr Malhotra also noted that the current offer may not be available at a later stage if the Committee refused the application. Mr Malhotra also provided assurances about the servicing plans and that the micro climate issues could be mitigated by conditions. The proposals were of a high quality design would bring the site back into use. The GLA considered that the application was acceptable.

Members Questions to applicant's representative:

In response to questions about the commuted sum, it was reported that the application when initially submitted achieved a tenure compliant split. However, due to the nature of design changes, this could no longer be achieved. Therefore a commuted sum had been proposed to make up the shortfall.

In response to questions about the permeability of the site, Amit Malhotra confirmed that the future plans for the arches and removal of the wall were conceptual images only and were not a part of the application.

Officers advised that their advice had been consistent throughout the planning process, and were willing to continue with the negotiations to resolve the issues. However the applicant had reached the stage where they wished for a decision on the application to be made, preventing further negotiations to take place.

Officers also advised that the following wording should be removed from the first reason for refusal (regarding the affordable housing offer split and viability) on planning grounds, as the application did not qualify for the Mayor of London's fast track approach to development viability:

'that could be generated by the development and does not meet the 50% threshold required by the GLA Affordable Housing and Viability SPG which is applied as the site is 'public land'

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

That subject to any direction by the Mayor of London, planning permission is **REFUSED** at 255-279 Cambridge Heath Road, London, E2 0EL for the Demolition of existing buildings on site and redevelopment to provide 189 residential units and 1,676 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, B1 and/or D1) in two buildings ranging from 5 to 15 storeys, along with disabled parking, servicing, cycle parking, public realm and amenity space for the following reasons as set out in the Committee report:

1. Affordable housing offer, split and viability

The proposed affordable housing split at 46:54 in favour of intermediate tenure does not accord with Council's policy which requires a 70:30 split in favour of rented tenure.

The application fails to deliver the maximum reasonable amount of affordable housing on site.

As such the proposal is not in accordance with the National Planning Policy Framework (NPPF) (2019), Chapter 5, and development plan policies including London Plan policy 3.12 (MALP 2016), the GLA Affordable Housing and Viability SPG (2017), Core Strategy policy SP02 (2010), Managing Development Document policy DM3 (2013) and Emerging Local Plan policies S.H1 and D.H2 (2019).

2. Residential mix

Specific housing mix targets are set within Managing Development Document policy DM3 to account for housing issues local to Tower Hamlets; such as the need for family sized dwellings and social rented tenures. The proposed unit mix across all housing types does not accord with the current targets of Managing Development Document policy DM3 (2013) and does not accord with the principles set out within development plan policies including Core

Strategy policy SP02 (2010) or within Emerging Local Plan policies S.H1 and D.H2 (2019). The proposal is also contrary to Chapter 5 of the National Planning Policy Framework (NPPF) (2019).

3. Wind/microclimate

Insufficient wind/microclimate information has been provided and as such Council cannot ensure that amenity to residents and the public realm will not be negatively affected or that the proposed mitigation methods are sufficient or appropriate to mitigate any adverse effects. The application is therefore contrary to development plan policies including London Plan policies 7.6 and 7.7 (MALP 2016), Core Strategy policy SP10(4) (2010), Managing Development Document (2013) policies DM24, DM25 and DM26, Emerging Local Plan policy S.DH1 (2019) and the Mayor of London Sustainable Design and Construction SPG (2014) which all seek to protect existing and future amenity.

4. Highway Safety

The scheme proposes an overreliance on Birkbeck Street which would create conflicts between users i.e. cycling, pedestrian, accessible parking spaces and servicing vehicles which will be required to reverse onto or off the site, endangering public safety. The scheme would therefore have adverse and unacceptable effects on the safety of the public highway and is contrary to Chapter 6 of the National Planning Policy Framework (NPPF) (2019) and development plan policies including London Plan policy 6.1 (MALP 2016), policies SP08 and SP09 of the Core Strategy (2012), policy DM20 of the MDD (2012) and policies S.TR1, D.TR2, D.TR4 of the Emerging Local Plan (2019).

It is also considered that the Highways issues presented on site are a symptom of over-development and as such the proposal is also contrary to London Plan policy 3.4 (MALP 2016), the Mayor of London Housing SPG (2016), Core Strategy policy SP02 (2010), MDD policy DM24 (2012) and Emerging Local Plan policy D.DH7 (2019).

5. Design and heritage

The proposed layout, height and massing arrangement poorly relate to the site and are considered out of keeping with the site context, townscape and heritage assets.

The proposal does not successfully integrate the proposed uses on site with the surrounding area, does not improve the permeability of the area and creates an overbearing relationship to adjacent sites. The scheme does not have regard to the form, function and structure of the area and does not make an overall positive contribution to wider area and as such, the proposal is not considered to be of the highest quality.

Less than substantial harm would be caused to adjacent heritage assets which have not been justified and are not outweighed by the public benefits of the scheme.

The proposal is not considered to be of the highest quality and is contrary to NPPF Chapters 12 and 16 (2019) and development plan policies including London Plan policies 3.5, 7.4, 7.5, 7.6, 7.7 and 7.8 (MALP 2016), Core Strategy policy SP10 (2010), Managing Development Document policies DM23, DM24, DM26 and DM27 and Emerging Plan policies S.DH1, D.DH2, S.DH3 and D.DH4 (2019).

It is also considered that the design and heritage issues presented on site are a symptom of over-development and as such the proposal is also not in accordance with London plan policy 3.4, Housing SPG, LBTH Core Strategy policy SP02, LBTH MDD policy DM24 and emerging plan policy D.DH7.

6. Planning Obligations

In the absence of agreed heads of terms and 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 development plan policies including policies SP02 and SP13 of the LBTH Core Strategy (2010), policy 8.2 of the London Plan (MALP 2016), LBTH's Planning Obligations SPD (2016) and policy D.SG5 of the Emerging Local Plan (2019).

The meeting ended at 8.30 p.m.

Chair, Councillor John Pierce
Strategic Development Committee