

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

3rd NOVEMBER 2005

Minutes of the STRATEGIC DEVELOPMENT COMMITTEE held at THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG on 3RD NOVEMBER, 2005 at 7.30 PM in ROOM 71.

Councillors Present

Councillor David Edgar (in the Chair)
Councillor Janet Ludlow
Councillor Julia Mainwaring
Councillor Martin Rew
Councillor Julian Sharpe

Officers Present

Mr Michael Scott (Interim Head of Development Control and Building Control)
Mr Stephen Irvine (Planning Applications Manager)
Ms Renee Goodwin (Planning Officer)
Ms Alison Thomas (Housing Development Manager)
Ms Helen Randall (Legal Advisor, Trowers and Hamlins)
Mr Alan Ingram (Democratic Services)

1.0 APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Councillors Rofique Uddin Ahmed and Abdul Asad.

2.0 DECLARATIONS OF INTEREST WHETHER UNDER SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 OR OTHERWISE

No declarations of interest were made.

3.0 PUBLIC MINUTES

The minutes of the Strategic Development Committee held on 8th September 2005 were confirmed as an accurate record and signed by the Chair.

4.0 DEPUTATIONS

With the agreement of Members of the Strategic Development Committee, the Chair invited Mr M. Jenkins, of Purple Property Holdings, to address the Committee during consideration of agenda item 5.1 – “10 to 20 Dock Street, London, E1 8JP”.

5.0 PLANNING APPLICATIONS FOR DETERMINATION

5.1 10 to 20 Dock Street, London, E1 8JP (Report Number SDC006/056) (St Katharine’s and Wapping Ward)

Mr Irvine introduced the report and summarised the terms of the application. He outlined the reasons why the proposal was considered contrary to the policies and objectives of the Council and the objectives of the London Plan. He also tabled an addendum report detailing the events leading to the applicant lodging an appeal with the Planning Inspectorate against non-determination of the application.

Mr Irvine added that, as a public inquiry had been scheduled, the Inspector conducting that inquiry would approve or refuse the planning application, rather than the Council. Members were consequently being asked to indicate whether they would be minded to refuse the application, if they had been in a position to make a decision.

Mr Irvine further commented that the addendum contained views and concerns expressed by the Mayor of London, following consideration of the matter by the Greater London Authority, although the Mayor had also lost the opportunity to make representations due to the appeal being lodged.

At this point (7.40 pm), Councillor Sharpe joined the meeting.

Mr Irvine additionally tabled plans and photographs illustrating the proposed development, and how it would affect the surrounding area.

Following an invitation from the Chair for Members to put questions to the officer’s report, Mr Irvine responded in detail regarding the position which had arisen since the application had been originally received in July 2004 and the subsequent appeal against non-determination, despite negotiations with the applicants on various proposals.

Councillor Sharpe queried his eligibility to vote on the application, given his late arrival. Ms Randall made the point that the committee was not actually making a decision at the meeting, in the light of the pending appeal (as explained above).

The Chair then invited Mr Jenkins to address the committee for a period of five minutes. Mr Jenkins tabled for all Members written details of his presentation, which referred in particular to the concerns raised regarding: affordable housing contribution; streetscape; design and bulk. He put forward the opinion that all issues had now been dealt with.

The Chair then indicated that Members could pose questions to the applicant. Queries were put in connection with:

- the assertion that the scheme would not be economically viable without the proposed height and density. Mr Jenkins stated that all efforts had been made to achieve the residential mix required by LBTH and the scheme was now the optimum for the site.
- the outstanding need for a revised GLA's Toolkit Appraisal. Mr Jenkins commented that only 12 days' notice had been given of LBTH comments but a design was now in place that would comply with all requirements. A Toolkit could not be re-run until 7th November and would be in place on 8th November.
- the nature of problems for financial viability, as 35% affordable housing had been achieved on other sites. Mr Jenkins expressed the view that, following discussions with the GLA, a number of similar schemes in that part of the borough had been unable to meet that target. In fact, the target should be regarded as an objective across the board borough-wide. Building costs on the site were relatively high, in that this was an inner city location, closely adjoining other properties. He added that the GLA also recognised that its objective of 50% affordable housing applied across all schemes was an aspiration, and that many individual schemes would fail to meet that level.

The Chair then requested comments from officers on the points made. Mr Irvine stated that the Council also had consultants' advice on the scheme that did not agree with Mr Jenkins' comments. He did not agree with significant elements of the toolkit and did not agree that it was now satisfactory, referring also to concerns raised by the GLA and English Heritage. Officers felt that the proposed design was not acceptable and showed classic symptoms of an over-developed site. The size of the site would impact the area significantly and no account had been taken of listed buildings situated across the road. Most of the reasons for a recommendation for a "minded to refuse" decision were supported by the GLA.

Replying to further queries on Councillor Sharpe's eligibility to vote, Ms Randall stated that a decision on the application was now out of the Committee's hands. However, there was nothing to prevent the

Committee putting forward comments to be taken into account by the Planning Inspectorate. The Chair added that, nevertheless, the report was not simply for noting and Mr Scott confirmed that the report was the basis of the case to be made on the Council's behalf at the hearing.

The Chair pointed out that no declaration of interest had been made and Ms Randall continued that, if a decision were to be made and Councillor Sharpe felt that he had not been able to take account of all relevant considerations, it might be best to decline to vote. Councillor Sharpe stated that, in view of the circumstances, he would not participate in the voting.

The Chair then asked for overall comments on the issues raised. Mr Scott indicated that Mr Irvine had presented a comprehensive case against the application. He pointed out that concerns did not apply only to the affordable housing aspect of the application, as the scheme failed to meet a range of policies and affected adjoining properties, the townscape and future residents of the site. In other cases, proposals could be weighed against each other for approval but this scheme involved a whole cross-section of issues that were not met and not simply a matter of housing quantum.

On a vote of

4 FOR

0 AGAINST

0 ABSTENTIONS

(Councillor Sharpe not participating in the vote)

It was **RESOLVED:**

That the Director of Development and Renewal be instructed to inform the Planning Inspectorate that, had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:

- 1) The application does not include evidence of marketing with respect to the loss of employment floor space to justify the loss of employment floor space in this location. In light of this, it is considered that the proposed change of use could result in an unacceptable loss of employment floor space. As such the proposal is contrary to Policies EMP2 and CAZ3 of the Tower Hamlets Unitary Development Plan (adopted 1998) and EMP3 and EMP10 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough.

- 2) The percentage of affordable housing proposed does not accord with the Council's targets to ensure the continued delivery of affordable housing in the Borough. The proposal is thus contrary to Policy HSG3 of the Tower Hamlets Unitary Development Plan (adopted 1998), and Policy HSG4 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that affordable housing is provided on-site to ensure the continued delivery of affordable housing in the Borough.
- 3) Details of the location, ratio and mix of the proposed affordable housing units has not been provided. In these circumstances, the Council consider that the proposed development is contrary to Policy HSG5 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seeks to ensure that an appropriate mix of social rented to intermediate market housing for affordable housing to reflect the Borough's needs identified in the 2004 Housing Needs Survey is provided and to ensure that affordable housing is integrated with the rest of the development.
- 4) A significant number of studios (26%) and one bedroom flats (41%) and a limited number of family housing, being three or more bedroom units is proposed. The dwelling mix and type of the proposed housing does not accord with the housing types and sizes identified to meet local needs. The proposal is thus contrary to Policy HSG7 of the Tower Hamlets Unitary Development Plan (adopted 1998), and Policy HSG8 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that housing accommodation in new residential developments and mixed-use schemes include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community agenda.
- 5) A number of the proposed unit/ room sizes (including those proposed to be located in the basement), by reason of their proposed internal layout would constitute an undesirable form of development, giving rise to a poor living environment for future occupiers as a result of:
 - (a) poor outlook;
 - (b) lack of natural light and ventilation; and
 - (c) cramped bedroom sizes.

The proposal is thus contrary to Policy DEV1 of the Tower Hamlets Unitary Development Plan (adopted 1998), Policy ENV1 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan and the Council's Supplementary Planning Guidance 'Residential Space', which seeks to ensure a quality living environment for future occupiers.

- 6) It is considered that the height of all elements of the scheme are excessive in this context and:

- (a) would seriously and detrimentally challenge the spire of St Paul's Church (Ecclesiastical Grade C Listed Building);
- (b) would detrimentally effect the setting of St Paul's Church;
- (c) would be inconsistent with the prevailing urban character of the area, the tower being the significantly higher than the predominant roof height in Dock Street, and
- (d) would significantly alter the character of the street by replacing the existing dominant architectural feature of St Paul's Church spire with a 13 storey tower

As such, the proposal is contrary to Policy DEV1, DEV5, and DEV39 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy UD7 and UD17 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to support tall building proposals in appropriate locations and resist development that would harm the setting of a listed building.

- 7) The proposal represents an undesirable form of overdevelopment of the site by reason of its excessive density, resulting in:
 - (a) loss of light to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate;
 - (b) increased sense of enclosure to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate;
 - (c) loss of privacy/ overlooking to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate; and
 - (d) would provide a poor living environment for the prospective occupiers, i.e. generally cramped site layout, lack of natural light and ventilation, poor outlook, deficient unit/ room sizes and lack of on site amenity space.

The proposal is thus contrary to Policy HSG9 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy HSG9 and UD7 of 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that high densities are only supported where consistent with other Plan policies.

- 8) The development, because of its height, bulk and proximity to adjacent occupiers, will result in an unacceptable adverse impact on the sunlight/ daylight conditions of Blocks B and C of the Peabody Housing Estate. The proposal is thus contrary to Policy DEV5 of the Tower Hamlets UDP (adopted 1998) and Policy UD7 of the 1st Draft Deposit (May 2004) of the Tower Hamlets Unitary Development Plan, which seeks to mitigate the impacts of tall buildings on the immediate surroundings.
- 9) Insufficient information has been submitted to fully ascertain the microclimate (sunlight/ daylight and wind) impacts of the proposed

development, and in the absence of detailed assessments, an informed judgement of the impacts cannot be made. The proposal is thus contrary to Policy DEV5 of the Tower Hamlets UDP (adopted 1998) and Policy UD7 of the 1st Draft Deposit (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to mitigate the impacts of tall buildings on the immediate surroundings.

- 10) The proposal by reason of its height, bulk and proximity to the opposite habitable rooms (being, the ground to fourth floors of Block A and B of the Peabody Housing Estate) would result in:
- (a) an unacceptable loss of privacy/ overlooking to the detriment of the occupiers and adjoining residents; and
 - (b) an increased sense of enclosure to the detriment of the occupiers and adjoining residents.

It would therefore cause a material loss of amenity to the occupiers and adjoining residents and is thus contrary to Policy DEV1 of the Tower Hamlets Unitary Development Plan (adopted 1998) and ENV1 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to protect the amenity of occupiers and neighbours.

- 11) The proposed residential development provides an inadequate amount of private open space for use by individual dwellings to the detriment of the amenity of the proposed dwellings. It is therefore considered that the proposal is contrary to Policy HSG16 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy HSG12 and UD7 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure the provision of adequate amenity space.

Close of meeting

The meeting ended at 8.30 pm

_____ Date __/__/__
Councillor Rofique Uddin Ahmed
Chair, Strategic Development Committee