

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 10 MARCH 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Danny Hassell)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Danny Hassell

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Adam Hussain	– (Planning Officer, Development and Renewal)
Kirsty Flevill	– (Planning Officer, Development and Renewal)
Jane Jin	– (Team Leader, Development and Renewal)
Gareth Gwynne	– (Planning Officer, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Andy Simpson	– (Business Improvement Coordinator, Development and Renewal)
Carole Martin	– (Project Development Officer, Development and Renewal)

Zoe Folley

– (Committee Officer, Directorate
Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.4 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595) as he had received representations from interested parties on the application and as he used to be a Council nominated Member of the Lee Valley Regional Park Authority

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 18th February 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

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, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

None

6. PLANNING APPLICATIONS FOR DECISION

6.1 6 to 8 Alie Street, London, E1 8DD (PA/15/02538)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing office building on the site and erection of a ground plus seven storey office building and associated works. Adam Hussain (Planning Officer, Development and Renewal) presented the detailed report. It was reported that the site was located in a Preferred Office Location and not in the Conservation Area and currently occupied by an office building

The Committee noted images of the existing building and views of the site from the surrounding area.

The Committee noted the key details of the application including the quality of the design (in contrast with the relatively unremarkable existing building), the height of the scheme that Officers felt would sit comfortable within the area. They also noted the scale of the scheme, similar to the extant scheme, the proposed layout and the high level of BRE compliance.

The proposed land use complied with policy and it would have an acceptable impact on amenity.

Given the merits of the scheme, Officers were recommending that it be granted planning permission.

In response to Members about the height of the application, Officers noted that the proposal building would be slightly taller in height than it's neighbours and that the surrounding area comprised building of various heights. However, it was considered that the proposed set backs in the design at the upper part of the building (that was a common design feature) would help reduce it's prominence and minimise the moderate height difference between the application and the surrounding buildings. As a result, it should have a reasonable relationship with it's neighbours.

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

1. That planning permission be **GRANTED** at 6 to 8 Alie Street, London, E1 8DD for the demolition of existing office building on the site and erection of a ground plus seven storey office building (Class B1) with reuse of existing basement together with provision of 4.no ancillary study bedrooms for private use by the college, 40.no cycle spaces, plant equipment and associated works (PA/15/02538) subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

6.2 Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14 (PA/15/02104)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the erection of building facades to existing structure on site to create a mixed use development comprising serviced apartments, office floorspace and cafe floorspace

The Chair invited registered speaker to address the Committee.

Michael Byrne, (Discovery Dock East Residents Association) and Councillor Andrew Wood, local ward Councillor, spoke in support of the application. They welcomed the redevelopment of the site given it's poor condition, and that the proposals complied with the aims in the South Quay Master Plan. In particular, they welcomed the proposed mix of uses (including serviced apartments) given the suitability of the location for such purposes due to it's proximity to Canary Wharf and local hotels and the shortage of such accommodation in the area. Furthermore, given the nature of the scheme, the speakers considered that it should have less of an impact on local infrastructure than other uses which they welcomed.

Kirsty Flevill (Planning Officer, Development and Renewal) gave a presentation on the application describing the site location and surrounds, showing images of the existing site. She also explained the planning history of the site and that the scheme bore a close resemblance to the previously approved scheme that had been implemented. The main difference being the reduction in height.

Turning to the detail, the Committee noted the proposed floor plans including the layout of the office space, the nature of the serviced apartments, the proposed elevations and the façade detailing. Consultation had been carried out and no representations had been received.

Officers considered that the proposed land use complied with policy and that the application would cause no undue harm to amenity given that it was broadly similar to what was there already on site. Furthermore, the impact on the transport network and the highway would be acceptable. Given the merits of the application, Officers were recommending that it was granted permission.

In response, Members asked questions about the level of contributions from the development . In particular, the contributions for carbon offsetting (as set out in the update report) and why no precise figure could be set for this at this stage.

In response, Officers explained that the obligations included a requirement that the applicant look at connecting the development to the Barkantine district heating company. Both the applicant and the Barkantine considered that this was perfectly feasible and this was Officers preferred option. It was also required that an updated energy strategy be submitted to determine the potential for the application to reduce CO2 emissions further. Accordingly, it was recommended that the level of contribution for carbon offsetting be based on the updated strategy. It was also reported that the proposed development would be liable for a London Mayor's CIL contribution. In response to further questions, Officers explained the location of the servicing and office floors space and that no parking spaces were proposed.

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

1. That planning permission be **GRANTED** at Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14 for the erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3) PA/15/02104) subject to:
2. Any direction by The Mayor of London
3. The prior completion of a legal agreement to secure the obligations set out in the Committee report and the update report regarding the inclusion of a Car Park Management Plan, the carbon offsetting obligation and the contributions towards monitoring and implementation.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and the update report regarding the removal of the requirement for a Piling Method Statement.

6. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

6.3 34-40 White Church Lane and 29-31 Commercial Road, London, E1 (PA/15/02527)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building with basement to provide flexible use commercial space, 42 residential units with basement, new public realm, cycle parking and associated works. He reminded Members that a model of the development had been brought to the meeting by the developers for the Committee to view.

Gareth Gwynne (Planning Officer, Development and Renewal) presented the application, drawing attention to the site, situated near the Aldgate Place tall building cluster and the Whitechapel High Street Conservation Area. The Committee noted images of the changing skyline of the area.

The plans would create 42 residential units, with the affordable housing situated on the first three floors above ground floor and the private housing on the upper floors. The housing mix comprised 26 % affordable housing at Borough Framework rent levels inclusive of service charges. Consultation had been carried out and the issues raised were set out and addressed in the Committee report and outlined at the meeting.

In summary, it was considered that the land use complied with policy and that the siting of a tall building on this site complied with the Council's Core Strategy. Whilst the plans would have a minor adverse impact on the local heritage assets, overall it was considered that the impact on the setting of the area would be broadly neutral and that it would improve the setting of the St George's brewery warehouse building. In terms of the density, whilst the density exceeded the London Plan guidance, the scheme provided good levels of amenity and showed no signs of overdevelopment. In terms of the play space, the plans met the minimum policy requirements for under 12 play space given the expected child yield. Whilst Officers did have misgivings about the quantum and quality of child play space proposed given the cumulative pressures on the local parks from other developments, Officers did not consider that this would be a serious issue given the relatively low child yield for the scheme. The impact on neighbouring amenity would be acceptable and contributions had been secured as set out in the Committee report.

Officers were recommending that the application was granted permission.

In response, Member questioned the merits of locating a tall tower in this location that served as a 'buffer zone' to the Conservation Area and comprised listed buildings and lower rise buildings (similar to those in Brick Lane). It was felt that the tower would be out of keeping with the area. As a result it would spoil the setting of the area, making the existing buildings appear 'boxed in' and would impinge on the valuable 'buffer' zone. Members also questioned the close relationship between the proposal and 27 Commercial Road.

In responding, Officers noted the pattern of the development in the area. The scheme had been designed to fit in with the area, tailing off at the east. It was a matter of judgement whether this level of transition would protect the setting of the area and the informal buffer zone, which was not recognised in policy. Officers were mindful of the close relationship with the two buildings and the close proximity between the development and 27 Commercial Road. Given that there would be no north facing single aspect units in the development, Officers considered that this relationship would be acceptable.

Members also expressed concern about the design of the ground floor entrances. In particular, the plans to locate the entrances for the affordable housing at the rear and that for the private units at the front of the development. Members were concerned about segregating the development in this way. They also asked about the improvements secured for the affordable entrances. In responding, it was explained that both entrances would be of a high quality design and that the arrangements would help ensure that the service charges were more affordable. The scheme had been amended to improve the design of the affordable housing entrance to give it a more open quality. The approach of separating the entrances in this way was a common feature of many developments given the issues highlighted above.

Questions were also asked about the child play space. It was questioned whether the expected child yield was realistic given the number of affordable family sized units in the development and whether steps had been taken to address the issues.

In responding, Officers were mindful of the concerns about the quality and the quantum of child play space. However given the issues highlighted in the presentation (regarding the policy compliant under 12 play space and the low child yield), Officers considered that a refusal on this grounds would be unreasonable.

Members also asked questions about the shortfall in affordable housing and whether, given the density of the scheme, more could have been afforded. In response, Officers confirmed that the viability of the scheme had been independently tested. The conclusion reached was the scheme delivered the most it could afford. They also drew attention to the clarifications in the update report concerning the affordable housing and confirmed the density of the scheme in relation to policy.

In response to questions about the adequacy of the servicing route, it was explained that the servicing would take place on Assam Street, as per the existing arrangements and given that it was a fairly wide highway, Officers were satisfied with these arrangements. It was noted that the scheme would be car free (subject to the application of the Council's parking permit transfer scheme for family housing) with contributions for on street disabled parking bays if needed.

In relation to the impact on infrastructure, it was noted that the proposed development would be liable for a Tower Hamlets and London Mayor's CIL contribution and the details were set out in the report.

On a unanimous vote, the Committee did not agree the Officer recommendation to grant planning permission

Accordingly, Councillor Marc Francis proposed that the planning permission be not accepted (for the reasons set out below) and on a unanimous vote, it was **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 34-40 White Church Lane and 29-31 Commercial Road, London, E1 for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works. (PA/15/02527)

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

- Insufficient provision of affordable housing.
- High residential density in excess of London Plan.
- Height of the building.
- The servicing arrangements.
- The child play space and communal amenity space.
- The design of the ground floor entrances.
- Impact on infrastructure from the scheme
- That the scheme would be out of keeping with the character of area and would change the character of the area.

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.

6.4 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks providing 804 residential units; Retail / Employment Space , Management Offices, Education Space with associated works

The Chair then invited registered speakers to address the Committee.

Eric Reynolds (Trinity Buoy Wharf) addressed the Committee. He stated that he welcomed the development of the site and had taken part in the consultation but had not seen the Committee report until recently. He also welcomed the contributions to enhance public access to the TBW pier but noted that no agreement between the developer and Thames Clipper had been made. Moreover, the Committee report underestimated the extent that the site would be affected by the impacts from the industrial units at TBW and also how the scheme would affect the development potential of that site. Accordingly, he requested that the recently revised plans for the eastern element of the scheme, be reconsidered in view of these issues. In response to questions, he expressed concern that the consultation exercise carried out by the developer was misleading in terms of the plans of the eastern element, and that the scheme would blight the development potential of the units within TBW– i.e. the potential for additional workshops. The information on building heights in the report was inconsistent.

A representative of the Applicant spoke in support of the application drawing attention to the benefits of the scheme. Consultation had carried out by the developer and there had been no changes to the plans for the boundary for two years. An Environmental Assessment had been submitted and reviewed taking into account the uses and potential uses of the neighbouring sites and there would be robust measures to mitigate the impact of these site and protect their development potential. Some of the features designed to ensure this were highlighted. The application included measures to link the Thames Clipper service to the site.

In response to Members, he clarified that, in response to the Greater London Authority's Stage 1 comments, the scheme had been amended and it was felt that their concerns had largely been addressed. He also answered questions about the contribution for the Clipper Service, to provide an additional link to the surrounding area, (in addition to the proposed bridge link). He also responded to questions about the interaction with the Port of London Authority and the extensive nature of the measures to mitigate the impact of the reactivation of the Orchard Wharf Site. As a result of which, the PLA only objected on minor points. He also discussed with the Committee the costs of getting the development land up to standard following it's long industrial use

that has had an impact on the amount of affordable housing that could be afforded as set out in the viability report.

He also answered questions about the plans for the historic dry dock and for commemorating its history, the measures for ensuring that the service charges for the affordable units were affordable for the occupants and the measures to mitigate the impact from the Trinity Buoy Wharf site.

Jermaine Thomas (Planning Officer, Development and Renewal) gave a comprehensive presentation on the application explaining the site location and surrounds, characterised by a mix of mainly light industrial and storage warehouses bounded by river. He also explained the proximity of the site to the neighbouring Orchard Wharf and the Trinity Buoy Wharf site

The Committee were advised of the recent applicant for Orchard Wharf for a concrete batching plant and associated works refused and dismissed at appeal.

Turning to the proposal, the Committee noted the proposed layout of the scheme including the nature of the development blocks, the design, massing and height, the plans to reactivate the dry dock and the elements of the application requiring listed building consent. They also noted a summary of the consultation results.

The scheme had been carefully designed to preserve the development potential of the Orchard Wharf site and ensure that the reactivation of that site would have no harmful impacts on this development. The measures included: positioning residential units away from the Orchard Wharf site. Whilst the Port of London Authority had raised concerns about conflict between the two sites the Council's Environmental Health Team considered that the impact in terms of noise would be acceptable. The assessment had been independently reviewed (at the request of the PLA) who also found that the impact would be acceptable subject to the conditions. In relation to the other issues, the scheme showed no signs of overdevelopment, given amongst other matters, the generous breathing space around the development and the scheme would also provide a landmark building for the wider area.

The housing mix included 3-4 bed social rent units (as detailed in the update report). All of the units complied with standards with good quality entrances providing a welcoming environment. The communal space offer exceeded requirements while the child play space met the minimum standards in policy. The site was within walking distance of two Docklands Light Railway Stations and there was to be a new bus stop and, save for the provision of a number of car parking spaces, it would be car free.

Officers were recommending that the planning permission and the listed building consent should be granted permission.

In response to questions about the weight that should be given to the outstanding Orchard Wharf issues, the Committee were advised that,

although the appeal by the PLA was dismissed, the principle of the development of the site was accepted. So there was reason to believe that it would come back into use. Therefore, it was important to consider how the two land uses would sit 'side by side'. It was expected that the hearing would take place in May 2016. It was clarified that it was not the appeal decision itself that was being challenged but the compulsory purchase order.

Regardless of the High Court decision, the development had been designed to mitigate the impact of the site based on the worst case scenario. In addition, Counsel advice had been sought and they were of the view that the wording of condition was sufficient to mitigate the concerns.

In response to question about the affordable housing and the service charges, it was reported that the Council's Housing Officers would work closely with the developer to ensure that the service charges were affordable. However the setting of the charges would ultimately be determined by factors outside their control. The Committee were informed of the rent levels for the 3-4 bed social housing in the scheme. It was also reported that the scheme had been amended to remove the affordable housing from Block A and that the affordable units would have access to the green space. The proposals contemplated a viability review mechanism for the affordable housing to be secured as part of the S106 agreement. The operation of how it would work in principle was explained.

In relation to the positioning of the older children's play area and the management issues, it was planned that the play space for older children be located in one place on a podium, given the benefits of this layout (in terms of safety and security amongst other issues). The evidence suggested that young children and teenagers thrived in such environments. It was confirmed that the younger children's play space would be distributed fairly evenly throughout the site and be easily assessable to all the residential dwellings. The play space would be subject to a management plan.

In response to further questions, Officers confirmed the make up and the location of the commercial uses, the restrictions on their potential uses (including conditions controlling the hours of operation). The Committee also discussed the acceptability of the height of the buildings and the walking routes from East India. It was noted that any improvements of this nature would need to be delivered via the CIL.

In summing up, the Chair questioned the timing of this application given the outstanding issues relating to the Orchard Wharf site. He felt that in view of this it may be premature to make a decision on this application before the High Court had made a decision.

Furthermore, whilst welcoming the inclusion of social housing in the scheme (as set out in the update report) Members sought clarity on the percentage of affordable housing that could be provided if for example all of the affordable units were delivered at affordable rents. Members also requested further information on the operation of the affordable housing review mechanism in

the S106 Agreement and the Greater London Authority's latest position on the scheme.

Councillor Marc Francis proposed and Councillor Andrew Cregan seconded a proposal that the planning permission and the listed building consent be deferred (for the reasons set out below) and on a unanimous vote, it was **RESOLVED:**

That the planning application and listed building consent be **DEFERRED** at Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 for information on the following issues:

- The operation of the viability review mechanism.
- The viability of the application with different mixes of affordable housing

The Committee also asked that the Greater London Authority be contacted to confirm whether their concerns about the application had been addressed.

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 covering the above issues

7. OTHER PLANNING MATTERS

7.1 Planning Obligations - Allocation of Financial Contributions and Project Spend between 2010 and 2015.

Andy Simpson, (S106 and Business and Improvement Manager, Development and Renewal) presented the report. He reminded Members that the Section 106 agreements were legally binding agreements usually made between the local planning authority and developer(s) under Section 106 of the Town and Country Planning Act 1990. S106 planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. S106 monies are usually paid in instalments at key stages during the construction of a development. The stages at which payments are due are known as 'Trigger Points' .

S106 money was programmed to specific projects in accordance with the terms of the relevant S106 agreement and adopted Council policies.

The Committee noted the process for determining the allocation of contributions. For example, the allocation of a CLC contribution would firstly involve the service identifying priorities for the funding, preparing a project initiation document ("PID") ensuring the money was spent in accordance with the S106 agreement. All decisions to finally allocate resources were approved through the Council's Planning Contribution Overview Panel (PCOP). A list of recent s106 projects between April 2010 and March 2015 was set out in the Committee and the update report.

Members questioned how ward Councillors could find out about the PIDs and the projects in their area. Members also stressed the importance of publicising the merits of the projects and the need for greater transparency generally in the process. It was noted that the decisions made by the PCOP were published on the Council website and that there was also a newsletter. Steps were being taken to make the process even more transparent.

It was confirmed that S106 money was allocated in accordance with the Council's priorities. However, where possible, Officers would look to allocate the funding on projects as close as possible to the development. In response to further questions, it was noted that a significant amount of the unspent contributions had actually been ring-fenced or reserved for certain projects pending the collection of sufficient funding to deliver the project say a new health care facility

In summary Members welcomed the decisions and felt that this was a good source of funding. Councillors also requested to receive information on how much S106 income had been received and spent for each of the financial years discussed. It was agreed that this information would be sent to the Committee.

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

That the contents of the report be noted.

The meeting ended at 10.30 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee