

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 10 DECEMBER 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor Md. Maium Miah (Substitute for Councillor Shahed Ali)

Other Councillors Present:

Councillor John Pierce
Councillor Mahbub Alam
Councillor Abdul Mukit MBE

Apologies:

Councillor Shahed Ali

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Nasser Farooq	– (Team Leader, Planning Services, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

The Chair announced that the Committee was being filmed by a Media organisation and provided guidance to the public about this.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared an interest in agenda item 6.1 Bishopsgate Goods Yard, Braithwaite Street, E1 as he was the Cabinet Member for Housing when the Interim Planning Guidance for the Bishopsgate Goods Yard was issued.

2. 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

3. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

4. DEFERRED ITEMS

None.

5. PLANNING APPLICATIONS FOR DECISION

None.

6. OTHER PLANNING MATTERS

None.

6.1 Bishopsgate Goods Yard, Braithwaite Street, E1

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for outline planning permission and listed building consent for redevelopment of the site. The Committee were invited to submit observations to the London Mayor on the application, who had directed that he would act as the local planning authority for the purposes of

determining the applications.

By way of background, it was noted that the applications had been submitted for the redevelopment of the site to both LBTH and LB Hackney in 2014 and were amended by the applicant this year.

The applications had been subject to the Council's consultation process. Officers have assessed the application and were suggesting to the London Mayor seven reasons for refusal of the planning permission as set out in the Committee report and the update.

Also set out at Appendix 1 was a suggested s106 agreement, which the Committee were asked to endorse should the London Mayor decide to grant the scheme to help mitigate the development.

It was noted that due to the level of public interest in the application and also the scale of the development, the Chair had decided to allow public speaking on this item. Accordingly, he invited registered speakers to address the Committee.

Rupert Wheeler (Spitalfields Society) David Donoghue (Open Shoreditch Campaign) along with Councillors John Pierce, M A Mukit and Mahbub Alam spoke in objection to the application. They objected on the grounds of:

- Harm to neighbouring amenity in terms of loss of daylight and sunlight. According to an independent technical assessment, numerous properties would be affected, failing the policy tests. This was contrary to the aims in the Bishopsgate Goods Yard Interim Planning Guidance (IPG) regarding taller buildings and amenity.
- Overshadowing from the development of some of the best social houses and listed buildings in the nearby area.
- Bland and dull design that conflicted with the IPG.
- Lack of consultation by the developers with no opportunities to properly discuss the issues.
- That the level of affordable housing was far too low given the policy targets and the housing waiting list.
- The scheme was too tall for the area resulting in many adverse impacts.
- Concerns over the affordability of the commercial units to local businesses and small businesses.

It was noted that the applicant had been invited to speak at the meeting in accordance with the Council's Development Committee Procedure Rules but had declined to address the meeting.

Nasser Farooq, (Planning Services Team Leader, Development and Renewal) gave a presentation on the report and the update explaining the site location on the boundary of LBTH and LB Hackney, surrounded by a number of Conservation Areas.

Members were reminded of the site allocation in Council policy and the objectives in the IPG. They also noted the site constraints affecting the redevelopment of the site.

A high number of objections had been received to the consultation. The results were summarised in the presentation slides and the Committee report.

Members noted the plans for the LBTH sites. This comprised an outline component, as shown on the parameter plans and a detailed component. In particular, the Committee noted the plans for the arches, the new park and amenity space, the commercial space and the proposed timetable and phasing for the scheme.

It was reported that the housing mix in Tower Hamlets comprised 774 new homes including 10% affordable housing wholly in the Borough. Besides this, the plans would generate employment and there would be other regeneration benefits. Nevertheless, given the scale of the failings, Officers were recommending that the scheme was refused planning permission for seven reasons as set out in the committee report and the update. These were around the heritage and townscape, the quantity and quality of the housing, residential amenity, the site design principles and air quality that had been extensively investigated by Officers.

Officers showed views of the surrounding area with and without the scheme to demonstrate its impact.

Whilst the Officer's preferred option was to refuse planning permission for the scheme, in the event that the Mayor approved the scheme, it was recommended that Members approve the heads of terms for any subsequent Section 106 agreement and authorise officers to negotiate the agreement without prejudice.

Members then asked questions of the Officers. In response to a question about the affordable housing, it was noted that the plans had been accompanied by viability assessment looking at a number of factors that stated that no affordable housing could be provided. The Council viability consultants had reviewed the assessment looking at the whole application site. This found that the scheme could provide 31% affordable housing on site with a £12 million contribution to LB Hackney for that part of the scheme, less suitable for affordable housing. The applicant's offer was 10% affordable housing in LBTH and a £10million contribution to LB Hackney.

In relation to inflation costs, Officers had requested a periodic review of the affordable housing to factor in these costs should the application be granted as part of the s106. This was in accordance with the recommendations of the viability consultants. Given the estimated timescale for the development, it was considered that, in this case, such a measure would be appropriate and that there would only be a review upwards.

In relation to height, it was noted that the planning policy did not set any specific limitations on height. Instead, the policy required that a number of factors be satisfied in considering the appropriateness of a tall building in this location. In this instance, Officers considered that, despite the reduction in height, the height and volume of the development would result in unacceptable impacts on the surrounding area including the World Heritage Site. The heritage experts remained of the view that the level of impact from the development was too great. It was noted that the site fell within the Central Activity Zone section of the Town Centre Hierarchy.

The proposals included public facilities on site (space for an Idea Store and GP surgery). Despite the 'zero' rating for the Community Infrastructure Levy (CIL) on this site, the Council could only seek contributions for a certain impacts excluding everything in the Council's CIL 123 list. Therefore it was appropriate to request s106 contributions to make the development acceptable in planning terms, where possible. Details of the proposed s106 agreement was set out in the report and the update.

In response to further questions, it was clarified that the site fell both in LBTH and LB Hackney. The report only considered those parts within Tower Hamlets and those parts of the Hackney scheme that impacted on the Borough.

It was recommended that the Mayor of London determine the listed building consent as he saw fit. It was unlikely that this recommendation would weaken the Council's case for refusing planning permission for the whole development as the listed building elements raised no heritage concerns although it was unlikely that it could be carried out in isolation. Officers had no objections to the listed building consent.

In summary, a Member commented that the area was one of the most vibrant areas in London. Nevertheless, it was felt that there would be numerous adverse impacts from the scheme. Furthermore, whilst mindful of the site constraints, it was felt that the plans fell far short the objectives in the IPG. In particular, the affordable housing offer was very disappointing. Member also expressed concern about the scale and massing of the development and the lack of contributions for health and education given the size of the scheme.

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

Application for Planning Permission (PA/14/02011)

That the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission at Bishopsgate Goods Yard, Braithwaite Street, E1, the Council would have **REFUSED** permission for the following reasons:

Heritage and townscape

1. Both the detailed and the outline elements of the proposals indicate a

design proposing excessively tall buildings that would cause substantial and less than substantial harm to the surrounding context comprising significant and extensive designated heritage assets, particularly the setting of five surrounding conservation areas and many buildings included within the Statutory List of Buildings of Architectural or Historic Interest including the Tower of London World Heritage Site. As a result of these failings, the proposed development would not successfully integrate into the existing townscape. There would be a failure to create a human scale of development at street level with an oppressive form of development that would loom uncomfortably over the public realm. Whilst the development of this site has the potential to generate substantial public benefits, the constraints of developing Bishopsgate Goods Yard do not justify building towers to a height that would cause such harm to designated heritage assets and the public benefits of the development would not outweigh the harm.

The proposed development would conflict with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be inconsistent with the NPPF, the Mayor's London Plan 2015 Policy 2.10 '*Central Activities Zone Strategic Priorities*,' Policy 3.4 – '*Optimising housing potential*,' Policy 7.4 '*Local Character*,' Policy 7.6 '*Architecture*,' Policy 7.7 '*Location and Design of Tall Buildings*,' Policy 7.8 '*Heritage Design and Archaeology*,' Policy 7.10 '*World Heritage Sites*,' Tower Hamlets Core Strategy 2010 Policy SP10 '*Creating distinct and durable places*' and Tower Hamlets Managing Development Document 2013 Policy DM24 '*Placesensitive design*,' Policy DM26 '*Building Heights*' and Policy DM27 '*Heritage and the Historic Environment*' together with Design Principles BG10, BG11 and BG14 of the Bishopsgate Goods Yard Interim Planning Guidance 2010.

Affordable housing

2. Bishopsgate Goods Yard is a crucial element within Tower Hamlets supply of land for both market and affordable housing. The affordable housing offer within the proposed development would fail to meet the minimum requirement of the Tower Hamlets Local Plan, is also not financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with the NPPF, the Mayor's London Plan Policy 3.8 '*Housing choice*,' Policy 3.11 '*Affordable housing targets*,' Policy 3.12 '*Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites*,' Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' or Design Principle BG21 in the Bishopsgate Goods Yard Interim Planning Guidance 2010.

Housing mix and choice

3. The proposed dwelling mix within both the market and affordable housing sectors would fail to provide a satisfactory range of housing choices in terms of the mix of housing sizes and types. There would be

a failure to provide a mixed and balanced community, particularly insufficient affordable family housing, caused by an unacceptable overemphasis towards one bed 2-person units. The development consequently is inconsistent with the Mayor's London Plan Policy 3.8 *'Housing Choice'*, Policy 3.9 *'Mixed and balanced communities'*, Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone'* and Managing Development Document Policy DM3 *'Delivering Homes.'*

Residential amenity

4. The development would result in unacceptable impacts on the amount of daylight and sunlight that would be received by many surrounding properties, with a commensurate increased sense of enclosure, 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 *'Architecture'*, Tower Hamlets Core Strategy Policy SP10 *'Creating Distinct and durable places'* and the Managing Development Document Policy DM25 *'Amenity'*. There would also be conflict with Development Principle BG14 in the Bishopsgate Goods Yard Interim Planning Guidance 2010 that requires the location of tall buildings not to create unacceptable impacts on the amenity of existing and future residents in terms of access to daylight and sunlight.

Site design principles

5. The development would not comply with Site Allocation 1 *'Bishopsgate Goods Yard'* and Policy DM23 *'Streets and the public realm'* in the Tower Hamlets Managing Development Document; nor Development Principle BG3 in the Bishopsgate Goods Yard Interim Planning Guidance 2010 and the Strategic Design Principles of the Mayor's Draft City Fringe Opportunity Area Planning Framework. This is due to the failure to provide a secondary east-west pedestrian link north of the grade II listed Braithwaite Viaduct between Braithwaite Street and Brick Lane resulting in a missed opportunity to increase permeability and better reveal the designated heritage asset as advised by the NPPF paragraph 137 and required by Policy DM27 (2) *'Heritage and the historic environment'* of the Managing Development Document. There would also be a failure to provide a north-south route between Plots A and B and no southern onward north-south connection from either Cygnet Lane or Farthing Lane.

Housing standards

6. Many proposed 2-person residential *'suites'* within the detailed elements of the application would fail to meet the Mayor's minimum size standards set out at Table 3.3 of the Mayor's London Plan and *'Housing'* Supplementary Planning Guidance 2012. This would conflict

with London Plan 2015 Policy 3.5 'Quality and design of housing developments' and Tower Hamlets Managing Development Document Policy DM4 'Housing Standards and Amenity Space' that has adopted the Mayor's standards. There would also be a failure to meet the minimum standard set by the Government's 'Technical housing standards – nationally described space standard' March 2015.

7. The submitted Environmental Assessment fails to demonstrate that the proposed development would be air quality neutral. There would be significant adverse impacts on air quality that would not be mitigated. This includes increasing air pollution levels at existing residential receptors and significant impacts associated with the energy centres. This is inconsistent with the air quality objectives of the Tower Hamlets Air Quality Action Plan, the Mayor's London Plan Policy 7.14 '*Improving air quality*' and Tower Hamlets Core Strategy Policy SP03 '*Creating healthy and liveable neighbourhoods.*'

Planning obligations - Heads of Agreement

8. The Council requests that the Mayor of London does not grant planning permission for the reasons given above. Should the Mayor decide to grant planning permission, it is recommended without prejudice that this should be subject to the prior completion of a legal agreement with the developer to secure the planning obligations, indicative conditions and informatives set out in the Committee report and the update report.

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

Application for Listed Building Consent (PA/14/02096)

9. That the Committee resolves to inform the Mayor that the Council raises no objection and is satisfied for the Mayor to determine Listed Building Consent at Bishopsgate Goods Yard, Braithwaite Street, E1 application Ref. PA/14/2096 as he sees fit.
10. That should the Mayor decide to grant listed building consent it is recommended that this be subject to the set of indicative conditions and informatives in the Committee report.

The meeting ended at 8.30 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee