

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 8 SEPTEMBER 2016

**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 Asma Begum
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Helal Uddin
Councillor Julia Dockerill

Other Councillors Present:

None

Apologies:

Councillor Denise Jones

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Fleur Francis	(Team Leader - Planning, Directorate, Law Probity and Governance)
Gareth Gwynne	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Julia Dockerill declared a personal interest in agenda item 6.1, Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 (PA/15/02959). This was on the basis that she had visited the Balfour Tower site owned by the developer and had also attended an exhibition on the application arranged by the developer.

Councillors Marc Francis and Helal Uddin declared a prejudicial interest in agenda item 6.2, 14 Flamborough Street, London, E14 7LS - (PA/16/01261) This was because the Councillors were Board Member of Tower Hamlets

Homes. The Councillors undertook to leave the meeting room for the consideration of this application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 28 July 2016 be agreed as a correct record and signed by the Chair.

In relation to item 6.2 Royal Mint Court, London, EC3N 4QN (PA/16/00479, PA/16/00480), the Chair reminded the Committee that they had agreed to visit the site. The Committee had also requested to receive Planning Appeals report on a periodic basis.

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 Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 (PA/15/02959)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings, 168 specialist accommodation, commercial units with other associated works.

The Chair then invited registered speakers to address the Committee.

Peter Kyte spoke in objection to the application on behalf of the free holders of Portchester house. He advised members that there was a dispute over the ownership of land in front of Portchester House. He expressed concern about harm to residential amenity in terms of overlooking, loss of sunlight, daylight and outlook. He also expressed concern that the application would result in the overdevelopment of the site given the density of the proposal and that there would be a loss of open space. He also considered that the height, scale and massing of the development would be out of keeping with the existing buildings. In response to questions, he expressed concern about the impact on neighbouring amenity particularly from blocks C, D1, D2 given the separation distances and height of the proposed towers.

Jim Pool, Applicant's representative, spoke in support of the application. He drew attention to the merits of the application compared to the recently approved Raven Road application, in terms of the lower density, the more generous levels of open space, the greater variety of building heights and the greater percentage of affordable housing (33% on site) including the re-provision of the specialist residential accommodation with capped rent levels in perpetuity.

In response to questions from the Committee about the Queen Mary University's comments, he explained that their comments were set out in the update report. In summary, the university felt that the concerns could be overcome by conditions. In relation to the specialist units, the applicant considered that they should be included in the affordable housing calculation. Whilst there would be a net loss of specialist units, the new units would be slightly larger and of a much better quality with subsidised rents. Details of which would be secured through the legal agreement.

Members also asked questions of the speaker and his colleague Richard Coleman, (with the permission of the Chair) about the GLA's comments, the density of the application, the design (including the inclusion of two towers instead of one), the impact of the plans on the area, the new access route on Walden Street and the child play space.

In responding, the speakers considered that the density of the application was relatively modest compared to other developments and that it would not result in the overdevelopment of the site. The application had been carefully designed to enhance the setting of the area and would respond well to its surroundings and protect amenity. It would also provide a landmark building in accordance with the policy and would play a strong townscape role around the walkway. They also stressed the need for the variety of building heights for viability reasons. They also reported that consideration had been given to reducing the number of towers. However, none of the options worked. They felt that this application would deliver the greatest number of benefits. If requested by the Committee, additional child play could be provided within the development

Gareth Gwynne, (Planning Officer, Development and Renewal) presented the detailed report explaining the nature of the application site and the surrounding area including the location of the listed buildings. The plans sought to provide 12 new buildings comprising 21% affordable units, private sale units, specialist residential accommodation and commercial units. There would also be a new access route connecting the site with the surrounding area. Consultation had been carried out and the results were summarised including details of the QMUL's and Bart's Health NHS Trust's comments on the application. Turning to the assessment, it was considered that the land use complied with policy and that the application would provide public benefits. Nevertheless, it was also considered that the development would result in a significant number of adverse amenity impacts to future residential occupants and neighbouring properties. It was also felt that the proposal would harm surrounding heritage assets and would be contrary to the tall buildings policy for the application site that identified the potential for a single tall building on the site.

As a result, Officers were recommending that the planning permission was refused permission for the reasons set out in the Committee report.

In response to Members questions about the GLA's comments, Officers commented on the differing roles of the GLA and the Borough in considering applications. Alongside the strategic role of the GLA, the Council also placed emphasis on the local issues and had also been directed by the aims in the Whitechapel Vision Master Plan SPD in which there was no justification for siting two tall towers on the site. Therefore, given the concerns, Officers felt that the application should be refused.

In response to questions about the heritage issues, Officers further explained the nature of the concerns stemming from a combination of factors (such as the scale of the development, the tight relationship between buildings, the imposing design and the non compliance with the masterplan). Due to these issues, Officers considered the proposals would have an unacceptable impact on the heritage assets and the local townscape

In relation to the density of the scheme and its design (compared to other developments), Members were advised that each application needed to be considered on its own merits.

In response to questions about the Raven Row site, Officers were of the view that the impact on the local heritage assets would be far greater than that from the consented application given the different characteristics of the two sites amongst other matters. In contrast with the approved application, Officers did not consider that the public benefits would outweigh any potential harm from the application.

In responding to questions about the specialist apartments, it was confirmed that if granted, there would be an obligation to re - provide the specialist units on site and they would assist in providing a mixed and balanced community in the absence of any intermediate units. Given that the plans merely sought to re - provide these units, they should not be included within the calculations of the affordable housing. Further, the nature of the units as specialist housing was outside the C3 dwelling house use class that the Council would normally seek to secure as affordable housing. Therefore, it had been calculated that the proposal would provide 21% affordable units.

Regarding the child play space, it was confirmed that play space would be provided at ground floor level. Consideration had been given to converting public space to child play space. However it was found that the public space did not lend itself to provide play space given its character and that sections failed to meet the sun lighting standards in policy.

In response to further questions, Officers clarified their concerns about the severity of the amenity impact. They also commented on the structure of the Officers report in terms of presenting the issues and their appraisal of the application. They also answered questions about the contributions for social infrastructure and the suggested reason for refusal regarding the lack of agreed planning obligations. Officers confirmed that this was included because the application was not recommended for approval and therefore heads of terms had not been agreed.

In summary, the Chair expressed concerns about the impact of the development on the Conservation Area, particularly when viewed from Ashfield street and the impact from buildings I, B1 and B2.

On a vote of 3 in favour, 2 against and 2 abstentions, the Committee **RESOLVED:**

1. That the planning permission be **REFUSED** at Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 for the demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution floorspace (Class

B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works (PA/15/02959) subject to any direction by the London Mayor, (PA/15/02959) for the reasons set out in the Committee report

2. The proposed development exhibits clear and demonstrable signs of overdevelopment relating to heritage, townscape and amenity. These unacceptable impacts would not be justified by the public benefits of the scheme. The symptoms of overdevelopment are:
 - a) The scale, mass, siting and detailed design would impact adversely on the character and appearance of the site and surrounding area including resultant harm to the townscape, as well as harm to a number of designated and undesignated heritage assets, including (but not only) the London Hospital Conservation Area, Myrdle Street Conservation Area and Ford and Sidney Square Conservation Area and harm to the setting of Grade II listed buildings at 43-69 Philpot Street, 39-49 Walden Street, 46-48 Ashfield Street. The harm caused would not be outweighed by the public benefits of the proposal. The height and design of building I would fail to provide a lack of human scale at street level in relation to the provision of a tall building, causing further harm to local townscape and failing to adhere to principles of good design and place-making.
 - b) The scale, layout and massing of the proposed development would cause harm to the amenity of occupiers of neighbouring properties with undue sense of enclosure, unacceptable losses of daylight and sunlight.
 - c) The design of the development would result in poor residential amenity for future occupants of the development and a form of development that is not consistent with good place-making principles and sustainable development, by reason of poor daylight and sunlight, poor outlook, poor levels of privacy and unacceptable overshadowing of amenity spaces.
3. The scheme fails to comply with the National Planning Policy Framework (NPPF) objectives in particular paragraph 14, and section 12 of the NPPF, the London Plan, in particular policies 3.5, 3.6, 3.7, 7.3, 7.4, 7.5, 7.6, 7 and 7.8 of the London Plan (2016), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the objectives of the Whitechapel Vision SPD (2013) which seek to deliver place-making of the highest quality in accordance with the principle of sustainable development, including protecting or enhancing heritage assets
4. No agreed planning obligations in the form of policy compliant financial and nonfinancial contributions have been secured to mitigate the impacts of the development. As a result, the proposal fails to meet the

requirements of policies SP02 and SP13 of the adopted Core Strategy (2010) Policies 8.2 of the London Plan, the Planning Obligations Supplementary Planning Document (2012) and the draft consultation version LBTH Planning Obligations SPD (April 2016) and which seek to agree planning obligations between the Local Planning Authority and developers to mitigate, compensate and prescribe matters relating to the development

6.2 Any Other Business - 14 Flamborough Street, London, E14 7LS - (PA/16/01261)

Councillors Marc Francis and Helal Uddin left the meeting room for the consideration of the application.

Councillor Danny Hassell (Vice Chair) chaired the meeting for the consideration of this application

Paul Buckenham (Development Control Manager, Development and Renewal) presented the application for the renewal of front double sash windows and box frame.

The Committee noted that the report had been included on the Development Committee agenda for their meeting on 31 August 2016. However, three members of the committee were also Board Members of Tower Hamlets Homes (THH). Legal advice had indicated that it might not be appropriate for those members to take part in the decision on an application made by THH. It was not possible to arrange substitute members for this item. Therefore in accordance with the Strategic Development Committee terms of reference, the Corporate Director of Development and Renewal had exercised their discretion to refer this item to this meeting of the SDC to allow for an expedited decision.

Turning to the application, the Committee were advised of the proposed changes that were in essence minor in nature, but required determination by Members as it involved works to a listed building. It was also noted that no representations had been received and that Historic England had not made any objections to the application. They were content for the Council to determine the application as they saw fit.

On a vote of 5 in favour and 0 against, the Committee **RESOLVED**

That the Listed Building Consent be **GRANTED** at 14 Flamborough Street, London, E14 7LS for the renewal of front double sash windows and box frame subject to conditions as set out in the Committee report

The meeting ended at 8.40 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee