

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 5 FEBRUARY 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 Dipa Das
Councillor Val Whitehead
Councillor Zenith Rahman
Councillor Rabina Khan
Councillor Asma Begum (Substitute for Councillor Kevin Brady)

Other Councillors Present:

None

Apologies:

Councillor Kevin Brady

Officers Present:

Paul Buckenham	– (Development Manager, Planning Services, Place)
Julian Buckle	– (Planning Officer, Place)
Kirsty Gilmer	– (Team Leader, Planning Services Place)
Daria Halip	– (Planning Officer, Place)
Amanda Helliwell	– (Legal Services, Governance)
Jane Jin	– (Team Leader, Planning Services, Place)
Zoe Folley	– (Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 29th November 2018 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 none.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Land parcel bounded by Regents Canal, Mile End Park and the National Rail Line, Rhodeswell Road, London E14 (PA/17/02442)

Paul Buckenham (Development Manager) introduced the application for the erection of a two-storey building comprising of two residential dwellings with associated landscaping works. He confirmed the reason why an application of this scale required a Committee decision is because the Committee's Terms of Reference specified that developments creating over 100 square metres of floorspace on Metropolitan Open Land (MOL) needs to be determined by the Committee.

Julian Buckle (Planning Services) presented the report, describing the site and surrounding area, and the relevant planning history. The Committee also noted the proposed layout and the outcome of the statutory consultation.

It was noted that Metropolitan Open Land is afforded the same protections as Green Belt Land within national policy (NPPF 2018). Exceptions exist where development is allowed on the MOL when the land has been previously developed, and the proposed development has no greater impact on openness of the MOL.

The land was previously the subject of a planning appeal (see APP/E5900/W/15/3133876). In the decision, the Planning Inspector stated that this land was previously developed. With which the parties agreed. Accordingly, in order to consider whether the proposal is inappropriate development or not, the Committee Members were asked to consider the effect of the development on 'openness' and could accept that the land had been previously developed.

Officers concluded that the proposed development would not have a greater impact on openness than the existing structures and therefore complies with the policy relating to MOL.

In design terms, the proposal would respond well to the surroundings and would enhance the character and appearance of the Regent's Canal Conservation Area. A condition would be secured requiring details of the lighting to demonstrate that the site would be sufficiently lit. There would also be a net gain in biodiversity benefits through the provision of a green roof and landscaping along the western boundary.

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

Members asked questions about the measures to protect the canal wall and sought assurances regarding continued public access to the pathway. Members also asked about the provision of additional planting along the pathway in view of the Canal and River's Trust comments. Officers confirmed that there was a proposed condition requiring a structural report and that this would need to be approved by Council Officers and the Canal and Rivers Trust to ensure there would be no damage to the canal wall. There would also be a condition requiring a construction management plan which would require measures to maintain access to the pathway during construction. There would also be a condition requiring details of the landscaping improvements and that this planting was maintained for the lifetime of the development.

Members also asked questions about the impact from the railway arches, in terms of noise disturbance and whether the plans would obstruct the access point to the arches. Officers considered that the development's proximity to the railway arches did not raise any undue planning issues. There would be measures to minimise any noise impacts as detailed in the noise report such

as glazing and a ventilation system which would be secured via a condition. It should also be noted that the units would be triple aspect so should have a good outlook.

Members also sought assurances regarding the safety of the development and the provision of lighting given the isolated nature of the site. The Committee were reassured that the condition requiring adequate lighting should address any issues in this regard.

Members also sought assurances about the suitability of the material in terms of preventing graffiti/helping with the easy removal of graffiti. Officers provided assurances that the activation of the site should in itself offer a greater degree of natural surveillance and that the materials used as part of the development would be of a high quality. Officers would however take on board the issues raised by the Committee in respect of this and also the other issues raised by the Committee in formulating the future conditions for other applications.

The Committee also discussed the nature of the Council's consultation and that the affordable housing policy applied only to larger housing developments (with 10 plus units). Accordingly, the development would not provide any affordable housing. However, it was noted that the proposal would be CIL liable.

On a vote of 6 in favour and 2 against the Committee **RESOLVED:**

That planning permission be GRANTED for the erection of a two-storey building comprising of 2 residential dwellings with associated landscaping works subject to the conditions and the informative set out in the Committee report.

6. OTHER PLANNING MATTERS

6.1 Land Adjacent To 20 Bury Street London EC3A 5AX - PA/18/03314 – Observation to City of London

Paul Buckenham introduced the application for the demolition of existing building and structures and the construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction. Due to the strategic importance of the application, it has been presented to the Strategic Development Committee for observations to the decision making authority – the City of London.

Daria Halip (Planning Officer) presented the report highlighting the key features of the application site and its surrounds including its proximity to the Tower of London. The proposal comprised two elements: the pavilion and the Tulip. The main structure of the Tulip extends to 305.3m AOD and would be the tallest building in London providing a number of uses. Three Statutory consultees had recommended refusal of the application: the Greater London

Authority, Historic England and the Historic Royal Palaces. The application was referable to the GLA.

In summary, Officers considered that the Committee should recommend refusal of the application for the three reasons set out in report regarding: the harm to the setting of the Tower of London, the impact on the LBTH transport network and the environmental issues given the lack of information about these two issues .

In response to the Committee questions, Officers confirmed that, according to the travel assessment, the development was likely to generate a significant number of additional transport trips, a proportion of which most likely would be absorbed by the Borough's transport network. Information on such potential impact had not been provided by the applicant to date. In terms of public benefits of the scheme, whilst it was noted that the proposal sought to deliver community and education facilities, insufficient information was made available to identify exactly what this would consist of.

The Committee also sought clarity about the harmful impact on the Tower of London, and why this was considered to be greater than the harm from the other developments in the nearby tall buildings cluster. Officers advised that due to the position of the development in relation to the Tower of London, as shown in the images, and the separation distance to the Eastern Tall Building Cluster coupled with the proposed materiality of the development, the proposal would encroach on protected views and would compete rather than contrast with the Tower of London. The distinctive design, particularly the concrete stem which rises from ground level up to the base of the bulb structure would contrast with the crystalline context of the cluster drawing significant attention to the building's form. The development would constitute a departure from the form and materiality of the cluster, competing with the established strategic views and the historic environment.

On a vote of 7 in favour of the Officer recommendation and 1 against, the Committee **RESOLVED:**

That Tower Hamlets Council raises an objection to the proposed development for Demolition of existing building and structures and construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction for the following three key reasons:

1. Design and heritage: the proposal would cause unacceptable less than substantial harm to the significance and setting of the Grade I listed Tower of London World Heritage without significant public benefit to justify such harm. The proposed development would conflict with paragraph 193 and 196 of the NPPF and policies 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan, including policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.

2. Transport: the proposal is likely to impact onto the LBTH local public transport infrastructure which would have to absorb a proportion of the forecasted visitors to site annually. Insufficient information has been submitted

with the application to allow officers to fully understand the likely impacts on to the transport network. LBTH reserve the right to provide comments when such information is made available.

3. Environment: the Environmental Statement does not contain sufficient information to fully assess the proposals.

6.2 Planning Appeals Report

Paul Buckenham presented the report. This report summarised appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 13 month period since the last report - from 1 December 2017 to 31 December 2018. The Committee noted an overview of appeal decisions and benchmarking performance data showing that the quality of the decision making was generally good. The committee also noted a list of public enquiries scheduled and the outcomes, where known.

Members' attentions were drawn to the outcome of the following appeals:

- The Whitechapel Estate London, E1 (PA/15/02959). SDC refused the scheme in accordance with Officer recommendation. Appeal Allowed. The Planning Inspector disagreed with the Council decision and felt the benefits of the scheme would outweigh any harm and would achieve the policy aspirations for the area to achieve transformational change .
- Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561). Refused by the Development Committee (against Officer recommendation). Appeal Dismissed due to a number of concerns.
- 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 (PA/16/03518). Permission refused by the SDC (against Officer recommendation). Appeal Allowed. Planning Inspector felt that the proposal would achieve a stepping down effect and granted the application with only 16% affordable housing and did not require a late stage review mechanism. As a result of this decision, the Council were exploring the option of developing a supplementary planning document regarding building heights.
- Enterprise House, 21 Buckle Street, London, E1 8NN (PA/16/03552). SDC refused application (against Officer recommendation). Appeal allowed. The Committee refused the application due to concerns with the daylight and sunlight impacts to neighbouring properties, heritage impacts and issues with the propose use. The Inspector noted that the site lay with an area identified for substantial growth, therefore some impact on existing sunlight and daylight levels was unavoidable. The Inspector also felt that the harm would be less than substantial and would be offset by the public benefits. Officers were mindful of the need to take into account the nature of the area in applying the BRE guidance regarding sunlight and daylight impacts.
- 2, 4 & 6 East Ferry Road, London, E14 3LA (ENF/16/00303). Appeal Allowed and Enforcement Notices quashed. Officers considered that the decision was unusual as the Inspector appeared to base his

decision on the speculative benefits of the development potential of site. The Council were concerned about the precedent this decision would set and had elected to challenge the decision in the High Court.

In response to presentation, the Committee discussed the non-determination case due to the expiry of the statutory period for determining the application (Sainsbury Food Store (PA/17/01920)). In this case, the applicant submitted the appeal before the outstanding viability issues could be resolved by the Council. The Committee were invited to express a view on the application for consideration at the appeal. The Committee also noted details of the Committee deferral process.

The Committee asked for further information regarding the costs of appeals particularly in respect of the differences in the amount of s106 funding and affordable housing approved at that stage, compared to that proposed in the original reports to Committee. Officers agreed to add this to future updates.

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

1. That the contents of the report be noted

The meeting ended at 8.30 p.m.

Chair, Councillor John Pierce
Strategic Development Committee