

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 27 AUGUST 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 Julia Dockerill

Other Councillors Present:

Councillor John Pierce

Apologies:

Muhammad Ansar Mustaquim.

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Shay Bugler	– (Planning Officer, Development and Renewal)
Tim Ross	– (Deputy Team Leader - Pre-application Team, Development and Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)
Gareth Gwynne	– (Planning Officer, Development and Renewal)
David Knight	– (Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

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

5.1 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.(PA/14/03548& PA/14/03618)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item reminding Members that the application was initially considered at the 21st July 2015 meeting of the Committee where it was resolved to defer the application to enable Officers to prepare a supplementary report setting out proposed detailed reasons for refusal and the implications of the decision. The Committee noted that Officers had considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan 2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and had concluded that:

- The scheme would provide an employment led mixed use development appropriate in this City Fringe location which has been identified as part of the 'Tech-City' cluster. The scheme provides over 30,000 sq. m. of B1 (Office) space suitable for small and medium-sized enterprises (SMEs) which accords with the Tech City aspirations and supported by both the London Plan and Local Plan policies.
- The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the predominantly vacant and underutilised buildings which currently occupy the site.
- The applications had been subject to extensive consultation with local residents and interested groups. The approach to heritage and design is supported by Tower Hamlets Officers, Historic England, CABE and the Council's Conservation Design Advisory Panel as it is considered to represent a combination of sensitive restoration and retention of heritage assets whilst incorporating high quality new buildings that would preserve and enhance the character and appearance of the Elder Street Conservation Area. Where harm to designated heritage assets is identified this is less than substantial and outweighed by the public benefits of the scheme.
- The development would provide a suitable mix of housing types and tenure including a maximum acceptable provision of affordable housing given the viability constraints of the site.
- The housing would be of suitably high quality, providing a good standard of amenity for the future residents in accordance with housing standards. Subject to conditions, there would be no significant impact upon the amenities of neighbouring residents.
- Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- The scheme would be liable to both the Mayor's and the Borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

In summary, in view of the merits of the proposed development scheme Officers remained of the view that the scheme should be granted planning permission. Members were also reminded of the reasons for refusal and that whilst it was the professional view of the Officers that a refusal could be defended it was commented that the chances of success were limited.

In response to further questions Members indicated that they would have wished to have received a viability study relating to the scheme so as to assist them in making their decisions. The Committee also confirmed their view that

there was insufficient provision of housing within the proposed scheme and that the proportion of affordable housing was too low. In addition, the Committee still felt that the impact of the scale and massing of the proposal on the setting of the Elder Street Conservation Area and the loss of Heritage was not acceptable.

Planning Permission (PA/14/03548)

On a vote of 0 in favour of the Officer recommendation to grant planning permission 4 against and 1 abstention the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor John Pierce proposed and Councillor Danny Hassell seconded a motion that the recommendation to grant planning permission not be accepted (for the reasons set out below) and on a vote of 4 in favour; 0 against and 2 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at the Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

Members confirmed their view to refuse the scheme in view of concerns over the loss of heritage and subsequent harm to the conservation area as well as the lack of housing within the scheme, combined with the lack of affordable housing as a proportion of the housing.

Listed Building Consent (PA/14/03618)

On a vote of 0 in favour of the Officer recommendation to grant listed building consent 4 against and 2 abstentions, the Committee did not agree the Officer recommendation to grant consent.

Accordingly, on a vote of 5 in favour, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent be **NOT ACCEPTED** at the Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Land at 160-166 Chrisp Street (PA/15/00039)

Shay Bugler (Development Management - Case Officer) presented a report that outlined the proposal for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

The Committee heard that:

- The Local Planning Authority has considered the particular circumstances of this application against the development plan including the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy 2010, Managing Development Document 2013, the London Plan 2011 (as amended and consolidated March 2015) and national guidance (National Planning Policy Framework) (NPPF) and local guidance along with all other material considerations and has found that the loss of vacant existing industrial buildings onsite was considered by officers to be acceptable onsite given that the surrounding area is predominantly residential in character and the site is located outside a Local Industrial Location. The proposed residential development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child play space;
- The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. There are 55 social rent units proposed. The 4 houses proposed form a terrace (i.e. two are semi-detached and two are terrace dwellings);
- The report explained that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location;
- The proposal would not give rise to any undue detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise nuisance and other amenity impacts would also be mitigated so as not to cause undue detrimental impacts to future residents;
- Whilst the transport matters including parking, access and servicing area are acceptable, the transport contributions through planning charges have yet to be agreed;
- The application is recommended for approval subject to the completion of a Section 106 agreement which would secure 35% affordable housing by habitable rooms and a contribution towards employment during the construction phase and end use phase skills and training, and a Community Infrastructure Levy payment.

The Chair then invited registered speakers to address the Committee.

Carole O' Keefe local resident spoke in opposition to the application. She objected that the scheme did not properly consider the issue of mixed social housing; the implications for the existing residents of the noise and dust in the adjacent streets caused by the construction of the development and the loss of light for habitable rooms of neighbouring properties once completed.

Ben Thomas then spoke in support of the application on behalf of the applicant and stated that the development was designed so as to minimise the impact for the neighbours in terms of privacy and loss of daylight. The Committee heard that 30 residents had indicated that they supported the scheme. Also the scheme was designed so that bedrooms would not be overlooked by living rooms; there would also be a good quality communal area with 500 sq. metres of well-designed play space; a £50,000 contribution based on an agreed methodology would be made by the developer to the provision of local amenities; £525,973.00 had been secured from the Community Infrastructure Levy for improvements to the local Education/Health Infrastructure; the proposal had also been developed in accordance with the principals of "Secured by Design"; the private amenity space has been set in accordance with policy at 5 sq. metre for 1-2 person dwellings with an extra 1 sq. metre for each additional occupant. However, the combined policy requirement for communal and child play space should be 1321 sq. metres and the development has only 1204 sq. metres on site although the play space would be of a high quality. In addition, Langdon Park is easily accessible from the site being less than 5 minutes walking distance.

In response to further questioning the Committee heard that:

- Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. Whilst the primary method of assessment is through calculating the vertical sky component (VSC). It was noted that this is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that if 'direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants; and the "No Sky Line (NSL) is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room.
- Of the windows that had been tested only two would actually experience any reduction in VSC of more than 20% from existing and these will experience a 30% reduction. Those two windows would experience only a minimal change in number of windows that would experience reductions in NSL and would be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

- There are also a number of windows that would experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms would be left with sky visibility to more than 50% of the room area 1-11 Rifle Street.
- 49 of the 74 windows assessed do not meet the BRE standard with 33 experiencing reductions of up to 30% from existing and 8 experiencing reductions of more than 30%, with the worst affected window experiencing a reduction of 70% from existing. It is however relevant that the windows most affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.

In summary in view of the merits of the scheme Officers remained of the view that the scheme should be granted planning permission subject to the recommendations set out in the report:

In response to further questions Members indicated that whilst in principal they supported the development of the site but they had concerns regarding the following:

- (i) Height bulk mass;
- (ii) Impact on amenity of neighbouring properties;
- (iii) The lack of a study on the impact upon the social infrastructure;
- (iv) The density; and
- (v) Shortfall of play space.

With regards point (iii) the Committee felt that it should have received more details on the developments impact upon the neighbourhood's social infrastructure (i.e. ability of the local schools and doctor's surgery's to absorb the additional numbers of people it was envisage would be living in these new properties). The Committee took the view that without this information a decision could not be taken.

Planning Permission (PA/15/00039)

On a vote of 1 in favour of the Officer recommendation to grant planning permission 4 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly on vote of 4 in favour, 1 against and 1 abstention it was **RESOLVED** that the Officer recommendation to grant planning permission be **NOT ACCEPTED** in respect of Land at 160-166 Chrisp Street

Members were minded to refuse the scheme in view of concerns over the height; bulk and mass, suitability of the neighbourhood's social infrastructures; impact on amenity of neighbouring properties, density and the lack of play space.

In accordance with Development Procedural Rules, the application was **DEFERRED** so as 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.

6.2 Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP (PA/15/01209)

Gareth Gwynne (Development Management - Case Officer) presented a report that outlined the site location and the existing site use. The Committee noted that the development would require the demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping. The main points of the discussion on this application maybe summarised as follows:

The Committee noted that:

- The impact of the proposal upon these London View Management Framework (LVMF) views had been subject of considerable discussion with officers both during pre-application discussions and since submission;
- The Council's Environmental Impact Assessment - Screening & Scoping Opinions had concluded the proposed development is considered to likely lead to significant effects on views of the White Tower which is situated within the Tower of London and London Wall Scheduled Ancient Monument. The Screening Opinion also considered that the proposed development is likely to lead to significant effect on views looking north east from within the Inner Ward and the north Wall Walk of the Tower of London.
- There had been a number of planning application representations including the Corporation of London, Historic England and Historic Royal Places with comments on the effect of the scheme on heritage assets, and in particular effects on the views of the Tower of London World Heritage Site. All three aforementioned consultation bodies raised concerns regarding the adverse effects of the scheme on LVMF 25A.2 and 25A.3 and objected accordingly. Historic England had also queried that there did not appear sufficient public benefits been included as part of this submission to offset (justify) this harm. Accordingly, following the receipt of revisions comprising of a one storey reduction and revised wireframe visualisation drawings for the revised scheme, these three consultation bodies individually concluded the proposed development would reduce the adverse effect on these LVMF views, and removed their respective objections.

- There are no existing residential neighbours in close proximity to the proposed building scheme (i.e. within 28m) to the development. The Aldgate Place development when complete will provide the nearest residential neighbour set at a minimum 15.5m distance. This separation distance will be set across a busy arterial road and within this context it is not considered that the minimum separation distance poses any unduly significant additional privacy issues to neighbouring future residents.
- The applicant has also agreed to mitigate the site specific impacts of the development including an upgrade to the public realm on Half Moon Passage and Camperdown Street; provide 14 construction phase and 7 end phase apprenticeships; provide market discounted affordable rent incubator space for small enterprises, delivered by an affordable workspace with individual office/desk space let on a flexible letting basis including very short term contractual lets; and has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.
- The development as with all tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. Accordingly, mitigation measures are proposed including a canopy of trees flanking either side of Half Moon Passage. Furthermore detailed mitigation measures will be required as part of a planning condition, informed by the detailed results of the wind tunnelling modelling of the scheme, and a comprehensive set of mitigation measures need to be provided to the local planning authority and included in the finalised design details of the scheme in terms of treatment of the elevations, landscaping and detailing of the roof terraces for approval.
- That the London Mayoral Community Infrastructure Levy (CIL) became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated to be around £2,312,360 (Crossrail minus Mayoral CIL). In addition, this application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £2,259,350.

Accordingly, the Committee on vote of 6 in favour, 0 against and 1 abstention, it was **RESOLVED**:

- 1 That the Committee resolve to grant planning permission subject to:
 - A. Any direction by The London Mayor

- B. The prior completion of a legal agreement to secure the following section 106 planning obligations:

Financial Obligations:

- a) A contribution of £678,979 towards end user employment, skills, training;
- b) A contribution of £157,684 towards construction phase skills and training;
- c) A contribution of £448,200 towards Carbon Offsetting; and
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions **£1,284,863**, plus monitoring contribution.

Non-financial contributions

- e) Public realm/shared surface treatment improvements on Camperdown Street and Half Moon Passage;
- f) Provision of 1,210sq.m of flexible lease affordable rent workspace for the life of development;
- g) At least 14 apprenticeships to be delivered during the construction phase of the development;
- h) At least 7 apprenticeships during end-user phase to be delivered over the first 3 years of occupation;
- i) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough;
- j) 20% of goods/service during construction to be procured from businesses in Tower Hamlets;
- k) Permanent public access/walking route across Half Moon Passage from Camperdown Street and Braham Street; and
- l) License with Transport for London for oversailing highway.

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.

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.

The meeting ended at 9.15 p.m.

Chair, Councillor Marc Francis

Strategic Development Committee