

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 23 NOVEMBER 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor John Pierce (item 5.1)
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman
Councillor Candida Ronald (Substitute for Councillor John Pierce items 1 – 4.2)

Other Councillors Present:

Apologies:

None

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Tim Ross	(Team Leader, Planning Services Development and Renewal)
Jennifer Chivers	(Planning Officer, Development and Renewal)
Hannah Connell	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were reported

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 26 October 2016 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, 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) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street (PA/15/03561)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated works.

He reported that the application was previously considered at the 28 September 2016 meeting of the Development Committee where Members deferred the consideration of the application for a site visit. Following which, the application was brought back the Committee on 26th October 2016 where Members were minded to refuse the application for the reasons in the updated Committee report.

Officers have since considered the Committee proposed reasons and had drafted suggested detailed reasons for refusal as set out in the updated report.

Tim Ross, (Planning Services) gave a brief presentation on the application and the suggested reasons for refusal. He advised that since the October Committee meeting, comments had been received from objectors about the

impact of the development on the nearby Tasman House and the properties adjacent to Site C. The objectors considered that the impact on which should be included in the Committee reasons for refusal. However, Officers considered that the properties in Tasman House would not be significantly affected by the application given the level of BRE compliance in relation to daylight and sunlight, so did not consider that these issues should be included in the Committee's reasons.

In response, Members supported the suggested reasons for refusal and concurred with Officers views regarding Tasman House, as reported above.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 23 November 2016 and on a vote of 6 in favour, 0 against and 0 abstentions, the Committee **RESOLVED**:

That planning permission be **REFUSED** at Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street for Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses (PA/15/03561) for the following reasons as set out in the Committee report, dated 23 November 2016:

Impact of highway network

1. The existing narrow streets and lack of dedicated drop-off provision will result in a detrimental impact upon the safety and free-flow of traffic in the surrounding street network due to the servicing requirements and vehicle movements generated by the proposal, contrary to policies SP09 of the Core Strategy 2010 and DM20 of the Managing Development Document 2013 which seeks to ensure that new development does not have an adverse impact upon the safety and capacity of the road network.

Impact of neighbour's amenity

2. The proposed development will have unacceptable adverse impact on the amenity of occupiers of nearby properties due to a detrimental reduction in daylighting and sunlighting conditions of neighbouring residential properties located within Ross House and 10-12 Clave Street. The proposals are therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of

existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Impact of heritage assets

3. The proposed development, by way of the design, scale, height, and profile, compared to the buildings to be demolished, would appear as a visually incongruous to the local area and fails to respect the scale, proportions and architecture of the former buildings. As a result, the development would cause less than substantial harm to the character and appearance of the Wapping Wall Conservation Area and would fail to preserve the character of this heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.

As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012) as well as the Wapping Wall Conservation Area Appraisal and Management Guidelines (2009).

Councillor Gulam Kibria Choudhury did not vote on this application having not been present at the meeting on 28th September 2016 when it was previously considered

4.2 Harley House and Campion House, Frances Wharf, London (PA/15/03433)

Paul Buckenham (Development Manager, Development and Renewal) presented the application for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit.

He reported that the application was previously considered at the 28 September 2016 meeting of the Committee where Members were minded to refuse the application for the reasons set out in the updated Committee report. Officers had since assessed the Committees reasons and had drafted detailed reasons for refusal as set out in the report.

Mr Buckenham summarised the suggested reasons. He also explained the reasons why Officers felt that the reason relating to incremental development could be sustained at appeal given the findings of a recent appeal case and the precedent set by this.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 23 November 2016 and on a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED**:

That planning permission be **REFUSED** at Harley House and Campion House, Frances Wharf, London for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit (PA/15/03433) for the following reasons as set out in the Committee report, dated 23 November 2016

Density

1. The proposed development by reason of its excessive density constitutes overdevelopment of the site, which is exhibited by the resulting inadequate access to sunlight and daylight for neighbouring residential properties. There is no exceptional circumstance to justify exceeding the advised density range for this development site. The development is contrary to the NPPF, policies 3.4 of the London Plan (MALP 2016), SP02 of the Core Strategy (2010) and the London Plan Housing SPG (2016).

Amenity

2. The proposed additional storeys at 7th and 9th floor levels, by reasons of their siting, form and mass would result in unacceptable sunlight and daylight failures to existing residential units and the construction of the development would result in an unacceptable level of noise, vibration and dust pollution for existing residents and building occupiers. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013), along with the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development safeguards the amenity of surrounding existing and future residents and building occupants.

Incremental Development

3. The absence of a policy compliant affordable housing provision for this incremental development would fail to ensure the development contributes to the creation of socially balanced and inclusive communities. As a result the proposal is contrary to policy SP02 (3) which requires housing development to provide 35%-50% affordable housing on all sites providing a total of 10 or more residential units.

Design

4. The proposed additional storeys to the existing building at 7th and 9th floor levels, by reasons of its scale, bulk and appearance; and when considered in conjunction with the overall character of its immediate environs, would have a detrimental effect on the appearance and

character of the surrounding area and the adjacent Limehouse Cut conservation area. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policies DM24 and DM27 in the Managing Development Document (2013), along with the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development is appropriate in terms of design, is sensitive to and enhances the local character and its setting, and protects and enhances the borough's heritage assets.

Councillor Gulam Kibria Choudhury did not vote on this application having not been present at the meeting on 28th September 2016 when the application was previously considered

4.3 Holland Estate, Commercial Street, London (PA/16/01628)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development comprising –

- the introduction of a new security gate between No.16 and No.36 Goulston Street,
- the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and
- the omission of the approved pedestrian access route between Herbert House and Jacobson House.

The Committee noted that the application was previously considered at the 26 October 2016 meeting of the Development Committee where Members were minded to grant the application for the reasons in the Committee report, contrary to the Officers recommendation to refuse the application.

Officers have since drafted suggested reasons for approving the application as well as detailed conditions as set out in the update report.

The Committee were also advised of a recent development in respect of a planning appeal for an almost identical application, (PA/16/00254) that had been determined by the Council under delegated powers.

It was reported that on 31st October 2016, the Council received notification of the appeal decision. The Inspector dismissed the appeal and upheld the Officers decision to refuse the application. The appeal decision was a material consideration in considering this application. A copy of the appeal decision was attached to the Committee report.

Jennifer Chivers (Planning Services) presented the report summarising the key features of the scheme and the appeal decision. In response to questions about the appeal decision and the implications of this, Officers stressed that the Committee may still reach their own decision on the application and that

they ultimately had the power to determine the application. They should however have regard to the appeal decision in reaching the decision. The Committee noted this advice.

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 refuse planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be granted and on a vote of 4 in favour, 0 against and 1 abstention the Committee **RESOLVED:**

1. That the Application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, be GRANTED for a proposed minor material amendment to the approved development comprising the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House, for the reasons set out in the 23rd November 2016 Committee report subject to:
2. The conditions and informatives set out in the 23 November 2016 Committee report.
3. The prior completion of a legal agreement to carry over all of the obligations relating to the section 106 agreement required for the original planning permission, taking account of the revised conditions.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Andrew Cregan left the meeting for the consideration of this item, having declared a prejudicial interest in the item when it was previously considered at the 26th October 2016 Development Committee meeting. This was on the basis that the Councillor was a Council appointed Board Member of East End Homes.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Site at corner of Buxton Street and Spital Street, London (PA/16/01832)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of the existing store building, substation and workshop and boundary wall to Buxton Street and Spital Street

up to the Cooperage Building and the erection of a 3 storey high Data Centre with mixed used accommodation and associated works.

Hannah Connell (Planning Services) presented the detailed report, being brought to the Committee as the planning permission for the application had now expired. The Committee were advised of the site location, the surrounding area and the key features of the application. It was reported that the land use remained acceptable. It was also considered that the height scale, bulk and design responded satisfactorily to the area, with set backs in the design to enable the provision of pavement on Buxton Street. Whilst the proposal would result in the loss of buildings, it was not considered that this would harm the setting of the Conservation Area. An objection had been received about the impact on air quality, views, the loss of light and height of the building. Officers did not consider that plans, subject to the application of the conditions, would have any undue impact in terms of these issues. The application also included energy efficiency and sustainability measures. Officers were recommending that the application was granted planning permission.

In response to questions about the cycle parking, Officers explained the differences between the TFL and the London Plan requirements. The scheme would provide 10 cycle spaces that fell short of the relevant policy requirements. However, more would be provided if needed. In response to questions about the loss on the trees, it was reported that a tree protection plan would be secured by condition. In addition, the application would deliver a number of public realm improvements. Given this, Officers considered that the proposal would preserve the biodiversity value of the site.

In response to further questions, Officers provided reassurances about the design of the proposal and the impact on the character of the area. Officers also answered questions about the number of jobs that would be created by the proposal, the proposed sum for employment initiatives that accorded with the provisions of the Planning Obligations SPD.

The Committee also requested that more images should be included in the Committee reports in the future.

On a vote of 6 in favour 0 against and 1 abstention, the Committee **RESOLVED:**

1. That the planning permission be **GRANTED** at Site at corner of Buxton Street and Spital Street, London for the Demolition of the existing store building, substation and workshop and boundary wall to Buxton Street and Spital Street up to the Cooperage Building and erection of a 3 storey high Data Centre with basement accommodation (Use Class B8) including provision of Use Class B1 enterprise / D1 training floorspace, provision of rooftop satellite dishes, roof mounted mechanical plant, security fencing and bollards, cycle parking and provision of two electric charging car parking spaces (PA/16/01832) 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 authority to negotiate the legal agreement indicated above.
4. That if, within three months of the date of this committee meeting the legal agreement has not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
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
6. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

5.2 Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) (PA/15/02774)

Application deferred for consideration at the 15th December 2016 Development Committee.

6. OTHER PLANNING MATTERS

None

The meeting ended at 7.50 p.m.

Chair, Councillor Marc Francis
Development Committee