

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 11 JANUARY 2018

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Shafi Ahmed
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Sirajul Islam)
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Gulam Robbani)

Other Councillors Present:

Councillor Abdul Asad

Apologies:

Councillor Sirajul Islam
Councillor Gulam Robbani

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Elizabeth Donnelly	(Senior Planning Officer, Place)
Paul Greeno	(Senior Corporate and Governance Lawyer, Legal Services)
Tim Ross	(Team Leader, Planning Services Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillors Marc Francis, Julia Dockerill and Muhammad Ansar Mustaqim declared a personal interest in agenda item 5.1, Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the basis that they had sat on the Strategic Development Committee when an application involving part of this site had previously been considered by the Committee.

Councillors Maium Miah and Muhammad Ansar Mustaquim declared a personal interest in agenda item 5.1, Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the grounds of membership of the Tower Hamlets Council of Mosques who had submitted a representation supporting aspects of the application.

Councillor Shafi Ahmed declared a personal interest in agenda item 5.1 Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the grounds that he was a Board member of the Tower Hamlets Council of Mosques who had submitted a representation supporting aspects of the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 30th November 2017 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

None.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217)

Update report.

Paul Buckenham (Planning Services Manager) introduced the application for the demolition of existing substation and construction of a 20 storey building, including student accommodation totalling 375 rooms; office floorspace at ground/first floor level; commercial floorspace at ground floor level; basement and new pedestrian link to the eastern boundary of the site. He drew attention to the update report including further representations, points of clarification including that paragraph 4.9 should read 'this would not resolve the harm'

The Chair invited registered speakers to address the Committee.

Sarah Hammond (local resident) spoke in objection to the application. She expressed concern about increased waste and bins on the street given the absence of any plans showing how bins would be stored, rubbish collected or details of the loading bay. The existing units and businesses already generated a lot of waste so the plans would worsen the issues around this. The twenty storey building had no architectural merit and had no place near a Conservation Area. The design and height of the scheme needed to be given more thought. Concern was also expressed about the need for additional student accommodation in this area and also the proposed pedestrian link in view of safety and maintenance issues. In response to questions from the Committee about the developer's consultation, she explained that she had engaged in the consultation and had objected to the application. She also explained in further detail her concerns about the loading bay and the impact of this.

Mohamed Zabadne, Sue Cleverdon (on behalf of Business in the Community), Hassan Hoque and Councillor Abdul Asad spoke in support of the application. They considered that the proposals would generate significant benefits to the local area including a pedestrian link that complied with policy, affordable commercial space, much needed student accommodation, and would benefit the local economy. BITC welcomed the scheme. It would provide them with affordable work space in London on a rent free basis. They also explained the merits of the pedestrian link for the local area, the need for student accommodation in the area. This would ease pressure on the local housing supply. None of the three main institutions in the local area had objected to the proposal.

It was also considered that the height and design of the building would be appropriate for the area and that similar to the previous application, the public benefits of the application would outweigh any harm. Historic England and the Greater London Authority (GLA) did not consider that the proposal would cause any harm and the Whitechapel Vision Masterplan supported the

provision of taller buildings in the area. Concerns was also expressed about the pre - application process particularly delays in the process and the failure to agree a PPA.

In response to questions about the new pedestrian link, the speakers consider that it would provide easy access and brighten the area. With the permission of the Chair, Sarah Simpson, the applicant's transport consultant explained that the link complied with the relevant TfL policy requirements in terms of minimum width. The applicant had expressed a committed for it to be publically available.

Regarding the height and massing and the concerns with the previous 2015 application, it was reported that the applicant had carried out a lot of work to address this. With the permission of the Chair, Glenda Parkes explained these changes and referred to the comments in the Greater London Authority's stage one report, expressing support for aspects of the application.

In response to questions about the office accommodation and its future occupancy, they explained that 100% of which would be provided at affordable rents (not 10%). This would be written into any legal agreement. They also explained the arrangements with BITC that worked with small and medium sized business.

In response to further questions, they emphasised the need for additional student accommodation in the area, and clarified their concerns about the pre application process. Officers advised that whilst there was a delay in the process, clear advice was offered to the applicant during the pre application process.

The speaker also explained the scope of the developer's consultation, their discussions with local universities and third parties about the proposed link.

Elizabeth Donnelly (Planning Services) presented the detailed report explaining the site location, the surrounding area and the key features of the application and the outcome of the consultation including the main issues raised in support and objection. In land use terms, the proposed B1 (a) floorspace could be supported in principle. The applicant had submitted information to state this would be offered to BITC, but no further details of this had been forthcoming. However, the future occupier of the office space was not a material planning consideration and therefore cannot be given any weight in the determination of this application. Furthermore there was a lack of credible evidence to demonstrate that the scheme would deliver a reasonable percentage of affordable rented student accommodation in line with the Mayor of London's Housing SPG. Given this and the absence of a partnership arrangement with a local university, Officers were not in a position to support the proposed student accommodation.

The height, scale and massing of the proposed 20 storey development was objectionable. The proposal would result in harm to the Myrdle Street Conservation Area, as well as a significant impact upon the character and

appearance of the wider townscape. It would dominate local views and mark a significant departure from prevailing building heights. Images of the proposal from the surrounding area was noted. The design features would do little to mitigate this. It was not considered that any of the perceived benefits associated with the scheme would outweigh this impact.

The scale and massing of the proposal would also give rise to significant and unacceptable impact upon the amenities of neighbouring residents.

Furthermore it was also considered that the issues around the width and design of the link diluted its quality as a public benefit and these issues had yet to be resolved.

Officers also had concerns about the adequacy of the cycle plans and the lack of a Blue Badge holder parking arrangements. Due to the reasons set out in the Committee report, Officers were recommending that the application was refused permission.

In response to the presentation, the Committee asked questions about the planning history for the site, the surrounding sites and the differences between this application and the previous application. Members also asked about the consultation with the GLA. In response, Members were reminded that the Committee previously considered an application for residential development involving the site in 2015 and the Committee resolved to grant the previous application going against the Officers recommendation for refusal. The Mayor of London then issued a direction for refusal and the application was withdrawn by the applicant. Whilst some of the policy requirements for daylight and sunlight only applied to residential developments, the standards for impact on neighbouring amenity did apply to student accommodation. The scheme still shared many of the same issues with the previous application in respect of the impact on neighbouring amenity. Therefore on this ground the application was still considered to be unacceptable. The surrounding sites included serviced apartments and also a hotel development. The GLA's stage one response was set out in the Committee report.

The Committee asked questions about the issues with the viability assessment and it was confirmed that the Council and the GLA had concerns with the methodology including the comparisons with a hotel use. As a result of these issues, it could not be concluded that the maximum number of affordable student accommodation had been secured.

The Committee also questions about the need for additional students accommodation in the Borough and the lack of an agreement with a university. In response, Officers referred to the statistics in the Committee report and the London Plan showing that there was an oversupply of student housing in Tower Hamlets. Given this and the lack of an agreement with a university, there was a need for the applicant to demonstrate a local need and it was not considered that they had done so. Whilst it was recognised that

there was still a certain level of need for student accommodation in the area, this needed to be balanced against other priority uses for the site.

Members also asked questions about the sunlight and daylight impacts and the nature of the rooms most effected. It was explained that a number of the windows in Tower House would lose virtually all of their daylight exposure, with failings as much as up to 89% on the western elevation as detailed in the report. This conflicted with BRE guidance that applied to all rooms where daylight was required.

Questions were also asked about the height of the building and the policy restrictions regarding building heights in the area. Officers explained that the policy did not set a limit on the building heights as such. However, the site was not in a tall building cluster and the Whitechapel Vision Masterplan did not identify this as an area where a tall building such as this one should be situated.

In response to further questions, Officers provided reassurances about the pre application process and addressed the issues about the PPA. Officers also explained in further detail the issues around the future occupancy of the affordable office space.

Councillor Asma Begum proposed and Councillor Muhammad Ansar Mustaqim seconded a proposal that the application be deferred to obtain further information surrounding the PPA and also the plans for the office space. On a vote of 4 in favour, 4 against with the Chair using a casting vote against, this proposal was not agreed.

At the conclusion of the debate, Members expressed a number of comments about the application.

On a vote of 4 in favour 3 against and 1 abstention, the Committee **RESOLVED:**

That planning permission be **REFUSED** at Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London for the demolition of existing substation and construction of a 20 storey building, including 11,450 sqm of student accommodation totalling 375 rooms; 1,050 sqm of office (B1a) floorspace at ground/first floor level ;70 sqm of commercial floorspace (A3 use) at ground floor level; basement and new pedestrian link to the eastern boundary of the site (PA/17/02217) for the following reasons as set out in the Committee report:

- 1) The application submission fails to demonstrate that the proposed development would provide a maximum reasonable amount of affordable rented student accommodation, that is both deliverable and retainable in perpetuity, contrary to Policy 3.8 Housing Choice of the London Plan (2016); Policy DM6 Student Accommodation of the Managing Development Document (2013) and the guidance set out in the Mayor of London's Housing SPG (2016),

- 2) The scale, height and massing of the proposed building would mark a departure from the scale of its surroundings and give rise to a disproportionate and overpowering addition to the surrounding existing built form and an unacceptable level of harm upon the setting of the Myrdle Street Conservation Area wider townscape contrary to Policies 7.4 Local character, 7.7 Location and design of tall and large buildings, 7.8 Heritage assets and archaeology of the London Plan (2016); Policy SP10 Creating distinct and durable places of the Core Strategy (2011); Policies DM24 Place sensitive design, DM26 Building heights, DM27 Heritage and the historic environment of the Managing Development Document (2013) and the Myrdle Street Conservation Area Appraisal.
- 3) Due to the excessive scale and massing of the building, the proposed development would result in an unacceptable level of harm upon neighbouring amenity by way of significantly reduced daylight and sunlight, overbearing impact, increased sense of enclosure, increased overlooking and loss of privacy contrary to Policy DM6 Student Accommodation and DM25 Amenity of the Management Development Document (2013).
- 4) The proposed development is unsatisfactory with regards to cycling, including the accessibility of the proposed cycle storage, the quantum of cycle parking spaces and the nature of the cycle storage, contrary to Policy 6.9 Cycling of the London Plan (2016); Policy SP09 Creating attractive and safe streets and spaces of the Core Strategy (2010); Policy DM20 Supporting a sustainable transport network and Annex 2 Standards (parking) of the Managing Development Document (2013).
- 5) The application submission is insufficient in demonstrating the acceptability of the proposed Blue Badge holder car parking arrangement (within the existing neighbouring basement) in relation to both its relationship with the proposed development and its impact upon the existing neighbouring development contrary to Policy 6.13 Parking, Parking Addendum to Chapter 6, Table 6.2 of the London Plan (2016) and Policy DM22 Parking and Annex 2 Standards (parking) of the Managing Development Document (2013).
- 6) In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

6. OTHER PLANNING MATTERS

6.1 Planning Appeals Report

Paul Buckenham (Development Control Manager) introduced the report. The report summarised appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 14 month period since the last report - from 1 October 2016 to 30 November 2017.

By way of background, the Committee were reminded of the different types of appeals and the appeals process. In terms of the headlines, it was noted that 83 decisions were made on appeals in Tower Hamlets. 79 were following a refusal of permission and 3 were non-determination appeals. Of the 83 decisions, 22 were allowed, 60 dismissed and 1 was part allowed. This meant that in 72% of the cases, the Council had successfully defended its decision.

With reference to Appendix A, it was noted that most of the decisions were made under delegated powers or by the Development Committee rather than by the Strategic Development Committee. However, looking ahead to the appeals hearing schedule, a number of the cases would relate to the Committee decisions. There had been two public inquiries in December 2017 and a number were likely to be held in the first half of 2018.

Members also noted the benchmarking and performance information and the latest data published by the Department for Communities and Local Government. This showed that the Council fell well below the designated criteria in respect of decisions overturned at appeal.

The Committee's attention was drawn to the outcome of the following three appeal decisions.

- Former Stepney's Nightclub, 373 Commercial Road, Stepney - Planning permission was refused by the Council for the erection of a 3 storey mixed use building to provide new commercial floorspace with 6 new homes on the upper floors. This was subsequently allowed on appeal and dismissed following a further appeal. Members noted the issues in respect of the noise impacts and the two Inspectors different views.
- Flat 39A, Northesk House, Tent Street, Whitechapel. The appeal concerned the temporary change of use of the flat from residential to a short-term let. Permission was refused under delegated powers and the appeal was refused. Officers noted that the Inspector placed a lot of weight on the loss of the one unit. Officers considered that the decision was significant and helpful in terms of how the Council moved forward to tackle the growing issue of unlawful changes of use of residential properties to short term let properties.
- Harley House and Champion House, Frances Wharf - The appeal concerned roof extensions to provide 6 new residential units along with

reconfiguration of 1 existing unit. The appeal was allowed. Members noted the issues in respect of incremental development.

In response, the Committee noted the forthcoming appeals inquires and hearing schedule relating this Committee.

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

That the contents of the report be noted.

The meeting ended at 9.55 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee