

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 DECEMBER 2021

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Kevin Brady (Chair) (5.1 only)
Councillor Sabina Akhtar
Councillor Kahar Chowdhury (5.1 only)
Councillor David Edgar
Councillor Tarik Khan
Councillor Val Whitehead
Councillor Kabir Ahmed
Councillor James King (5.2 only)

Other Councillors Present:

Councillor Andrew Wood*

Apologies:

Councillor Abdul Mukit MBE

Officers Present:

Paul Buckenham	– (Head of Development Management, Planning Services, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Legal Services, Governance and Resources)
Aleksandra Milentijevic*	– (Principal Planning Officer, Planning Services, Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Michael Ritchie*	– (Place Shaping Team Leader, Strategic Planning, Place)
Simon Westmorland	– (West Area Team Leader, Planning Services, Place)
Noreen Zareef*	– (Interim Head of School Buildings & Development)
Zoe Folley	– (Democratic Services Officer, Committees, Governance and Resources)

* Online

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillor Kabir Ahmed and Val Whitehead declared that they had received representations on the applications.

The following Councillors declared interests in Item 5.2 - Site at 2-6 Commercial Street, 98 and 101-105 Whitechapel High Street, Commercial Street, Gunthorpe Street, London (PA/20/02726).

Councillor Kevin Brady - Non Disclosable Pecuniary Interest. This was on the grounds that he was a Council appointed Member of the Whitechapel Art Gallery and they had objected to the proposals. He left the meeting for the consideration of this item.

Councillor Kahar Chowdhury - Non Disclosable Pecuniary Interest. This was on the grounds that he was:

- Cabinet Member for Highways and Public Realm
- Had attended a recent Cabinet Meeting that approved the Land Swap Agreement for the Canon Barnett Primary School, Gunthorpe Street, E1 7RQ

He left the meeting for the consideration of this item.

Councillor Sabina Akhtar - Non Disclosable Pecuniary Interest. This was on the grounds she was

- Cabinet Member for Culture, Arts and Sports
- Had attended a recent Cabinet Meeting that approved the Land Swap Agreement for the Canon Barnett Primary School, Gunthorpe Street, E1 7RQ

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED:

1. That the minutes of the meeting of the Strategic Development Committee held on 23rd September 2021 be agreed as a correct record

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

To RESOLVE 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 Strategic Development Committee.

4. DEFERRED ITEMS

No items

5. PLANNING APPLICATIONS FOR DECISION

5.1 Blackwall Way Yard Jetty, Blackwall Way, London (PA/21/00288)

Update report was published.

Paul Buckenham introduced the application for a riverboat station, jetty and associated works at Blackwall Yard. He also outlined the issues in the update report.

Aleksandra Milentijevic (Planning Services) presented the application advising of the site and the surrounding area and Blackwall Yard scheme.

The following issues were noted:

- The key features of the application to provide a sustainable travel mode, with a new Pier which maximises the use of the river. It would also contribute to the transport interchange connecting the area with other Thameside areas and riverboat stations across London from Putney to Woolwich.
- The outcome of the consultation in relation to the amended application (after the removal of cross ferry service from the proposal). Nine representations had been received with three additional representations in the update report.(In addition, the Applicant had also carried out their own consultation). The issues raised were noted, through the Council's consultation scheme relating to: issues with the existing public foot path, air quality issues, amenity impacts, potential anti-social behaviour, and lack of demand and use of river services. It was proposed that an additional compliance condition should be secured as set out in the update report limiting operating hours, clipper movements and vessel engine capacity.
- The land use was in accordance with policy - PLA's Thames Vision 2035 (2020), the London's Passenger Pier Strategy (2015).

- The scheme has been designed to respond to the local area, minimise the impact on heritage assets with mitigation for any environmental impacts and operational and navigation restrictions.
- Officers were mindful of the concerns raised by the Council's heritage and design Officers about the impact on the setting of the listed structure. They also noted the issues around lack of use, and the benefits in terms of better revealing the dock. It was considered that the public benefits would outweigh the less than substantial harm.
- In terms of the amenity issues/construction impacts, conditions would be secured to minimise any impacts, as set out in the list of conditions. This included a requirement to submit a detailed CEMP and Construction Logistics Plan and to ensure compliance with the Considerate Contractor Scheme
- In highway terms, the scheme raised no issues.
- The environmental information had been considered by the Council and the Environmental Agency and they had withdrawn their objection.

It is recommended that the scheme be granted conditional planning permission.

The Chair invited the registered speakers to address the Committee

Natalie Carter addressed the Committee in objection: She expressed concerns about the impact on New Providence Wharf in terms of

- Safety and security issues due to the increased footfall/ use of the public footway, due to the increase in public access. Conditions should be secured to provide security measures, including contributions from the Council to fund this.
- Impact on the river wall from increased river use. Responsibility for maintenance costs and need for measures to address this..
- Impact on air quality and increased carbon emissions from Thames Clippers.
- Increased noise pollution and ASB

Alexandru Ene also address the Committee raising concerns about the Blackwall Yard application.

The applicant's representatives Stephen Rossouw addressed the Committee, advising of the benefits of the application, highlighting the following.

- The public benefits in terms of the provision of sustainable river transport.
- Mitigation to minimise environmental impact and comply with relevant standards. There would also be biodiversity enhancements.
- That the applicant had engaged widely with residents and stakeholders
- The level of support for the scheme.

The Committee asked questions of the registered speakers and Officers

The Committee sought clarity about the environmental impacts in light of the findings of the Environmental Impact Assessment. In particular assurances were sought about the mitigations for:

- light pollution and impact on residents and on wildlife
- measures to minimise carbon omissions and other green initiatives.
- the monitoring of air quality and controlling hours of operation.
- issues around the future proofing of the cross-river ferry,
- noise impacts.

In response, Officers drew attention to the conditions and measures set out in the report to manage these issues, to ensure the impacts would be minimal including:

- the pre – commencement conditions requiring a lighting strategy. (Condition 20). The impact on residential properties should be minimal given the distance away from the pier.
- The provision of a strategy for the use of carbon neutral and negative vehicles (condition 28)
- Condition 18 – requiring continuous monitoring of air quality.
- The new compliance condition, set out in the update report, limiting operating hours, clipper movements and vessel engine capacity. This could only be amended with the Council’s permission.
- The removal from the application of the future proofing of the cross-river ferry, due to the need to address the outstanding issues. This may be re-introduced if necessary, through a new planning permission.
- The noise controls.

The applicant also commented on their plans regarding the introduction of new more sustainable clippers in the near future.

The Committee also asked questions about the increased footfall for the area and the safety and security measures. In response the following issues were noted:

- The objectors clarified their concerns about this in view of the opening hours, the frequency of the boat trips and the plans to open up new areas for public access.
- They also considered that there had been a lack of consultation with residents at their expense.
- Officers confirmed that conditions would be secured ensuring proposed structures were safe, including a requirement to secure by design accreditation.
- The availability of details of the increased footfall numbers in the Transport Study and the lack of impact on highways from the proposal.

The Committee also discussed/ noted details of the maintenance/ownership arrangements for the Thames Footpath. It was noted that the maintenance costs, was not a planning matter.

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

1. That, subject to any direction by the Mayor of London planning permission is **GRANTED** at Blackwall Way Yard Jetty, Blackwall Way, London for the following development:
 - A riverboat station, jetty and associated works at Blackwall Yard. (PA/21/00288)
2. subject to the prior completion of a legal agreement to secure the planning obligations, set out in the Committee report
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters, set out in the Committee report and the amendments to the conditions listed in the update report.

Election of Chair for the next Item of Business

In view of the absence of the Chair and Vice Chair of the Committee, Councillor Tarik Khan **moved** and Councillor David Edgar **seconded** a proposal that Councillor Val Whitehead be elected to Chair this item of business. this was agreed.

5.2 Site at 2-6 Commercial Street, 98 and 101-105 Whitechapel High Street, Commercial Street, Gunthorpe Street, London (PA/20/02726)

Update report was published.

Paul Buckenham introduced the application. This sought the demolition and partial demolition of buildings on the site and the redevelopment to provide a building (ranging from ground plus 4-14 storeys), comprising office and retail space, with the relocation and expansion of the existing school playground and associated works.

Also outlined was the contents of the Committee update report, including details of late representations. It was also noted that a Committee site visit had taken place earlier in December.

Simon Westmoreland (Planning Services) presented the application advising of the site and the surrounding area - including the proximity to the Cannon Barnett Primary School and the nearby heritage assets.

The Committee were also advised of the key features of the application including details of the proposed demolition, retention of buildings and new elements.

The Committee noted the following:

- Details of the public consultation- in response to this, 223 representations in objection were received. A number of historic societies had submitted objections, as well as a Councillor. Six representations were received in support including from the London Assembly Member for City and East. Issues raised were summarised, around land use, the scale, design and heritage, highways and traffic, neighbourhood amenity, environmental impact, impact on school, and other issues.
- Overall it was considered that the proposed land was acceptable, given the sites location in the Central Activities Zone (CAZ). In addition the affordable workspace goes well beyond Local Plan and London Plan policy, (10.7% of the floorspace at a 37% discount secured through the S.106 agreement for the lifetime of the development)
- A key part of the proposal included the relocation of playground. These proposals accorded with policy. The Council's Education Department had raised no concerns about the proposals for the school.
- The loss of the education floor space, Class F1 was also noted. There was no compelling evidence regarding the need for this space.
- It was considered that the proposals would meet the criteria in relation to locating a Tall Building outside the Tall Building Zone.
- Regarding the heritage assessment, it was considered that the building would cause less than substantial harm to heritage assets as defined by the NPPF – given the proposals to demolish a building of lesser significance in the case of 101 Whitechapel High Street/ quality of the replacement facades. It also noted that there will be a noticeable contrast between the appearance of the new development and existing buildings. Images of the proposals were noted, as well as the response of Historic England on the extent of the harm (middle range of less than substantial) and the need to balance this against the public benefits.
- Details of the landscaping and public realm improvements were noted
- In daylight/sunlight terms, there would be significant impacts to a number of properties surrounding the site – including major impact on flats at 4 Gunthorpe Street and Kensington Apartments from loss of daylight and sunlight. Such impacts are however inevitable with buildings at scale within the CAZ.
- The application was finely balanced. However, officers consider that the public benefits outweigh the identified harm to heritage assets. These included: provision of affordable workspace for the lifetime of the

development, a heritage mitigation s106 contribution of £1 million to secure heritage directed improvements to the facades and shopfronts to neighbouring parts of the conservation area, public realm improvements and the removal of the public car park, (which currently attracts anti-social behaviour)

It is recommended that the scheme be granted conditional planning permission.

The Chair invited the registered speakers to address the Committee:

Alison Graham, Andrew Allen and Craig Hutchinson addressed the Committee, raising concerns about the following issues:

- High number of objections, including those from historic groups.
- Loss of daylight and sunlight to neighbouring properties.
- Impact on primary school, in terms of overshadowing. Report was inaccurate and underestimated the impacts.
- Impact on construction works – for residents and the school children.
- Impact on residents and school childrens wellbeing due to adverse impacts.
- Height of proposed building too tall. It would conflict with the Tall Buildings Policy, and LBTH Local Plan regarding the protection of heritage assets and the Conservation Area.
- Lack of engagement by the applicant with Toynbee Hall and Whitechapel Art Gallery.
- Impact on Sir George's Residence which was a period building. This was due to: the scale and proximity of the development, leading to overshadowing, loss of daylight and sunlight, overlooking to terraces and loss of privacy, due to the relocation of playground. The height of the scheme had only been reduced by a small amount, so it was difficult to see how it would have less of an impact.

The applicant's team Adnan Shaikh, Steven Baumann, Daniel Maddox and local resident Chris Worrall spoke in support of the proposals, highlighting the following:

- The public benefits – creation of new jobs, including for local residents, and training opportunities for local residents.
- New office and retail space.
- Provision of affordable work space that exceeded policy. This will help ensure SMEs and local business benefit from the development.
- Removal of a car park – that should help address ASB and crime in the area.
- Relocation of the school playground to a better position in terms of air quality and improved access.
- Regeneration of the site with provision of active frontage,
- A carefully/sensitively designed proposal, that would be in keeping and preserve and enhance the area, with heritage contributions.

- Whilst some neighbouring properties would experience losses in Sunlight and Daylight (in VSC terms), they would remain broadly compliant in relation to NSL.
- Residents and business supported the proposals in view of the public benefits

The Committee asked questions of the registered speakers and Officers around a number of issues as summarised below:

- The definition of 'less than substantial harm' to heritage assets as set out in the NPPF. It was noted that in assessing, this the decision maker may take into account whether the public benefits outweighed the harm. These included: a new area of public realm, redevelopment of empty site, new retail and office space, including affordable workspace, opportunities to address ASB.
- Merits of locating the tall building outside the Taller Building Zone and in the Conservation Area. In response, Officer outlined the factors that would have been taken into account when setting the boundaries of both, based on the character of the area. The Council were required to consider each application on its own merits in relation to the Tall Building Zone. In this case it was considered that the building met three of the four tests, and it was open to the decision maker to decide if it met the criteria regarding addressing deficiencies in the provision of public infrastructure. Officers were mindful of the issues raised about the location of a tall building in the CA, (amongst the hierarchy of tall buildings) however also note the benefits of this in terms of maximising the development potential of the site and securing greater benefits.
- The Committee also discussed the degree of harm to the listed buildings in the area. Officers found that there would be a degree of harm to the Whitechapel Art Gallery which was grade 11* listed building. In Officers view, this would be at the lower end of less than substantial. In relation to other listed building, it would cause minimal harm. The most significant harm (towards the middle range of less than substantial) would be caused to the significance of the Whitechapel High Street Conservation Area, a view shared by Historic England
- Members also asked questions about the design. Particularly clarity was sought on the ways in which it would enhance the setting of the area/ celebrate the skyline/create a focal/reference point / provide a 'calmer backdrop' to heritage assets, as stated by the applicant.
- In terms of the design, the applicant reported they had worked to ensure that the development would respond sensitively to heritage assets. (for example due to the stepped down design). It was felt that it would enhance the setting of the area – for example by providing infill buildings and restoring buildings that would improve the street, as recognised by the GLA stage 1 report.
- Concerns were also expressed about the impact of the demolition works and building works on carbon emissions at the time of a climate emergency.

- In response, the applicant stated that they had carried out an assessment of the existing buildings. Many of the structures had been altered and provided little visual contribution to the CA. Due to the floor plates, it was considered necessary to demolish buildings to maximise the development potential of the site. The applicant had worked with Officers to bring forward a proposal, (both in terms of the demolition work and the development itself) that would meet BREAM standards. The building would be energy efficient
- The issues around the car park and ASB. Officers confirmed that such problems had been raised with the Council and by the school. It was believed that addressing such problems, with the removal of the carpark, would be a positive outcome of the application.
- The benefits of relocating the playground given the short distance between the new and existing site. In response, Noreen Zareef, Education Interim Head of School Buildings & Development provided further clarity on this. The service had worked closely with the school on the development of a feasibility study and the design of the playground and the new annex to include new facilities to offset the loss of school space. The new playground would be positioned away from Commercial Street, in the ULEZ and would be shielded, which would significantly reduce exposure to pollution and improve air quality.
- The concerns about the daylight and sunlight impacts on neighbouring properties. It was questioned how this compared with other developments? In response Officers further outlined the nature of the major impacts to properties, and the findings of their assessment as set out in the presentation.
- The loss of the language facility given the policy that sought to protect education facilities. Officers advised that whilst not normally supported, in this case they found this to be acceptable given, given the lack of evidence for the need for this use as well as the wider benefits of the scheme.

Committee Members then briefly discussed the application raising a number of concerns about the application

On a vote of 1 in favour and 5 against the Officer recommendation, this recommendation to grant planning permission was not agreed.

On a vote of 5 to refuse planning permission, 0 against and 1 abstention, the Committee **RESOLVED:**

1. That, planning permission is **REFUSED** at Site at 2-6 Commercial Street, 98 and 101-105 Whitechapel High Street, Commercial Street, Gunthorpe Street, London for the following development:
 - Demolition of 101 Whitechapel High Street, 2 – 6 Commercial Street and the western annex of the Canon Barnett Primary School; partial demolition and partial retention of 102 - 105 Whitechapel High Street; and redevelopment to provide a building ranging from ground plus 4-14

storeys, comprising office and retail (Class E); relocation and expansion of the existing school playground; associated cycle parking, hard and soft landscaping another associated works. (PA/20/02726)

The Committee refused the application due to concerns over:

- Height of the building – given the site’s location within the Whitechapel High Street Conservation Area and that it is outside of a Tall Building Zone. Members were not convinced it met the criteria for buildings outside the Tall Building Zone.
- Demolition of heritage assets in the Conservation Area fronting onto Commercial Street and Whitechapel High Street.
- Adverse impact on the character and appearance of the Conservation Area and individual heritage assets due to height, bulk and design.
- Daylight and Sunlight impacts on neighbouring properties
- Overshadowing of the proposed new playground
- Loss of language school education facility.
- That the public benefits of the proposal did not outweigh the harm to heritage assets.

The meeting ended at 10.40 p.m.

Chair, Councillor Kevin Brady (5.1)
Strategic Development Committee

Chair, Councillor Val Whitehead (5.2)
Strategic Development Committee

The meeting ended at 9.40 p.m.

Chair, Councillor Kevin Brady
Strategic Development Committee