

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 19 NOVEMBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor John Pierce (Chair)
Councillor Abdul Mukit MBE (Vice-Chair)
Councillor Dipa Das
Councillor Kevin Brady
Councillor Sabina Akhtar
Councillor Tarik Khan
Councillor Val Whitehead
Councillor Rabina Khan

Other Councillors Present:

None

Apologies:

None

Officers Present:

Paul Buckenham	– (Development Manager, Planning Services, Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Vicki Lambert	– (Conservation Officer Place)
Rachel Mckoy	– (Head of Commercial & Contracts, Legal Services Governance)
Max Smith	– (Team Leader, Planning and Building Control, Place)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillor Kevin Brady declared a non - Disclosable Pecuniary Interest in Site at the former Bishopsgate Goods Yard, Braithwaite Street E1 (PA/14/02011 and PA/14/02096). This was on the basis of membership of a club that had objected to the previous application for the site. He stated that he had no involvement in this objection and considered that this had not affected his judgement on the application.

Councillor Tarik Khan declared a non-Disclosable Pecuniary Interest in this application. This was on the basis of his involvement with the Spitalfields Community Group and Planning Forum, that had objected to the previous application for the site.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED:

1. That the unrestricted minutes of the meeting of the Committee held on 14th October 2020 be agreed as a correct record and signed by the Chair.

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

There were none.

5. PLANNING APPLICATIONS FOR DECISION

There were none.

6. OTHER PLANNING MATTERS

6.1 Site at the former Bishopsgate Goods Yard, Braithwaite Street E1 (PA/14/02011 and PA/14/02096)

Update report was tabled

Paul Buckenham (Development Manager, Planning Services, Place) introduced the application for an outline application for the comprehensive mixed use redevelopment of the site comprising , as well as the listed building application.

He provided the background to the application, highlighting the Mayor of London's decision to determine the application. In 2015, The Council and Hackney Council considered the application and recommended that the application should be refused for a number of reasons. The GLA planning report recommended that the application was refused. Following the cancellation of the stage 3 hearing, substantial negotiations had taken place. Formal amendments had been made to the application, as detailed in the Committee report. Two rounds of consultation had been carried out on the revised application. The application site crosses the boundary of Hackney and Tower Hamlets. The Committee were advised to apply the Council's policy to the part of the scheme within the Borough. The Committee recommendations will form the basis of the Council's representations at the Mayor of London's hearing.

Max Smith (case officer) presented the report advising of the key features of the site location including the site constraints and the aspirations of the site allocation in the TH Local Plan. He also provided a comparison with the previous application. In response to the consultation, 360 representations were received as well as objections from local groups. The main issues related to the lack of housing, design, scale, too many retail units, and amenity impacts as detailed in the Committee report. The update report also highlighted a number of further late representations.

The Committee were advised of the key elements of the application. The scheme would deliver a range of benefits and would broadly comply with the site allocation. These included:

- Creation of new affordable office and retail space across the site. At least 10% of the retail floorspace would be secured for independent retailers.
- The provision of new routes and public open space in compliance with the policy.
- Community/cultural spaces and visitor/educational space.
- The restoration of historic buildings and non- designated heritage assets – including the Grade II listed Braithwaite Viaduct and Oriol Gateway.
- The provision of Affordable housing at 50% of habitable rooms. This meant that a viability assessment is not required. The mix of unit sizes for both intermediate and affordable rent housing would be in line with

policy, with an emphasis on family sized housing. Officers were mindful of the of lack of family sized units in the market housing tenure. The applicant had expressed a willingness to review the level at the reserved matters stage with a view to increasing this.

The scheme includes a 150 bed hotel. Whilst Officers had raised concerns about this, it was considered that a reason for refusal based on this would be difficult to sustain in policy terms.

Regarding the design – Concerns remained about the bulk and scale of Plot 1, 2 and 3 in terms of the buildings impact on the surrounding area and the setting of the conservation areas. In particular, concerns were noted regarding Plot 2, (such as the latterly added wind mitigation features).. It was considered that special care needed to be taken at the reserved matters stage to break up the massing and to minimise the impacts, particularly along the Bethnal Green Road.

In terms of daylight/sunlight, the scheme would cause major impacts on neighbouring properties, due to the close proximity of certain blocks to these properties. The greatest impact would be to properties within the Avant Garde development, buildings at the eastern end of Sclater Street and at 154 Commercial Street. The Committee noted details of assessment for the worst affected properties.

A wide range of contributions had been secured as set out in the report.

In terms of the Highways issues, the development would result in an increase in vehicle trips. The relevant Authorities were satisfied with the measures to address this. The transport benefits included pedestrian routes through the site.

On balance, the public benefits are considered to outweigh the concerns set out above. The development broadly complied with the site allocation in the Local Plan.

It is therefore recommended that Tower Hamlets should advise the Mayor of London that the borough in its capacity as a planning authority does not object to the applications subject to the planning conditions and satisfactory completion of a Section 106 legal agreement to secure the planning obligations set out in the Committee report.

The Chair invited the registered speakers to address the Committee:

Gary Means, Jonathan Moberly (Reclaim the Goodsyard) and Mike Christie spoke in objection to the application.

Concerns were expressed about the following issues:

- Loss of market units

- Lack of affordable office space and retail space (workshops/artist studios etc) for local traders. Concerns were expressed about the damaging impact of this on local traders. The offer of 10% of office space at a 10% discount was not enough.
- Over supply of large scale office space which was unsuitable for the area. There was little demand for this, especially in this current climate.
- The lack of genuinely affordable housing, and housing generally on the site. Only 45 would be provided at an affordable rent,
- Design would be overbearing. The largest block had hardly changed since the previous application, and would impact on Bethnal Green Road. One of the blocks would be four time higher than the surrounding building heights.
- Conflict with planning policy that called for lower rise developments on the site with more housing. This achieved the reverse. This comprised too little housing and too much office space.
- Lack of greenspace.
- Overprovision of hotels in the area, with reference to the proposed hotel, displacing the opportunities for housing on the site.
- Major daylight and sunlight failings to properties within the Avant Garde Development, including social housing at Sclater Street. These properties would experience a 'wall of development'. Development should step down to minimise impacts.
- This estate would also experience privacy and overlooking issues. This had been ignored.
- Lack of consultation from the developer with residents.

The applicant's representative Jim Poole, and John Mulryan spoke in support of the application highlighting the following points:

- That the application had undergone major changes. The key changes were noted.
- It was understood that the development would impact on the Avant Garde Estate, however, the applicant had worked to minimise the impacts.
- The benefits of the scheme included: new open space and 50 new affordable homes. Details of this were noted. All of the dwelling would be tenure blind with private space. This followed Council policy.
- The wider benefits included: restoration of heritage assets, creation of jobs, office space and retail space with the 10% offer for local traders. It was envisaged that the development will attract local businesses and the applicant was keen to encourage small businesses to the development.
- The applicant was mindful of the concerns regarding the hotel use. The representatives stated that this complied with policy and there was little merit in the alternatives.
- The consultation with residents had been extensive
- Most of the recent comments related to the need for more homes. The hotel use was well received in consultation.

- The housing would be of a good quality. The development would maximise the housing potential of the site. If increased any higher, this could affect amenity

Committee questions:

The Committee asked Officers and the registered speakers a number of questions in relation to the following areas:

Housing issues and Design

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- Regarding the lack of family units in the private housing tenure, Members sought clarity on the reasons for this and why the non policy compliant elements, such as the lack of larger private housing could not be addressed at this stage, rather at the reserved matters stage. In response, the applicants drew attention to the focus on providing smaller sized units in the private sector. They confirmed their commitment to work with Officers at the reserved matters stage to improve that offer. They also expressed a willingness at the Committee meeting to add a target for the residential mix in the legal agreement and to use reasonable endeavours to achieve this.
- Officers also advised at this point that they would make it clear to the GLA that the Council wished to see the level of larger private accommodation increased. Officers also noted that the scheme would provide a good level of four bed affordable units.
- Members also asked questions about the need for the social and the private units to be of the same quality. The applicant's representative confirmed that this would be written into the legal agreement and the design guides. There would be no significant difference in their appearance. They would of a good quality.
- Clarity was also sought about the level of housing to be provided, given the objector's comments on this. Mr Moberly commented that there would be 45 new homes of a low rent on a 10 acre site. He considered that this was very similar to the previous scheme. He considered that the housing provision especially the overprovision of one bed private units would do little to address the housing shortage in the Borough. In discussing this issue, Officers highlighted the priorities of Hackney and Tower Hamlets in terms of the land use. The applicant's approach to designing the site (in terms of the split between office space and housing across the development) had been informed by these priorities, including Hackney's aims for an office led scheme. The scheme had been amended to these reflect aims. The Mayor of London would be able to consider the application site as whole.
- The Committee also sought clarity on the aspirations in the site allocation in the London Plan regarding housing numbers. In response, Officers confirmed that this sets out a number of objectors for the site around the delivery of residential uses and employment, uses etc. However, Members needed also to be mindful of the site constraints.

- The Committee also discussed the minimum and maximum parameters schemes set out in the Committee report. Concern was expressed about the development only delivering at the lower end of the range given the aspirations in the site allocation. It was questioned whether this would be worth the impacts? It was felt that more detail needed to be provided at this stage about the housing parameters, (given the models ranged from 346 -500)
- The applicant expressed confidence that the scheme could provide the optimal level of housing. The various calculations assumed a range of housing mixes. The applicant was willing to tighten up the parameters. However, it was also noted that changing the layout of the scheme may affect the impacts from the development and the housing mix.
- Regarding the design, concerns were also expressed about the design of parts of the development, particularly the glass building. Assurances were sought that this could be addressed at the reserved matters stage. It was felt that the design could set an unhelpful precedence.
- Officers confirmed that the scheme may be amended at this stage, so long as any changes complied with the agreed parameters. Officers outlined the type of changes that could be made. It was possible that the reserved matters application can be brought back to the Committee.

Hotel Use, Plot 8.

The Committee asked a number of questions about the hotel use as highlighted below:

- Concern was expressed about the hotel use at Plot 8 and whether there was any need for this. It was questioned why this site could not instead provide housing and whether it would make more sense to locate any hotel with the office accommodation.. It was felt that there was a lack of evidence around potential uses of this site to maximise the public benefits given the impacts from the scheme.
- It was noted that Officers had worked to look at alternative uses. Whilst not ideal, it was possible that it could provide commercial units or a residential development. However, given the reasons outlined in the report, it was felt that there were insufficient grounds to refuse this. In addition, Officers had worked hard to locate the blue badge disabled parking spaces near the residential development. Any changes to the hotel location may mean that this relationship could not be secured.
- Concerns were also raised about the hotel's encroachment on green space. Officers confirmed that the proposed level of open space complied with policy
- The applicant's speakers also commented on the unsuitability of Plot 8 to provided housing, including additional family sized market units. The site constraints meant that it would be very difficult to provide services without significant service charge implications. They had not been able to develop a management strategy to address this.

Affordable workspace

The Committee asked a number of questions about the office and retail uses, as summarised below:

- Regarding the loss of market facilities, Mr Means explained how the lack of affordable workspace would affect local businesses, stressing the need for a variety of affordable workspaces to accommodate local business needs. There were concerns that the office space would be expensive and therefore was unlikely to attract the local community interests. The East End Traders' Guild say that many local businesses will not be able to survive if they are not catered for. The scheme needed to be rethought to make it more affordable.
- In response to further questions, Officers advised that the bulk of the office floor space would be in Hackney and 7.5% of this would have a 60% discount, near the boundary of Tower Hamlets. This was considered to be a public benefit for the Borough as well.
- The Committee sought clarity on the measures to attract local businesses to the scheme. Particularly, whether it was possible to offer a discount on the retail units for local businesses? Officers confirmed that the measures met the policy requirement by providing 10% of the office space in Tower Hamlets at 10% market discount. This would be secured in the s106 agreement. It was also felt that the layout of the buildings should suit smaller businesses.
- The applicant's spokesperson also highlighted the measures to secure 10% of the retail units for local businesses. He considered that this should in itself mean that they received a discount - and they had made this assumption in their business plan.
- Clarity was also sought on the objections from the Brick Lane Traders, and from Bethnal Green Road. It was noted that the presentation and the report covered all the representations.

Amenity issues

The Committee also discussed the amenity impacts, as highlighted below.

- In response to questions, Mr Christie emphasised his concerns about the developer's consultation, particularly with the residents most affected at the Avant Guard Estate. It was understood that there were a large number of objections and the residents of the social housing at Sclater street were particularly concerned with the development.
- A Councillor drew attention to the number of major sunlight and daylight failings. Whilst mindful of the issues, Officers advised that the impacts were a significant improvement compared to the previous application. Although the impacts were severe, many more properties were affected by the previous scheme. Any development of the site even at the lower end of the scale, would result in some impacts and it was felt that the public benefits would outweigh this.

Other issues.

- The Committee also discussed surface water drainage issues and the planting. Officers noted the issues around this and it was considered that this could be resolved through the conditions. With the permission of the Chair, a member of the applicant's team spoke briefly about the landscaping plans.
- Turning to the heritage issues, it was confirmed by officers that preserving the heritage of the site was one of the major goals of the scheme. The plans were welcomed. The Council's Conservation Officer outlined these plans.
- Officers also provided assurances about the employment and training contributions

At the conclusion of the discussions, Members expressed a number of comments on the application that are summarised below;

- Members noted the differences of opinion in terms of the housing parameters. It was noted that it was necessary to consider what was set out in the Committee report.
- Members expressed objections regarding the failure to maximise the level of housing. It was questioned whether the benefits would outweigh this, if the scheme only provided 350 houses? This did not meet the aspirations in the site allocation. It was questioned whether the maximum level even did.
- Members also questioned whether the minimum and maximum parameters will give the Council enough leverage to amend the scheme.
- Concerns were also expressed about the housing mix. Particularly, the shortfall of family sized private housing and the oversupply of smaller units in that tenure. It was also considered that there was a lack of affordable housing
- The Committee also expressed concerns about Hotel use at Plot 8. It was felt that it encroached on green space and that the scheme should seek to maximised green space. It was also felt that homes could be delivered on the site or that it could provide green space. The view was also expressed that the visitor accommodation should be located near the BI use, rather than on the green space.
- Concern were also expressed about the design and massing. There was insufficient detail in the plans to show how the massing would work. Elements of the design could set an unhelpful precedent.
- Members also raised objections about the offer for start up businesses and the opportunities for local traders. This should be improved.
- It was proposed that all reserved matters should be determined by the Committee.

In response Officers advised that they could have further discussions with the applicant and the GLA about these issues.

On a majority vote, the Committee resolved **not to accept** the Officer recommendation that Tower Hamlets raises no objections to the granting of planning permission.

Councillor John Pierce proposed and Councillor Kevin Brady seconded alternative proposals as set out below

On a unanimous vote it was **RESOLVED**:

1. That Tower Hamlets raises objections to the granting of planning permission at Site at the former Bishopsgate Goods Yard, Braithwaite Street E1 (PA/14/02011) due to the concerns around the following issues:
 - The failure to optimise the housing potential of the site and the associated market sector housing mix.
 - The Plot 8 in terms of its use, the opportunities to provide affordable housing on this site and the impact on green space.
 - Height and massing of the development, particularly in terms of the impact on Bethnal Green Road
 - The retail offer and business strategy.
2. That any future reserved matters application be determined by the Committee

Listed building consent:

On a unanimous vote it was **RESOLVED**:

3. That Tower Hamlets raises no objection to the granting of the listed building consent at the former Bishopsgate Goods Yard, Braithwaite Street E1 (PA/14/02096)

6.2 Pre-application presentation: Ensign House, (PF/19/00234)

Deferred to a future meeting

The meeting ended at 9.30 p.m.

Chair, Councillor John Pierce
Strategic Development Committee