

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.33 P.M. ON WEDNESDAY, 13 FEBRUARY 2019

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Officers Present:

Adam Garcia	– Planning Officer, Place Directorate
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Daria Halip	– (Planning Officer, Place)
Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Antonella Burgio	– (Democratic Services)

Registered Speakers In Attendance:

Mr E Sulic – objector (Item 4.1)
Mr M Schmitz – objector (Item 4.1)
Mr J Engel – Agent & Architect (Item 4.1)
Mr M Rodriguez – Engineer & Architect (Item 4.1)
Mrs P Forster - objector (Item 4.2)
Mr T Gaskell - Agent (Item 4.2)

Apologies:

Councillor Peter Golds
Councillor John Pierce

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Mufeedah Bustin declared an interest in respect of item 4.2 in that during the summer of 2018 she had met with the agent of the application. The meeting did not concern the application under consideration.

Councillor Gabriela Salva-Macallan declared an interest in respect of item 4.2 in that, a number of years ago, she had signed a petition to save The George

public house. Notwithstanding she declared that she remained open-minded in respect of the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Minutes of the meeting held on 20 December 2018 were approved subject to four typographical corrections.

The minutes of the meeting held on 24 January 2019 were approved subject to two typographical corrections.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections be varied.
Accordingly officers and registered speakers engaged in the order outlined.
 - a) The Development Manager introduced the application and then the Planning Case Officer presented his report.
 - b) Registered speakers then made their submissions in the following order; objectors, Ward Councillors and applicants/agents.
 - c) Members then questioned the parties on the information submitted
2. That the meeting guidance be noted.
3. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting.
4. 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. PLANNING APPLICATIONS FOR DECISION

4.1 1 - 7 Mears Close, London, E1 1AS (PA/18/01538)

An update report was tabled.

The Area Planning Manager (East) introduced the report which concerned an application to create an additional upper storey to an existing terrace of properties at 1 – 7 Mears Close; the proposal also included a roof terrace, associated privacy screens and skylights. Its purpose was to provide

extended living accommodation to the existing properties plus roof terraces and the creation of a top floor flat.

The Planning Case Officer then presented the report informing the Committee of the relevant planning considerations related to the application. These were; land use, design, quality of residential accommodation, amenity, transport and services.

He advised that there had been statutory planning consultation comprising 73 notification letters, site notice and a press notice. 23 objections had been received concerned with potential amenity impact, daylight/sunlight impacts, enclosure, overlooking and potential noise disruption during construction.

In relation to the setting of the proposed development on the Committee was informed that the surrounding buildings in Settles Street were four storeys plus basement and properties had been assessed for impacts on amenity; namely daylight/sunlight privacy, overlooking and separation. Upon assessment some impacts around enclosure were noted however these were mitigated by design features which would break up the mass and mitigate the sense of enclosure. Daylight/sunlight assessments had been undertaken in accordance with BRE standards and results indicated that the proposal did not breach these guidelines. Additionally the scheme met tests for public transportation and waste removal.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- There would be no impacts on the nearby conservation area as the application site was not located within it and, apart from some areas of Fieldgate Street, there would be no public views of the development from the conservation area.
- External spaces and balconies had been designed to protect privacy. Overlooking would be mitigated by the installation of fixed opaque glass screens.
- The amenity space proposed was in excess of policy requirements.
- The additional rooms that would be created in each of the properties would be accessed from existing stairwells; these would be extended into the new areas.
- Waste bins for the additional property would be located in the same area as that provided for the existing properties and accessed via Settles Street.
- Noting an observation that a property in Greenfield Street did not have residential unit status, Members were informed that, since it has been inhabited for some time, this could be attained by submissions of specified evidence.

The Committee heard from two objectors. They submitted their statements raising the following concerns:

- Residents of properties in Settles Street already experienced overshadowing from the current development and this would be exacerbated by the addition of the roof extensions.

- The BRE tests described by the Planning Case Officer did not properly reflect the levels of sunlight/daylight experienced by those occupying the properties. These properties were all flats and included some basement units.
- Some properties are presently overlooked a 2 metre wall; should the development go ahead, this would become a 6 metre wall.
- The site was first redeveloped in 2007 and those inhabiting the properties surrounding, used their private premises for a mixture of work and residential purposes. The proposal would be detrimental to them in terms of amenity.
- The proposal would render those already living in the surrounding properties boxed in.
- The proposal would result in much reduced light levels especially in winter. Additionally, properties in Settles Street were East facing therefore the loss of afternoon/evening light would be exacerbated by the additional storey proposed.
- The proposed development would not significantly enhance the quality of the existing surroundings.

Having heard these submissions, Members indicated that they had no questions they wished to ask objectors but wished to enquire further of the Planning Case Officer. They received the following additional information:

- Concerning impacts of the proposal on the views from Greenfield Road, all present were shown presentational slides by the Planning Case Officer to highlight the distance between the existing properties and the proposed development.
- Offering clarification on how the daylight assessments were undertaken, Members were informed that BRE guidance was used to assess how the proposal might impact surrounding dwellings. The 25° line specified in the BRE assessment framework was a pivotal criteria to determine if there would be detriment.

The Committee then heard from 2 parties acting on behalf of the applicant. These were architect/agent for the current proposal and the engineer/architect who was involved with the development in 2007. They informed the Committee that:

- The scheme had had been carefully designed to ensure that it can be delivered without detriment to surrounding residents.
- The design to extend the roof line had been proposed to meet the requirements of the neighbourhood and there had been work with the community to shape the proposal.
- The new structures would not be seen from the road.
- To mitigate noise construction, much of the structure would be fabricated off-site and assembled on location. Therefore disruption arising from construction would be reduced.

Members questioned the applicant's representatives and they provided the following additional information:

- Elevation issues in the direction of Greenfield Road had been addressed through provision of a translucent white glass screens which would permit light to travel. Additionally it was noted that the terraces at Greenfield Road were at second floor level.
- Concerning a query that the proposed roof additions would create more density, the Committee was informed that the proposed additions were set back from the original elevation of the Mears Close properties and therefore there would be no detriment.
- Concerning whether there had been sufficient consultation and engagement with residents, Members were informed that the Council had engaged with the public through the normal processes.

The Committee, noting that the material planning considerations at issue were design heritage and waste, then discussed the proposal taking into account the written and verbal information presented to them. They considered the information provided around:

- The potential vista impacts of the development on the nearby conservation area.
- Concerns about the daylight assessment and the application of the BRE test.
- The height of the development in relation to the height of other buildings which surround it.
- The impact of the development on the sense of enclosure and density.

The Committee noted that prior to development in 2007 there had been no residential units at this site and wished to receive fuller information on how the development at 1 – 7 Mears Close had affected density and also how the proposal might affect this. Officers advised the Committee that assessments indicated that the proposal would cause no additional detrimental impacts related to the matters at issue.

Following discussion, Members proceeded to consider the officer recommendation. They indicated that they did not support the recommendation set out in the report. Councillor Gabriela Salva-Mcallan proposed and Councillor Mufedah Bustin seconded that the application be deferred for a site visit and on a vote of 3 in favour and 1 against the Committee:

RESOLVED

That the application for planning permission at 1 – 7 Mears Close, London E1 1AS be **DEFERRED** for a site visit.

The Committee was minded to defer the application for a site visit for the following reasons:

- Members were concerned about the potential impacts of the proposed development on daylight/sunlight levels to the properties adjacent to the mews.
- Members were concerned about density.

In accordance with Development Procedural Rules, the application was **DEFERRED** in order to undertake a site visit.

4.2 2 Jubilee Street, London E1 3HE (PA/16/02806)

An update report was tabled.

The Chair informed all present that a late speaking request had been made by the proprietor of the Grade II listed premises The George Tavern who wished to speak against the application. He advised that he had exercised discretion to permit the objector to make a representation since, hearing from those in the community on how the proposal would affect the vicinity would help the Committee in its decision making.

The Area Planning Manager (East) then introduced the report which concerned the refurbishment of an existing office building and a single-storey roof extension and demolition of part of the existing buildings to the north and redevelopment to create a six-storey residential block together with amenity areas cycle parking and refuse recycling stores and new B1 office floor space at 2 Jubilee Street London E1. The proposed redevelopment of the site would deliver a mixed-use facility. The Planning Case Officer then presented the report highlighting the salient features which included re-provision of business space, provision of 37 dwellings with amenity areas and an affordable housing contribution of 35% equating to 9 residential units. The application site neighboured the Grade II listed The George Tavern and the Commercial Road conservation area. The relevant planning matters were land use, design, amenity, highways and legal contributions. Members were informed that there were some impacts on amenity and sunlight on the neighbouring developments but these were assessed acceptable as these impacts did not affect habitable rooms.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- Referencing Para.8.130 of the report and loss of light issues, the Committee was informed that the BRE guidance does not specify levels around loss of light for non-habitable rooms; notwithstanding Officers had assessed these. The windows that would be impacted in the zone R7 at figure 9 of the report (namely the non-residential premises adjacent to the George Tavern) were small.
- Concerning ventilation and noise disturbance mitigation measures, the Noise Specialist informed Members that the design of the residential premises included exchange ventilation and purge ventilation mechanisms. These would mitigate noise disturbance and overheating in the residential units and eliminate the need to open windows for ventilation and cooling. The mechanisms to be installed would be a mix of mechanical and passive ventilation to insure that costs could be kept down.
- Concerning the height of the proposed development comparative to its surroundings, the Committee was informed that the height of the development would be 5 storeys plus 1 set-back storey. The proposal

was comparable to the height of properties in nearby which were between 4 and 7 storeys.

- Concerning integration of the proposed development into its existing surroundings, the Committee was informed that objections associated with design would be addressed through the use of sympathetic materials.
- Highways impacts had been dealt with via a construction management plan and fire safety provision complied with regulations.
- Consultation with the neighbouring estate (around impacts of loss of light) had been carried out by means of statutory consultation required to be undertaken by the Council. All properties had been sent individual letters.

The Committee then heard from the objector. She informed the Committee that:

- She was the proprietor of The George Tavern.
- The premises were licensed to provide live entertainment until 2:30am on Thursdays and until 3:00am on Fridays and Saturdays.
- The proposed development would cause some overlooking to her property on the north-side; in particular the first and second floors of the property would be affected. Additionally, on the third floor there would be some loss of light to north-facing rooms.

She thanked to the Council for recommending the Deed of Easement against the proposed development which had recently been agreed.

The Objector, responding to Members' questions, also provided the following additional information:

- Mitigation against future noise complaints would be addressed via a Deed of Easement on the proposed residential dwellings.
- She had been late in making a request to speak because she had been absent at the time that the Planning meeting notification letter had been delivered.

The Committee then heard from the Agent on behalf of the Applicant. He informed Members that:

- The Applicant had worked to overcome noise issues through the provision of the exchange ventilation mechanisms described. These would enable those intending to occupy the residential units to coexist with the nearby entertainment venue.
- The existing office unit adjacent to the venue would be refurbished and would act as a further noise buffer between the residential units and the George Tavern.
- The proposal would bring benefit to the area in that it would enhance and regenerate the otherwise derelict site.

Responding to Members' questions, the Agent provided the following additional information:

- The Deed of Easement would form part of the legal agreement. The Legal Adviser to the Committee informed Members that, since the Council had sold its party to this site (this was a former Council

premises), it could not be party to the Deed of Easement. He further advised that the Deed of Easement would be effective upon the residential dwellings and its purpose was to give legal permission to the George Tavern to continue its activities reference noise generated by live events.

- The freehold of the site belonged to the Council and a 199 year leasehold had been purchased by the applicant.
- The Deed of Easement had not been referenced before this time since it had been agreed in December 2018. It concerned permissions related to levels of noise emerging from the George Tavern.
- Concerning highway safety during the construction period, the Committee was informed that no concerns had been raised by Highways during the consultation period.

Having heard all representations, the Committee indicated that it did not wish to discuss or debate the application further and moved to vote on the recommendation. The Chair proposed and on an *unanimous vote* in favour, the Committee:

RESOLVED

That the application at 2 Jubilee Street, London E1 3HE be **GRANTED** for Demolition of part of the existing buildings (to the north) containing 517sqm of floor space; retention and refurbishment of remaining existing office (665sqm) building (on southern part of site) and single storey roof extension (195sqm) to create new B1 office floor space; creation of a new build six storey (with setback top floor) residential block to the north to provide 37 dwellings (6 x studio, 15 x 1 bed, 12 x 2 bed, 2 x 3 bed, 2 x 4 bed units) together with amenity areas, cycle parking and refuse/recycling stores subject to obligations and informatives and conditions outlined in the report.

5. OTHER PLANNING MATTERS

5.1 PLANNING APPEALS REPORT

The Area Planning Manager (East) introduced the report which summarised appeal decisions in the borough made by the Planning Inspectorate on behalf of the Secretary of State, following appeals made to the Secretary of State, in the period 1 December 2017 to 31 December 2018.

The Committee was informed that 80 appeals had been lodged during this period and of these 50 has been dismissed by the Planning Inspectorate.

The Area Planning Manager (East) also highlighted the following significant enquiries during the period:

- Enforcement Notice Appeal (East Ferry Road) - the Committee was informed that an enforcement notice was served and at appeal, the Inspector's judgment placed significant weight on the redevelopment potential of the site. However the council's policy was to conserve listed properties and therefore it was intended to challenge the Inspector's assessment given the Council's approach to conservation.

Of the following 3 cases:

- 106 Commercial Street - Timeout Markets Ltd,
- Whitechapel estate E1 2JH site between Vardon Street and Ashfield Street
- Enterprise house, 21 buckle Street Aldgate

the Inspector had dismissed the first and allowed the two latter cases.

The Committee considered the report and asked for the following clarifications:

Concerning why the Inspector's decision around Mill Harbour, Muirfield Crescent and Pepper Street application had not been challenged the Committee was informed that while the scheme had not been supported by Members, at appeal, the Inspector took the view that the stepping down effect would be achieved and that the proposal complied with existing and emerging policy guidance since the towers would be less than half the height of the nearby Canada Square development.

Concerning how appeal costs were attributed, the Committee was informed that generally each appeal party paid its own costs unless the opponent contests this. A party to an appeal may make an application for costs; however the Council may resist such applications if it feels that the appellant has not acted reasonably.

Members thanked Officers for the report. They observed that the perspectives that the appeal decisions offered, and details of the rationale employed by the Planning Inspector to derive these were helpful. To assist with their decision-making Members requested additional training be provided on how policies may be applied to applications.

There being no further matters to discuss, the Chair moved and the Committee unanimously

RESOLVED

That the contents of the report be noted.

The meeting ended at 8.44 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee