

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 30 JULY 2019

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

Members Present:

Councillor Dan Tomlinson (Vice-Chair in the Chair)
Councillor John Pierce
Councillor Mufeedah Bustin
Councillor Dipa Das
Councillor Leema Qureshi
Councillor Dan Tomlinson
Councillor Rajib Ahmed (substituting for Councillor Mukit MBE)

Officers Present:

Solomon Agutu – (Interim Team Leader Planning, Legal Services, Governance)
Paul Buckenham – (Development Manager, Planning Services, Place)
John Miller – Planning Officer
Kirsty Gilmer – (Principal Planning Officer, Place)
Antonella Burgio – (Democratic Services)

Registered Speakers In Attendance:

Mr M Robinson (Item 5.1 - objector)
Mr G Hindley (Item 5.1 - objector)
Mr D Leon (Item 5.1 - architect on behalf of the applicant)
Ms S Go and Mr K Oliver (Item 5.2 - joint objectors)
Mrs M Gordon for (Item 5.2 - objector on behalf of St Georges Residents Assoc.)
Mr D Jordan (Item 5.2 - agent on behalf of the applicant)
Mr P Harris (Item 5.2 – agent on behalf of the applicant)

Apologies:

Councillor A Mukit MBE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Development Committee held on 11 July 2019 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. The procedure for hearing objections and meeting guidance be noted.
2. 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; and
3. 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. DEFERRED ITEMS

4.1 Walker House, 6-8 Boundary Street, London E2, PA/17/03009

Councillors Ahmed and Das did not participate in the consideration of this item.

The Development Manager introduced the report which concerned an application for change of use of existing office space to residential accommodation and construction of a two story building to the rear to provide office space in the courtyard area which is currently used as a car park. The application had been considered at the meeting on 13 June 2019 at which time it had been deferred for a site visit and for additional images to be provided.

The Planning Case Officer then gave a presentation in which he set out the context of the application site and highlighted the material planning considerations. These were; land use and housing (provision of additional housing and re-provision of office space), amenity, transport, design and heritage. The Committee noted:

- The design submitted was intended to be largely obscured and to have minimal on the surrounding heritage assets and adjacent conservation area.

- The additional graphical information that had been provided to enable members to better understand the context of the proposal including materiality and impacts on surrounding buildings.

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

- There had been 33 letters of objection and a petition which outlined concerns around the suitability of the design in the context of the surrounding conservation area and the impact of the development on its surroundings.
- The proposal would result in a loss of 7 parking spaces. After development there would be 13 spaces available.
- The development would be car-free although existing parking rights would be retained.
- The infill element would re-provide the current office provision at Walker House plus uplift.
- The current offices at Walker house would be replaced with residential units.

The Committee considered the proposed facing materials and the impacts on amenity over time.

Concerning what actions the Council might be able to take should the selected roofing material oxidise to a green copper oxide rather than maintain its red appearance, or what actions could be taken should the developer opt for cheaper materials, Members were informed that the chosen material was pre-oxidised and stable against further oxidation. Additionally planning conditions required materials to be agreed before construction; therefore the Planning Authority was able to inspect materials ahead of construction. Members were also informed that, should the material denature after construction, the Authority would not be able to require the applicant to make repairs that would restore the roof to its original appearance but could require reasonable measures of the applicant to ensure the appearance of the chosen material was maintained. A Member noted the advice offered but (since he had inspected a sample of the material and was not assured of its durability) was not assured that this measure would reasonably prevent the appearance of the development becoming altered over time.

Concerning what future action could be taken by the Authority to mitigate the potential loss of visual amenity from the conservation area (which could occur if the ivy that presently obscured the development site were to be lost or removed), Members were informed that there was no requirement to control through the planning method therefore it was not possible to guarantee that heritage views would be unaffected.

Members then discussed the proposal and put forward the following views:

- The site visit had helped to provide an understanding of the application in its proposed situation. On this basis there remained concern around the scale and design of the development and how these would appear from the surrounding heritage buildings

- The design was not sympathetic or suited to the surrounding heritage architecture.
- There remained some concern about the impact of the development on amenity as the effects of massing would be more evident from street level if, in future, the screening provided by ivy foliage should become eliminated.
- There was some concern that design and scale of the proposed development was such that it would noticeably impact its surroundings.

There being no further matters to discuss, the Chair moved that eligible Members vote on the officer recommendation and on a vote of 1 in favour and 3 against the Committee

RESOLVED:

Not to accept the recommendation to grant planning permission at Walker House, 6-8 Boundary Street, London E2, for change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).

Councillor Bustin proposed and Councillor Qureshi seconded that the application be refused and on a vote of 3 in favour and 1 against, the Committee

RESOLVED:

That the application be **REFUSED**.

The Committee provided the following reasons for refusing planning permission:

The height scale and mass of the proposed development and its appearance in terms of facing materials and roof form would neither preserve nor enhance the character and appearance of the conservation area.

The limited public benefits of the development would not outweigh the harm that it could cause to the conservation area.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Regents Wharf. Wharf Place, London E2, PA/18/01676

Councillor Qureshi did not participate in the consideration of this item.

The Development Manager introduced the report which concerned a proposal to remove an existing roof at Regents Wharf and replace with a mansard style structure to provide 6 additional residential units. He advised that the application had been considered first in January 2019. It had been deferred and presented for decision in June 2019 at which time Members requested

that the application be listed afresh because there had been changes to Membership and they felt that substantial new information relating to daylight sunlight assessments had been presented which merited full consideration.

The Planning Case Officer then presented his report. The Committee was informed that:

- Since daylight/sunlight levels had been a matter concern when the application was first considered, independent verification of the daylight/sunlight assessments had taken place. Results indicated that three windows failed the winter sunlight criteria.
- New cycle parking facilities had been redesigned and no longer impeded car parking. Additionally the applicant increased provision for cycle storage offering 20 cycle storage space in the basement and an additional eight at ground floor level
- The overall building height would be 0.6m higher than the current height; this was in keeping with the surroundings in terms of size, scale and proportions.

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

- There would be loss of green space during the building works since this would be used as a construction site. However the space would be returned in total once the development was completed
- Details of how water would be harvested from the green roof were a matter for Building Control.
- Since the development was of a small scale, the proposal did not include provision of affordable housing.
- The construction of the green roof was to deliver a biodiversity gain. For health and safety reasons it was not intended that this area should be accessible as residents' amenity space.
- Noise impacts of development and construction would be managed via a noise management plan and, if chosen by the developer, mitigated by off-site construction of some of the mansard elements.
- Noise proofing measures would be applied via mandatory conditions on appropriate noises limiting materials. The Development Manager advised that Members could, if they wished, condition noise limitation and transmission measures and the Committee indicated that it wished appropriate measures to manage noise impacts to be conditioned.
- The scale of the application was small and therefore it did not attract any financial contributions (S106). However there would still be CIL liability.

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

- The three windows which had failed the daylight/sunlight assessment were situated in the area of the building that formed an internal angle and were located across two flats.
- The assessment did not indicate the nature of the rooms that would be impacted by loss of light.

- There were no mandatory measures which could be imposed that would ensure that the impacts of construction above existing residential units could be mitigated in total. The Development Manager advised that the relevant policy was DM25 and that the construction management plan would deal with the impact of construction. However the Committee was not able to condition what the form of development should be.
- The development would not cause overshadowing of other neighbouring developments.
- Should it be required that private amenity space be provided for each of the new residential units, the size of each unit and the number of units would need to be reduced. Additionally the units would fall below policy compliance levels. However the scheme mitigated the lack of private amenity by the provisional provision of communal space.
- The mansard units were not under the category of 'family space' as they were to be located on the fourth storey of the building.

Members then heard from objectors who raised the following concerns:

- Following the original construction there had been several subsequent developments each of which had negatively impacted existing residents. Much of these developments had not been delivered efficiently and this had caused disruption and lack of confidence in the applicant's intention to deliver the changes in a considerate and timely way.
- The application failed to comply with policy on daylight/sunlight levels and on private amenity space.
- There would be material loss of winter sunlight to existing residential units. The impact of the reduction of light levels contravenes the levels those outlined in the local plan.
- The windows that failed the daylight/sunlight test represent one quarter of 12 windows tested. Two flats would be particularly impacted; one would have light levels reduced to 66% and another to 0%
- Five of the proposed six new residential units would have no private amenity space.
- The report did not properly reflect that the 26 letters of objection had originated from residents living at each of the current residential units.
- There were inaccuracies around the parking facilities that would be provided following development.
- The addition of residential units at roof level would cause additional overlooking.
- There would be adverse impact on the adjacent, soon-to-be listed, public house in terms of massing and overshadowing.
- The applicant had not provided sufficient information around waste storage and waste streams for the proposed residential units nor had a waste management plan been provided.

Responding to Members' questions the objectors provided the following additional information:

- Residential units were double aspect however the rooms within each unit were single aspect.

- The conversion of the current pitched roof to a mansard would have a negative impact on light levels. Additionally the three windows which had failed the daylights/sunlight assessment also did not comply with the policy for private amenity space.
- Objectors acknowledged that the applicant's daylight/sunlight assessment had been independently reviewed. However they remained of the view that the assessment did not accurately reflect the levels of sunlight that would be lost. The Legal Adviser to the Committee provided a clarification that daylight/sunlight assessments were based on estimations. Therefore objectors' assertion that the report was inaccurate needed to be considered in this context.
- The application would overshadow an historic pub which the Council was in the process of listing.

The Committee then heard from the architect on behalf of the applicant who put forward the following arguments in support of the application:

- The land use was appropriate.
- The proposed housing mix represented a positive contribution towards housing need in the borough.
- The height of the property and type of design was appropriate to the context, as was scale and design.
- The applicant had sought to engage positively with residents and illustrated this by informing the Committee that the applicant had collaborated with residents to refurbish an communal amenity space. Additionally provision of amenity space across the development fell within permitted tolerances.
- The daylight sunlight levels were compliant with the Council's requirements.
- Additional cycle storage had been provided.
- The development exerted no negative impact on local biodiversity; however the proposed green roof was not intended to be a residents' amenity space.
- Refuse collection arrangements had been assessed and were found to be sufficient for the expected levels of occupancy.
- It was acknowledged that there would be construction disturbance during the build and that off-site construction of elements of the development had been considered as well as their cost implications

Having considered all of the information provided the Committee discussed the application and noted the following:

- There were some concerns around the lack of private amenity, daylight/sunlight impacts and disturbance from construction. However these concerns were not substantial.
- It was in the Committee's gift to suggest further planning conditions to ensure that noise and construction impacts were mitigated.

The Committee therefore came to the view that it was reasonable to approve the application subject to additional conditions.

Councillor Pierce proposed and the Chair seconded that compliance conditions be added and on an unanimous vote in favour the Committee

RESOLVED

That the following additional compliance conditions be mandated to the application

- I. That prior to commencement a noise and sound insulation plan be drawn up and submitted.
- II. That the hours of construction be amended to exclude the period Saturday 8am – 12 noon.

The Committee then considered the application with amended conditions. The Chair moved and on an unanimous vote in favour the Committee

RESOLVED

That the application be **GRANTED** at Regents Wharf. Wharf Place, London E2, for the removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities subject to conditions and informatives.

At 8:30pm the meeting adjourned and resumed at 8:35pm.

SUSPEND STANDING ORDERS

At 9:15pm, during the consideration of the application at item 5.2, the Chair moved and the Committee

RESOLVED

To suspend standing orders - the guillotine, for 30 minutes to enable the application to be determined.

5.2 Bishops Square, Market Street and Lamb Street, London E1 6AD (PA/18/03254 and PA/18/03255)

Councillors Ahmed and Qureshi did not participate in the consideration of this item.

An update report was tabled.

The Development Manager introduced the item which concerned a combined application for listed building consent and planning permission for change of use at the commercial development of Bishop's Square together with the construction of a two storey building. The Committee was informed that the applicant chosen the format of a combined application since the listed building

consent was unlikely to go ahead without planning permission therefore Members were asked to consider the matter as one decision.

The Committee then heard from each of the participating parties and afterwards asked questions of the participants. For clarity, the responses are recorded in the minutes together with each of the respective submissions.

The Planning Case Officer presented the report informing Members that the site location fell within the City Fringe Core Opportunity Area and a small proportion of the site fell within the Spitalfields conservation area. The proposal included applications for changes of use of existing buildings at Market Street and Lamb Street, the removal of a listed canopy, extensions of existing units together with new shop fronts at Market Street; the construction of a two story building over the existing vehicle ramp at the northern side of Lamb Street together with landscaping. The material planning considerations were land use, design, heritage and local character, amenity, highways and public realm. The proposal would:

- deliver change of use of current office space at Market Street, the loss of a listed canopy, new shop fronts and changes to public realm which would ensure that street furniture does not impede pedestrian and cycle transit.
- Affect unused undercroft at Lamb Street.
- Increase commercial units.
- Reconfigure the existing ramp structure.
- Add a two story building on the north side of Lamb Street, the design of which was intended to contribute to the streetscape and introduce a sense of permeability.

The Committee also heard that:

- Elder Gardens was not part of the proposals but would be affected by it.
- The proposal passed the relevant BRE test to prevent overshadowing of Elder Gardens. there would be no impact on the daylight or sunlight to the residential properties adjoining Elder Gardens.
- Noise mitigation would be delivered via a servicing plan and restriction of deliveries to times outside peak hours.
- Public realm contributions had been secured via an S106 agreement.

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

- The letters of support referred to in the agenda supplement were from residents and market traders.
- The Authority would ensure that the S106 agreement was maintained by formalising arrangements for food trucks into designated areas.
- Food trucks were presently operating under the same permissions as market stalls.
- TFL guidance based on the draft London Plan had been applied to anticipated growth in cycle traffic levels. This approach ensured that this element had been future proofed.

- There would be narrowing at Lamb Street during construction. However its duration would be shorter because development included elements of offsite construction.
- Safety elements would be delivered via a safety construction plan.
- The application for change of office space to retail space did not require a marketing test to be undertaken.

The Committee then heard from objectors who made a combined submission outlining the following concerns:

- The proposal would affect Elder Gardens and bring harm to the community and workers that relied upon it by negatively impacting their well-being around mental health. These impacts would be caused by alterations to the areas surrounding the gardens and brought about by the application.
- The proposal would cause a wider loss of ambience and loss of a key public amenity through the construction of an imposing structure which would negatively affect the visual amenity and reduce sunlight levels to the minimum stipulated in the BRE guidance.
- The development would have a negative effect on health and wellbeing.
- The proposal would create space where there would be opportunity for antisocial behaviour.
- The proposal would negatively impact the management of transit through the public realm at Lamb Street since this area would be narrowed. The narrowing would cause footfall to be transferred to other areas nearby and also harm the amenity of these areas.
- The proposals had not taken into account residents' feedback.
- Deliveries to the proposed food outlets that would negatively affect the amenity of residents and users of the adjoining areas in terms of noise and disturbance.
- Objectors felt that the application had packaged together disparate elements, some of which were not contentious, to dilute the level of harm that would be caused from the proposed Lamb Street building.

Objectors asked the Committee to refuse the application on the basis of the harms described. They contended that a refusal would bring forward another application with further revised proposals.

The Committee heard from the agents on the behalf of the applicant who outlined the following matters:

- A previous application had been refused therefore the application had been made anew incorporating a redesign which addressed the matters that had led to the refusal of the previous application.
- The current proposal: addressed the concerns raised around Elder Gardens and the narrowing of Lamb Street, reduced overshadowing, returned the pedestrian walkway via the playground and had added safety features at Lamb Street.
- The commercial categories of retail premises applied for were intended to give a mixed tenure of occupation.

Responding to Members questions the agents provided the following information:

- The application had been submitted afresh as a single scheme because the applicant owned the sites at Market Street and Lamb Street. Additionally the scheme was for a whole site development and therefore it was appropriate to treat the scheme in this way.
- To ensure the S106 agreement around clear pathways, the estate would be managed via an estate management plan and applicant would be bound by the legal agreement
- There had been modifications arising from public consultations. These included a Sedum roof and the addition of a glass screen to increase visibility and a sense of permeability. It was felt, also, that creating a sense of activity in the space would help reduce antisocial behaviours.

An objector contended that the construction of a single-storey building rather than the proposed two-storey building would have delivered the desired employment and retail capacity sought by the applicant. Additionally the single-storey construction would have enabled residents to enjoy the amenity of the green roof. The objector also contended that the design of the ramp structure which would exit at the gate of colleges would attract pickpockets and other antisocial behaviours.

In response to a question from members which related to a point of objection, the Development Manager advised that the Core Strategy contained policies concerned with health and well-being and that these could be taken to include mental health. The emerging draft Local Plan will require future major applications to include a health impact assessment.

The Local Plan did not prescribe policies around how commercial and residential development should be located adjacent to one another. The development was in the London Plan Central Activity Zone which anticipated a broad mix of commercial and residential use. Detailed policies in the Managing Development Document would be applicable in assessing impacts such as noise and amenity.

During the discussion, the Committee noted that the proposal had many interrelated elements and considered whether a site visit might be appropriate in order to better understand the impacts of these elements on the proposed site. At 9:37pm, following the discussion of the application, the Committee adjourned for three minutes to discuss whether to defer the application for a site visit. Upon reconvening, the Chair asked members to indicate whether they wished to propose deferral for a site visit. No members indicated.

The Chair enquired and the Committee indicated that there were no further matters that it wished to discuss and that there were no statements that it wished to make. The Chair then directed the Committee to consider the officer recommendation. The Chair moved and the Members cast 2 votes in favour and 2 against the application. Since the votes were tied, the Chair then made his casting vote in favour of the application and on a vote of 3 in favour and 2 against, the Committee

RESOLVED:

That planning permission and listed building consent be **GRANTED** at Bishops Square, Market Street and Lamb Street, London E1 6AD, for - change of use of part of the ground floor from Class B1 to Class A1, - change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, - removal of canopy and extensions together with new shopfronts on Market Street, - construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping subject to conditions and informatives.

6. OTHER PLANNING MATTERS

Nil items.

7. UPDATE REPORT - ITEM 5.2

The meeting ended at 9.41 p.m.

Vice-Chair in the Chair, Councillor Dan Tomlinson
Development Committee