

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON WEDNESDAY, 8 JULY 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Amina Ali (Substitute for Councillor Shiria Khatun)
Councillor Shah Alam (Substitute for Councillor Gulam Kibria Choudhury)

Other Councillors Present:

None

Apologies:

Councillor Shiria Khatun
Councillor Gulam Kibria Choudhury

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Beth Eite	– (Principal Planning Officer, Development and Renewal)
Tim Ross	– (Deputy Team Leader - Pre-application Team, Development and Renewal)
Killian Harrington	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. ELECTION OF VICE CHAIR OF THE COMMITTEE FOR 2015/16

It was proposed by Councillor Amina Ali and, seconded by Councillor Rajib Ahmed and **RESOLVED**

That Councillor Shiria Khatun be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2015/2016

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillors Marc Francis, Rajib Ahmed, Suluk Ahmed, Chris Chapman, Amina Ali and Shah Alam declared an interest in the agenda items as they had received representations from interested parties.

Councillor Marc Francis declared an interest in agenda item 8.3 Rear of 459 Roman Road (PA/14/03667) as he lived in the Driffield Road Conservation Area however not near the site.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 16th June 2015 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, MEMBERSHIP AND MEETING DATES

RESOLVED

That the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings be noted as set out in Appendices 1, 2 and 3 to the report.

7. DEFERRED ITEMS

None.

8. PLANNING APPLICATIONS FOR DECISION**8.1 144-146 Commercial Street, London, E1 6NU (PA/15/00044)**

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. By way of context, it was explained that the application was considered at the May 2015 meeting of the Committee and deferred for a site visit. However, given the membership changes at the Annual Council meeting and the unavailability of Members from the May meeting to bring the item back as a deferred item, it had been necessary to bring the application back afresh to avoid a delay in determining the application.

The Chair then invited registered speakers to address the Committee.

David Donahue spoke in objection to the proposal representing the adjacent Commercial Tavern public house. He objected to the impact of the proposal on the tavern given it was a stunning asset for the area and its historic importance. In particular, he objected to the impact on the roof line of the tavern and the height difference between the development and the tavern. The images failed to accurately show this. He also expressed concerns about the affordability of the residential units and the displacement of the existing occupants within the development.

Stuart Eaves (Applicant's Agent) spoke in support of the proposal. He confirmed that the scheme had been amended to minimise the impact on the tavern in consultation with Officers. For example, the height of the building had been reduced and the stairwell altered. The materials would be sympathetic to the host building and the surrounding area. The ground floor use would be retained and improved in compliance with the London Plan. Additional images had been supplied to show the full impact of the development including sky and street views. This showed that the impact would be minimal in this regard. In response to a question about the green roof, it was explained that, given the height of the parapet, that the feature could be concealed.

Beth Eite (Deputy Team Leader, Development and Renewal) gave a presentation on the application. It was noted that the subject property was locally listed and the Commercial Tavern Public House was a grade 11 listed

building. The application had been subject to consultation and the issues raised were explained around intensification of residential accommodation, impact on the surrounding area and neighbouring amenity.

Members were advised of the key features of the scheme including the roof extension that would be largely concealed from view by the existing parapet. They also noted the revised stairwell, the layout of the scheme and the nature of the residential units. All of which would be dual aspect with access to private amenity space. It was also noted that the impact on neighbouring amenity was acceptable in light of the amendments and modest nature of the plans.

In summary, the plans overcame the previous reasons for refusal. In view of the merits of the scheme, Officers were recommending that it be granted permission.

In response to questions, Officers explained in further detail the main changes to the scheme to overcome the previous concerns (in terms of the height and design). The roof extension now only marginally exceeded the height of the parapet. Images of the key differences were shown. Given the changes and the set backs in design, the plans would have no impact on views from the south or would affect the setting of the surrounding buildings. Officers also answered questions about the consultation exercise.

On a vote of 4 in favour and 2 against, the Committee **RESOLVED**:

1. That planning permission at 144-146 Commercial Street, London, E1 6NU be **GRANTED** for a new single storey roof extension within the existing roof void to create a 1 x 1 bed residential unit; construction of four storey rear extension to facilitate new stair case; reconfiguration of window arrangement at the rear and refurbishment of the front façade and installation of a green roof.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

8.2 12-14 Toynbee Street, London E1 7NE (PA/14/03376)

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. The Chair then invited registered speakers to address the Committee.

Dale Ingram (Historic building and planning consultant) spoke in objection to the application on behalf of the tenant of the public house. She drew attention to the strength of opposition to the plans including over 300 individual objections and an online petition with over 500 plus signatures. Many customer of the public house were at the meeting tonight. It was feared the

plans would make the public house unviable due to the loss of the outdoor gardens, lack of provision for a bar counter and toilets and the loss of income from the changes. The outdoor area was one of its main assets. Furthermore, due to the changes to the garden space, there would be overspill of customers onto the streets creating noise nuisance, as experienced when the garden was much smaller. She also expressed concern at the overprovision of one bed units. In response to questions about the perceived lack of facilities, Ms Ingram stated that at least two toilets would be needed as well as disabled facilities. She also answered questions of clarity about the loss of outdoor space.

Paul Keenan spoke in support on behalf of the applicant. He explained the merits of the application. The alterations (including new residential units) would be in keeping with the original building that was not listed and would be subservient to the existing building. The residential units would have access to balconies with louvres, added to mitigate any direct overlooking. The plans would improve the frontage of the building and the ground floor layout would be reorganised to make better use of the space. It was emphasised that it was intended that the commercial use would remain an A4 drinking establishment. The applicant was happy to accept the condition removing the permitted development rights to ensure this. There were plans showing that a bar counter could be incorporated into the scheme. The plans for the outdoor area had been amended following consultation to increase the size of that area from that originally proposed.

In response to questions, he further explained that the new residential units complied with policy and were of much better quality than the existing properties. He further explained the amendments to address the concerns. This included the addition of louvres to the private balconies, a bigger smoking area and the relocation of the refuse facility. He referred to the difficulties with building the scheme within the existing layout. This would warrant greater changes to the public house to the detriment of the building.

It was emphasized that the internal floor space of the pub would be increased as a result of the changes.

He also answered questions about the design, described as simple and elegant to complement the existing building and respond to the surrounding area. Replicating the existing public house would confuse the building. Consideration had been given to various different housing mixes such as including larger units in the scheme. However this would adversely affect the viability of the scheme.

Killian Harrington (Planning Officer, Development and Renewal) presented the report. He advised that the site falls in Conservation Area and there were a number of listed buildings around the site. He explained the key features of the scheme including the proposed extension, the internal layout and the revised outdoor area. He also explained the outcome of the consultation.

The proposed land use was acceptable and complied with policy given the proposed retention of the A4 public house use and the established residential

use. Whilst there would be a loss of garden space, it would still be a reasonable sized space. The housing mix was acceptable given the site constraints. The design was in keeping with the area and the setting of the public house and complied with Conservation Area policy. Aspects of the design were explained. The plans had been amended to protect residential amenity and the measures to ensure this were explained including the noise mitigation.

There had been a letter in support from the neighbouring Carter House stating that on balance it should improve their quality of life due to the reduction in size of the smoking area. Whilst the property would suffer from a minor loss of light, the results complied with the policy standards.

Overall, given the merits of the scheme, Officers were recommended that it be granted planning permission.

Members asked questions about:

- The impact on the viability of the public house given the changes to the floor space, garden space and the quantity of the new facilities. It was also questioned whether the pub garden represented a gap site or was part of the main use of the site.
- The removal of permitted development rights. Assurances were sought that this would safeguard the viability of the public house given the changes.
- Appearance of the proposal. It was feared that the plans could over dominate the rear of the building. It was also felt the 'artificial' design would be out of keeping with the traditional Victoria building and that steps should be taken to preserve this.
- The consultation exercise given the above issues.
- Noise mitigation. Whilst noting the conditions, it was questioned whether they would be sufficient given experience with similar developments.
- The proposed housing mix. Questions were asked about the lack of family sized units and the number of replacement units given the demand for housing in the Borough.

In response to questions, Officers explained in further detail the condition removing the permitted development rights. The 2015 order could not be applied. Any change of use would require separate planning permission. This condition should safeguard the viability of the public house going forward. Under current policy any applications for change of use would be resisted. It was also explained that there was no guidance in policy setting a minimum size to make a public house viable

It was also explained that the current building was not listed and no application for listing had been received. Currently, there were five one bedroom units above the public house. Environmental Health had no objections to the scheme subject to the conditions to mitigate the noise.

It was reported that the LBTH Conservation Officer had been consulted on the plans from the onset and had worked closely with officers on the plans. It was felt that the contemporary design would be in keeping with the area and would enhance the setting of the area where there were many examples of traditional and modern buildings together. The plans would also eradicate an infill site in accordance with Conservation Area guidance. Officers explained the reasons why the garden represented a gap site as set out in the Conservation Area appraisal.

In terms of the consultation, there had been three different rounds addressing each of the issues. All of the history groups were consulted and the early objections were based on the impact on the public house. The more recent ones were more about the impact on amenity reflecting the changes to the application over the course of the consultation.

On a unanimous vote, the Committee did not agree the Officer recommendation to grant planning permission

Accordingly, Councillor Rajib Ahmed proposed and Councillor Amina Ali seconded a motion that the recommendation that planning permission be granted should not be accepted (for the reasons set out below) and on a unanimous vote it was **RESOLVED**:

That the Officer recommendation to grant planning permission at 12-14 Toynbee Street, London E1 7NE be **NOT ACCEPTED** for the demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use); replacement outdoor area to be reconfigured to the rear of the site. External alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor (reference PA/14/03376)

The Committee were minded to refuse the scheme due to concerns relating to:

- 1) Harm to the setting of the pub, from the loss of the pub garden and the proposed residential extension which would fail to preserve or enhance the character and appearance of the conservation area, by reason of it's overall design, appearance and relationship to the host building.
- 2) Effect on future viability of the public house, arising from the loss of the outdoor drinking space and erection of residential development
- 3) Effect on neighbouring amenity arising from increased noise and disturbance.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

Councillor Sabina Akhtar did not vote on this item having not been present throughout the consideration of the application.

8.3 Rear of 459 Roman Road (PA/14/03667)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the proposal. The Chair then invited registered speakers to address the Committee.

Peter Dobbin spoke in objection as a resident of a nearby property. He considered that the proposal would worsen the existing problems with parking at the site to the detriment of the occupants quality of life. The erection of a Mews House would also lead to the right of way access strip becoming blocked preventing residents from accessing their car parking spaces. The application should be deferred for a site visit so that Members can fully assess the impact of the proposal. In response to Members, he clarified his concerns.

Kieran Rafferty spoke in support. He drew attention to the revised design following consultation to ensure that the scheme was in keeping with the surrounding properties. He also explained the previous and existing use of the site, the access arrangements and provided assurances regarding the right of way. He also described the measures to protect privacy.

Tim Ross (Deputy Team Leader, Development and Renewal) gave a presentation on the application. He highlighted the site location, the surrounding area (including the location of the objector's property who had addressed the meeting) and the access routes. The site was located in the Conservation Area. However there were no listed buildings in the vicinity of the application site.

Consultation had been carried out and the issues raised were explained, especially the concerns about increased car parking from the scheme.

Members were advised of the key features of the scheme including: the layout, the wall to be demolished (that was not a heritage asset) the revised design and the proposed materials that were in keeping with the area. They also noted the quality of the new unit and that the impact on amenity was acceptable.

Given the merits of the scheme Officers were recommending that it be granted permission.

In response to questions, Officers noted the objections about parking pressure from the scheme in view of the existing issues in this regard. Therefore, to address the concerns, the scheme would be car free. The right of way was a civil matter. However, it was unlikely that the addition of one

property should block access to properties given the car free agreement and the access arrangements.

Officers also described the new boundary treatment retaining a similar relationship with the boundary edge as the existing wall. It would be very difficult to park a vehicle in the site boundary. However, to address the concerns about parking in the application site area, an addition condition could be added to prevent this. Accordingly it was proposed by Officers and agreed by the Committee that details of boundary treatment be submitted for approval to prevent car parking within the application site.

The plans should have little impact on neighbouring amenity in terms of daylight, noise etc. The concerns around amenity were more about how the increased parking pressure could affect amenity.

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

That planning permission be **GRANTED** at Rear of 459 Roman Road for construction of a mews house to the rear of existing shop/residential building(PA/14/03667) subject to the conditions set out in the committee report and the addition condition agreed at the meeting that details of boundary treatment be submitted and approved.

9. OTHER PLANNING MATTERS

None.

The meeting ended at 7.40 p.m.

Chair, Councillor Marc Francis
Development Committee