

DEVELOPMENT COMMITTEE

HELD AT 5.30 P.M. ON WEDNESDAY, 14 JUNE 2017

DECISIONS ON PLANNING APPLICATIONS

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2017/18

It was proposed by Councillor Helal Uddin and seconded by Councillor Danny Hassell and **RESOLVED**

That Councillor John Pierce be elected Vice-Chair of the Development Committee for the Municipal Year 2017/2018

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 10 May 2017 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

5. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

The Committee **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.

6. DEFERRED ITEMS

6.1 106 Commercial Street (PA/16/03535)

Update report tabled.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 4 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 14 June 2017 and on a vote of 4 in favour, 0 against and 0 abstentions, the Committee **RESOLVED**:

That planning permission be **REFUSED** at 106 Commercial Street for the conversion of building (class B1/B8) to fine dining food market (Class A3) for the following reasons as set out in the Committee report, dated 14 June 2017(PA/16/03535):

Land use/ road safety

1. The proposed development by reason of its configuration of internal uses and space would result in an over intensification of use which would restrict to the ability of customers to safely access and exit the site, the ability to move within and around the building, the inability to control the number of visitors in the site and to ensure that new development does not have an adverse impact upon the safety and capacity of the street network. The proposal is therefore inappropriate development and contrary to policy 7.3 and 7.4 of the London Plan (2016), policies SP01 and SP09 of the Tower Hamlets Core Strategy (2010), and policies DM20 DM23 and DM25 of the Tower Hamlets Managing Development Document (2013).

Impact on the conservation area

2. The proposed development by virtue of the impact to the external appearance of the roof and the loss of the slate roof, and proposed acoustic roof would cause less than substantial harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area and would fail to preserve or enhance the character of this heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits

of the scheme. The scheme would therefore be contrary to paragraph 134 of the National Planning Policy Framework, and policies SP10 of the Core Strategy (2010) and policies DM24 and DM27 in the Managing Development Document (2013).

Noise

3. The proposed development would cause harm to the amenity and living conditions of occupiers of adjoining residential properties through the overbearing impact of noise and disturbance generated as large numbers of customers enter and exit the development. The development would therefore be contrary to policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to protect amenity for future and existing residents.

6.2 Millwall Outer Dock, London, E14 9RP (PA/16/01798)

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 14 June 2017 and on a vote of 5 in favour, 0 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission be **REFUSED** at Millwall Outer Dock, London, E14 9RP for the erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure for the following reasons as set out in the Committee report, dated 14 June 2017(PA/16/01798):

Reasons for Refusal:

Loss of Open Water Space

1. The proposed development by reason of its resultant loss of open water space and its failure to protect the open character of the Blue Ribbon Network would not improve the quality of the water space and is therefore inappropriate development. The development is therefore contrary to policy 7.28 of the London Plan (2016), policy SP04 of the Tower Hamlets Core Strategy (2010), and policy DM12 of the Tower Hamlets Managing Development Document (2013).

Impact Upon Waterborne Recreation and Navigability

2. The proposed development by reasons of its siting and scale would adversely impact upon the ability of Millwall Outer Dock to be used for waterborne recreation and would also negatively impact upon the navigability of Millwall Outer Dock. The development is therefore contrary to policies 7.27 and 7.30 of the London Plan (2016), policy

SP04 of the Tower Hamlets Core Strategy (2010), and policy DM12 of the Tower Hamlets Managing Development Document (2013).

Servicing Arrangements

3. The proposed servicing strategy by reasons of its conflict with the free flow of pedestrians and cyclists would adversely impact the safety of the transport network. As a result the proposal is contrary to policies 6.3, 6.9 and 6.10 of the London Plan (2016), policy SP09 of the Tower Hamlets Core Strategy (2010), and policy DM20 of the Tower Hamlets Managing Development Document (2013).

7. PLANNING APPLICATIONS FOR DECISION

7.1 87 Turner Street, Good Samaritan Public House (PA/16/00988)

Update report tabled.

Councillor Marc Francis proposed an additional condition requiring no more than 50% of the residential units be occupied prior to bringing the public house back into operation. This condition was put to the vote and agreed.

On a vote of 5 in favour of the Officer recommendation, 1 against and 1 abstention the Committee **RESOLVED**:

That the planning permission at 87 Turner Street, Good Samaritan Public House be **GRANTED** for the refurbishment of existing public house (A4) along with 3 storey extension to the west elevation to allow for the use of the upper stories as residential (C3) and associated works (PA/16/00988) subject to the conditions and informatives set out in the Committee report and the additional condition that requiring that no more than 50% of the residential units be occupied prior to bringing the public house back into operation.

7.2 Royal Duchess Public House, 543 Commercial Road, London E1PA/16/03300

Update report tabled.

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

That planning permission at Royal Duchess Public House, 543 Commercial Road, London E1 be **REFUSED** subject to any direction by the London Mayor for the erection of a part 6, part 7 and part 8 storey building comprising 30 residential units (use class C3) and 70sqm of flexible floor space (Use Classes A1/A2/A3/B1/D1) together with associated access, cycle parking and landscaping (PA/16/03300) for the following reasons as set out in the Committee report

Reason 1 – harm to local heritage

1. The proposed development by virtue of its excessive height and scale would be visually intrusive in the backdrop of the Grade II listed buildings at Albert Gardens, Marion Richardson School, the Troxy Building and the would also be harmful to the setting of the Albert Gardens and York Square Conservation Areas. The proposal would fail to respect the restrained scale of the adjacent conservation areas, creating a visually dominant development that would be visible from the public realm. The public benefits associated with the proposal, which include thirty new homes, including nine affordable dwellings, and additional jobs generated from 70sqm of retail/ community floorspace, are not considered to overcome the harm to the setting of the neighbouring listed buildings.

As a result the scheme would also fail to comply with sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the National Planning Policy Framework (NPPF) objectives in particular paragraph 14, and section 12 of the NPPF, the London Plan, in particular policies 3.5, 3.7, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2016), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the priorities and principles of the Limehouse Vision (Core Strategy 2010) which seek to deliver place-making of the highest quality in accordance with the principle of sustainable development, including preserving, protecting or enhancing heritage assets.

Reason 2 – overdevelopment and poor quality design

2. The proposed development exhibits poor quality design and demonstrable signs of overdevelopment by virtue of:
 - a) lack of privacy for the occupiers of the proposed development due to overlooking associated with inter-visibility between windows and balconies of the proposed residential dwellings;
 - b) the loss of street trees which provide significant landscape and visual amenity value;
 - c) the proposal for a tall building in this location would fail to adhere to the principles of good design and place-making by virtue of its height and scale which would result in an unsympathetic built form that would not positively respond to and mediate with existing developments within the immediate surroundings. The detrimental townscape impacts result from the proposed height, scale and mass of the development which is set on a small, tightly confined site situated in a narrow street and set within an established lower scale of the adjoining housing estate and bounding conservation areas.
 - d) proposed density significantly above the Greater London Authority's density matrix guidance and the scheme would fail to demonstrate the

exceptional circumstances and design quality required to justify the excessive density; and

e) the proposal provides insufficient child play space and poor quality private amenity spaces for the proposed maisonettes and the ground floor wheelchair accessible unit which will suffer from the overbearing nature of the development including an undue sense of enclosure.

As such, the scheme would fail to provide a sustainable form of development in accordance with paragraphs 14, 17, 56 and 61 of the NPPF and would be contrary to the Development Plan, in particular policies 3.6, 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2015), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM23, DM24, DM25, DM26 and DM27 the Tower Hamlets' Managing Development Document and the Borough's vision for Limehouse, that taken as a whole, have an overarching objective of achieving place-making of the highest quality.

Reason 3 – lack of a legal agreement to mitigate the impacts of the proposed Development

3. No agreed planning obligations in the form of policy compliant financial and nonfinancial contributions have been secured to mitigate the impacts of the development. As a result, the proposal would fail to meet the requirements of policies SP02 and SP13 of the adopted Core Strategy (2010), policy 8.2 of the London Plan, the Planning Obligations SPD (April 2016) which seek to agree planning obligations between the Local Planning Authority and developers so as to mitigate, compensate and prescribe matters relating to the development.

8. OTHER PLANNING MATTERS

None.

WILL TUCKLEY, CHIEF EXECUTIVE

(Please note that the wording in this document may not reflect the final wording used in the minutes.)