

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.32 P.M. ON THURSDAY, 23 AUGUST 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Councillor Ruhul Amin
Councillor Mufeedah Bustin
Councillor Peter Golds
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Apologies:

None received.

Officers Present:

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| Kevin Crilly | – (Planning Officer, Place) |
| Nasser Farooq | – (Team Leader, Planning Services, Place) |
| Carole Martin | – (Project Development Officer, Development and Renewal) |
| Jen Pepper | – (Affordable Housing Programme Manager, Place) |
| Hoa Vong | – (Planning Officer, Place) |
| Daria Halip | – Planning Officer |
| Max Smith | – Team Leader, Planning and Building Control |
| Hamdee Yusuf | – Development Decisions Officer |
| Paul Buckenham | – (Development Manager, Planning Services, Place) |
| Brian Hurwitz | – (Legal Advisor) |
| Antonella Burgio | – (Democratic Services) |

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Members declared interests in items on the agenda for the meeting as set out below:

Councillor Helal Uddin declared a disclosable pecuniary interest in respect of item 5.1 in that he was on the Board of Tower Hamlets Homes and employed

at the Bromley-by-Bow Centre. He absented himself from the meeting during the discussion and decision of this application.

Councillor Mukit declared a personal non pecuniary interest in respect of item 5.3 in that Mr Sundor Miah, a resident who spoke in favour of the proposal to redevelop the public house, was a Member of the Labour Party and was known to him.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meetings held on 20th June and 19th July 2018 be approved as a correct record of proceedings.

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 Lamb Court, 69 Narrow Street, London, E14 8EJ. (PA/18/00074)

It was noted that Councillor Mufeedah Bustin had not participated in this decision and therefore she absented herself from the meeting during the consideration of the item.

The Development Manager, Planning Services introduced the report and summarised that the application had been heard at the meeting on 19 July 2018. At this time the Committee had refused the application. He advised that it was a practice that where the Committee made a decision contrary to recommendations in the report, a report would be brought back to a future meeting to provide a commentary on the position relating to the Committee's reasons for refusal.

The Planning Case Officer then presented the report outlining which of the reasons for refusal which had been identified by the Committee would provide robust grounds in planning terms. The Committee was informed that the reasons concerning impact on conservation area and impact on neighbouring amenity were defensible in planning terms.

In accordance with Council procedure no further speaking rights were afforded to applicants or objectors since the Council's Constitution does not allow further speaking in cases where the Committee has already heard arguments and where no new information relating to the application is submitted.

Responding to Members' questions Officers advised that the weighting attributed to each of the reasons for refusal was not related to the order in which they were published but related to the defensibility of each of the reasons offered.

The Committee discussed the impact of the loss of the mature trees in the context of the current and increasing poor quality issues in the borough and noted that these matters were given a low priority in the context of policies handed down by government

The Legal Adviser directed that, in considering its decision, the Committee should refer to the recommendations at paragraphs as 6.1 and 6.2 of the report.

The Committee then moved to vote on the officer recommendations set out at 6.1 and 6.2 of the report.

Recommendation 6.1 - On a vote of 0 in favour, 5 against and 1 abstention the Committee affirmed that it did **not agree** with the officer recommendation to grant planning permission

Recommendation 6.2 - The Committee then moved to consider and vote on reasons for refusal as set out in paragraph 4.2 of the report:

- On a vote of four in favour, one against and one abstention the Committee voted to include the reason for refusal relating to a net loss of biodiversity as set out in paragraph 4.2.1 of the report.
- On a vote of four in favour and two against Committee voted to include the reason for refusal which concerned the restriction of access to Lamb Court and Albert Mews.
- On a vote of five in favour, and one abstention the Committee voted to include the reason for refusal related to failure to preserve or enhance the character and appearance of the Narrow Street Conservation Area resulting in significant harm to the character of the street scene.
- On vote of six in favour and none against the Committee voted to include the reason for refusal that the proposed development would result in an unacceptable level of overlooking and loss of privacy.

In summary the Committee to voted to adopt all four reasons for refusal set out in paragraph 4.2 of the report.

The Committee **RESOLVED**

TO **REFUSE** planning permission for the erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.

Reasons for refusal

1. The proposed development would result in a net loss of biodiversity. As such the proposal fails to accord with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.
2. The proposed development would restrict access to Lamb Court and Albert Mews. As such the proposal fails to accord with policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.
3. The proposed development due to its height, massing and design would fail to preserve or enhance the character and appearance of the Narrow Street Conservation Area and result in significant harm to the character of the streetscene. As such, the proposal fails to accord with policies 7.4, 7.6 and 7.8 of the London Plan (2016), policies SP10 and SP12 of the Adopted Core Strategy (2010), DM24 and DM27 of the Managing Development Document.
4. The proposed development would result in an unacceptable level of overlooking and loss of privacy. As such the proposal fails to accord with SP10 of the Adopted Core Strategy (2010) and DM25 of the Managing Development Document (2013).

5. PLANNING APPLICATIONS FOR DECISION

5.1 Jolles House, Bromley High Street, Blue Anchor Public House, 67 Bromley High Street and 67A Bromley High Street, London, E3. (PA/17/03015)

It was noted that Councillor Helal Uddin did not participate in this decision.

An update report was tabled.

The Development Manager, Planning Services introduced the report, which concerned an application to demolish Jolles House and the vacant Blue Anchor Public House and erect an affordable housing-led development

comprising two linked six-storey residential building comprising x64 affordable units and x6 private units with associated landscaping and play provision enhancements.

The Committee was advised that no objectors had registered to speak on this application. Therefore, in accordance with Council's Constitution, that where a planning application has been recommended for approval by officers and no objectors or Members have registered to speak then, the applicant or their supporter will not be expected to address the Committee.

The Planning Case Officer then presented his technical report which outlined key features of the application. He advised that six letters of objection had been received concerning issues of loss of light and loss of the public house.

Consideration was given to these representations. Concerning loss of light it was assessed that this was not significant and effects had been mitigated in the design by assigning affected rooms as bedrooms. Concerning the impacts of the loss of the public house and it had been assessed that the demolition of the premises was acceptable in the context that the premises were of limited historic significance and had been vacant for a long period against the benefits of the proposed scheme in terms of quality of the build and the provision of affordable housing.

Officers responded to Members' questions providing the following information:

Noting a Member's concern that the representative images showed the development in pale brick, while the surrounding area was characterised by red London brick, the Committee was advised that a request to incorporate red London brick into the design could be taken back to the developer since brickwork had yet to be conditioned.

Concerning daylight testing, this had been undertaken with and without the existing balconies and it was found that the most severe impacts were due in part to balconies of existing development overhanging windows below rather than the proposed development.

Concerning loss of daylight, testing had been carried out and 101 of 157 windows, on assessment, met the BRE guidance. Of the windows that failed, the design had been adapted to ensure that these windows were assigned as bedroom windows in the units affected. Testing undertaken concerning daylight, sunlight and overshadowing was discussed in full at paragraph 7.10 of the report.

Councillor Bustin asked for the impacts of daylight on dwellings, not just windows, to be reported to Committee in all future application reports.

Concerning what assurances officers had been able to obtain relating to the reuse of the public house:

- Members were advised that there had been some offers in advance of the redevelopment however the works that would be required rendered the option to reinstate the public house unviable.

- Discussions around the reinstatement of a public house within the development did not form part of the application since the development was not in a town centre location.
- At the time the application was submitted an historic buildings assessment was undertaken. The result indicated that the existing premises had limited historicity. Officers acknowledge that the loss of the public house was detrimental however the overall benefits of the proposed development outweighed this detriment.

Having discussed matters of concern the Committee moved to vote on the application:

Councillor Pierce proposed, Councillor Ruhul Amin seconded, and on a vote of six in favour and nil against the Committee:

RESOLVED

That planning permission for demolition of existing Jolles House and vacant Blue Anchor Public House and affordable housing led redevelopment comprising two linked six-storey residential buildings comprising x64 affordable units and x6 private units with associated landscaping and play provision enhancements, **BE GRANTED** subject to:

- A. The prior completion of a Section 106 legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £19,042.80 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £21,042.80

Non-financial contributions

- a) Delivery of 96% Affordable Housing comprising of 66% intermediate units 28% rented units, and 6% private
 - b) Car and permit free agreement
 - c) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - d) 3 construction phase apprenticeships
 - e) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - f) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- B. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

- C. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- D. Any other conditions considered necessary by the Corporate Director of Place

Compliance' Conditions –

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
- d) Compliance with energy and sustainability strategies
- e) Noise insulation standards for residential units and noise limits for plant
- f) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
- g) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

- h) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- i) Land contamination remediation
- j) Details of surface water drainage & SUDs
- k) Details of biodiversity measures
- l) Archaeological Investigation works

Pre-superstructure -

- m) Samples of all facing materials
- n) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- o) Details of cycle parking
- p) Details of waste storage facilities
- q) Details of Secured by Design measures
- r) Details of wheelchair accessible units

Prior to occupation –

- s) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- t) Details of highway works (S278 agreement)

Informatives

- 1. Subject to s106 agreement
- 2. CIL liable
- 3. Thames Water informatives

- E. Any other conditions or informatives as considered necessary by the Corporate Director of Place.

5.2 Raine House, 16 Raine Street, London, E1W 3RL (PA/18/01477 and PA/18/01478)

The Development Manager, Planning Services introduced the report which concerned an application by the Council for the refurbishment and reconfiguration of the existing community facility at Raine House. No change of use was proposed.

An update report was tabled

The Chair then invited registered speakers to address the Committee.

Representations against the proposal were made by two members of the public having connections with the premises and the community services provided there. They addressed the Committee presenting the following arguments:

- The proposed development would harm the character of the building; while it was not disputed that the premises needed refurbishment the design proposed was modern and out of keeping with building.
- The proposed relocation of the bar was felt to be unnecessary and poor use of money.
- The proposals did not include plans to refurbish the basement. This was a missed opportunity; since if the basement were to be brought in to use, it would provide facilities to meet the need for community services into the future.
- The application also ignored the potential income that could be generated through the refurbishment of the basement.
- The users of the premises had not been consulted about the refurbishment because the officer involved had been absent due to illness. They reported however, that a community group operating from the first floor of the premises had been offered opportunities to have their requirements fulfilled. Given this situation, the elderly persons social club which utilised the ground floor of the premises felt disadvantaged.
- An objector suggested that members undertake a site visit to appraise themselves of the situation.
- The proposal contravened the direction of Commissioners that the proposal should offer value to the community and value for money.
- The requirement to vacate the building during refurbishment adversely affected the community services that operated from the building.
- Total closure of the facility was not necessary if a phased refurbishment were undertaken.

Objectors responded to Members' questions providing the following information:

- A number of users of the facilities were unaware that refurbishment was being undertaken. There had been little notice of the proposal as the officer required to post the public notices was absent due to illness.

- There would be an impact on the community in terms of costs and loss of some services which would not survive the relocation and refurbishment period.
- Many services used the building and objectors felt that the approach taken to the development which is based on relocation to other areas was detrimental to the services themselves and the communities they served.
- Failure to bring the basement into use would result in some services being forced out of operation. Additionally the proposed investment did not create substantially more opportunities for community use. However if the basement were incorporated into the refurbishment brief this would mean that more services could be delivered from the premises; hence community organisations felt that inclusion of the basement refurbishment was a necessity.
- There was concern that the community voice over essential matters was not being heard and that therefore the proposal did not serve the needs of the community. An objector requested that a condition be imposed requiring the Council to work with the community.
- The 300th anniversary of the building would occur during the refurbishment; this would prevent its celebration.
- The requirements of users and community or had not been considered in a holistic manner.
- While other groups had been offered alternative accommodation, Wapping Community Centre was required to leave without a site to relocate to, this disadvantaged some of its users who were old and vulnerable. Additionally a number of the relocation sites were already occupied by other community groups.
- The objectors suggested that a phased redevelopment which included refurbishment of the basement would produce a better outcome for all.

The Chair agreed to vary speaking procedure rules to enable a disabled user of the facilities to offer his view. He stated that he did not oppose to the renovation however the method in which it would be undertaken disregarded and harmed the community users of the facilities.

Further to the representations heard the Committee also noted the following matters:

Discussions around a phased build and a form of mitigation for the relocation of the bar were matters that could be discussed with community groups post application.

Noting paragraph 10.2 of the report which outlined that the European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.” a Member highlighted that this applied to the competing interests of the Council in refurbishing the premises and the community which used them and therefore it was necessary for the Council to ensure good relations.

The Committee then received a presentation in support of the application from the architect on behalf of the applicant. He informed the Committee:

- That it was intended that all facilities would be re-provided but with increased flexibility.
- While basement refurbishment had been considered at feasibility stage, it was not included in the application because the ground floor had previously been lowered, affecting the basement ceiling height.
- Additionally the basement was below the water table hence for reasons of damp and lack of daylight it had not been included in the current plan.
- There had been good dialogue with users around remodelling and use of the ground floor area.

Responding to questions from the Committee the following information was provided:

Concerning engagement around the impacts of organisations being unable to celebrate the 300th anniversary, Members were informed that it was planned to make the building partly available for this event.

Concerning the phased decanting of the building, the Committee was informed that there had been discussions; however because of the size of the premises it was not possible to implement a phased refurbishment.

Concerning the design chosen the Committee were informed that little of the genuinely historic fabric in the building remained and therefore the architects had looked to refresh the building in new fabric. It was noted that the bulk of the historic features remaining were in the exterior fabric of the building.

Concerning how many people had been involved in the community consultation, the Committee was informed that the bar design and functionality had been discussed at a community meeting at which one of the objectors had been present; no concerns around the design of the bar had been voiced at that time. Three attendees had been present at this meeting.

The Planning Case Officer then presented the technical report informing Members of the elements and key features of the application. She summarised the key aspects of the report outlining how the application met national planning policy guidance and guidance from Historic England.

Responding to Members' questions the following information was provided:

- The proposed bar area formed part of community usage. The building was classified as a D1 usage premises and in this case it was appropriate to have a bar as an ancillary function.
- The operation of the bar was not a planning matter however the Council provided the infrastructure.
- The brief for the refurbishment was narrow; it concerned refurbishment of the building but no change of use. The Council, as landlord, had responsibility to deal with the impacts of refurbishment on usage.

- The building was designated Grade 2* included the building interior.
- Exhibitions relating to the refurbishment were not undertaken this would be a responsibility of the architects ordinarily however in this instance they had not undertaken this role.

Having heard representations from each of the parties, the Vice Chair advised that to better understand the heritage issues and impacts of the proposals, a site visit should be undertaken. Accordingly Councillor Pierce proposed and Councillor Helal Uddin seconded that the application be deferred pending a site visit.

On a unanimous vote in favour of this proposal, it was

RESOLVED

That the application **BE DEFERRED** pending a site visit.

The Committee were minded to undertake a site visit because of heritage issues raised during the discussion.

5.3 Dean Swift Public House, 2-6 Deancross Street, London, E1 2QA (PA/18/00472)

The Development Manager, Planning Services introduced the report

After receiving specific requests from two members of the public and to permit full consideration of the matter, the Chair agreed to vary public speaking rules to allow Mr Miah and Ms McGlynnne to make representations before the Committee.

The Development Manager, Planning Services introduced the report which concerned a proposal for the demolition of an existing building and redevelopment of the site for mixed-use purposes in the form of a six story building comprising of x7 residential apartments and non-residential floor space at ground and basement floors (use class aA4/D1/B1), cycle parking and associated works.

The Chair then invited the objectors Ms Day and Ms McGlynnne to each make their presentation to the Committee.

The objectors put forward the following arguments against the grant of planning permission:

- The present building was attractive, well maintained and well used by the local community.
- The report did not indicate that reasonable efforts had been taken to preserve the public house facilities.
- The proposal did not include any provision to reinstate a public house but offered other potential speculative uses such as a health facility – this was unnecessary since a GP surgery was located a short distance away.

- The development did not incorporate any disability access, facilities for parking or social rent element.
- Ms McGlynne further informed the committee that she had been the lessee of the premises for three and half years. She had worked much to ensure the premises were pleasant and to ensure the public house was viable.
- Hers was the last public house of five in in the area to remain operational; the others nearby had closed down.

Responding to Members' questions the objectors informed the Committee that:

- The public house remained viable.
- Regarding consultation there had been no community meeting of the developer. There had been poorly executed consultation – Ms McGlynne stated that seven leaflets at once had been posted into her premises; however she received no letter from the Council informing her of the application.
- The proposed re-provision of space was, for potential use as a public house was unsatisfactory since the present building was pleasant and well maintained.

The Committee then heard from the Applicant's Representative who outlined that the purpose of the application was to make better use of the land occupied by the Dean Swift public house. He advised that:

- Consultation with the Council and residents had been undertaken.
- It was intended that the ground floor would be for community use. He alleged that the public house did not trade well and that the lease would not be renewed.
- The community use space incorporated any D1 use and was designed to be flexible.
- Officer feedback had been supportive.
- The proposed development sat well its surroundings.

The Committee then heard from Mr Miah a resident of the borough who supported the application. He informed Members that:

- He supported the proposal since redevelopment was happening throughout the world.
- A new building would provide new facilities that were more useful to the multicultural community surrounding it.
- Shadwell had the highest crime rate.
- There were other public houses 75 metres and 125 meters away from the premises.

Responding to Members' questions Mr Miah further informed the Committee that:

- The development would bring facilities for use by all races in the vicinity.
- The premises proposed for redevelopment was not a historical building and development was bound to happen.

- He was making his submission based on his own views and feelings on the proposal.
- He had not had direct contact with other consultees; however the applicant's agent said that he had received a petition of 80 signatures in support of the proposal.

The Agent responding to Members' questions also informed the Committee that:

- In regard to the renewal of the lease, the lessee had not availed herself of the facility to renew the lease.
- Concerning the juxtaposition of the loss of the community asset (the public house) against the proposal to replace with a development of poor standard, he advised that the ground floor was for flexible community use and could be used for a range of purposes.
- The proposal concerning the use of the ground floor of the new premises states a community use which can be a public house. The application marks this area as a shell and core facility.
- Should there be demand for a public house there would be negotiations in accordance with a normal commercial lease.

Ms McGlynn contended that the exterior of the premises had been upgraded from the visual images presented to the Committee.

The Planning Case Officer then presented the technical report outlining the proposed elements of the development and the key attributes of the existing premises. He advised that the planning issues for Members to consider were:

- land use,
- design -- including overdevelopment,
- standard of accommodation - not all habitable units met the requirements of floor space design.
- impact on neighbouring buildings – there would be impact on daylight at 298 Commercial Road and
- whether the benefits of the housing provided outweighed the harm to the surrounding scene in terms of appearance and loss of community facilities.

Responding to Members' questions the Committee was informed that:

- The Council was undertaking a reassessment of public houses and their role as a community asset.
- The new Borough Plan will contain tighter conditions around public houses as community facilities (in light of the new London Plan recently published).

Having discussed the matters at issue, the Committee then moved to vote on the application.

The Chair proposed and, on a vote of 5 in favour of and 1 against officers' recommendation to refuse the application for the demolition and redevelopment of the site, Members refused the application, supporting the reasons outlined in the report.

RESOLVED

That planning permission **BE REFUSED** for the following reasons:

1. Loss of community asset

The proposed development, on account of the loss of the existing public house and the poor quality of the replacement commercial unit, would result in the loss of a community asset for which no satisfactory justification has been presented. The development therefore fails to address the policy requirements under policy DM8(2)(3) of the Council's Managing Development Document 2013 and policy D.CF4 of the Council's Emerging Local Plan as well as Policy 4.8 of the London Plan (2016).

2. Design

The proposed development, on account of its bulk, scale, detailed design, height, proportions, inactive ground floor frontage, plot coverage and the loss of the existing building, would result in a development of poor overall design quality, with a cramped layout that fails to respond sensitively to site constraints or its wider context. As such, the development fails to meet the policy requirements under policy DM24 in the Council's Managing Development Document 2013 and policy SP10 Creating distinct and durable places of the Core Strategy (2010).

3. Standard of accommodation

Two of the proposed residential units fail to meet the minimum internal floor space requirements, resulting in a cramped and poor quality standard of accommodation, contrary to the policy requirements under policy DM4 in the Managing Development Document 2013.

4. Impact on neighbouring amenity

The proposal, on account of its position 7 metres away from bedroom windows to three flats at number 298 Commercial Road, would introduce unacceptable loss of privacy, unreasonable levels of overlooking, and significant loss of light and outlook, to the detriment of the amenities of the occupiers of those flats. The scheme is therefore contrary to policy DM25 of the Council's Managing Development Document 2013 and policy SP10 of the Core Strategy 2010.

The meeting ended at 9.08 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee