

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.35 P.M. ON THURSDAY, 24 JANUARY 2019

**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 Mufeedah Bustin
Councillor Peter Golds
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Other Councillors Present:

Councillor Rachel Blake – applicant (Item 5.2)
Councillor Asma Islam – (Item 5.1)
Councillor James King – (Item 5.1)

Officers Present:

Solomon Agutu – (Interim Team Leader Planning, Legal Services,
Governance)
Jerry Bell – (Area Planning Manager (East), Planning
Services, Place)
Richard Humphreys – (Planning Officer, Place)
John Miller – Planning Officer
Piotr Lanoszka – (Team Leader, Planning Services, Place)
Hoa Vong – (Planning Officer, Place)
Antonella Burgio – (Democratic Services)

Registered Speakers In Attendance:

Mr T Ridge – objector (item 5.1)
Ms F Hussain and Ms E Livergant – objectors (item 5.1)
Mr M Sherman – agent (item 5.1)
Mr G Zizer and Mr H Busiakiewicz - applicant and architect (item 5.1)
Mr J Townsend – objector (item 5.2)
Ms B Morea Roy – objector (item 5.2)
Councillor Rachel Blake – applicant (Item 5.2)
Mr Robinson – objector (item 5.3)
Mr G Hindley – objector (item 5.3)
Mr D Leon – architect (item 5.3)

Apologies:

No apologies for absence were received.

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Salva- Macallan declared a non-disclosable non-pecuniary interest in respect of agenda item 5.2 in that she had attended a Christmas party at which this application had been spoken of. Notwithstanding, she had not formed a view on the matter.

2. **UNRESTRICTED MINUTES OF THE PREVIOUS MEETING**

The unrestricted minutes of the meeting held on 20 December 2018 were deferred to the following meeting.

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee **RESOLVED** that:

1. The procedure for hearing objections be varied.
Accordingly officers and registered speakers engaged in the order outlined.
 - I. The Development Manager introduced the application and then the Planning Case Officer presented his report.
 - II. Following this, registered speakers made their submissions in the following order; objectors, Ward Councillors and applicants/agents.
 - III. Members then questioned the parties on the information submitted
2. That the meeting guidance be noted.
3. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting.
4. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. DEFERRED ITEMS

4.1 Limehouse Marina, Limehouse Basin, The Highway, London, E14 8BT (PA/17/03268)

An update report was tabled.

The Applications Team Leader, Development, introduced the report which concerned an application for the construction of 5 leisure pontoons at Limehouse Marina. The Planning Case Officer then presented the report informing the Committee that the application had first been considered at the meeting on 14 November 2018 at which time it had been deferred for a site visit. Members had requested this because of concerns around open access, openness, navigation, and amenity. 9 letters of objection related to the application were received and the issues raised had been addressed in the update report.

The Committee was invited to ask questions of the Planning Case Officer and Members indicated that they had no questions that they wished to ask.

The Committee then moved to vote on the application. The Vice-Chair proposed and the Chair seconded that Members vote on the officer recommendation and on a vote of 1 in favour, 3 against, and 2 abstentions, the Committee indicated that it did not support the officer recommendation.

There was an adjournment between 6:48pm and 6:50pm.

The Committee indicated that it was minded not to support the recommendation because of concerns around:

- Navigation – although tests had been undertaken, the Committee was concerned that a separate verification had not been undertaken by the Council. Additionally since the pontoons would be for leisure use, they would be used by inexperienced persons and the reduced navigation space was a concern.
- Substantial harm to the marina from the additional use that the pontoons would generate.
- Over capacity of mooring.
- Loss of open water and open character.
- Pollution of the environment from the additional boats.

The Committee were of a view that these factors would constitute substantial harm.

The Vice-Chair indicated that the Committee was minded to refuse the application; the proposal was seconded by Councillor Salva-Macallan and on a vote of 5 in favour and 1 abstention, the Committee

RESOLVED

That the application to construct five pontoons to provide leisure moorings at Limehouse Marina, Limehouse Basin, The Highway, London, E14 8BT be **REFUSED**.

5. PLANNING APPLICATIONS FOR DECISION**5.1 767- 785 Commercial Rd E14 7HG (PA/16/03657 & PA/16/03658)**

An update report was tabled.

Councillor Golds informed the Committee that he had received a pamphlet, addressed to his home, which provided information in support of the application. He was concerned that the literature did not identify the sender.

The Area Planning Manager (East), then introduced the report which contained proposals for the redevelopment of 4 sites from 767 – 785 Commercial Road, London E14 7HG. The proposals also included an application for listed building consent for the restoration of 3 Grade II listed buildings that were included in Historic England's Register of Buildings at Risk. The Planning Case Officer then presented the report, informing Members that the application had first been presented at the meeting on 20 December 2018 but, for planning reasons, had been deferred prior to consideration. He set out the relevant issues concerning the application which were; heritage, conservation area, design and appearance, effects on listed buildings and conservation areas, effects on the Blue Ribbon network and economic impact. He advised that the proposals would provide regeneration in the forms of housing units class C3, class B1 offices and a number of communal living units which are in the form of a new type of HMO accommodation as set out in the report. Other planning considerations were transport and highways. There had been statutory planning consultation comprising site notices and 458 individual letters sent to neighbouring properties. 2 letters and 2 petitions objecting to the proposal had been received.

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

- The consequences of failure to restore the listed buildings and redevelop the site would be further deterioration of the listed buildings and their potential loss.
- In regard to the buildings at risk, there was no responsibility to intervene incumbent upon the Council. The Council has powers of compulsory however the current circumstances for local authorities needed to be considered.
- Concerning minimum space standards for the proposed communal living units, the Committee was advised that national planning standards do not apply to this new form of housing, nor were there any local standards for this type of accommodation; this has been identified

as an issue by the Mayor of London. However Members were asked to note that the size of the sleeping accommodation proposed in the communal units was greater than that specified under national planning standards.

- Concerning what feedback had been offered by Historic England, the Heritage Officer advised that Historic England had monitored the building over many years and had been fully involved in the proposals that concerned the heritage buildings. A Member observed that the details of the application suggested that the applicant had had regard to the historicity of the site.
- Concerning what guidance was available to ensure that the new communal living units would operate successfully and what policies, regulations and enforcement there were around this type of accommodation in term of contracts and minimum standards; the Committee was informed that the standard of accommodation proposed was far higher than that specified in the established London HMO guidance. Additionally, there were draft management arrangements which specified length of tenancies and enforceable management arrangements were proposed. A Member noted that the measuring standards used were not in the Local Plan nor in the London Plan; Officers advised that a proposal for this new type of HMO accommodation had been carefully considered and the recommendation was site-specific. Therefore it did not set a precedent.
- Concerning what parameters determined how much accommodation could be delivered, the Committee was informed that the quantity of accommodation was prescribed by the Council's desire to preserve and enhance the character of the conservation area. Viability was investigated by consultants GVA who initially advised that the cost of restoration of the heritage elements would cancel out any affordable housing. However following reassessment a small capacity equating to 3 affordable residential units was proposed.
- The rationale for listing the buildings at 777-783 as heritage buildings was to secure their future. Their listing enabled these buildings to be retained and restored using minimal appropriate intervention.
- Concerning parking and disabled parking provision, the Committee was informed that because of the location and nature of the site, no parking provision was proposed. However cycle spaces which met agreed standards would be provided.
- Concerning provision of employment, the development would deliver 2500 m² of B1 business space.
- Concerning other benefits which would be delivered, Members were informed that these were varied and included a new pedestrian canal-side access to Limehouse Cut.
- Concerning whether the proposed size of the communal living units was normal for this type of arrangement, the Committee was informed that there were few examples of this kind in the Country. In London there were 2 sites; a site in Ealing was operational and one in Stratford had not yet received permission because of concerns around the quality of accommodation.

- Concerning the modest S106 contribution secured, Members were informed that since CIL was applicable, S106 would be smaller. However the main benefit of this scheme was the restoration of the listed buildings.
- Concerning the effects of the proposal on the Blue Ribbon network, the Committee was informed that the development site was situated alongside this network and did not preclude use of the canal.

Members made the following observations:

- Much of the development concerned conservation and restoration of heritage buildings, however the materials for the development were of bright colours and bricks clashed with the materials of the existing heritage buildings. The Heritage Officer advised the Committee that suitable materials had been considered; those of the listed buildings was red brick and the proposed adjoining developments would comprise red and white materials to reference the original. Final choices presently were subject to confirmation, nevertheless, the scheme aimed to achieve an acceptable mix of materials.
- A Member expressed concern that the London Mayor's Housing SPG supported the new form of HMO and the Committee was informed that support was subject to 6 criteria. The new draft London Plan contains a provision for licensing new shared access developments where the neighbourhood level meets 8 criteria. Additionally policy DH7 in the emerging Tower Hamlets Plan references this new type of accommodation.
- Members observed that the scheme must meet housing need in accordance with the Local Plan. They were informed that this did not apply to the proposed communal living development as it was intended that rooms would be let at market rents.

The Committee then heard from 3 objectors 2 whom had agreed to make a joint representation. The objectors raised following concerns:

- The Sailmakers Warehouse was the only surviving structure of its kind and therefore should be fully preserved.
- Insufficient consideration had been given to sympathetic replacements of existing structures or alternative design which would reduce the necessity for the demolition of large parts of the adjoining historic Engineering Workshop.
- Historic England had failed to give due consideration to conservation as it had revised its approach. Because of this, the proposal would result in the loss of many heritage features in the Engineering Workshop and the Committee was asked to give greater weighting to conservation.
- There was concern that the proposals lacked a social housing provision. Therefore residents of the Borough on low incomes would not be able to access much-needed social housing. Additionally the development would cause rents to increase.
- The proposal would harm the local community because it was focused towards exclusive accommodation and did not foster a mixed environment of housing.

Having heard the submissions, Members questioned the objectors and received the following additional information:

- Although the purpose of the proposal was to preserve some of the Borough's heritage, objectors contested the developer's assertion that a social housing element was not viable because of the costs of conservation. They asserted that conservation and provision of social housing should not be mutually exclusive.
- Concerning criticism of the approach taken by Historic England towards the proposed renovations, the Committee was informed that Historic England no longer followed the conservation-led approach but followed an approach based on enhancements of significance. This would result in the demolition of large proportions of the service building. The objector further argued that, with some modifications, demolition of large proportions of the service building would not be necessary.

The Committee then heard representations from 2 Ward Councillors. They asked the Committee to refuse or defer the application based on the following:

- The accommodation that would be provided was not affordable. Although the buildings would be restored, little community benefit would be delivered.
- The proposal did not meet the Borough's housing needs or help the community but only benefited the developer. The Committee was asked to commission an assessment of the benefits of the proposed scheme.
- Policy DM 87 from the emerging Plan states that development should be resisted where other housing forms are eliminated and the proposal provided no social housing.
- There had been no reference to the Council's own viability study, therefore Members were asked to defer the application to permit this assessment to be brought forward.

The Committee was invited to question the Ward Councillors and Members indicated that there were no questions that they wished to ask.

The Committee then heard from the Applicant's Agent. He informed Members that the applicant and architect had worked closely with the local authority over three years to bring forward proposals for the development which included the restoration of historic buildings. The proposed shared living element was of the highest quality and emerging local plan policies included this new type of communal living accommodation; additionally a housing needs assessment had indicated a need for this. The applicant had undertaken viability testing and this had been provided to the Council. In concluding his presentation, the agent offered to increase the number of class C3 units to be given as affordable housing from 3 units to 4 units plus S106 contributions.

The Applicant then made his submission informing the Committee that he was from a family firm with a background in this type of development. He

acknowledged that the new communal living proposed was not suitable for all but met housing needs that suited short term living arrangements.

Responding to Members' questions the Agent, Applicant and Architect provided the following information:

- When working with listed buildings there must of necessity be adaptations in order that schemes may be delivered. These adaptations are required to be delivered within certain parameters and wherever possible efforts had been made to preserve the heritage features. The proposal had been endorsed by Historic England and the Council's Conservation Officer.
- It was intended that the weekly rent of the communal living units would be £250-£280 per week including bills.
- It was intended that the communal living arrangements would enable the tenants to interact with each other when using the cooking facilities and also when using the communal area at the front of the building. These arrangements would enable more interaction with the community.
- Concerning how the proposal fulfilled the Land Plan which specified that development should contribute to neighbourhood development, the Committee was informed that the proposal would enable people to come to live in the area that would otherwise be prevented from doing so.
- In regard to mixed living, the proposal would provide different types of tenure across the scheme.
- The additional housing unit offered by the Applicant as a contribution would be one of the 9 Class C3 units specified in the scheme; the authority could determine which to choose.
- Concerning provision of open spaces, the Committee was informed that the development would offer more openness towards the canal-side of the development; the areas fronting Commercial Road would be less open to defend against noise and pollution.
- Overall, the aim of the development was to reinstate the streetscape, the building and its surroundings.

The Committee briefly adjourned between 8:35pm and 8:38pm and then then moved to vote on the officer recommendation. The Vice-Chair proposed and the Chair seconded, and on a vote of 3 in favour, 2 against and 1 abstention the Committee

RESOLVED

That

1. The application for the demolition of 767 and 785 Commercial Road (behind retained facade). Mixed-use redevelopment to provide 558 m² of class B1(a) offices within 777 - 783 Commercial Road; 134 rooms of communal living accommodation and associated facilities (sui generis) at 769 - 775 and 785 Commercial Road; and 252 m² of class B1(a) offices and 9 x self-contained class C3 residential flats at 767 Commercial Road **BE GRANTED** subject to completion of a legal agreement to the

satisfaction of the Chief Legal Officer and subject to delivery of 4 x affordable housing units within the 9 Class C3 dwellings at 767 Commercial Road - the composition of these to be determined by Tower Hamlets Council and subject to conditions and informatives.

2. The application for listed building consent for works to 777 - 783 Commercial Road, Grande II, **BE GRANTED**.

SUSPENSION OF STANDING ORDERS - THE GUILLOTINE

At 9:15pm the Chair moved, the Vice-Chair seconded, and the Committee

RESOLVED

That the guillotine be suspended and the meeting extended 30 minutes beyond the permitted time to enable the Committee to conclude its consideration of the applications listed for determination.

5.2 Stepney Library, Lindley Street, London, E1 3AX (PA/18/02821)

The Area Planning Manager (East), introduced the application which concerned proposals for the redevelopment of the site of the former Stepney Library. The Planning Case Officer presented the report which concerned a proposal to demolish the disused Stepney Library building and construct 5 x 3-bedroom houses 2 of which were wheelchair accessible. Members were informed that

- 100% of these proposed units were to be affordable.
- Statutory planning consultation had been undertaken and 10 letters of objection and a petition had been received raising concerns about design, amenity and loss of the community facility.
- The planning issues for consideration were land use, loss of accommodation of a community facility, design and transport.
- The loss of the facility had been assessed and was considered acceptable since the building had not been occupied for 15 years and the community facilities had been re-provided at the nearby Idea Store.

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

- Concerning whether the concept of re-provision of a community facility had been appropriately applied, the Committee was informed that the application had been appropriate since Idea Stores had replaced all libraries in the Borough.
- There were no community facilities presently operating from the building.
- It was intended that the proposed properties would be provided in the form of 3 social rents and 2 LBTH Housing rents. The provision would be private housing at social rent.
- Concerning the misleading information alleged in the report around the consultation process, the Committee was informed that this

consultation referred to community meetings which had taken place, however the content of these was not known.

The Committee then heard from objectors who raised the following concerns:

- Very few in the community had been involved in the consultation.
- There had been no equality assessment.
- The proposed design was out of keeping with that of the surrounding estate.
- There would be overlooking at Jarman House and Colverson House; Members were asked to consider a site visit to assess this concern.
- There had been issues around antisocial behaviour on the estate in the past 4 years.
- 10 years ago, there had been an alternative consultation on uses of for the existing building but this had not been undertaken well.
- The estate was already overcrowded; this concern was a subject of the petition and the proposed development would exacerbate the sense of overcrowding in the locality.
- Residents supported the reinstatement of the building as a community centre since Idea Stores did not engage residents in a broad way. Additionally a community facility would provide facilities for teenagers.
- The proposed development was not sympathetic to the heritage style of the estate
- The site was not appropriate for the proposed development since the estate required community facilities rather than additional housing.

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

- The Idea Store was too distant and its provision differed from that which a community centre could provide.
- The local TRA would consider a match funding arrangement for a community facility if reinstatement could be offered; however removal of the building would be an irrevocable loss.
- The facility would give a heart to the community

The Committee then heard from Councillor Rachel Blake who spoke on behalf of the Council - the applicant. She informed the Committee that the proposal contributed to the Council's targets for social housing and disabled housing. The properties were affordable comprising 3 social rents at £167.67 per week and 2 Tower Hamlets rents at £230.28 per week. The proposal had been equality assessed and this indicated that it would deliver a positive impact. There had been 3 pre-application consultations with the local TRA in addition to the statutory consultation by Planning; additionally a newsletter had been circulated.

In the context of the relocation of the library function to the Idea Store the Councillor agreed it was appropriate that the demand for a community use facility should be explored. To this end premises were available at Flat 2 Jarman House and at the Stifford Centre. The Council did not have a large land bank, therefore careful assessment of the proposal and search for a suitable site had been undertaken. In regard to concerns around antisocial

behaviour, she advised that there was evidence that new developments led to reduction in antisocial behaviour due to natural surveillance and the elimination of dead areas.

Responding to Members' questions Councillor Blake provided the following additional information:

- The proposal would address the need for larger family homes as all of the properties to be delivered were three-bedroom units and the site had been assessed as appropriate for this.
- Concerning rental percentages, the proportion of social rent was slightly higher (at 60% social rented properties) than that of living rents.
- Concerning the loss of council housing on the Estate, the Committee was informed that the loss was at 50% however this was not a material planning consideration.
- The provision of D1 space at Jarman House had not been attached to the application because the provision (the Community Flat) was already operational.
- The proposal had not offered 100% social housing because this did not meet the requirements of a sustainable model of development.

The Committee then moved to vote on the officer recommendation. Councillor Bustin proposed, the Vice-Chair seconded, and on a vote of 5 in favour and 1 against, the Committee

RESOLVED

That the application to demolish the Former Library/community centre (D1) and general landscaping including parking and construction of 3 x three storey three bedroom houses and 2 x two storey three bedroom wheelchair accessible houses and revised parking/landscaping **be GRANTED** subject to conditions and informatives

5.3 Regents Wharf, Wharf Place, London E2 (PA/18/01676)

The Area Planning Manager (East) introduced the application which concerned a proposal to remove an existing roof structure and construct a mansard style roof extension at Regent's Wharf, Wharf Place London E2. The Planning Case Officer then presented his report informing the Committee that the proposal was to remove the existing pitched roof and replace with a mansard-style roof extension to provide 4 one-bedroom flats, and 2 two-bedroom flats with associated cycle parking and refuse storage facilities. Notice had been served on residents. The site was situated in the Regent's Canal conservation area. Statutory consultation had been undertaken and 25 letters of objection have been received concerned mainly around design. The relevant planning issues were; land use, design, amenity, and transportation. An environmental plan which deals with noise during construction had been produced.

The Chair enquired and Members indicated that they had no questions for the Planning Case Officer.

Members then heard from objectors who raised the following concerns:

- The proposal contravened policies DM26 (tall buildings were not displayed correctly), DM24 (the proposal did not demonstrate place sensitive design).
- The proposed development would create noise and disruption to existing occupants of the building. Additionally there had been much successive development at the premises, much of which had not been delivered efficiently. Therefore residents were not confident that the current proposal would be delivered in an efficient and timely manner.
- The proposal contained inaccuracies related to the orientation of some of the units which in fact faced East-West.
- The proposal would create new overlooking and exacerbate existing issues around overlooking.
- The additional height that would be created would negatively affect daylight/sunlight into some of the existing flats.
- Existing parking had been lost as the developer had inserted flats in the basement. The additional cycle parking would reduce this further.
- The proposal also prevents occupants from enjoying their own home and working from home because of noise and disruption during development.

Responding to a Member question, objectors informed the Committee that there were concerns around waste storage because the Paladin containers were not accessible.

The Committee then heard from the Architect who highlighted the following elements of the proposal:

- All in all specifications of the proposal complied with all Tower Hamlets policies.
- The design was sympathetic to its location.
- The site offered scope for height adaption for a mansard conversion and the design had been carefully planned to maintain privacy.
- All elements for waste storage had been met.
- Concerns around previous construction works had been noted and there was a construction management plan.
- During the pre-application period, the applicant had worked to improve the scheme to ensure compliance and that the locality was enhanced.

Responding to Members' questions the Architect provided the following additional information. In regard to previous applications withdrawn and rejected or dismissed, the architect advised that these had involved other firms; however since his engagement to the project he had worked to achieve an improved proposal/outcome.

The Committee then addressed the Planning Officers and enquired:

- How the Council would ensure that the issues around delays and disruption were not repeated. Members were advised that the application should be considered on the basis of planning policy on the

use of the land. Additionally it was not the possible to impose conditions on completion times.

- Whether the proposal triggered over development criteria. Members were informed that the density calculation met the planning tests.
- Why daylight and sunlight assessments had not been undertaken. Members were informed that this had been because the additional height (0.6m) that the proposal would cause was considered negligible.
- What assessments had been undertaken in regard to parking facilities. Members were informed that relevant data had been checked and cycle parking facilities inspected before bringing forward a recommendation.

The Committee, having considered all of the information provided, remained concerned that the impacts of the proposal on daylight/sunlight had not been assessed and that there was alleged daylight and sunlight impacts on windows in the block

Councillor Salva-Macallan moved a proposal that the application be deferred pending a daylight and sunlight assessments this was seconded by Councillor Bustin and on a vote of 5 in favour and 1 abstention the Committee

RESOLVED

That the application **BE DEFERRED** pending provision of:

1. daylight/sunlight assessments and
2. a briefing detailing build management, in the context of the historic issues around delivery of previous enhancements; what the Developer could offer to mitigate, how it will function and whether it can be enforced

6. OTHER PLANNING MATTERS

6.1 PLANNING APPEALS REPORT

This report was **DEFERRED**. Since the meeting had reached the guillotine, Members were unable to consider the report.

The meeting ended at 10.00 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee