

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.40 P.M. ON THURSDAY, 13 JUNE 2019

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor Dan Tomlinson (Vice-
Chair)
Councillor John Pierce
Councillor Mufeedah Bustin
Councillor Leema Qureshi

Other Councillors Present:

Councillor Rachel Blake
Councillor Denise Jones

Officers Present:

Amanda Helliwell	– (Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Katie Cooke	– (Planning Officer, Development and Renewal)
Aleksandra Milentijevic	– Planning Officer
John Miller	– Planning Officer
Adam Garcia	– Planning Officer, Place Directorate
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Antonella Burgio	– (Democratic Services)

Registered Speakers In Attendance:

Mr E Sulic – objector (item 7.2)
Ms T Ruotsalainen – Architect (item 7.2)
Ms M Brisley – objector (item 7.3)
Mr P Osborne – Architect (item 7.3)

Others In Attendance:

Mr P Littlefair of BRE – consultant (item 7.1)
Ms K Spence of Anstey Horne – consultant (item 7.2)

Apologies:

Councillor Dipa Das

1. TO APPOINT A VICE-CHAIR FOR THE DURATION OF THE MUNICIPAL YEAR

It was proposed by Councillor John Pierce, seconded by the Chair and **RESOLVED:**

That Councillor Dan Tomlinson be appointed Vice-Chair of the Development Committee for the Municipal Year 2019/2020.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Mukit declared an interest in respect of agenda item 7.3 in that the application was situated in his Ward.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the Development Committee held on 17 April 2019 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. 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.

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

The Clerk introduced the annual report which set out the governance framework of the Committee for the forthcoming municipal year. Members noted that draft Terms of Reference presented which were due to be adopted at the next Full Council meeting.

The Committee **RESOLVED** that:

The report be noted.

6. DEFERRED ITEMS

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

An update report was tabled.

A Member queried why the application had been brought forward from the previous municipal year to be heard as a deferred item because there had been a substantial change of membership since the application was first considered and because officers had taken a different approach in regard to another deferred application.

The Committee received legal advice that the application had been returned as a deferred item because Local Planning Authority officers had assessed that there were no significant new matters to consider, there was also quorum of Members from the previous Committee, which meant a decision could be made. Given the concerns raised by Members, Members were asked to consider the position reached by Planning officers and determine if they wish to proceed as a 'deferred item' or to hear application afresh. To achieve this it was appropriate that Members consider the officer report.

The Area Planning Manager (East) then introduced the report which concerned a proposal to remove the existing roof structure and construction of a mansard style roof extension at Regents Wharf, London E2.

The Planning Case Officer outlined the details of the application informing Members that the application had been considered at the meeting on 24 January 2019 at which time its determination had been deferred because of concerns around daylight/sunlight impacts and building strategy. The report presented and update answered the issues raised.

Responding to Members' questions, the following information was also provided:

- A window had failed one of the sunlight/daylight assessments however the data returned was found to be within 2% of the previous values and fell within the accepted tolerances.
- On testing 3 windows fell below the BRE guidelines for winter sun only. These were considered acceptable as the windows affected were bedroom windows.

Councillor Pierce proposed, Councillor Bustin seconded and the Committee **RESOLVED** that:

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

The Committee was minded to defer the application as Members felt that substantial new information relating to daylight/sunlight assessments had been presented; this information merited full consideration. Therefore, in the interests of good decision making Members requested that the application should be listed afresh and public speaking permitted.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Reardon & Lowder Houses, Reardon Street & Wapping Lane, London, E1W (PA/18/03541)

An update report was tabled.

The Area Planning Manager (East) introduced the report which concerned a proposal to demolish existing lock-up garages at the junction of Reardon & Lowder Houses, London, E1W and construct 18 self-contained dwellings in the form of a new part-four part-six storey residential building with associated enhancements.

The Planning Case Officer outlined the details of the application informing Members that the proposal would provide 18 rented units 50% of which would be offered at London Affordable Rents and 50% at Tower Hamlets Living Rents. The development would:

- incur the loss of one tree which had no protected characteristics; 3 trees would replace the one lost.
- be car-free; however existing parking spaces would be retained.
- deliver acceptable daylight/sunlight impacts. However where impacts had been indicated, these were assessed as negligible.

The Committee was informed that associated planning obligations would be delivered via conditions 17 and 18 which were outlined in the report.

The Committee noted a registration to speak on the application from Councillor Rachel Blake. She clarified that she had requested to speak in the capacity of Councillor and Cabinet Member with responsibility for delivering council housing. A late request to speak was also made by Ward Councillor Denise Jones.

At 7:23pm the Committee adjourned for a few minutes and received legal advice that the late request to speak, if granted, might impact negatively the applicant's ability to respond to issues raised and might negatively affect the decision to be made. The meeting reconvened and the Chair advised that he had exercised his discretion to permit the Councillors to make a submission.

Councillor Jones addressed the Committee and set out the following matters:

- concerns around daylight/sunlight impacts had been raised by some residents. In particular flats 13-50 were adversely affected. Additionally there had been no skyline assessment.
- a resident had offered access for a daylight/sunlight assessment at her property but this had not been taken up. In this context the Committee was asked to consider if satisfactory measures had been taken to assess the impacts on existing properties.

The Committee then heard from Councillor Blake who asked Members to consider the following matters:

- all dwellings proposed in the development would be as social or living rents.
- the proposed play space provision was greater than policy requirements.
- the daylight/sunlight assessments had been thorough.
- there had been pre-application consultation as well as statutory consultation. Concerns raised by residents at these times had been taken into account.
- Members were asked to consider their decision in the context of material planning considerations of the scheme and the need for affordable housing in the borough.

Following this submission, Councillor Blake withdrew from the meeting.

The Committee noted its decision was required to be made on balance of the mitigation of the benefits of the scheme against any negative elements that the scheme might incur. Members were referred to paragraph 7.95 of the report which provided an assessment of the impact of the proposed development on the neighbouring properties. The Committee also noted the advice of the Legal Advisor that in reaching a decision, the Members must be satisfied that they have all the information that they feel necessary to make their decision or decide if further information was necessary. To assist Members in respect to the daylight/sunlight assessment, consultants with daylight/sunlight expertise were in attendance to provide clarification in respect of their daylight/sunlight questions. Members were advised by the Area Planning Manager (East) that a thorough daylight/sunlight assessment had been undertaken and comprehensive information provided.

The Committee then asked questions of the Planning Case Officer and with the assistance of the consultant from BRE the following additional information was provided:

- 'no sky line' (NSL) tests had not been carried out and offers of assessing properties had not been taken up as no floor plan had been available therefore daylight/sunlight assessments had formed the basis for assessing impacts. However new developments had lower NSL impacts.
- in respect of NSL impacts, the factors influencing NSL values were those directly facing a property that could be impacted by a development.

The Committee then debated the proposal noting that it was not practical to undertake exhaustive assessments of all potential impacts of a development; however most Members were satisfied that a thorough assessment had been carried out and broad data had been provided on which the Committee could assess daylight/sunlight impacts.

The Chair moved and on a vote of 4 in favour and 1 against, the Committee **RESOLVED** that:

That planning permission be **GRANTED** at Reardon & Lowder Houses, Reardon Street & Wapping Lane, London, E1W for demolition of existing lock-up garages, construction of new part-four part-six storey residential building containing 18 self-contained dwellings, with associated covered parking, hard & soft landscaping, and enhancements to existing estate garden subject to conditions and informatives.

7.2 1 - 7 Mears Close, London, E1 1AS (PA/18/01538)

An update report was tabled.

The Area Planning Manager (East) introduced the report which concerned a proposal to create an additional upper storey to an existing terrace of properties at 1 – 7 Mears Close; the proposal also included a roof terrace, associated privacy screens and skylights. Its purpose was to provide extended living accommodation to the existing properties plus roof terraces and the creation of a top floor flat.

The Planning Case Officer then presented the report informing the Committee of the relevant planning considerations related to the application. These were; land use, design, quality of residential accommodation, amenity, transport and services. The Committee noted that the application had been considered on 13 February 2019 at which time it had been deferred for a site visit. The application had since been listed afresh because the membership of the Committee had changed since its first consideration and there was not a quorum of Members who had previously considered the application and therefore eligible to conclude the determination in accordance with planning

procedure rules. The Committee was informed that windows to the rear, facing Greenfield Road, would be translucent.

Responding to Members' questions, the Planning Case Officer and the independent daylight/sunlight assessor provided the following additional information:

- daylight/sunlight impacts had been reassessed and results indicated that the gradeline met the 25 degree rule.
- although the BSA at 49 Settle Street would be reduced from 9.5% to 8.5% this was acceptable as it fell within the BRE guidelines.
- waste storage arrangements must be delivered in accordance with the approved plan.
- the proposed development would deliver buildings 2 storeys above ground level. This was in keeping with the height of surrounding buildings some of which were up to 5 storeys.
- The daylight/sunlight assessments were made from the centre of the windows tested and the gradeline measured from this point.

The Committee then heard from an objector who submitted his statement raising the concerns outlined. He provided additional information also outlined arising from Members' questions:

- referring to figures 9, 4 and 6 of the report he illustrated that the development would cause significant adverse light impacts on properties in Settle Street.
- Figure 9 showed that there were recesses in the design of properties at Settle Street which already experiences reduced light levels. The addition of an upper storey would exacerbate this cause the greatest harm to basement flats.
- The greatest adverse impact would be on properties in Settle Street. Not all properties had been assessed and therefore the losses have not been fully identified.
- The proposed development would provide little additional housing as its major element was to create an additional storey to existing properties.

The Committee then heard from the architect/agent who made her submission and answered Members' questions. She provided the information below:

- the proposal had arisen after residents had expressed need for extra space and was not driven by profit.
- the additional apartment had been included in the design to achieve a unified scheme.
- the scheme was designed to have minimal impact on its surroundings. The additional storey was set back such that it would create little impact on surrounding properties.
- there had been much engagement during the course of the project and the applicant had sought where possible to mitigate potential impacts where they were brought to light.
- The angles of the roof terrace and stairwell follow the gradient of the stairs to allow clearance of height to access the terrace. This access clearance could not be lower than the measure adopted without

adversely affecting the quality of the development. However mitigation had been offered through the use of materials which would help to reflect light.

The Committee noted the architect's offer that there would be consultation with residents around use of suitable materials including reflective materials to mitigate daylight impacts and requested that this offer should form a condition. A Member felt that this measure would on balance help toward the favourable consideration of the application.

The Chair moved and on an unanimous vote in favour, the Committee **RESOLVED** that:

That planning permission be **GRANTED** at 1 - 7 Mears Close, London, E1 1AS for roof extension to the existing terrace (nos. 1-7) comprising the addition of one storey to increase residential floorspace including a new 2 bedroom unit, roof terraces accessed via a protruding stairwell at the rear, and associated privacy screens and skylights, subject to conditions and informatives including the condition offered at the meeting that there would be consultation with residents around use of suitable materials including reflective materials to mitigate daylight impacts.

SUSPEND STANDING ORDERS

At 9.20pm, under Part 4.1 of the Constitution, Rule 24.2(a) of 'Council Procedure Rules', the Chair moved and the Committee unanimously **RESOLVED** that:

The meeting be extended beyond the guillotine by an additional period of 15 minutes to enable business to be concluded.

7.3 Walker House, 6-8 Boundary Street, London E2 (PA/17/03009)

The Area Planning Manager (East) introduced the report which concerned a proposal to change use of first floor office space (use class B1a) to 4no. residential flats (use class C3) and construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a) at Walker House, 6-8 Boundary Street, London E2.

The Planning Case Officer then presented the report informing the Committee of the relevant planning considerations related to the application. These were; land use, design and materials, amenity and geographical context, transport and services.

Members raised the following concerns:

- an artist's impression of the proposal had not been provided.
- although the proposed development was not in the conservation area, the proposed materials were not in keeping with those of the surrounding buildings.
- the correct level of information had not been provided.

Members were therefore minded to defer the application.

An objector who had registered to speak on this item requested that her submission should be heard prior to the deferral as she had relevant information which she wished to communicate and the Chair agreed that the speakers could be heard.

The objector spoke in objection to the application and answered Members' questions informing the Committee that:

- the development would result in the removal of the windows on the first floor at the rear of Walker House. There would therefore be no ventilation as the windows at the front were kept locked by the landlord.
- the building as in a substantial state of decay as there had been no building management for many years.
- the building proposed would provide no public benefit.
- the windows that would be lost were linked to existing office space.

The Committee then heard from the architect on behalf of the applicant. He made his presentation and answered questions informing members of the following:

- a 3-D view had been submitted by the applicant, however the development would be mostly obscured from view at street level.
- the developer had chosen not to replicate the materials of the Boundary Estate. The proposed materials while not identical to the surroundings had been selected to reflect those of the boundary estate.
- the windows at issue were a later addition and were installed in 2002.

Members considered the information that had been provided and came to a majority view that insufficient information had been provided to enable the application to be determined. It was felt that a site visit would help Members understand the context of the application.

Councillor Pierce proposed, Councillor Bustin seconded and on a vote of 3 in favour and 2 against, the Committee **RESOLVED** that:

The application at Walker House, 6-8 Boundary Street, London E2, for change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). And construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a), be **DEFERRED**.

Members were minded to defer the application for the following reasons:

- suitable graphics of the development and its likely appearance within its setting had not been provided

- the rationale on the choice of build material was insufficient
- sufficient assessment of the impacts of the development on the adjoining building had not been provided.
- Members agreed that a site visit would assist them to understand the physical context of the proposal.

7.4 Children's House Nursery School, 92 Bruce Road, London, E3 3HL (PA/19/00462)

The Area Planning Manager (East) introduced the report which concerned an application for listed building consent for the

The Committee noted that the proposal was for replacement of windows and doors using like-for-like materials.

The Chair moved and the Committee unanimously **RESOLVED**

That the application for listed building consent be **GRANTED** at Children's House Nursery School, 92 Bruce Road, London, E3 3HL for the replacement of existing windows and doors at the second floor level of the nursery. This involves windows and doors in the classroom along the western elevation overlooking and offering access to the adjacent roof terrace and a window on the south-eastern elevation; subject to any direction by the Mayor of London and subject to conditions.

The meeting ended at 9.40 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee