

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 6 AUGUST 2015

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

Members Present:

Councillor Marc Francis (Chair)

Councillor Shiria Khatun

(Deputy Mayor and Cabinet Member for
Community Safety)

Councillor Sabina Akhtar

Councillor Rajib Ahmed

Councillor Gulam Kibria Choudhury (Items 7.1-7.2)

Councillor Chris Chapman

Councillor Shah Alam

Other Councillors Present:

None.

Apologies:

Councillor Suluk Ahmed

Councillor Amina Ali

Officers Present:

Paul Buckenham

– (Development Control Manager,
Development and Renewal)

Jane Jin

– (Deputy Team Leader, Development
and Renewal)

Tim Ross

– (Deputy Team Leader - Pre-
application Team, Development and
Renewal)

Lydia Meeson

– (Planning Officer, Development and
Renewal)

Marcus Woody

– (Legal Advisor, Legal Services)

Zoe Folley

– (Committee Officer, Directorate Law,
Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared an interest in the agenda item 7.1, 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ as he had received representations from interested parties and the site was within the Councillor's ward .

Councillor Shiria Khatun declared an interest in the agenda item 7.1, 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ as she had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the Committee meeting held on 8th July 2015 be agreed as a correct record and signed by the Chair, subject to the following amendments to page 7 of the minutes:

- Paragraph two 'eradicate' to replace 'irradiate'
- Paragraph four, insertion of the word 'vote' to read 'on a unanimous vote'

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

To note the procedure and meeting guidance.

5. DEFERRED ITEMS

6. 12-14 TOYNBEE STREET, LONDON E1 7NE (PA/14/03376)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application, recommended for approval for the demolition of existing structures on land adjacent to Duke of Wellington public house, the creation of five residential units, a replacement outdoor area, external alterations to the public house and the retention of the drinking establishment.

Tim Ross (Deputy Team Leader, Pre - Application Decisions, Development and Renewal) presented the application. It was reported that the application was previously considered at the last meeting of the Committee on 8th July.

Following consideration of the item, the Committee disagreed with the Officer recommendation to grant permission and suggested that the application be refused for the following reasons:

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

The Committee were reminded of the key aspects of the scheme including the plans for the outdoor area, the layout and the appearance of the scheme, the quality of the residential units, the cycle and the waste storage area.

On balance, Officers remained of the view that the application was acceptable in terms of the design, the heritage impact, the measures to safeguard the public house, the standard of residential accommodation and the impact on residential amenity. The full reasons were set out in the original Committee report and summarised for the Committee

However, if Members were minded to refuse the scheme, they were directed to the proposed reasons for refusal amalgamating the above indicated reasons. Officers considered that these reasons could be defended on appeal.

On a vote of 1 in favour of the Officer recommendation to grant planning permission, 2 against and 0 abstentions, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be **REFUSED** (for the reasons set out in 4.2 of the Committee report) and on a vote of 2 in favour of this recommendation, 1 against and 0 abstentions, it was **RESOLVED**:

That planning permission at 12-14 Toynbee Street, London E1 7NE be **REFUSED** for the demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use); replacement outdoor area to be reconfigured to the rear of the site. external alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining existing ridge line and mansard roof and the retention of A4 use (Drinking Establishments) on ground floor (reference PA/14/03376) for the following reasons set out in 4.2 of the Committee report

1. The proposed development would cause harm to the Wentworth Street Conservation Area. The design and appearance of the proposed modern extension would be out of character with the local area and

would cause harm to the character and appearance of the Wentworth Street Conservation Area and combined with the loss of the pub garden would harm the setting of other local heritage assets, including the Duke of Wellington Public House itself. This harm is not outweighed by the public benefits of the scheme and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

2. The proposed development would result in the loss of existing outdoor space that would undermine the future viability and vitality of the existing Duke of Wellington pub (12-14 Toynbee Street) and thereby fail to protect its function as community infrastructure. As such, the proposal would be contrary to policy SP01 of the adopted Core Strategy (2010) and policies DM2 and DM8 of the Managing Development Document (2013), Policy 3.1(b) of the London Plan 2015, National Planning Policy Framework (2012) and the National Planning Policy Guidance.
3. The proposed development would be detrimental to the amenity of new residents of the proposed development due to the potential for fumes and excessive noise resulting from the close proximity of the proposed residential accommodation and the proposed smoking area and public house use and would result in increased noise and disturbance to the occupiers of existing residential properties. Therefore the proposal would be contrary to policy DM25 of the Managing Development Document (2013), the London Plan 2015 National Planning Policy Framework (2012) and the National Planning Policy Guidance.

7. PLANNING APPLICATIONS FOR DECISION

7.1 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ (PA/14/03660)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application recommended for permission for the demolition of existing buildings and erection of four blocks to provide 89 dwellings together with ancillary parking and landscaping.

Tania Hall (Fairfield Conservation Area Residents' Association) spoke in objection. Whilst not opposed to the provision of housing on the site, she considered that, due to its height and scale, that the proposal would harm the setting of the surrounding area that was predominately low rise in nature. She explained that due to its position near the park boundary, the scheme would 'loom large' over the Grove Hall Park and Memorial Gardens, resulting in a

loss of privacy and overlooking of the park. She also expressed concern about the width of the servicing bay on highway safety grounds.

In response to questions, she considered that, despite the amendments, the scheme was still too intrusive, providing an unsympathetic setting for the designated heritage assets. She also clarified her concerns about overlooking to the memorial park and the loss of trees in that park. In response to further questions, she expressed concern about the impact on the highway arising in particular from the servicing bay given the existing levels of congestion in that area, the impact from the cycle superhighway upgrade, the car free agreement and the increased demand for buses.

Ewout Vandeweghe (Applicant's Agent) spoke in support of the application, highlighting the Applicant's successful track record with delivering similar schemes including the adjacent development also owed by the applicant. He outlined the benefits of delivering these two schemes together. He also explained that the Council's Officers were supportive of the scheme, that the scheme would deliver high quality housing including a policy compliant amount of affordable housing and accessible units. The plans had been amended to address the concerns and these measures were explained. He also explained the highway safety measures.

In response to questions from Members, he clarified the measures to address the objectors concerns, (which included reducing the height of the scheme, setting the taller element back from the park, the restoration of building lines to preserve and enhance the setting of the listed buildings and surrounding area). He further clarified the housing mix and the energy efficiency measures as set out in the s106 agreement.

Jane Jin (Deputy Team Leader, Development and Renewal) presented the scheme and the update explaining the site location, the outcome of the consultation summarising the representations received as detailed in the Committee report.

The Committee were advised of the key features of the scheme including the proposed demolition of the existing buildings and reasons why this could be supported; the new residential development including 35% affordable housing (increased following consultation) and wheelchair accessible units in line with policy. The standard of accommodation fully complied with the requirements in policy both in terms of the internal and external amenity space.

In terms of amenity, whilst there would be some loss of light to neighbouring properties, there were mitigating circumstances to account for this and the failings were mainly minor in nature. In addition, whilst a number of the separation distances fell below policy, there were measures to prevent overlooking.

As explained by the speaker, the scheme had been amended since submission in light of concerns to reduce the build near the Grove Hall Park and Memorial Gardens and to reduce the height to preserve the setting of the area. Images of the area, showing the impact of the scheme were shown.

Overall, it was considered that the plans would preserve and enhance the setting of the Conservation Area and designated heritage assets.

She also explained the servicing plans and the proposed joint arrangements with the neighbouring scheme (at Nos 213 -217 Bow Road) in respect of this matter (as set out in the additional condition in the update report). Also explained were the car free agreement, the s106 agreement including an obligation requiring funding for replacement trees if necessary.

In summary, given the merits of the scheme, it was recommended that the planning application should be granted permission.

In response to questions, Officers explained in further detail the proposals to link the common services areas with the neighbouring development, subject to a separate application (ref PA/15/00594). Should this application be granted, then a condition would be imposed to ensure that this scheme could not go ahead without such arrangements in place. The merits of this joint approach in terms of highway safety were noted. Regardless of these plans, the application still needed to be considered on its planning merits.

Officers also answered questions about the sunlight/daylight impact in respect of the small number of properties expected to suffer a material loss of light, due to reliance on the application site for light. They also clarified the separation distances, the design measures to prevent overlooking, the changes to the height and design of the scheme following consultation with the LBTH Conservation Officer.

In terms of transport, the site had a good public transport accessibility level (PTAL). Whilst there were a discrepancy in the Council's PTAL rating (5) and the Applicant's rating (6a) (as this was based on TfL records), this made no real difference in terms of the assessment given that both ratings still fell within with the PTAL range advocated in the London Plan for sites of this size. (The Plan advocated a PTAL range of 4-6 for developments with up to 700 habitable rooms per hectare). Although it was noted that the scheme at 748 habitable rooms per hectare was a little over the recommended density for this PTAL band, it was felt this could be supported in view of the lack of adverse impacts.

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

1. That planning permission at 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ be **GRANTED** for the demolition of existing buildings and erection of four blocks of four, five and six storeys to provide 89 dwellings together with ancillary parking and landscaping (reference PA/14/03660) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the committee report.

3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report and the additional condition set out in the update report regarding joint servicing arrangements with Nos 213-217 Bow Road.
5. That, if within 3 months of the date of this committee the legal agreement referred to above has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Rajib Ahmed did not vote of this item having nor been present for the full consideration of the item.

7.2 461 Bethnal Green Road (PA/15/00756)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item recommended for permission for the change of use of lower ground floor from gym to 4x serviced apartments.

Lydia Meeson (Planning Officer, Development and Renewal) presented the report explaining the site location, within the town centre, the existing use of the units with residential use on the upper floor. Consultation had been carried out on the proposals and the issues raised were highlighted and addressed. In summary, it was considered that the loss of the gym use was acceptable as there were a number of other such facilities in the area. Furthermore, the provision of short stay accommodation complied with policy, promoting such accommodation in the area where appropriate. In addition, given its modest size, the impact on amenity should be similar to that of a residential use. So it was very unlikely that there would be an increase in disturbance. A Business Management Plan had been submitted and there was a condition restricting the length of stay of occupants.

The plans also involved the removal of the fire door and a number of other minor external alterations. (Installation of new windows frames, bigger external yard). The plans had been assessed by the Council's Building Control Team and they had raised no objection to the scheme in terms of fire safety despite the lack of accessibility for wheelchair users due to the site constraints.

In conclusion, Officers were recommending that the application be granted planning permission.

In response to Members, Officers referred to the London Plan requirements on accessibility and the reasons why in this case, such adaptations (for example a wheelchair ramp) could not physically be provided. They also answered questions of clarity about the servicing, the waste storage and the

retention of the on street waste collection service. Due to the size of the scheme, it was unlikely that there would be a significant increase in refuse.

On a vote of 4 in favour, 0 against and 3 abstentions, the Committee **RESOLVED:**

1. That planning permission at 461 Bethnal Green Road be **GRANTED** for change of use of lower ground floor from gym (Use Class D2) to 4x serviced apartments (Use Class C1) (reference PA/15/00756).
2. That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

8. OTHER PLANNING MATTERS

No Items.

The meeting ended at 8.25 p.m.

Chair, Councillor Marc Francis
Development Committee