

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 18 APRIL 2018

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

Members Present:

Councillor Marc Francis (Chair)
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Sabina Akhtar
Councillor Clare Harrisson (Substitute for Councillor Helal Uddin)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Helal Uddin
Councillor Gulam Kibria Choudhury

Officers Present:

| | |
|--------------------|---|
| Jerry Bell | – (Area Planning Manager (East), Planning Services, Place) |
| Hoa Vong | – (Planning Officer, Place) |
| Elizabeth Donnelly | – (Senior Planning Officer, Place) |
| Amanda Helliwell | – (Legal Services, Governance) |
| Zoe Folley | – (Committee Officer, Governance) |

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 7th February 2018 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

- 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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Entrance To Claire Place Between 46 and 48, Tiller Road, London (PA/17/02781)

Update Report tabled

Jerry Bell (Area Planning Manager (East), Planning Services) introduced the application for the installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place

The Chair then invited registered speakers to address the Committee.

Lee Tanswell, Carolyn Apcar and Councillor Andrew Wood spoke in support of the application. They stated that the road was a private road and that Claire Place had no pedestrian routes. Apart from this entrance, the development was fully enclosed and there would be no need for anyone to enter the development unless they were visiting the properties. The proposal would therefore not harm pedestrian routes. The installation of gates would also help address the many problems with crime and anti-social behaviour as shown by the crime statistics submitted by the supporters. The site tended to encourage such behaviour due to its secluded nature. This was not helped by the lack of CCTV. The Police supported the proposal as a means of reducing crime in the area. The proposals accorded with the Chief Planning Officer's 2017 guidance regarding the role of Planning in crime prevention.

The proposal would also help minimise instances of illegal parking due to the shortage of car parking space and would therefore address the problems with access by emergency vehicles. Many of the residents supported the proposal.

It was also considered that there would be sufficient space for vehicle access on Tiller Road. With regard to this point, the speakers expressed concern about the proposed reason for refusal on this ground, given the number of other developments that had been approved with much shorter crossings between the site entrance and the highway.

In response to questions, the speakers clarified their concerns about the levels of both reported and unreported crime in the area. They highlighted examples of the types of offences committed, particularly during the last three months. They considered that the perception of crime levels was much higher than the statistics suggested. They also explained in further detail that the proposal would help keep the community safe without harming public access given its layout. In terms of its design and appearance, it was felt that the proposal would be barely noticeable from the street as it would in effect form a continuous boundary with that for nearby properties. In terms of the other solutions explored, it was felt that this proposal would provide the most appropriate solution for this particular development.

Hoa Vong (Planning Services) presented the application highlighting the nature of the location and the site itself. He advised that two previous applications had been received for gates at this site in 2007 and 2010. Both applications were refused under delegated authority. The Committee also noted the outcome of the Council's consultation resulting in representations expressing support for the application in view of the levels of crime and anti-social behaviour at the site.

The Committee noted the main planning issues. It was reported that the proposal would restrict access and result in a gated community and therefore be contrary to policy. Further, the scale, finish and design of the gates was considered to be highly imposing and would thus dominate Claire Place and Tiller Road.

In terms of the security issues, Officers considered that erecting gates did not in itself prevent anti-social behaviour. Whilst Officers were mindful of the concerns, it could not be considered, based on the statistics provided by the Police, that the crime levels were above average and that this was an exceptional case. Furthermore, there was no evidence that other solutions had been explored.

The Committee were also advised of the highway concerns relating from the setback between the gates and the back edge of the footway on Tiller Road. As a result, the refuge area would be insufficient to prevent vehicles queuing onto Tiller Road, should more than one vehicle seek simultaneous access to the site.

As a result of these concerns, Officers considered that the application should be refused planning permission.

The Committee asked questions about the possibility of vehicles queuing outside the development given the scale of the development. Officers referred to the Highway Services report who felt that the arrangements were unacceptable. Whilst it was not possible to say for certain whether this scenario would occur, Highways considered it necessary that developments allowed for this. However, it was acknowledged that this issue alone could be dealt with through amending the plans

The Committee also asked questions about the levels of crime in the area, particularly the crime levels for 2018. The Committee also asked questions about the impact on permeability given the entrance did not lead to any other routes and also about the size and appearance of the proposal in the context of the local area.

Officers reported that the most recent figures for 2018 had yet to be collated by the Police. It was felt that the development would merely displace crime to another area, rather than address it and the Council had a duty to have regard to the wider community. It was also emphasized that the proposal would create a segregated community, contrary to the policy.

Councillor John Pierce proposed and Councillor Marc Francis seconded a proposal that the consideration of the application be deferred for the reasons set out below

On a vote of 5 in favour and 1 against the Committee **RESOLVED:**

That the consideration of planning permission at the Entrance To Claire Place Between 46 and 48, Tiller Road, London be **DEFERRED** for the installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place. (PA/17/02781)

The Committee were minded to defer the application for the following reasons:

- To carry out a Committee site visit

For further information about:

- Relevant appeal decisions.
- The Guidance from the Chief Planning Officer issued in 2017 regarding the role of the planning system in relation to crime prevention
- Crime and Anti-Social Behaviour rates during 2018 for the site.

5.2 Bishops Square, Market Street and Lamb Street, London E1 6AD - PA/17/02470 and PA/17/02471

Update report tabled.

Jerry Bell (Area Planning Manager (East), Planning Services) introduced the application for alternations to the existing retail units at Market Street including

the change of use of part of the ground floor with the construction of a new two storey building over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.

The Chair then invited registered speakers to address the Committee.

Margaret Gordon (St George Residents' Association Spitalfields), Susan Kay and Sandra Go (local residents) spoke in objection to the application. They expressed concerns regarding the suitability of the change of use. They also expressed concerns about the scale of the new building in terms of the amenity impact, including daylight, sunlight and noise impacts. The development would block light, overshadow Elder Gardens, and create a sense of enclosure. It was felt that the assessments were inaccurate in respect of these issues. The proposal would also encroach on properties in Spital Square.

They also expressed concerns about conflict between cyclists and pedestrians from the narrowing of Lamb Street, the impact from the deliveries on Lamb Street and that the development could increase opportunities for crime due to the layout.

In response to questions, they expressed concerns about the lack of consultation by the developer in respect of the revised application and about the accuracy of information in terms of the amenity impacts. They also clarified their concerns about the delivery plans in view of the layout of the area.

Jason Dervin, (Applicant's representative) spoke in support of the application. He explained that the applicant's team placed a lot of value on engaging with the community and had sought to engage with the community and heritage groups during the application process. The scheme had been amended to mitigate the visual impact and minimise any impacts in relation to noise, sunlight and daylight and to allow sufficient space for safe movement. Details of the specific changes and the mitigation measures were noted. This included the imposition of restrictions on delivery times. The proposal would deliver a range of public benefits including new jobs. In view of the benefits of the application, the proposal should be granted planning permission

In response to questions, the applicant's architect discussed the quality of the materials, that had been influenced by the local area. The supporters also provided assurances about the engagement with the community over the amendments, about the natures of changes themselves and the tree planting plans. They also explained the planning history for the site including the aims of the masterplan for the area and the consented applications for two storey development at the site.

Elizabeth Donnelly (Planning Services) presented the detailed report explaining the nature of the site located within the Elder Street Conservation Area and the policy designations for the site. Consultation had been carried out resulting in a number of representations in support and objection as well as late representations as listed in the update report. It was also reported that

the applicant had submitted further transport information. Transport for London had confirmed that they were satisfied with the application.

The Committee noted that the scheme had been amended to improve its relationship with the surrounding area and minimise any impacts. The Committee were advised of the key features of the proposal.

Turning to the assessment, it was felt that the proposal including the two storey building was compatible with policy site designations and would not impact on the setting of the Conservation Area. The proposal should enhance the vibrancy of the area and contribute to its character.

The loss of the office floor space would not impact on the level of employment floor space. Therefore it could be considered acceptable in the context of the Preferred Office Location (POL) designation and in this instance could be justified. It was considered that the design of the shop fronts were of a high quality and would relate well to their immediate setting. The removal of the canopy above Market Street would enhance the setting of the listed building and the merits would outweigh the loss of its use as a shelter.

It was also felt that the plans in respect of Lamb Street would ensure a positive relationship between the flow of pedestrians and the cyclists.

Officers were mindful of the issues in respect of the amenity impacts, particularly with regard to loss of light, overshadowing and the noise impacts. As mentioned above, changes had been secured to ensure that the development would not give rise to any significant impacts in relation to these issues. Together with the conditions, this should minimise any harms to amenity.

It should however be noted that the proposal would have a moderate impact on the sunlight received by Elder Gardens. Given the dense urban setting and the benefits of the scheme, Officers did not consider that this impact was significant enough to warrant a refusal.

Officers also explained the cycle parking plans which exceed policy and that it was planned that the existing delivery and servicing arrangements be retained subject to the restrictions on Lamb Street delivery times.

In view of the merits of the application, Officers were recommending that it was granted planning permission.

The Committee asked questions about the daylight and sunlight impacts and overshadowing in respect of Elder Gardens. In response, Officers clarified the extent of the failings in respect of Elder Gardens as set out in the assessment. It was noted that during certain times of the year, the proposal would result in a loss of sunlight that fell below the BRE standards. However, it was considered that overall, the changes to the scheme should improve the relationship and that overall the impacts would be acceptable and accorded with the BRE guidance given the urban setting and that the site fell within the Central Activities Zone.

The Committee also asked questions about the potential for conflict between cyclists and pedestrians due to the proposed narrowing of Lamb Street. In response, Officers described the measures to maximise the movement space available within the development to address the concerns about the original plans. This had involved such measures as the removal of street furniture and amending the paving. It was also felt that the narrowing of the street should itself help slow down the movement of cyclists.

The Committee also asked questions about the proposed change of use and the potential for a further change of use of these units. It was reported that any such changes would require planning consent and that the proposed uses were considered to be consistent with the existing uses in the area and complied with the Council's vision for Spitalfields.

The Committee also sought and received clarification about the planning history.

On a vote of 0 in favour of the Officer recommendation, 5 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission and listed building consent.

Accordingly, on a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED:**

That planning permission and listed building consent at Bishops Square, Market Street and Lamb Street, London E1 6AD be **REFUSED** for the removal of the canopy on Market Street; physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units, involving the change of use of part of the ground floor from Class B1 to Class A1; the change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, together with new shopfronts; the construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping (PA/17/02470 and PA/17/02471)

The Committee resolved to refuse the application due to concerns over:

- The amenity impact on Elder Gardens
- The management of the movement of pedestrians and cyclists on Lamb Street

6. OTHER PLANNING MATTERS

None

The meeting ended at 9.45 p.m.
Chair, Councillor Marc Francis
Development Committee

