

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 8 FEBRUARY 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Sabina Akhtar
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Danny Hassell
Councillor Julia Dockerill (Substitute for Councillor Chris Chapman)
Councillor Shafi Ahmed (Substitute for Councillor Shah Alam)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Chris Chapman
Councillor Shah Alam

Officers Present:

Paul Buckenham	(Development Control Manager, Planning Services, Place)
Jane Jin	(Team Leader, Place)
Abiodun Kolawole	(Legal Services, Governance)
Gyanendra Datt	(Planning Officer, Planning Services, Place)
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 11 January 2017 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/16/02295)

Application withdrawn from the planning register by the applicant.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Balmoral House, 12 Lanark Square, London E14 9QD (PA/16/1081/A1)

Paul Buckenham (Development Control Manager) introduced the application for the erection of three additional storeys to building to create nine new residential units (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) plus external amenity space, associated refuse storage and secure cycle storage provision

The Chair then invited the registered speaker to address the Committee.

Local residents and Councillor Andrew Wood spoke in objection to the proposal. They highlighted the level of opposition to the proposal amongst residents and local Councillors and expressed concern about the risk to the structure of the building should the development go ahead. The health and safety implications of this for residents were unacceptable. Furthermore, the marketing evidence showed that the new units would not be for local people. They also expressed concern about the lack of consultation by the developer with the residents, noise disturbance during the construction phase, adding to the existing impacts from the work on neighbouring developments.

Concern was expressed also about incremental development of the block and the cumulative impact from this. This approach meant that no affordable housing could be required. It was considered that was a relatively unique project and there was no planning policy covering this type of development. Therefore, it was at the Committee's discretion to reach their own decision on the application. Concern was also expressed about the lack of local amenities to accommodate the dwellings arising from the fact the development was originally a commercial premises. It was also questioned whether there was a need for additional housing in this area given the number of new developments. Concern was also expressed about the waste plans.

In response to questions from the Members they explained in further detail their concerns about the adequacy of the consultation during the Christmas period and noise disruption during the construction works. They also clarified their concerns about the structural issues, the lack of amenities to accommodate the development, and incremental development of the site given the planning history in respect of the lower floors.

George Georgiou (Applicant) John Dowland (Resident of Balmoral House) and David Mansoor (Agent) spoke in support of the application. They considered that the issues raised had been addressed in the Officers report. An ample amount of consultation had been carried out with LBTH and also with residents. The proposal had been well advertised and many of the residents saw the advantages of the proposal. Objections had been raised. But most of these concerned structural issues and tenant and landlord matters that were not planning matters. In any event, the structural issues could be dealt with through party wall agreement to ensure that the interests of residents were safeguarded. It was also stated that the plans would deliver nine high quality new homes in an accessible location in terms of public transport links. The mix of units complied with policy. The plans mirrored the nearby Marina Point development and the Council's Urban Design Officer considered that it would be in keeping with the area.

In response to questions from the Committee, they outlined the nature of the consultation. Every effort had been made to reach out to all the tenants and leaseholders. Many of the residents of the development itself supported the application and felt that the benefits would offset any issues. They also reported that the plans had been amended to address the concerns.

In response to further questions, the speakers confirmed that it was intended that the communal areas would be upgraded as part of the work at no cost to the leaseholders. The Committee were advised that this was not a planning matter.

The speakers also answered further questions about the quality of the proposed units and private amenity space, the structural issues, the measures to prevent overlooking to neighbours and preserve the occupants' wellbeing during the construction phase. They also addressed the concerns about incremental development.

Jane Jin (Planning Services) presented the application, explaining the site location and the nature of the area. The building formed part of a cluster of buildings. Permission was granted in 2013 to convert office space on the ground floor to residential space as detailed in the Committee report.

In terms of the background to this proposal, consultation was originally carried out in mid 2016. The application was then amended and a second round of consultation was carried out in December 2016. Turning to the assessment, the provision of nine additional housing at the site was welcomed to meet the Borough's housing demand. The plans did not trigger the Council's affordable housing policy given the number of units. In addition Officers did not consider that the plans could be considered as incremental development given the nature of and timing of the previous consents as set out in the Committee report. Eight of the nine units would benefit from private amenity space. Given the overall standard of the units, this slight shortfall in private amenity space was considered acceptable. The height and design of the proposal would be appropriate for its context and there would be measures to minimise the impact on the neighbouring buildings especially at the 'pinch point' between buildings. Officers also explained the refuse plans and the impact on car parking at the site. Given the merits of the application, Officers were recommending that it was granted permission.

In response to the presentation, Members asked questions about the policy guidance for assessing the application. Officers confirmed that there were a range of policies for assessing this application in respect of the density of the application, design, sunlight and daylight impacts amongst other matters.

Members also asked about the changes to the scheme to address the concerns and about the lack of any affordable housing. It was reported that changes had been made to the design and further information had been submitted about the daylight and sunlight impacts. As explained in the presentation, due to its size, the application did not trigger the Council's affordable housing policy.

The Committee also asked about the planning history. It was noted that at the time of the recent Marina Point consent, there were no indication that a further application would come forward at this site. Furthermore, given the lack of any physical links between the two developments, Officers did not consider that the incremental development policy could be applied in relation to this aspect of the plans. The policy stated that there needed to be a link between the functioning of the two developments for it to be relevant and in this case there was not.

Members also asked questions about the density of the application and the lack of any additional child play space or communal space to cater for the new occupants. It was confirmed there was no requirement in policy to provide this for schemes of this size.

In response to further questions, Officers outlined the waste management plans, the New Homes Bonus funding and the construction management plans that would mitigate the impact of the works. The Committee also

discussed the lack of LBTH Environmental Health comments and the reasons for this.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 6 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against and 1 abstention, the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission at Balmoral House, 12 Lanark Square, London E14 9QD be **NOT ACCEPTED** for the erection of three additional storeys to building to create nine new residential units (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) plus external amenity space, associated refuse storage and secure cycle storage provision (PA/16/1081/A1)

The Committee were minded to refuse the application due to concerns over:

- Overlooking from the proposal to neighbouring properties and the failure to mitigate this.
- The approach to incremental development across the site in terms of the affordable housing, communal amenity space and child play space issues.
- Density of the proposal and the steps taken to mitigate this.
- Adverse impact on residential amenity during the construction phase.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

5.2 12 Follett Street, London, E14 6LX (PA/16/02786)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for Change of use to residential accommodation and associated office (Sui Generis).

The Chair then invited the registered speaker to address the Committee.

Taj Uddin Shah spoke in support of the application. He reported that he was requesting that the temporary permission be granted to allow adequate time for his long standing practice to relocate to another premises. The solicitors practice was a community based firm that provided services to the community and local employment. No objections had been received and there was a great deal of support for the application. He also reported that he was unaware of the 'Council's zero policy' in relation to commercial uses in the immediate area given that there were some commercial developments in the

surrounding area. The property was currently being used as live/work unit.

In response to questions, he highlighted the strength of support for the proposal and the layout of the premises comprising residential and office space. He also commented on the sites good transport links and explained there was a limited amount of car parking available for staff. He also stressed that the application was for a temporary permission as set out in the update report and if approved it would revert back to residential use once the permission has come to an end.

Gyanendra Datt (Planning Services) presented the application describing the site location. Permission was being sought to establish a live/work unit in an existing residential site. The site was already being used as a solicitors office which was not authorised.

A similar application was submitted and refused in 2016 on the grounds that it would result in the loss of housing and was against the Council's policy. An appeal against this decision was refused. The Planning Inspectors reasons for refusal were set out in the report.

Consultation had been carried out on the application. In responses 2 petitions and representations had been received in support along with supporting representation from Councillors.

Officers had carefully considered the merits of the scheme. Based on the findings of the Inspector about the loss of housing and the concerns about the quality of the living environment, Officers considered that the application should be refused planning permission for the reasons set out in the Committee report.

In response the Committee asked questions about the residential element of the current arrangement. It was questioned whether the fact that it currently provided a live/work unit with intermittent residential use had been taken into account. Members also asked questions about the possibility of imposing a set time limit of the permission.

It was reported that the policy generally discouraged dual use units (as reported above) as in the majority of cases, such arrangements were very difficult to enforce. Furthermore, the temporary nature of the proposal had been considered and the Inspector was of the view that regardless of this, it would still result in the loss of housing space and this should be avoided. There was no evidence to suggest that the unit was unsuitable for residential purposes.

It was open to the Committee to decide whether to grant the permission for a temporary period. But exceptional circumstances should really be demonstrated to justify the proposed deviation from policy especially as there was no evidence that a relocation agreement was in place. It was noted that if refused, a planning enforcement notice would be issued and the applicant could appeal that decision and request that the time set out in the notice for compliance be varied.

On a vote of 3 in favour of the Officer recommendation and 4 against, the Committee did not agree the Officer recommendation to refuse the planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the temporary planning permission be granted for a three year period and on a vote of 4 in favour and 3 against, the Committee **RESOLVED:**

1. That temporary planning permission be **GRANTED** at 12 Follett Street, London, E14 6LX for the change of use to residential accommodation and associated office (Sui Generis) for a three year period (PA/16/02786)
2. That Officers be delegated authority to impose conditions on the planning permission.

6. **OTHER PLANNING MATTERS**

None.

The meeting ended at 9.30 p.m.

Chair, Councillor Marc Francis
Development Committee