

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.38 P.M. ON MONDAY, 1 APRIL 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 Sabina Akhtar
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Other Councillors Present:

Councillor Rachel Blake – supporter (item 4.1)
Councillor Puru Miah– supporter (item 4.1)
Councillor A Wood - objector (item 4.1)

Officers Present:

Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Paul Buckenham	– (Development Manager, Planning Services, Place)
Katie Cooke	– (Planning Officer, Development and Renewal)
Aleksandra Milentijevic	– Planning Officer
Antonella Burgio	– (Democratic Services)

Registered Speakers In Attendance:

Ms J Durham – objector (item 4.1)
Ms H Moules – objector represented by J Durham (item 4.1)
Mr E Goni on behalf of LBTH – applicant (item 4.1)
Mr J Bream – supporter (item 4.1)

Apologies:

No apologies for absence were received.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests in items on the agenda for the meeting were declared.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED** that:

The minutes of the Development Committee held on 13 February 2019 be approved as a correct record of proceedings.

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. Registered speakers then 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. PLANNING APPLICATIONS FOR DECISION**4.1 Locksley Estate Site D 1-12 Parnham Street E14 7TX (PA/18/03347)**

An update report was tabled.

The Development Manager introduced the report which concerned an application to construct a residential development consisting of 17 flats at the Locksley Estate on vacant land adjacent to 1-12 Parnham Street. The site

was presently unused and the application was intended to enable to deliver its aims around provision of affordable housing.

The Planning Case Officer then presented the report informing the Committee of the relevant planning considerations relating to the application. These were; design (height and scale), amenity, provision of affordable housing and environment. The Council, the applicant, had previously submitted applications for this site which had been withdrawn following Members' decision not to support the proposals. The present application differed from those previous in that it included measures to support biodiversity such as a green wall, additional planting and bat/bird boxes. The Council's Biodiversity Officer had been consulted and had deemed the measures to be acceptable. The loss of open space would be mitigated by the proposals for landscaping and provision of communal spaces set out in the report.

Responding to Members' questions the following additional information was provided:

- The proposal would deliver 9 flats at London affordable rents and 8 flats at Tower Hamlets living rents.
- Parking was situated at a distance of 75m from site, however this would be designated parking assigned to the 2 wheelchair accessible flats. The distance exceeds the guidance of 50 metres but is related to the physical constraints of the site.
- The scheme would include mechanisms to ensure that surface water run-off would not contaminate the Regents Canal water body.
- The Planning Authority considers the site to be open space as defined in the local plan but not as publically accessible since it had been fenced for many years.
- There would be some daylight/sunlight loss at 1-12 Parnahm Street, tests had been conducted on 48 windows and results indicated that 8 windows would experience some loss.
- Measures to address biodiversity loss had been included as part of the application which would ensure a net benefit post-development. These were out lined at paragraphs 8.5 – 8.17.
- A tree had been removed in December 2018, and 3 further trees were proposed for removal. These would be replaced with 6 trees Councillor Wood contested this information informing the Committee that the photograph presented in the report and presentation displayed many more trees than those reported by officers. Officers clarified that the trees referenced were removed earlier in order to permit the site survey. Additionally the trees were not protected.

The Committee then heard statements from 2 objectors which highlighted the following concerns:

- Removal of trees at the site had begun prior to the application consequently the biodiversity appraisal of the site was inaccurate.
- The site was being prepared before any consultation had been undertaken.
- There had been poor consultation around the proposed design.

- Upon consultation there had been inappropriate publication of consultees' personal data.
- Parking was not within the distance specified in Council's policies.
- The housing would benefit few residents but its impacts would disadvantage many in the Estate.
- The application opposed the Council's aims to make the borough cleaner and greener.
- The proposal does not fit with or preserve the current environment of the site.
- The proposed development will overshadow the adjoining school playground.
- The works to be undertaken will add to pollution levels locally. The trees identified for removal would otherwise have been able offset some of these effects.
- The removal of open space will adversely affect the mental wellbeing

The Committee then heard from Councillor Wood who spoke in objection to the application. He argued that the application should not be accepted on the basis of the following concerns:

- Under the Local Plan, the application site had been identified as located within a zone of substandard air quality. The removal of open space would cause this to worsen.
- The site was next to the Regents Canal and is designated a Green Grid Buffer Zone. As such development is only permitted in exceptional circumstances; he asked the committee to consider whether the circumstances of the application fulfilled the criteria.
- During the decade from 2000, the site was designated as part of the Green Grid Initiative. Late, the site had become neglected by the council.
- Should the development go ahead, it would set a precedent to develop other open spaces in the borough.
- The proposal could be delivered on already identified suitable sites elsewhere in the borough without negative impact on open space.
- The work on open spaces undertaken by Overview and Scrutiny contradicted the premise of the application.

The Committee then asked questions of the objectors and the following additional information was provided:

- Development of the site and would exacerbate the negative environmental effects already experienced in the area.
- The applicant was Tower Hamlets Council.
- Concerning how the site had become enclosed, the Committee was informed that, in 2000, the site had been fenced off because it was attracting drug activity. The concept of 'Green Grid' followed and the site was to be kept maintained however this maintenance failed to take place.
- Local concerns around antisocial behaviour around the site could be mitigated by the, by a public protection order..
- The local community had submitted plans for the creation of a wildlife area on the site and for access to be restored.

- Residents had been unaware of the proposal that had contacted the council upon unexpected receipt of a newsletter. An objector expressed concern that residents had not been able to view the plans at the Town Hall and many enquiries which had been submitted to officers remained unanswered. Additionally objectors' own investigations around the application had not delivered any information as officers had failed to respond to direct or indirect enquiries. Responding to this complaint, Planning Officers clarified that 2 planning consultations had been undertaken, firstly in November 2018 on receipt of the application and following the revised statement of community involvement. 21 objections had been received out of these consultations.
- Objectors were dissatisfied that their submission of additional information had not been provided to Members in full but that only a summary had been circulated to members for the meeting.

The Committee then heard from an officer of the Capital Delivery team representing the applicant. He responded to the following concerns raised by residents:

- In 2015 the site had been identified for potential development since then work had been done on the site for health and safety reasons.
- Some trees had been cleared at the site in 2016 as part of site investigations.
- The site did not have a specific biodiversity designation and the land was council owned being held in the Housing Revenue Account.
- Concerning accessibility of information to residents, he advised that there had been no translation requests.
- Concerning nuisance and pollution during construction, the Committee was informed the constructor would submit a management plan which detailed how the build would be managed.
- The proposed play area would be accessible to new and existing tenants.
- Consultation was carried out by letter and by door-to-door visits during the consultation period.

The Committee then heard from a local resident who supported the application. He informed Members:

- That he had lived in a block adjoining the site since 1997. During this time it had never been accessible to the public.
- The area had been overgrown and had a poor reputation for antisocial behaviour causing it to be forbidding to walk through.
- In his view, the biodiversity value was low and the site did not connect well to its surroundings.

The Committee then heard of from Ward Councillor Miah who informed Members that:

- Door-to-door visits on the estate had revealed that the majority of residents did not feel negatively toward the proposal. Rather they felt satisfied that the benefits that would be delivered through the development would mitigate the loss of the open space.

- In his view, the application fulfilled the public interest criteria in that the benefits to be delivered outweighed the negative impacts.

The Committee then heard from Councillor Blake who spoke as Cabinet Member for Regeneration and Policy. She spoke in support of the application informing Members that the application fulfilled the following elements of the council's vision for the borough:

- Local plan - the scheme would provide much-needed, housing of a high quality and would reinstate accessible and open space.
- Affordable housing - the scheme would provide flats which would be delivered at London affordable rents and Tower Hamlets rents; both of these delivered rental properties at below the national policy (which allows up to 80% of market rent) on affordable housing.
- Quality of housing - the housing provided would lift families out of poor conditions and enhance health.
- Open space - the proposal would enhance the open space in the area. Additionally the area was not deficient open space as it was next to Regents Canal.

Members then questioned the supporters and were provided with the following additional information:

- All those registered on the council's housing list would be eligible to apply for the new housing.
- All of the rents that would be offered would be at less than one third of the local income which averaged at £31,000.
- Door-to-door consultation of 282 homes undertaken in January 2019 had revealed that many residents had supposed the proposal to be a private development; this was a misunderstanding.
- An additional open session had been held for the community.
- The site had been chosen after an assessment of a number of sites on the Locksley Estate because it was found to be the most suitable in terms of accessibility.
- The site was chosen in 2015 since which time there has been loss of trees. The Committee was further informed that 18 trees were removed in 2016; of these 9 were self-seeded trees and 3 trees had been removed due to disease.
- Trees removed in 2015 were to enable soil investigations. However replacement planting had been chosen on the basis that it will provide greater biodiversity and a habitat for wildlife for a greater proportion of the year.

Members considered the information and arguments placed before them. They noted that the application highlighted the competing priorities of housing provision in the borough and preservation of open space and queried to which of these priorities most value was added. The Development Manager informed the Committee that the Local Plan did not prescribe a hierarchy of policies. The site did not have a biodiversity designation, was not within a conservation area and was not subject to a Tree Preservation Order (TPO). Whilst there would be loss of open space (not accessible to the public)

officers considered the balance lay in favour of development for affordable housing.

Following discussion Members proceeded to consider the merits and issues of the application. In discussion they highlighted the following matters:

- The local plan dealt with the loss of open space - policy DM 10 and the report assessed out the exceptional circumstances in favour of the development.
- Members were disappointed around the lack of clear consultation that had been highlighted by the objectors and asked officers to ensure that, in cases where the council was the applicant, consultation mechanisms be assessed to ensure that adequate consultation takes place.
- Members felt that the application could have taken further measures around mitigation of negative biodiversity impacts arising from the proposal.
- The new Local Plan did not address height issues. Some of the issues that had arisen in previous applications such as height had not been addressed in the current application.
- The site had no significant characteristics.
- A member said that the proposed development had not addressed previous concerns about the height of the building.

Following discussion Members proceeded to consider the officer recommendation.

The Chair proposed and, on an unanimous vote in favour, the Committee

RESOLVED

That planning permission be **GRANTED** for residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys at Locksley Estate, Site D, 1-12 Parnham Street, E14 7TX subject to the conditions and the informatives set out in the Committee report.

Following the determination of the application the Committee adjourned at 8:07pm and reconvened at 8:15pm.

4.2 Raine House, 16 Raine Street, London, E1W 3RL (PA/19/00297)

An update report was tabled.

The Development Manager then introduce the report which concerned listed building consent for proposed internal works at a Raine House, 16 Raine Street, E1W 3RL. He advised Members that, under the council's Constitution, consent for works to listed buildings was a matter reserved to Committee.

Members noted that there had been no registrations to speak against the application and therefore, under Development procedures, the application

was considered on the basis of the report and the Planning Case Officer's presentation.

The Committee received a presentation from the Planning Case Officer. She advised Members that:

- The purpose of the application was to redesign the interior of the premises and bring it into compliance with current health and safety standards in order to permit its use as a Community Hub.
- A previous application in June 2018 had been refused. Later an application for external works in December 2018 had been approved.
- Planning consultation had been undertaken; 299 letters were sent and site notices posted. No representations were received.
- No concerns had been raised by Historic England around the design.

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

- Concerning consultation with community groups that had previously used the premises, the Committee heard that the Pollyanna Theatre had been consulted on the design.
- Concerning how the location of the elements in the main hall would enable better usage of the premises and whether other community groups would be able to hire the bar, Members were informed that there was no application around usage of the bar. Therefore Members were permitted only to determine the application on the basis of the alterations to the listed building as specified in the report. At present, the premises could not be used for licensable activities except the social club which had use of the premises on a part-time basis and which held its own premises licence. However community groups could use the bar area as a cafe counter.
- Members were dissatisfied that there was a lack of visual information in presentation and that an artist's impression of the general hall area had not been provided. The Committee asked what reassurances there would be that the design proposed was sympathetic to the historicity of the premises.
- Members were informed that the application had been consulted upon with the council's Conservation and Design Officer who deemed that a thorough analysis of each element to be removed or altered had been given and that changes within the building had been designed with a light touch which allowed the surviving elements of significance to be better revealed.

The Committee received advice from the Legal Officer who referenced paragraphs 8.2 and 8.9 of the report. These highlighted that "Where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". And additionally that officers considered "that this proposal is not considered to cause harm to the historic fabric of the Grade II* listed building, but that the public benefits of the scheme were numerous and outweighed any perceived harm".

Following discussion Members proceeded to consider the officer recommendation. The Chair proposed and, on an unanimous vote in favour, the Committee

RESOLVED

That listed building consent be **GRANTED** for proposed internal works, including the removal of partitions within the central spaces, returning them to their original scale and proportion. Updating the services and circulation to meet modern standards of use and accessibility at Raine House, 16 Raine Street, E1W 3RL, subject to the conditions and the informatives set out in the Committee report.

4.3 Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ (PA/18/03520)

The Development Manager introduced the report which concerned an application for listed building consent for works to remodel a ground floor boys WC and to create an accessible hygiene facility room. He advised Members that, under the council's Constitution, consent for works to listed buildings was a matter reserved to Committee.

Members noted that there had been no registrations to speak against the application and therefore, under Development procedures, the application was considered on the basis of the report and the Planning Case Officer's presentation.

The Committee then heard from the Planning Case Officer who set out the salient elements of the application, highlighting that:

- The building was of architectural significance since it had formed out of the 1951 Festival of Great Britain.
- Under the National Policy Planning Framework it was required that any harm to historical buildings should be outweighed by the benefits and, in respect of this application, it was deemed that the proposal would achieve a public benefit by creating an accessible hygiene room for disabled pupils at the school.
- Planning consultation had been carried out. Six letters were sent in December 2018; no representations were received.

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

- Protections that the Committee deemed necessary in terms of the heritage elements could be mandated via enforceable conditions.

The Committee considered a proposal to add a condition mandating the safe removal and storage of cubicle partitions, which were of architectural significance, during the refurbishment.

The Committee then considered the decision to be made.

Councillor Mufeedah Bustin proposed and Councillor Gabriela Salva-Macallan seconded, and on a vote of 5 in favour and 1 abstention, the Committee **RESOLVED** that the additional condition be accepted.

The Committee then considered the officer recommendation including the additional condition applied and on an unanimous vote in favour, the Committee

RESOLVED

That listed building consent, be **GRANTED** at Lansbury Lawrence Mixed Junior School, E14 6DZ, for remodelling of the existing ground floor boys' WC to create an accessible hygiene room facility, subject to the conditions and the informatives set out.

5. OTHER PLANNING MATTERS

5.1 Draft Protocol for Pre-Application Committee Engagement

The Development Manager presented the report informing the Committee that the report concerned draft proposals for engaging with the Development Committee during pre-application. He advised that:

- the National Planning Policy Framework supported measures that enabled the fostered better understanding of applications and associated issues. This form of engagement would offer obvious benefits to Members where planning applications were complex and/or of large scale. Additionally some other councils such as Hackney Haringey Croydon and Camden had already implemented such a practice effectively.
- Section 3 of the report outlined the proposed methods for delivering this form of member engagement.
- The proposal aimed not only to assist Member decision-making but could also reduce the number of planning appeals.
- The proposal included/suggested the involvement of Neighbourhood Forums.

The Committee was requested to note the draft proposal and to provide any comments to the Divisional Director, Planning and Building Control.

Responding to questions, the Committee noted the following officer clarifications:

- Pre-application timings had no set timescales; however it was intended that officers would recommend pre-application presentation to the committee, where appropriate, after there had been initial pre-application engagement with officers and initial community engagement.

- The proposal gave the Committee a stronger position from which to determine applications.

The following initial Member observations and comments were noted:

- Overall, the Committee supported the approach; especially in regard to complex planning applications.
- Members asked that it be noted that engagement of Ward Councillors would enhance the engagement in that it would bring local perspective and knowledge of local issues.
- The Committee wished it to be noted that there would need to be safeguards against the possible perception of pre-determination.
- Members supported earlier notification of applications which would enable more thorough consideration of complex applications in particular.
- Members wished it to be noted that the proposed pre-application engagement, if adopted should not become merely a bureaucratic exercise, and to safeguard against this, the engagement should be trialled for a period and its effectiveness assessed.
- Members wished it to be noted that in their view the proposal had value and enabled better collective dialogue with developers.
- Members also hoped that the proposal would better help the residents voice to be heard.

The Chair moved and the Committee

RESOLVED

- That the report and the Committee's in principle support for the proposal be noted.
- That any further comments on the draft protocol be provided to the Divisional Director of Planning and Building Control

The meeting ended at 9.10 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee