

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 3 SEPTEMBER 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 Suluk Ahmed

Councillor Gulam Kibria Choudhury

Councillor Chris Chapman

Councillor Andrew Cregan (Substitute for Councillor Rajib Ahmed)

Other Councillors Present:

None.

Apologies:

Councillor Rajib Ahmed

Officers Present:

Jerry Bell

– (Applications Team Leader,
Development and Renewal)

Tim Ross

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

Adam Williams

– (Planning Officer, Development and
Renewal)

Esha Banwait

– (Planning Officer, Development and
Renewal)

Christopher Stacey – Kinchin

– (Planning Officer, Development and
Renewal)

Marcus Woody

– (Legal Advisor, Legal Services)

Zoe Folley

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

During the meeting the Committee agreed to vary the order of business. To aid clarity, the minutes are presented in the order that the items originally appeared on the agenda.

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared a personal interest in agenda items 6.1, 47 Brierly Gardens, London E2 0TF (PA/15/01337) and 6.2, 55 Brierly Gardens, Location E2 0TF (PA/15/01832) on the grounds that he was a LBTH nominated Board Member of Tower Hamlets Homes.

2. **MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6th August 2015 be agreed as a correct record and signed by the Chair.

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**

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

5.1 Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel.

Adam Williams (Planning Officer, Development and Renewal) presented the deferred report. It was noted that the application was initially considered by the Committee in February 2015 where Members resolved to defer the scheme for the Applicant to address it's concerns about the design of the scheme and for engagement with the historic groups over the new design amongst other matters. Since that time, Officers had held several meetings with the applicant to discuss alternative designs. However no agreement could be reached. As result, the applicant had submitted a planning appeal for non determination transferring the decision making powers for the application to the Planning Inspectorate (under the authority of the Secretary of State for Communities and Local Government).

The application was therefore being presented to Members to confirm how they would determine the application should they have the ability to do so. This would inform the Councils position at appeal.

Members were reminded of the key features of the scheme (height, design) that remained largely unchanged save for minor changes to the dormer windows as detailed in the Committee report. The revised submission also included verified views of the proposals. These were showed to Members.

The Officers recommendation remained to grant the scheme but should the Committee be minded to refuse they were directed to the suggested reasons for refusal in the Committee report having regard to the previously stated concerns.

In response to Members, Officers answered questions about the suggested reasons for refusal, based on the tests in policy. Whilst it was considered that the impact on the Conservation Area would be less than substantial due to the scale of the scheme, it was considered, on application of the next stage of the tests, that the impact of the scheme outweighed the public benefits. Therefore this could form a reason for refusal. Officers also answered questions about and the lack of progress in finding a revised design, appropriate for consultation that addressed the Committee's concerns.

On a vote of 2 in favour and 3 against the Officer recommendation, the Committee were minded not to agree the Officer recommendation to grant planning permission.

Accordingly, on vote of 3 in favour 2 against the Committee were minded to **REFUSE** planning permission at Silwex House, Quaker Street, London, E1 for

the demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works

The Committee confirmed that planning permission would have been refused for the following reasons as set out in paragraphs 6.4 and 6.5 of the 3 September 2015 Committee report (PA/14/01897)

The proposed development, by way of the design, scale, height, profile, materials and finished appearance of the additional roof storeys and dormer windows therein, would appear as a visually incongruous addition to the host building which fails to respect the scale, proportions and architecture of the former Victorian stables. As a result, the development would cause less than substantial harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area and would fail to preserve the historic character of the host building as an undesignated heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.

As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012) as well as the Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines (2009).

6. PLANNING APPLICATIONS FOR DECISION

6.1 47 Brierly Gardens, London E2 0TF (PA/15/01337)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for a new 4.6m x 4.1m single storey rear extension which seeks to provide two new bedrooms, alongside a reconfigured living/dining/kitchen.

The Chair then invited registered speakers to address the Committee.

Stephen Smillie and Mary Smillie, (local residents), spoke in opposition to the scheme. They objected to the lack of consultation with residents, costs of the scheme to the leaseholders, the design and scale of the scheme that would be out of keeping with the area, overcrowding at the subject building and the threat to residents safety from the plans given the proximity of the extension to neighbouring windows. In view of these issues, the scheme would

adversely affect the residents quality of life. In response to Members, they answered questions of clarity about the lack of consultation with the Brierley Gardens residents, the worries over the flat roof acting as a platform for intruders aided by the position of the fence and the lack of safeguards to prevent this. Alternative sites that could accommodate a pitched roof should be considered instead. They pointed to the fact that a Councillor had expressed concerns about the scheme.

Mr Abdul Kadir Mohamoud (occupant of the property) and Yasmin Ali (Tower Hamlets Homes) spoke in support of the scheme. They spoke of the need for the extension to accommodate the family's needs in keeping with the aims of the wider programme to mitigate overcrowding. They also talked about the assessment process for the programme, the factors taken into account, that the quality of the accommodation complied with design guidance and the steps taken to mitigate the impact on neighbouring properties. Further measures could be introduced such as anti - climb measures. Meetings had been held with residents and they would be notified when work commenced. In response to questions, they referred to the local consultation that complied with the statutory consultation and also reiterated their willingness to provide additional security measures. They also reported on the difficulties with providing a pitched roof given the site constraints and the likelihood that such a change would affect the quality of the development.

Esha Banwait (Planning Officer, Development and Renewal) presented the detailed report and the update describing the site location, surrounding area including the proximity to historic buildings. The Committee were advised of the key features of the scheme, including the location of the proposed extension, the quality of the accommodation and internal reconfiguration, the design of the scheme, including the proposed flat roof and the expected improvements in the distribution of light across the site. She also explained the impact on the rear garden. The majority of which would be retained.

The proposal would be in keeping and would preserve the setting of the area and be subservient to the host building. Assurances were also provided on the impact on neighbouring amenity.

The outcome of the local consultation was explained. Concerns had been expressed about the potential for the flat roof to attract crime. Steps had been taken to address this and various other measures could be explored.

In response to questions, Officers clarified the distance from the new roof line to the nearest window and the merits of anti - climb measures and where responsibility would rest for the maintenance works. They also confirmed the reasons for bringing the application to the Committee due to the number of objections received and highlighted the independent status of Tower Hamlets Homes in relation to the Council. In relation to this latter point, the Legal Officer advised that there was nothing in the Council's Constitution that prevented the Committee from determining the application. Officers also answered questions regarding the use of planning conditions in relation to the application.

Councillor Marc Francis proposed and Councillor Chris Chapman seconded that an additional condition be added to the permission in the interests of crime prevention. This was unanimously agreed.

On a vote 6 in favour and 1 against, the Committee **RESOLVED**:

That planning permission be **GRANTED** at 47 Brierly Gardens, London E2 0TF for a new 4.6m x 4.1m single storey rear extension which seeks to provide two new bedrooms, alongside a reconfigured living/dining/ kitchen (reference PA/15/01337) subject to the conditions and informative set out in the committee report and the update report and the following condition requiring

- Application of anti - climb paint and installation of anti - climb spikes
- That the above measures be maintained

6.2 55 Brierly Gardens, Location E2 0TF (PA/15/01832)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the erection of rear extension and demolition of existing ramp to be replaced with a new ramped access.

The Chair then invited registered speakers to address the Committee.

Alison Russell and Geoff Browning (neighbouring residents) spoke in opposition to the application. They objected on the grounds of poor design out of keeping with the well thought out existing estate, lack of consultation with residents over the plans, increased crime due to the design and the flat roof that was also likely to attract vermin. They also objected to the overdevelopment of Brierly Gardens in view of the impact of the previous scheme (47 Brierly Gardens development), the oppressive nature of the two proposals, loss of privacy and outlook and loss of green space. Overall the proposal would adversely affect residents quality of life and enjoyment of properties. In response to questions, they commented on the merits of alternative options including a pitched roof and referred to existing problems with anti social behaviour in the area. They also expressed concern about the application of unsightly anti climb measures.

Mr Omar Ramadan (occupant) and Mariola Viegas (Applicant's agent) spoke in support of the application. They stressed the need for the additional space to accommodate the occupant's special needs and medical equipment and for the occupant to remain close to the Royal London Hospital as there was a lack of alternative accommodation for the occupant. They explained the nature of the adaptations including space for medical supplies, wheelchair manoeuvrability and a ramp. Anti - climb measures could be provided. The neighbours had been consulted and would be notified prior to the commencement of works. In response to questions, they commented on the difficulties of installing a pitch roof at the site and the merits of the flat roof, purposely chosen to minimise the massing of the proposal

Esha Banwait (Planning Officer, Development and Renewal) presented the detailed report describing the site and surrounds, the proximity to the Conservation Area and nearby listed buildings. The proposal would be in keeping with the setting of the area and out of view. She also described the height and scale of the extension that would be subservient to the main building, the design, materials, the internal configuration and adaptations, the replacement ramp and the proposals to retention most of the rear garden. Consultation had been carried and the outcome of this was noted (similar to that for the previous application at 47 Brierly Gardens) including concerns about crime from the development. To address this, anti-climb measures could be added. Due to the orientation of the windows, there would be no noticeable loss of privacy, outlook or any impact on sunlight and daylight following assessment. Officers were recommending the scheme for approval

In response to questions, Officers clarified the depth and height of the extension and the position of the fence in relation to the extension given the concerns about crime from the proposal. Reassurances were also provided regarding the impact on neighbouring amenity.

Councillor Marc Francis proposed and Councillor Chris Chapman seconded that an additional condition be added to the permission in the interests of crime prevention. This was agreed.

On a vote of 4 in favour 2 against and 1 abstention, the Committee **RESOLVED:**

That planning permission be **GRANTED** at 55 Brierly Gardens, Location E2 OTF for the erection of rear extension and demolition of existing ramp to be replaced with a new ramped access (reference PA/15/01832) subject to the conditions and informative set out in the Committee report and the following condition requiring

- Application of anti-climb paint and installation of anti-climb spikes
- That the above measures be maintained

6.3 80 Back Church Lane, London, E1 1LX (PA/15/00701)

Update report tabled.

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme.

With the permission of the Chair the following speakers addressed the Committee.

Mr Alamin spoke in opposition to the scheme. He expressed concern about noise and disturbance from the entrance to the affordable housing and the proposed communal roof garden. He also expressed concern about the

construction impact and road closures from the consented scheme and enforcement issues.

Nigel Bennett (Applicant's agent) spoke in favour of the scheme. Every effort had been made to ensure that the construction work carried out under the approved scheme accorded with the conditions. The applicant had written to neighbours to set out steps taken regarding noise and disturbance and have spoken to Enforcement Officer and they were satisfied with the steps. Most of the piling works had been completed. The hours of operation for certain works had been moved from 8am to 9am. He also explained the changes already approved under the consented scheme (including the entrance to the affordable housing at the request of the Housing Officers) and that the scheme would be secure by design.

Chris Stacey-Kinchin (Planning Officer, Development and Renewal) presented the detailed report for the minor external amendment to the planning application. He drew attention to the application site, the planning history, the changes already approved under the consented scheme (the entrance for the affordable housing and the communal roof top garden) and the changes now proposed regarding the layout and design of the scheme amongst other matters. Consultation had been carried out and the outcome of the consultation was noted. He outlined some of the merits of the scheme including good quality amenity space open to all residents of the scheme, a design that was in keeping with the area, superior to the approved scheme and that there would be no material change to neighbouring amenity. Given the merits of the application, Officers were recommending that it be granted planning permission.

In response to questions, it was confirmed that condition 3 of the consented scheme controlling noise sensitive works had recently been amended (as explained by the speaker). In response to further questions, Officers explained in more detail the changes for consideration concerning the layout and design of the scheme.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission at 80 Back Church Lane, London, E1 1LX (PA/15/00701) be **GRANTED** for the demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.

Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme

Subject to:

2. A deed of variation to the previous S.106 agreement dated 13th May 2014.
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.

6.4 Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3 (PA/15/01470)

Jerry Bell (Applications, Team Leader, Development and Renewal) introduced the application for the provision of a new 300 place Arts and Music Academy for 16-19 year olds.

The Chair then invited registered speakers to address the Committee.

Councillor Andrew Cregan spoke in opposition to the application on behalf of the Maltings Close Residents Association. He expressed concern about the loss of access to the communal passageway particularly during the construction phase. He also expressed concern about parking from the scheme in Maltings Close given the high levels of parking there especially from the nearby school. As a result, the Councillor requested that additional conditions be added to address these issues. In response to questions from Members, he clarified his concerns about unauthorised parking in Maltings Close preventing residents from accessing their car parking spaces.

Eion O'Connor (Applicant's Agent) spoke in support of the application. Whilst recognising the need to close the passage way for essential works during the construction phase, the residents would be given adequate notice and the closures would be kept to a minimal only for restricted periods. The scheme would be car free as required in the school travel plan. So the impact on parking should be minimal. In response to questions from Members about the pathway, he commented on the proposed frequency of the closures and the type of work that it would be closed for. He also answers questions about the measures to enforce and monitor the car free agreement and arrival and exits, including a requirement for all users of the facility to sign up to this, and the admission policy.

Tim Ross, (Pre - applications Team Leader, Development and Renewal) presented the report explaining the nature of the proposed specialist school. It was expected that most of the pupils would come from Tower Hamlets and Newham. The Committee were advised of the site location, including the proximity to Malting Close, the vehicle access routes to the site and the location and condition of the pedestrian access routes. The site was relatively well serviced by public transport. They also noted images of the proposed building, the design and the layout of the building that minimised overlooking, the proposed facilities, the servicing and refuse arrangements.

Consultation had been carried out and the issues raised were noted relating to the increased parking on Maltings Close amongst other matters.

In terms of the land use, the scheme complied with policy that supported the provision of an educational facility on the site. The proposed teaching hours were noted including the proposals to accommodate afterschool activities and five late night events only per year.

It was considered that the height scale and massing of the scheme was appropriate for the site. The scheme would be car free and it was expected that all of the staff and pupils would arrive by sustainable means. Due to these limitations, the impact on highway would be acceptable. Attention was also drawn the measures in the update report regarding energy and efficiency and environmental health.

Overall, given the merits of the scheme Officers were recommending it be granted planning permission.

In response to Members, Officers answered questions of clarity about the travel plan and the high number of pupils expected to arrive on foot. As a result, it was felt that the number of cycle spaces was appropriate. The travel plan would be updated on an annual basis. They also answered questions about the school admission policy favouring local children (as explained by the speaker) and the comments of Children Services who supported the proposal given the need for a specialist school in the area. They also highlighted some of the pitfalls of requesting that the applicant fund a vehicle barrier to control parking that was contrary to policy. There were measures to prevent anti social behaviour.

Whilst noting these points, Members expressed concern about increased parking from the scheme in Maltings Close given the objections around the existing levels of parking stress in that area depriving residents of car parking spaces. Accordingly, Councillor Marc Francis proposed an additional condition seconded by Councillor Shiria Khatun preventing parking on Maltings Close by patrons and staff from the development. On a unanimous vote, this was agreed.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission at Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3 be **GRANTED** for the provision of a new 300 place Arts and Music Academy for 16-19 year olds including recording studios, performance spaces, classrooms, a café and other associated facilities, a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking (reference PA/15/01470) subject to
2. That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority including the obligations in the update report.

3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission as set out in the Committee report and in the update report and the additional condition agreed by the Committee to prevent parking on Maltings Close by patrons and staff from the scheme.
4. Any other conditions and informatives considered necessary by the Corporate Director Development & Renewal.

Councillor Suluk Ahmed did not vote on this item having not been present at the start of the item.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 10.20 p.m.

Chair, Councillor Marc Francis
Development Committee