

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 26 OCTOBER 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman
Councillor Candida Ronald (Substitute for Councillor John Pierce)

Other Councillors Present:

None

Apologies:

Councillor John Pierce

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Christopher Stacey – Kinchin	(Planning Officer, Development and Renewal)
Abiodun Kolawole	(Legal Services, Directorate Law, Probity and Governance)
Tim Ross	(Team Leader, Planning Services Development and Renewal)
Jermaine Thomas	(Team Leader, Planning Services, Development and Renewal)
Jennifer Chivers	(Planning Officer, Development and Renewal)
Pat Watson	(Head of Building Development, Childrens and Adults Resources)
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. The order the business was taken in at the meeting was as follows:

- Item 1 – Declarations of Disclosable Pecuniary Interests.
- Item 2 – Minutes.

- Items 3 – Recommendations and procedure for hearing objections and meeting guidance.
- Item 4.1 - Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street (PA/15/03561)
- Item 5.1– Bromley Hall School, Bromley Hall Road (PA/16/00884 & PA/16/00885)
- Item 5.3 – Flat 17, Treyvelyan House, Morpeth Street, E2 0PY (PA/16/01199)
- Item 5.2 – Holland Estate, Commercial Street, London (PA/16/01628)
- Item 6.1 - Appeals report

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Andrew Cregan declared a prejudicial interest in Agenda Item 5.2, Holland Estate, Commercial Street, London (PA/16/01628). This was on the basis that the Councillor was a Council appointed Board Member of East End Homes. The Councillor left the meeting for the consideration of the application.

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 28 September 2016 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 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street (PA/15/03561)

Update Report tabled

Jerry Bell, (East Area Manager, Planning Services), introduced the application for the partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated works.

It was noted that the application was deferred at the previous Committee meeting on 28 September 2016 for a site visit.

Tim Ross, (Planning Services), presented the report. It was reported that since the previous presentation, Officers have received additional objections including a petition in objection from residents of Ross House and Officers considered that the issues raised had been addressed in the Committee report. Concerns had also been raised about the coal tar activities and Officers considered that any impacts from this could be managed through a pre commencement planning condition. Concerns had also been raised about segregation of tenures and child play space and it was noted that this was a product of the site constraints. It was also noted that at the previous September meeting, there had been some confusion about the number of signatures on an objectors petition. The update report clarified the position in respect of this.

Officers remained of the view that the application should be granted planning permission

The Committee asked about the impact from the development on neighbouring properties. In particular, they sought clarity about the impact on Ross House from site A. In response, Officers showed images of the relationship between the proposal and site A. It was explained that while a number of windows would experience a reduction in light, the losses broadly speaking were relatively minor in nature. Furthermore, the properties in Ross House were dual aspect so overall would continue to receive good levels of light.

In response to questions about the impact on Tasman House from site B, and the mitigation to minimise the impact, it was explained that the plans as amended included set backs in the design of the development therefore would afford a decent separation distance between the two buildings. All of the windows within the house would be BRE compliant in terms of daylight amenity.

In response to questions about the impact on the highway network particularly from servicing activity, it was explained that given the relatively modest level of servicing activity predicted for the development, that the proposal should

not have a harmful impact on the highway. It was also proposed that the existing refuse collection arrangements be maintained.

Officers also answered questions of clarity about the height of the proposal in relation to the surrounding area.

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

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

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street for the partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses. (PA/15/03561)

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

- Impact on the residential amenity of existing residents particularly in terms of loss of sunlight and daylight to Ross House.
- Impact of the development on the north east corner of the site.
- Impact on heritage assets and the setting of the Conservation Area.
- Impact on the highway network.

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.

Councillor Gulam Kibria Choudhury did not vote on the application having not been present at the 28th September 2016 Committee meeting when the application was previously considered.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Bromley Hall School, Bromley Hall Road (PA/16/00884 & PA/16/00885)

Jerry Bell (East Area Manager, Planning Services) presented the report for the expansion of the existing school to provide 2 Form Entry Primary school and associated nursery, including partial demolition of existing building.

Chris Stacey Kinchen (Planning Services) presented the report explaining the key issues. He explained that the proposals involved the demolition of the later day extensions to the existing building, the creation of a new building and the restoration of the remaining portions of the building to bring it up to modern standards. No objections had been received and the 20th Century Society were satisfied with the changes and no longer objected to the application. The plans included a requirement to submit a travel plan to reduce vehicle trips and the evidence indicated that most of the pupils would walk to the school. Regarding the air quality issues, the submitted assessment indicated that the air quality levels would be acceptable by the time of the school opening. However, to ensure this, a condition would be imposed to ensure that the applicant would monitor the site for a one year period and would carry out steps to ensure that the air quality standards were met prior to the school opening. Furthermore it was also proposed that the play areas be sited furthest away from the nearby A12. The Council's Air Quality officer was satisfied with the proposal.

Officers were recommending that the application be granted permission.

In response to the presentation, the Committee sought assurances about the air quality measures in the event of the worst case scenario. They also asked about the suitability of the site for a school in view of these issues. In response, the Committee noted images showing pollution levels around the school area and discussed best and worst case scenarios in terms of the outcome of the air quality testing. It was emphasised that the application included a requirement for an air quality strategy to be submitted and that this would be reviewed by the Council's air quality officer to ensure that the development met the relevant standards. It was also required that the mitigation measures be in place prior to the opening of the school. Officers also confirmed the position of the play areas within the development.

In response to further questions, Officers explained that the listed building conditions would be reviewed by the Council's Conservation Officer to ensure they were satisfied with them. The Committee also discussed the need for additional school places in the area.

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

1. That planning permission and listed building consent be **GRANTED** at Bromley Hall School, Bromley Hall Road for the expansion of existing school to provide 2 Form Entry Primary school and associated nursery, including partial demolition of existing building (PA/16/00884 & PA/16/00885) subject to:
2. 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 and the 28th September 2016 update report.

5.2 Holland Estate, Commercial Street, London (PA/16/01628)

Jerry Bell (East Area Manager, Planning Services) introduced the application to vary Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development.

The application sought the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House.

The Chair invited registered speakers to address the Committee

Akmal Hussain of Herbert House spoke in support of the application contrary to the officers recommendation to refuse the application. He expressed concern at the anti-social behaviour levels within the area and considered that the proposed gates would address and prevent such problems. He cited examples of the type of problems encountered and felt that that no other measures would address the issues. Furthermore, he did not consider that the application would block public access given the proximity of the site to many other alternative access routes. In response to questions from Members he explained in further detail the severity of the existing problems, that had been partly cause by the displacement of problems from other sites. He also further discussed the strength of the support for the proposal amongst residents, the impact of the plans on public access and expressed concern about the frequency of Police patrols of the area.

Jenifer Chivers (Planning Services) presented the report brought to the Committee as it has received a petition in support with 73 signatures that was contrary to the officer recommendation to refuse the application. The application had also received one letter in support and one in objection.

She drew attention to the location of the subject housing development and the site designations in policy. She also explained the planning history, highlighting the appeal case for a similar application. She also described the key features of this application including the appearance of the proposed gates and the importance of the access route that would be affected. She also referred to the issues raised in the representations in support, stressing the need for the gates to prevent ASB in the area.

Officers had reviewed all of the issues and considered that the proposal to install the gates would restrict access and create a segregated community. Therefore, Officers were of the view that the application should be refused planning permission.

The Committee enquired about the problems with ASB in the area and the reasons for this. In particular they asked about the crime statistics and the anecdotal evidence of ASB related issues in the area. The Committee also asked about the weight that should be given to the policy in respect of gated

communities and whether exceptional circumstances existed to justify a deviation from policy given the concerns about ASB.

In response, the Committee were advised of the crime statistics in the area obtained from the police over a three years period. Overall, Officers did not consider that the level of reported crime in the area were that exceptional and justified a deviation from the local and national policy. Officers could only assess the application on the basis of the reported crime statistics not anecdotal evidence. It was also pointed out that the Council had a responsibility to the whole Borough and needed to be mindful of the fact that the installation of gates may displace crime elsewhere. Moreover there was no evidence to suggest that gates prevented crime. In response to further questions it was noted that the level of support for the proposal did add some weight to the case for the application.

The Committee also asked questions about the loss of the public access route. It was reported that the route would provide access to the surrounding area and also the city area to the west. Furthermore the footfall from the route would improve natural surveillance that in itself should help to reduce crime in the area .

The Committee also discussed the issue of setting a precedence, the adequacy of other solutions to the issues, the strength of the evidence, and the existing security arrangements within the development.

On a vote of 2 in favour of the Officer recommendation to refuse planning permission, 4 against and 0 abstentions, the Committee did not agree the Officer recommendation to refuse the planning permission.

Accordingly, Councillor Chris Chapman proposed and Councillor Sabina Akhtar seconded a motion that the recommendation to refuse planning permission be not accepted (for the reasons set out below) and on vote of 4 in favour, 0 against and 2 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to refuse planning permission be **NOT ACCEPTED** at Holland Estate, Commercial Street, London for the variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development comprising the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House (PA/16/01628)

The Committee were minded to approve the application as they considered that the public safety concerns outweighed the policy considerations set out in the Committee report in respect of gated developments.

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 approval and proposed conditions.

5.3 Flat 17, Treyvelyan House, Morpeth Street, E2 0PY (PA/16/01199)

Jerry Bell (East Area Manager, Planning Services) presented the application brought to the Committee as it involved works to a Council owned listed building. The application was for internal alterations on 3rd and 4th floor to reconfigure kitchen, bathroom and storage.

Jenifer Chivers (Planning Services) presented the application describing the site location, that was part of the Greenways Estate. She drew attention to the key features of the property in question and that of the application. No objection to the application had been received and Historic England were of the view that the Council should determine the application as they saw fit. Officers were recommending that the listed building consent was granted permission. In response to questions from Members, Officers clarified the changes to the internal layout and confirmed that the unique 'L' shaped design would be maintained as required in the listing description.

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

That the listed building consent be **GRANTED** at Flat 17, Treyvelyan House, Morpeth Street, E2 0PY for internal alterations on 3rd and 4th floor to reconfigure kitchen, bathroom and storage (PA/16/01199) subject to the conditions set out in the Committee report.

6. OTHER PLANNING MATTERS

6.1 Planning Appeals Report

Jerry Bell (East Area Manager, Planning Services) presented the report setting out appeals decisions in Tower Hamlets made by the Planning Inspectorate between 1st April 2015 and 30th September 2016. The Committee were advised of the number of appeals received and dismissed. They were also advised of the outcome for particular cases to highlight the issues looked at and the key conclusions. Overall, it was considered that the Council performed well in terms of quality of decision making compared with other London Boroughs.

In responding to the presentation, the Committee briefly discussed with Officers the financial implications of appeals. The Committee also drew attention to the Council's success rate in upholding their decisions and thanked Officers for all their hard work in connection with this.

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

The contents of the report be noted.

The meeting ended at 8.30 p.m.

Chair, Councillor Marc Francis
Development Committee