

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 6.40 P.M. ON THURSDAY, 19 JULY 2018****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 Ruhul Amin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin
Councillor Peter Golds

Other Councillors Present:

Councillor James King, speaking against the application (Item 4.1 Lamb Court)
Councillor Kyrsten Perry speaking in support of the application (Item 4.2 Claire Place)

Officers Present:

Jerry Bell – (Area Planning Manager (East), Planning Services, Place)
Nasser Farooq – (Team Leader, Planning Services, Place)
Amanda Helliwell – (Legal Services, Governance)
Hoa Vong – (Planning Officer, Place)
Antonella Burgio – (Democratic Services)

Apologies:

Councillor Mafeedah Bustin

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

2. MINUTES OF THE PREVIOUS MEETING(S) - TO FOLLOW

For administrative reasons it was not possible to present the minutes for approval. The Committee therefore agreed that the minutes be deferred for approval at the following meeting.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** to note the following recommendations and procedures:

- 1) That 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) That 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) The procedure for hearing objections at meetings of the Development Committee and the meeting guidance as set out in report.

4. PLANNING APPLICATIONS FOR DECISION

4.1 Lamb Court, 69 Narrow Street, London, E14 8EJ. (PA/18/00074)

An update report was tabled.

During the consideration of the item, the Committee heard from the following registered speakers Councillor James King, Ms L Carr and Mr P Patel spoke against the application which was recommended for approval. Mr Peter Camp representing the applicant spoke in support of the application.

Jerry Bell (Area Planning Manager (East) Planning Services) introduced the report which concerned an application for the erection of a four-storey building comprising a reception and concierge area on the ground floor and three residential units above.

The Chair then invited registered speakers to address the Committee

Residents speaking in objection asserted that there were several concerns relating to the proposed development:

- the Lamb Court Management Company, which acted on behalf of residents, had not been consulted about the proposal for a concierge with full-time manager
- the tabled update report was inaccurate in that it did not accurately represent the impact of the development on residents' access to fire escape routes at ground floor level, this caused concern around fire safety as not all of the routes indicated provided exit at ground floor level this would affect emergency egress from existing residential units

- there were concerns around loss of privacy as the proposed units would cause the bedrooms of existing properties to be overlooked. The proposed screens would not successfully remedy this
- environmental concerns arising from the proposal to remove six mature trees and replace these with young trees. It was argued that the loss of the mature trees would not be compensated equally by their replacement with immature trees

Councillor King, in addition to these concerns argued that

- the development did not propose any provision of social housing as required under Council policy
- by excluding such provision the proposal does not incorporate diversity or social inclusion in its design
- it did not identify with its neighbourhood as prescribed in S3.9 of the London Plan, nor did it provide evidence of social cohesion as prescribed by Infrastructure Levy DC1
- the proposed development was detrimental to the local environment

In response to Members' questions the speakers offered the following additional information on areas of concern:

Ecological Matters

The removal of four mature trees and their replacement with four immature trees did not offer equivalent replacement since it would take 30 years for the environment currently provided by the mature trees to be restored. This position was argued on the basis that:

- Tower Hamlets was one of 13 London boroughs with poorest air quality
- according to studies, maple trees provide the best outcomes in terms of air purification
- the trees were accessible to residents of the development and to those of Albert Mews as this formed a public walkway

Consultation

The Committee was informed that residents had for many years sought to secure an amenity for a part-time caretaker. Recently the freeholder had indicated that there might be some amenity but no information had been provided in writing. Enquiries from Lamb Court Management Company for written details had not been responded to however a planning application had been submitted without notice. Additionally, at the time of the original development certain planning conditions had not been fulfilled such as the completion of Albert Lock and some issues around water leakage is still persisted at present.

Safety

Fire safety concerns centred around the existing building buildings which had been designed in an open horseshoe arrangement; residents safest route for escape was to the first floor garden which was presently not enclosed. However should the development taken place the addition of the Concierge would create a barrier to escape at ground floor level. Residents felt this was

a pertinent matter in the context of recent fire safety concerns created by the Grenfell Tower fire.

Appearance

A Member of the Committee (referencing page 22 of the agenda) noted that the diagrams submitted in the report did not accurately represent the development and felt that this matter affected the Committee's ability to make an informed decision. Additionally it was asserted that the illustrations presented to the Committee at the meeting by officers which showed the scale and materials of the proposed development was not, as claimed by the applicant, harmonious with the existing development.

The Committee then heard from Mr Camp representing the applicant who spoke in support of the proposed development. He outlined the revisions that had been proposed which were intended to address the areas of concern. In summary the revisions were:

- changes to the design of the roof to align with the ridge of the existing terrace houses,
- development to be consistent with the proportions and materials of the existing development,
- existing fire escapes will be maintained and fire hydrants sited,
- the right of way in Albert Mews maintained,
- six trees removed and two replaced with new field maples which are to be ground-planted; additionally there would be increased planting in the development and installation of bird and bat nesting boxes.

The revised design would have no impact on the amenities of existing daylight or privacy since the design had been revised and balcony boundaries would be obscured to a level of 1.8 m. Consultations with residents were presently being undertaken indirectly via the Lamb Court Management Company. It was proposed that the ground floor space/concierge area would be operated by the management company at a peppercorn rent. The applicant had agreed to terms that a proportion of the proceeds from the sales would be used to fund services / activities in the concierge area. The development would cause no impediment to existing fire escapes.

Responding to members questions the following matters were clarified:

- there had been no direct correspondence with residents, all correspondence had been undertaken via the property management company the applicant believed that this group would liaise with residents.
- Mr Camp had been directed by the land owner to deal with the property management company.
- the meeting on 13 March 2018 to discuss objections been attended by neither the applicant nor the agent but by the planning officer and by residents
- concerning the design, the Committee was informed that the concierge had formed part of the original proposal and the intention was that Lamb Court Management Company would be offered unfettered use of the concierge at a peppercorn rent

- in relation to residents' concerns on biodiversity the Committee was informed that there was unobstructed access around Albert Mews and in this area there was facility to plant trees and accommodate growth
- the additional information circulated in the update report had been submitted two days prior to the meeting as a request had been made by Building Regulation to produce plans of fire escapes
- it was intended that a lump sum would be provided to the Lamb Court Management Company upon completion of the development but this sum had yet to be determined

Mr H Vong, Planning Officer presented technical report which outlined the salient features of the development including revisions from the original proposal. The Committee then questioned the Planning Officer on matters relating to the issues which had been raised by the objectors.

Having concluded the discussion of the Chair moved that the Committee proceed to vote on the proposal.

Accordingly Councillor John Pierce proposed and Councillor Ruhul Amin seconded a motion and on a vote of two in favour, three against and one abstention in respect of the officer recommendation, the Committee did NOT AGREE the officer recommendation that planning permission be granted for the reasons set out below.

The Committee was minded to overturn the recommendation and refused permission because there were concerns relating to the following matters:

- the proposed development would not be in keeping with the conservation area, it was felt that the appearance of the building would differ significantly from existing properties
- the construction of the concierge would cause a public right of way to be lost
- the proposed development would encroach on other's houses and cause loss of privacy
- the loss of mature trees and their replacement those with younger specimens would cause detrimental environmental impact in terms of air quality and biodiversity.

Councillor John Pierce proposed and Councillor Ruhul Amin seconded an alternative proposal that the application be refused and on a vote of three in favour, zero against and three abstentions the application was refused.

RESOLVED

That the officer recommendation to grant planning permission for the erection of a four-storey building comprising 1x1b unit and 2x2b units above the proposed reception and concierge area on the ground floor be refused.

Reasons for Refusal

Conservation area

the proposed development by virtue of its design and materials would be out of keeping with other developments in the conservation area

Public right of way

the proposal for a concierge conflicts with the free flow of pedestrians

Loss of amenity

they would be lack of privacy for existing occupiers due to overlooking of the residential dwellings by the balconies of the proposed developments

Environment and biodiversity

the loss of mature trees and replacement with immature trees negatively impacts air quality and biodiversity.

**4.2 Entrance To Claire Place Between 46 and 48, Tiller Road, London E14
(PA/17/02781)**

An update report was tabled.

During the consideration of the item, the Committee heard from the following registered speakers. Councillor Kyrsten Perry, Mr L Tanswell, a local resident and Ms C Apcar, representing the applicant spoke in support of the application. No persons had registered to speak against the application.

Jerry Bell (Area Planning Manager (East) Planning Services) introduced the report which concerned an 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

Councillor Perry, Ward Councillor for Canary Wharf spoke in support of the application to install gates at the entrance to the development setting out the following reasons:

- the area was known to have crime and antisocial behaviour problems
- incidents of illegal parking, threatened violence, aggressive behaviour and antisocial behaviour in the private development were increasing, leading residents to feel terrorised in their own homes
- installation of gates would help address these escalating issues
- Claire Place was not a thoroughfare and the gates would not impact traffic in the area

Mr Tanswell and Ms Apcar, each addressed the meeting setting out their arguments for the approval of the application. They contended that:

- the application was located in a private development which was wholly residential and did not form part of a thoroughfare, in fact the gates at

- the rear of the development in Caravel Close caused the development to be secluded except for the entrance at Tiller Road
- the development contained a number of secluded zones which, which did not design out crime but created un-overlooked zones which non-residents were able to access from the main entrance to Claire Place These areas were used for illegal activity such as drugs and Police had been called on a number of occasions
 - residents received threatening behaviour from drivers of illegally parked cars
 - the proposal to install the gates would establish a sense of place for residents without affecting other areas in the vicinity.
 - Police recognise the benefits of the gates in terms of addressing issues of crime and antisocial behaviour in the development. Additionally, elsewhere other such applications had been permitted on appeal
 - the activities of non-residents in regard to antisocial behaviour and illegal parking was causing significant negative impacts on the quality of life of residents

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

- the design of the development, narrow paths and small roads leading to garages, offered opportunities for unauthorised parking causing obstruction to residents' properties and for antisocial behaviour.
- residents that addressed drivers of illegally parked cars were met with abuse and threats
- there were escalating incidents of antisocial behaviour and criminal activities. Police were aware of the ongoing issues and it was asserted that issues of antisocial behaviour or illegal parking were taking place daily
- the application for the installation of gates was supported by the Tower Hamlets Safer Neighbourhood Teams
- there were other developments nearby which were gated to control these same types of issue
- previous measures such as installation of gates at the garage area in Caravel Close and pedestrian gates at the entrance to gardens and at the end of walkways had in part addressed issues on the development however the main access into the development remained open to all. It was felt that the gates would resolve these issues as they will provide a method of controlling access into the development.

The Committee noted that unauthorised parking was an enforcement issue and queried if this had been pursued. Objectors informed Members that enforcement had not been used since issues of concern not only related to illegal parking but also burglaries and threatening behaviours. Additionally they argued that parking tickets were known to be an ineffective deterrent.

Mr H Vong, Planning Officer, presented technical report which outlined the technical elements and key features of the application. He highlighted the Council's policy on gated developments, and NPPG para 58 – 69 which requires local and neighbourhood plans to develop robust and comprehensive

policies based on objectives for the future of the area and an understanding and evaluation of its defining characteristics concerning good design. He also informed Members that the reported levels of criminality were insufficient to justify departing from the Council's policy not to support gated communities.

Responding to Members' questions the Committee noted:

- that concerning the Council's performance at appeal relating to applications for gated access to premises, prior to 2010 the Council lost a number of appeals because of evidence of crime and antisocial behaviour
- the application under consideration was in an area known to be a hotspot of antisocial behaviour and crime, additionally the access via Caravel Close had been gated to reduce antisocial behaviour.
- the site of the proposed gates would not obstruct a thoroughfare
- the purpose of the application was to provide a means to address issues of unauthorised parking and serious crime such as the threat of gun crime that was reported at the meeting
- the previously installed pedestrian gates around the site were kept locked
- one of the reasons for officers' recommendation to refuse the application at the previous Council meeting on [x] was that installation of gates would result in congestion at peak times on Tiller Road. The applicant's representative advised that the design incorporated automatic opening for residents' vehicles.
- the imposition of a condition around prevention of congestion on the highway might mitigate the impacts of the gates on traffic in Tiller Road.
- the options to reduce congestion were that the gates remain open during 'peak hours' namely 7AM - 10AM and 3PM -7PM or that sensors be installed which triggered automatic opening upon approach by residents' vehicles.

Having discussed the matters at issue, the Committee moved to vote on the application.

The Chair proposed and Councillor Ruhul Amin seconded and on a vote of two in favour and four against the Committee DID NOT ACCEPT the officer recommendation to refuse permission for the installation of automated vehicular and pedestrian access gates at the vehicular entrance to Claire Place between 46 and 48 Tiller Road London E14.

The Committee was minded to overturn the officer recommendation and grant permission on the following grounds:

1. the seriousness of clients and antisocial behaviour reported outweighed the recommendation for refusal based on criteria that the gates would create unacceptable levels of segregation, the gates' design and that they will have an impact on congestion on the surrounding highways

2. the area's note have high levels of crime and antisocial behaviour
3. there are other gated developments in the vicinity which have been installed as a measure to control crime and antisocial behaviour

In accordance with Development Procedural Rules, Councillor Pierce moved and Councillor Ruhul Amin seconded an alternative proposal that the application for the Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place BE GRANTED with the following conditions:

- That the gates be installed within 3 years of the grant of permission
- The development take place in accordance with the approved plan
- The gates to operate in accordance with the details provided within the application

On a vote of 5 in favour and 0 against and with one abstention, it was

RESOLVED:

That the application for Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place, 46 – 48 Tiller Road London E14 **BE GRANTED WITH CONDITIONS.**

- That the gates be installed within 3 years of the grant of permission
- The development take place in accordance with the approved plan
- The gates to operate in accordance with the details provided within the application

At the request of Councillor Gold it was recorded that although he supported the proposal in principle he abstained from the vote because of road safety concerns.

4.3 Update Report for Items 4.1 and 4.2

RESOLVED

That the tabled updates be noted.

The meeting ended at 8.53 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee