

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 11 OCTOBER 2017

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

Members Present:

Councillor Marc Francis (Chair) (items 4.1, 5.2-3)
Councillor John Pierce (items 5.1-3)
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Andrew Cregan
Councillor Danny Hassell (Substitute for Councillor Helal Uddin)

Other Councillors Present:

None

Apologies:

Councillor Helal Uddin
Councillor Sabina Akhtar

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Jen Pepper	(Affordable Housing Programme Manager, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Brett McAllister	(Planning Officer, Place)
Victoria Olonisaye-Collins	(Planning Officer, Place)
Kirsty Gilmer	(Planning Officer, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared a personal interest in (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618). The Councillor left the meeting for the consideration of this item

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6 September 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, Place 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, 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) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 114 -150 Hackney Road, London, E2 7QL (PA/17/00250)

Update report tabled.

Paul Buckenham (Planning Manager) introduced the application for the mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height to house a maximum of 9 residential units, employment floorspace, flexible office and retail floorspace at ground floor level and provision of Public House along with associated works

Gareth Gwynne (Planning Services) presented application. The Committee were advised that the application for planning permission for the proposed development was considered by the Development Committee on 9th August 2017. Following consideration of the application, the Committee resolved to defer the application to undertake a site visit and to receive further information about:

- The future viability of the A4 use that could be used as a LGBT+ venue.

- The fit out of the unit and the applicant's contribution to this
- The daylight impacts to neighbouring properties.

In terms of the daylight impacts, Officers acknowledged that the proposal would have a significant major and moderate adverse impacts upon 1-14 Vaughan Estate. In view of this, the applicant had provided additional information showing that the main living rooms of the properties would remain largely unaffected due to their dual aspect nature and that only non habitable rooms would be affected. These rooms would still receive a reasonable level of light. The information also showed that the existing design of the properties acted as a significant constraint on rooms achieving good natural light. The Council had appointed consultants to review these findings and they agreed with these results. Officers, on balance, considered these impacts were acceptable.

Regarding the future viability of the A4 unit and the fit out costs, it was noted that steps had been taken to resolve these issues, including a round table meeting held on the 4th September, organised by officers involving the applicant, representatives of Friends of the Joiners Arms, the New Joiners Arms, and the Culture at Risk Officer from Greater London Authority (GLA). Following that meeting, the applicant had submitted a series of amendments to the scheme to increase the size of the A4 unit, assist with the fit out costs and amend the heads of terms to extend the minimum lease length for a future LGBT+ operator for to 25 years. It was also proposed that the opening hours of the A4 unit be extended to allow it to operate as a late night premises for a 12 month trial period. Details of which were set out in the update report.

Regarding noise breakout and disturbance, Officers were recommending a number of measures as set out in the Committee report and the update report.

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

The Committee asked questions about the measures to preserve the amenity of the occupants of Vaughan Estate. Officers explained that due to the design of the buildings and nature of the site, the proposal would have a limited impact on these properties.

Members also asked questions about the proposed changes to the opening hours of the A4 unit to allow it to operate as a late night venue on a 12 month trial basis. The Committee asked about the grounds for granting these hours on a permanent basis and the level of complaints that would need to be received for these extended hours to be revoked. Officers explained the merits of the proposal to allow the impact of customers entering and leaving the premises to be monitored. Officers would be in a strong position to recommend that these hours be made permanent should no substantiated complaints be received about the operation of the premises. This matter would be decided under delegated powers subject to the standard procedures for determining planning matters. In response to further questions, it was noted that a number of premises in the surrounding area operated as late

night venues which set a precedent for this. Officers were also mindful of the fact that the Joiners Arms formally operated as a late night venue and that the applicant had carried out a lot of work to enable the A4 unit to operate as such. In view of these issues, it was considered that, in this case, the proposals were appropriate.

Members also asked questions about the request to give LBTH Councillors a role in adjudicating the selection criteria for the lease of the A4 unit. Officers advised of the need for the discussions to focus on the planning issues rather than potential end users which was outside the planning remit. The GLA would have a good understanding of the need to preserve LGBT+ late night venues so should be well placed to oversee this process. In view of this advice, the Committee requested that representations be made to the GLA to request that they consult the Council and the local community in overseeing the process.

Overall, Members welcomed the changes to the proposals. The Chair also felt that there would need to be serious evidence of significant levels of anti – social behaviour for the extended opening hours to be revoked and commented that the Licensing regime could also address any issues in terms of customers entering and leaving the premises.

On a vote of 4 in favour and 0 against, the Committee **RESOLVED**:

1. That the planning permission at 114 -150 Hackney Road, London, E2 7QL be **GRANTED** for mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage, (PA/17/00250) SUBJECT to
2. Prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the planning obligations set out in the 11th October 2017 Committee report subject to the amendments in the Committee update report.
3. That the Corporate Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the 11th October 2017 Committee report subject to the amendments in the Committee update report.

5. PLANNING APPLICATIONS FOR DECISION

5.1 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)

Update report

Councillor John Pierce (Chair) for this item

Paul Buckenham introduced the application for the residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranged from five to eight storeys.

The Chair invited the registered speakers to address the Committee.

Alicia Joseph and Randone Francesco (local residents) spoke in objection to the application. They considered that the site should remain green space and provide a community garden for such things as food growing. Residents had held a number of meetings with local organisations including local schools and the Canal and Rivers Trust who were supportive of this approach in view of the community benefits. It was also felt that the proposal would have an oppressive effect on the surrounding area. Concern was also expressed about the significant biodiversity of the site and the clearing of the site and it was felt that the site should be brought back into use in its original state prior to the tree clearing. Reference was also made to the representations opposing the proposals. Overall, it was considered that the concerns with the previous application had not been addressed.

In response to questions, the speakers explained their concerns about the lack of engagement with residents about the plans (up until this new application had been submitted in the summer). They also emphasised the biodiversity value of the site, its current use as green space (noting it was locked because of security concerns but that local resident with a key could open it) and informal nature reserve, and outlined their alternative plans for the site. They also clarified their concerns about the clearing of trees without planning permission and the adverse effects of this in terms of the biodiversity value of the site. At this point, Officers clarified that none of the trees affected were protected and that they were not in the Conservation Area, therefore, this would not have been a breach of planning control.

Tim Bell (Architect) and John Coker (LBTH Housing) spoke in support of the application. They drew attention to the changes to the scheme to address the previous concerns in terms of the height, measures to further protect amenity, the setting of the canal and also the biodiversity enhancements. They also advised of the character of the existing space marked as A and B in the Committee report. Site A would accommodate the new housing and had been fenced off. The site had become overgrown and was cleared in 2016. Residents were informed of these works and only one response was received to the consultation. Site B had a gate and had been used by a few residents

and the entire site carried no special protection. This area would provide green space and be opened up for the community. Overall, there would be a net increase in biodiversity benefits. The proposals would also provide much needed affordable housing including units at TH Living rents and London Affordable rents and a range of other benefits.

In response to questions, the speakers explained the changes to preserve amenity in terms of sun lighting and privacy. With the permission of the Chair, Jen Pepper (Housing Services) clarified the rent levels for the affordable rents units. Regarding the consultation, the speakers explained that the Council had issued a bulletin in the summer informing residents of the changes to the plans. In response to questions about the impact on the open space, it was considered that the proposal would enhance the biodiversity value of site B - based on the condition of the site prior to its clearance. Whilst the plans would result in the loss of site A, the re - provided site B would provide a much wider and diverse mix of biodiversity improvements in addition to the other enhancements.

Nasser Farooq (Planning Services) presented the detailed report explaining the site and surrounds including the condition of the site pre and post its clearance. It was reported that a similar application was considered by the Committee in January 2017 and that Members were minded to refuse the application due to concerns over the following issues:

- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
- Impact on the properties at Parnham Street due to the separation distance.
- Loss of publically accessible open space.
- Overconcentration of one housing type

The application was then withdrawn.

The Committee noted the key features of the application compared to this previous scheme including the reduced height of the proposal, the revised design to preserve the setting of the canal, the child play space improvements and the enhanced biodiversity measures and wider improvements. They also noted details of the housing mix, the layout and that the Canal and Rivers Trust maintained their objections to the application.

Officers considered that the proposal would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme would result in the loss of open space as defined in the Committee report. However it was considered that the proposed benefits including the biodiversity enhancement measures and wider estate amenity and play space improvements would off - set this. Details of the improvements were noted.

The development would result in the provision of 100% affordable rented housing. This was strongly supported given the extremely high priority for affordable housing. Concern had been raised at the previous meeting about

the overprovision of one type of tenure, however given that the surrounding area comprised a wide mix of housing tenures, this could be considered acceptable. The amenity impact of the development would be acceptable. Officers considered that the changes to the application (to reposition the balconies amongst other measures) overcame the previous concerns. The scheme would meet the full obligation of financial contributions. However, given the Council was unable to enter into a s106 agreement with itself, the financial and non-financial contributions were to be secured by the imposition of conditions.

The Committee asked questions about the comments from the Canal and Rivers Trust. Officers confirmed that whilst they welcomed the setbacks in the design, they remain of the opinion that the proposal would cause harm to the setting of the blue ribbon network and the setting of the canal and tow path. Officers explained the nature of their concerns and their suggested conditions as set out in the Committee report.

The Committee also asked questions about the loss of site A as open space and also the impact of its recent clearance in terms of its policy status. It was questioned whether the clearing of the site might have compromised its condition and therefore prevented its designation as protected open land. Some also questioned whether the proposed enhancements would offset this loss of open space within the development site and whether it was desirable to replace green space with a tall building given the need for green space in this area as set out in the Council's Local Plan. Some support was also expressed for the site's retention and restoration to its pre clearance state given its value to the local community.

Officers reported that following the January Committee meeting, Officers had looked into the site history but could only find anecdotal evidence on the site history. Given the lack of any records detailing the site history, the Committee were advised to place limited weight on the comments about its historic status. Officers also emphasised the nature of the green space improvements. It was also confirmed that due to the absence of a legal agreement and formal arrangement for its use, officers considered that the proposal did not result in the loss of publically accessible open space. The site did however have some visual amenity, so it was considered that it could fall within the wider definition of open space. Despite this, it was considered that the benefits of the proposal would offset this loss.

In response to further questions about the affordable housing, it was confirmed that the accommodation would provide housing for residents on the waiting list, potentially families due to their size. Officers also clarified the location of the entrance to the housing and the outcome of the affordable rent review exploring different scenarios for the affordable rent mix.

In summary Members commented on the loss of the open space, the nature of this space and the benefits of the proposals.

On a vote of 2 in favour of the Officer recommendation to grant planning permission, 3 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Andrew Cregan proposed and Councillor Chris Chapman seconded a motion that the officer recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 3 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission at (Locksley Estate Site D) at land at Salmon Lane and adjacent to 1-12 Parnham Street, London be **NOT ACCEPTED** 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 (PA/17/01618).

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

- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
- Loss of a publically accessible open space.

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 Land bounded by Watts Grove and Gale Street, London, E3 3RE (PA/17/00732)

Update report tabled.

Paul Buckenham introduced the application for the redevelopment of the site to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus associated working including the creation of a new links from Compton Close and between Watts Grove and Gale Street.

Victoria Olonisaye-Collins (Planning Services) presented the report explaining the site location, the existing use of the site and the recent planning history. The Committee were advised of the key features of the application and the outcome of the consultation and the changes to address the concerns raised about the proposed north/south access route.

Turning to the assessment, Officers considered that the land use was acceptable and was considered appropriate in this location. Whilst the density of the application would exceed the recommended range in policy, the proposals did not display any significantly adverse impacts typically associated with overdevelopment. There would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The development would provide an acceptable mix of housing types and tenure

including the provision of 100% affordable housing (with 31% rent and 69% intermediate), this was strongly supported.

The proposals would be acceptable in terms of height, scale, design and appearance. Transport matters, including parking, access and servicing were acceptable.

The Committee asked questions about the previously withdrawn applications and the reasons why they were withdrawn. Questions were also asked about the nature of the objections to this application, the impact on David Hewitt House and Ladyfern house, the density of the proposal given the public transport rating for the site. Questions were also asked about the measures to increase the level of affordable rent units, the viability assessment for grant supported scheme and the factors that would have been taken into account in undertaking the assessment.

Officers explained that concerns had been raised about the opening up of the north/south access route on the grounds that it could increase anti - social behaviour. The petition mostly concerned this issue. To address the concerns, the application had been amended to install gates amongst other changes. Officers also outlined the nature of their concerns with the previous applications. It was felt that these issues had now been addressed. It was also considered that the impact on David Hewitt House would broadly be acceptable in terms of the amenity impacts as detailed in the sunlight and daylight assessment.

Officers also provided further assurances regarding the density of the application given it met the relevant tests in policy and the height of the proposals. Officers considered that the variation in building heights would respond well to the area and that the seven storey building would sit comfortable with the surrounding building heights.

It was also explained that a lot of work had gone into bringing the site forward and that the developer had experienced a number of issues in trying to bring the previous 2012 application forward on viability grounds. Officers had worked hard to secure additional grant funding to increase the number of affordable rented units to 31% of the development since the application's submission. Officers had also sought to receive further information about the viability of the application (even though there was no requirement to provide a viability assessment for a 100% affordable scheme). Some of the key features of this assessment were explained.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED**:

1. That the planning permission at Land bounded by Watts Grove and Gale Street, London, E3 3RE be **GRANTED** for the redevelopment to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus bicycle parking, together with landscaping including public, communal and private amenity space. Creation of a new north-south link from Compton Close, a new east-west pedestrian between

Watts Grove and Gale Street, and two disabled parking spaces on Gale Street. (PA/17/00732) SUBJECT to

2. The prior completion of a Section 106 legal agreement to secure the planning obligations set out in the Committee report and the amendments in the Committee update report.
3. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director of Place is delegated authority to recommend the conditions and informatives in relation to the matters in the Committee report and the amendments in the Committee update report.
5. Any other conditions and informatives considered necessary by the Corporate Director of Place

5.3 The Royal London Hospital, Whitechapel Road, London, E1 1BB (PA/17/02088)

Paul Buckenham introduced the application for soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing

Kirsty Gilmer (Planning Services) presented the report explaining the key features of the site and the surrounding area and the nature of the internal works. The Committee were advised that the proposal would facilitate the future redevelopment of the site. However, member's decision would not prejudice the determination of any future application at the site. It was noted that the proposed works had been sensitively considered to ensure the special architectural and historic interest of the Grade II listed building was preserved and there were a number of conditions to ensure this. Consultation had been carried out and no objections had been received.

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

That the listed building consent at The Royal London Hospital, Whitechapel Road, London, E1 1BB be **GRANTED** for soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing(PA/17/02088) SUBJECT to the conditions and informatives as set out in the Committee report.

6. OTHER PLANNING MATTERS

None.

The meeting ended at 9.45 p.m.

Chair, Councillor Marc Francis
Development Committee