

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON MONDAY, 15 SEPTEMBER 2014

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman
Councillor Asma Begum (Substitute for
Councillor Marc Francis)

Other Councillors Present:

Councillor Peter Golds

Apologies:

Councillor Marc Francis and Councillor Rajib Ahmed

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Fleur Francis	– (Acting Team Leader - Planning, Directorate, Law Probitity and Governance)
Beth Eite	– (Planning Officer, Development and Renewal)
Jane Jin	– (Planning Officer, Development and Renewal)
Gerard McCormack	– Planning Enforcement Team Leader, Development and Renewal
Zoe Folley	– (Committee Officer, Directorate Law, Probitity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Shiria Khatun declared a disclosable pecuniary interest in agenda item 6.1 Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578). This was on the basis that the Councillor was an employee of the Toynbee Hall. The Councillor reported that she would leave the meeting room for the consideration of this item.

Councillor Asma Begum declared an interest in agenda item 6.1, Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578).

This was on the basis that she formerly lived in the area and a close relation was a former employee of Toynbee Hall.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 20th August 2014 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 the meeting guidance.

5. DEFERRED ITEMS

5.1 113-115 Roman Road, London, E2 0QN (PA/14/00662)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey building to create a 31 bedroom hotel with no primary cooking on the premises.

The Committee previously considered the application at its meeting in July 2014 and were minded to refuse the scheme giving five reasons as set out in the Committee report. Officers had since considered these reasons and their advice was detailed in the report.

Gerard McCormack (Planning Officer) briefly explained the existing and replacement building. He highlighted the concerns of the objectors and explained the findings in detail in the report. In terms of overlooking, Officers considered that the impact would be acceptable as none of the windows of the scheme directly faced neighbours. In addition, access to the flat roofs of the proposal would be restricted to prevent any overlooking. In terms of loss of light, the impact on sunlight and daylight complied with the policy guidance. Therefore, it was considered that a refusal on these grounds could not be sustained.

However, it was found, on review, that the bulk and mass of the building would affect the neighbours by creating a sense of enclosure. Elements of the scheme relating to the design of the front elevation would also fail to preserve or enhance the character and appearance of the Conservation Area. However, it would not be possible to sustain a reason based on the effect of the bulk and mass of the proposal on the Conservation Area.

Taking the above into account, Officers were suggesting two reasons for refusal set out in paragraph 3.2 of the report.

In response to questions, Officers confirmed that whilst there would be a minor impact on daylight and sunlight, this was not so significant to justify a refusal of the scheme as the percentage reductions would be within the Building Research Establishment guidelines. Officers had engaged in further discussions with the Applicant following the Committee meeting in July 2014 to consider the Committee suggested reasons for refusal. It was considered that the scheme would particularly affect 111 Roman Road, (as set out in the proposed reasons) given the relationship between that property and the scheme.

On a vote of 0 in favour of the Officer recommendation to grant the planning permission, 4 against and 0 abstentions, the Officer recommendation to grant the planning permission was not accepted.

Councillor Asma Begum then moved the reasons for refusal set out in paragraph 5.2 of the Committee report seconded by Councillor Chris Chapman. On a vote of 4 in favour, 0 against and 0 abstentions, these reasons were agreed and it was **RESOLVED**:

That Planning Permission (PA/14/00662) at 113-115 Roman Road, London, E2 0QN be **REFUSED** for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises for the reasons set out in 5.2 of the report as set out below:

- 1) Some effect on residential amenity would be acceptable in an inner city area such as this, provided that an acceptable level of privacy, visual outlook, daylight and amenity standards are maintained. This proposal given its height, bulk, mass and plot coverage of the whole development would have an overbearing effect on the visual

outlook, sense of enclosure of the occupiers of neighbouring properties in particular 111 Roman Road, resulting in and unacceptable reduction in the quality of their living condition, contrary to adopted policy SP10 of the Core Strategy (2010) and policies DM24 and DM25 of the Managing Development Document (2013).

- 2) The demolition of the existing building and its replacement with a larger building, would fail to preserve or enhance the character and appearance of Globe Road Conservation Area, by reasons of inappropriate and poor quality design, the appearance of the front elevation and the effect on the rhythm of plot frontages along Roman Road. In this respect the development fails to pay special regard to the desirability of preserving or enhancing the character and appearance of the Globe Road Conservation Area and buildings within it. The proposal is therefore contrary to policies 7.8 (C and D) of the London Plan (2011), SP10 of the Core Strategy (2010), DM27 of the Managing Development Plan (2013) and the guidance given in paragraph 134 of the National Planning Policy Framework (2012).

6. PLANNING APPLICATIONS FOR DECISION

6.1 Toynbee Hall, 28 Commercial Street, London, E1 6LS (PA/14/1577 and PA/14/1578)

Update Report tabled.

Councillor Shiria Khatun left the meeting for the consideration of this item only.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application. The Chair invited registered speakers to address the Committee.

Two objectors spoke against the scheme, Michael Hodgkinson of 38 Commercial Street and Mike Nicholas. They expressed concern about the excessive height of the Commercial Street office building that would result in a loss of privacy and overlooking to neighbours. The proposal would also block light to nearby properties. To minimise the impact on neighbouring amenity, they requested that the building should be reduced in height by reducing the height of the floors. There should also be no use of terraces and windows at the upper levels of the building should be closed.

The speakers also objected to the loss of the green space and trees, as a result of the land swap between Toynbee Hall and LBTH. This was contrary to Council policy to protect such spaces. There was a great deal of support for the space.

It was also likely that the proposal would increase anti-social behaviour on the forecourt given the lack of gates.

The Committee heard from the applicant's agent, Graham Fisher. The plans sought to provide modern 'fit for purpose' facilities to meet the increasing demand on services. He listed the nature of the facilities and services that would be provided. It was planned to use the income from the upper floors of the Commercial Street building to fund the legal centre for the first year. The application also sought to provide a new public space with a range of benefits. The feedback from the consultation had been taken onto account when preparing the plans. In response to Councillor's questions, Mr Fisher considered that any proposal to reduce the height of the Commercial Street building would put at risk the viability of the scheme. The raising of the forecourt to pavement level should reduce crime by increasing the visibility of this area. There had been many consultation meetings over recent years.

Beth Eite, (Planning Officer) presented the report and the update. She explained the site location, the listed status of Toynbee Hall and its historic significance. She also explained the plans for each building and the nature of the reconfiguration of Mallon Gardens. The application had been subject to local consultation resulting in 38 objections and an online petition. It was considered that the plans should improve the safety and accessibility of the park following engagement with the Secure by Design Officer. The improvements and options considered here were explained. There would be no net loss of public open space. The height of the new office building had been reduced and aspects were set back. The impact on sunlight and daylight from the proposals generally complied with policy. Overall, the impact on surrounding properties would be minimal. Given the merits of the scheme, Officers were recommending that the scheme be granted planning permission.

In response to questions about the Commercial Street building, it was confirmed that the building should have no undue impact on privacy or overlooking given the position of windows. So, it was not considered that it would be necessary to impose any additional measures to protect amenity. It was not uncommon for offices and residential uses to exist side by side in this part of London and these uses were seen as compatible. Officers wouldn't encourage a condition that required windows to be sealed closed because this would prevent cross ventilation which is desirable.

The proposed 'land swap' would be subject to a separate Council Executive decision. The scheme could not be carried without this and a condition would secure the implementation of the proposed open space.

On a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED:**

1. That planning permission (PA/14/1577) at Toynbee Hall, 28 Commercial Street, London, E1 6LS be **GRANTED** for various works to the Toynbee Hall Estate including the following: internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side, provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street, reconfiguration and re-

landscaping of Mallon Gardens, two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space, partial demolition and rebuilding of the southern end of Attlee House

Subject to:

2. The prior completion of a legal agreement to secure the planning obligations, conditions and informatives set out in the Committee report and the amendment in the update report regarding the restriction of permanent occupation of the flats within Toynbee Hall.

On a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED:**

3. That listed building consent (PA/14/1578) at Toynbee Hall, 28 Commercial Street, London, E1 6LS be **GRANTED** for various works to the Toynbee Hall Estate as set out above subject to the conditions set out in the Committee report

6.2 The Odyssey, Crews Street, London, E14 3ED (PA/14/01582)

Councillor Shah Alam left the meeting at this point.

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application.

The Chair invited registered speakers to address the Committee.

David Stephens (resident of area and representative of local residents association) and Councillor Peter Golds spoke in support of the application. The speakers referred to the level of support for the application amongst residents to prevent crime in and around the site. Residents of the street felt unsafe given such activity (drug dealing, muggings, car break-ins at anti-social hours). The development tended to attract such behaviour given its secluded location. Residents had approached the Authorities to address these issues. The applicant would be open to discussions with the various stakeholders within the development about the hours of operation for the gates. Reference was also made to the number of similar applications to install gates in the Borough that had been successful at appeal and the number of gated developments in the area. Gated areas were a common feature in Tower Hamlets. In response to Members questions, it was considered that a proactive approach needed be taken to crime prevention given the pressures on police time in the area.

Jane Jin (Planning Officer) gave a presentation on the application. She explained the proposed height and width of the gates to be located on the private land.

She highlighted the crime figures from the Police for the street and wider development. These showed that the crime levels for the development were not exceptional

The Crime and Prevention Officer supported the application to reduce crime. However, taking into account the crime rates and the broader issues (as mentioned below), Officers did not consider that the plans justified a departure from policy seeking to create a cohesive community.

The proposal would prevent access through the site and the river walkway as required by the s106 agreement for the development. The proposal would also affect the safety and capacity of the highway arising from vehicles waiting on the street to gain access through the gates. The gates would have a visually intrusive appearance. The Council's Enforcement Team had sent letters regarding gates in the Estate. Officers were recommending that the proposal should be refused.

In response to Councillor's questions, Officers noted the appeal decisions in respect of previous applications to install gates. This case should be considered on the planning merits. There were worries that the gates would hinder access to the development for wheelchair users. The issues around fire safety and maintenance could be dealt with by condition.

It was noted that there were gated developments elsewhere in the Borough. But given the range of concerns, it was considered that this application should be refused.

As highlighted above, the Enforcement Team were taking steps regarding gates in the Estate. Gerald McCormack (Enforcement Team Leader) gave an overview of this work. At the request of a Member, it was agreed that an update on the enforcement action in respect of these gates be included in the next enforcement activity report to the Committee.

On a vote of 5 in favour, 1 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission (PA/14/01582) at the Odyssey, Crews Street, London, E14 3ED be **REFUSED** for the installation of freestanding electronically controlled vehicular and pedestrian entrance gates for the reasons set out in paragraph 3 of the Committee report as follows.

a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route to the riverfront which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve

existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.

b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

c) The proposed security gate due to its location adjacent to the adopted highway would have an unacceptable impact on the capacity and safety of the adjacent 3 public highway. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013). These policies require that development does not have any adverse impact on the capacity and safety of the transport network.

d) The proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

6.3 11 Havannah Street, London E14 8NA (PA/14/01807)

The item had been withdrawn from the agenda for procedural reasons in respect of the consultation.

7. OTHER PLANNING MATTERS

7.1 Planning Enforcement Review 2013/14

Gerard McCormack (Enforcement Team Leader) presented the review report on enforcement activity 2013/14.

He explained the case load and performance over the year, the number of notices issued, compliance work and the proactive action to improve the appearance of properties in Conservation Areas. He also highlighted the

measures to lessen the cost of works and the plans for the coming year. Councillor Shiria Khatun welcomed the report on behalf of the Committee.

It was noted that the action discussed under the previous item relating to gates around the Odyssey, Crews Street, would be included in the enforcement review report to the next Committee meeting. It was noted that Officers would engage with the Council's Anti-Social Behaviour Team and Crime Prevention Officer to consider the impact of installing gates in the location to prevent crime. Some alternative action to address the underlying issues at the site was also discussed.

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

That the enforcement report be noted.

The meeting ended at 9.35 p.m.

Chair, Councillor Sirajul Islam
Development Committee