

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 17 August 2017 at 7.00 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

UPDATE REPORT

This meeting is open to the public to attend.

Contact for further enquiries:

Zoe Folley, Democratic Services

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4877

E-mail: Zoe.Folley@towerhamlets.gov.uk

Web: <http://www.towerhamlets.gov.uk/committee>

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5 .5 Update Report

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**WARD(S)
AFFECTED**

UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLACE

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/16/03552	Enterprise House, 21 Buckle Street, London, E1 8NN	Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking
5.2	PA/16/00943	562 Mile End Road & 1a, 1b, 1c Burdett Road, London, E3	Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.
5.4	PA/16/02808	225 Marsh Wall, London, E14 9FW	Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.

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1.0 UPDATE

1.1 Paragraph 3.3 Non-Financial Obligations Sub-Section (f)

1.2 Applicant has confirmed local residents would receive a 50% discounted rent for use of the workspace. The applicant indicated the non-discounted rent (set according to market rate on a per desk per month basis) would be as follow £100pcm per head for desk space and £75-£100 p/h for meeting rooms per month (although subject to change in line with the market).

1.2 Addition planning obligation added in respect of Travel Plan

1.3 Paragraph 3.6

Additional compliance condition should be added that bins will not be left for any time on the pavement

1.4 Local Representations

1.5 Paragraph 9.1

1.6 2 additional letters of objection received raising points raising previously raised to Committee and 8 additional letter of supported received from neighbours care of the applicant's planning agent.

1.7 Point of Clarification Re Paragraph 9.1

1.8 Ancient Monument Society and Historic Chapels Trust have withdrawn their letters of objection as reported paragraph 8.19 and 8.20

2. RECOMMENDATION

2.1 Officer recommendation remains that subject to any direction by the Mayor of London, planning permission should be APPROVED for the reasons set out in paragraph 3.1 of the report.

Agenda item no	Reference no	Location	Proposal / Title
5.2	PA/16/00943	562 Mile End Road & 1a, 1b, 1c Burdett Road, London, E3	Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.

1 EQUALITIES ANALYSIS

- 1.1 An equalities analysis has been completed for the above scheme which is attached to this update report at Appendix A.

2 TALL BUILDINGS STUDY DRAFT REPORT

- 2.1 The draft tall building study was issued on the 21st July 2017. It seeks to inform the upcoming Local Plan in the management of tall buildings coming forward within the borough. It is considered relevant to the above application.
- 2.2 Table 5.1: on page 67 identifies heights 2x and up to 3x the context heights are classified as a "Local Landmark – Tall Building of Local Significance"- "(It would) establish a prominent exception within its context, yet may be perceived as constituent part of the context." Considering the scale of the immediate surrounding buildings of 6 and 9 storeys, the proposal would fall under this classification.
- 2.3 The potential location for tall buildings is addressed within the study. It is suggested that appropriate locations would be "to mark special locations in the townscape, such as a strategic street corner, a public space or a particular function, such as a station." It should be noted that the application is on a strategic junction between two major roads, is at the centre of Mile End town centre and is near to Mile End underground station.

3 ADDITIONAL LOCAL REPRESENTATIONS

- 3.1 Since publication of the report 1 further representation has been received largely objecting to the proposals for the following reasons:
- 3.2
- Proposed scale
 - Size of the flats
 - Servicing
 - Density
- 3.3 Within this representation the retention of the Backstreet nightclub is supported.

4 REPRESENTATIONS BY THE APPLICANT

- 4.1 Although not a representation responding to the recent re-consultation, it is considered relevant to summarise the letter from the operators of the Backstreet Club in relation to the latest version of the proposed scheme:

- 4.2 The operators state that they “are very pleased with the proposal and would be happy to be part of the new development”.
- 4.3 They accept that the occupancy would be “subject to commercial terms including market rates and new lease agreements, reasonable for both parties”.
- 4.4 They accept that they would be given 12 months notification prior to the commencement of works and that during the construction of the new scheme we would need to vacate the site for the duration of the works, until such time that enables safe access and use of the club for staff and patrons.
- 4.5 Consent is requested to ensure the Backstreet Club is able to operate for years to come.

5 FIRE STRATEGY

- 5.1 Fire safety falls within Building Regulations 2010 (amended 2013) Approved Document B which is outside the planning system. Notwithstanding this a fire strategy and material specification review was submitted which is considered acceptable and demonstrates a thorough consideration of fire safety at planning stage.

6 HOMES FOR LONDONERS VIABILITY (SPG) 2017

- 6.1 The abovementioned Mayor of London Viability SPG was adopted yesterday and can be added to the list of Supplementary Planning Guidance and is considered material to the application.

7 RECOMMENDATION

- 7.1 Officer recommendation remains that subject to any direction by the Mayor of London, planning permission should be **GRANTED** for the reasons set out in paragraph 3.1 of the report.

5.4	PA/16/02808	225 Marsh Wall, London, E14 9FW	Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.
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1 UPDATE

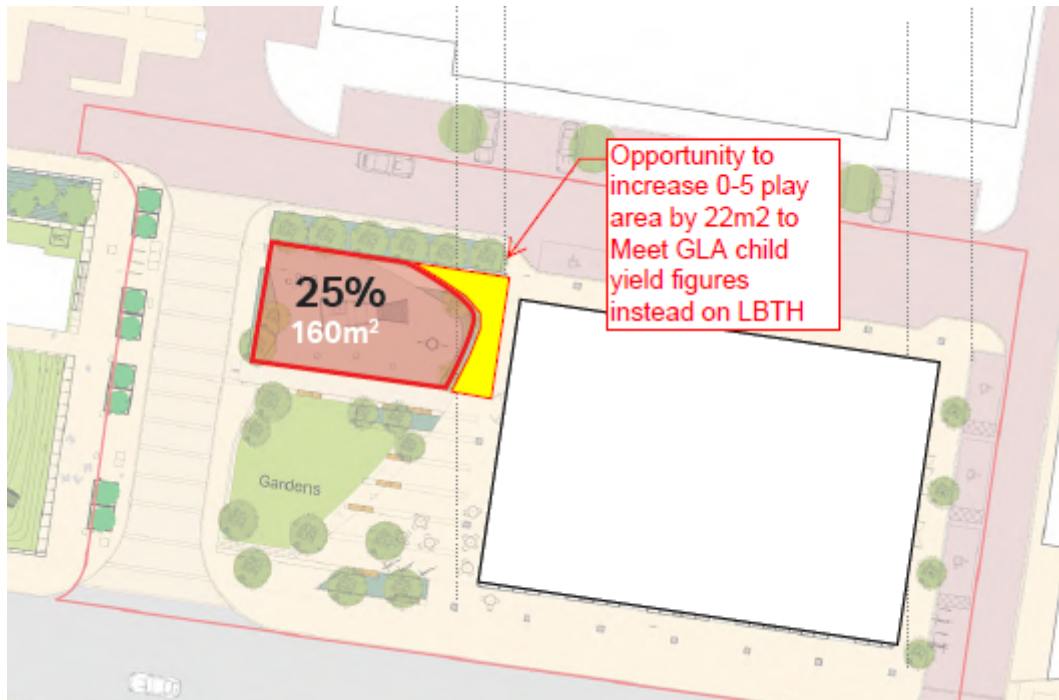
- 1.1 This report deals with matters that have arisen or correspondence received since publication of the agenda.

2 ADDITIONAL WIND TESTING

- 2.1 Page 58, paragraph 10.172 in the original report stated that further information on the cumulative impacts on wind would be provided in the update report. On the 26th July 2017, the applicant's agent (DP9) submitted an updated wind study which tested the cumulative effects with other schemes including Skylines to supplement that which was provided in June 2017.
- 2.2 The information provided is considered to be sufficient and is provided in support of the cumulative assessment provided previously. This is considered acceptable, and does not constitute 'further information' under Regulation 22 of the EIA Regulations. Overall, officers are satisfied that the wind conditions in particular areas are suitable for their intended use.

3 CHILD PLAY SPACE

- 3.1 The original table at paragraph 10.75 and text in 10.77 identified there was a shortfall of 22sqm of 0-11 play space against the GLA play space requirements.
- 3.2 On 17th August 2017, the applicant sent additional information detailing how the 0-11 child play space could be met on site by increasing the proposed 160sqm at ground floor level by 22sqm. This would still be 1sqm short in 5-11 but this could easily be increased by increasing the second floor 5-11 play space by 1sqm and reducing the overprovision of communal space by 1m. Below is a table of where the extra 22m at ground floor level would go:



4 ADOPTION OF MAYOR OF LONDON'S HOMES FOR LONDONERS VIABILITY SUPPLEMENTARY PLANNING GUIDANCE (SPG) 2017

4.1 The abovementioned Mayor of London Viability SPG was adopted yesterday and amongst other things requires a pre implementation review mechanism to apply if the scheme is not commenced within 2 years and an advanced stage review mechanism on sale of 75% of the units. Both review mechanisms have been agreed in the Section 106 heads of terms for the current application.

5 RECOMMENDATION

5.1 Officer recommendation remains that subject to any direction by the Mayor of London, planning permission should be **GRANTED** for the reasons set out in paragraph 3.1 of the report.

Equality Analysis (EA)

Financial Year
2017/18

Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose.

The Council, acting as local planning authority, to determine a planning application in respect to a scheme (Planning Reference –PA/16/00943) for a “Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.”

The proposal involves the erection of a single building with a 3 storey element to the north, a central 12 storey tower element and an 8 storey element to the south. At ground floor there would be commercial units and active frontages with residential above.

Critically for the purpose of this Equality Analysis it involves loss of the existing Backstreet nightclub (a gay nightclub with a leather and/or rubber dress code) and its re-provision within the basement of the scheme. In planning consideration terms (assessed against Local Plan Policy DM8 and other relevant development plan policies) officers hold that this nightclub could be considered a social community infrastructure facility.

The Backstreet nightclub has been operating at the site since the mid-1980s serving a specific section of the LGBT+ community. The re-provided nightclub would provide a space that has a slightly larger operational floor area than the existing nightclub.

Public Consultation Responses received:

The most recent version of the scheme, which includes the re-provision of the nightclub on site, attracted a total of 20 individual representations from the general public. 19 representations objected to the scheme and 1 was supportive.

Previous versions of the scheme, which involved re-providing the club elsewhere in the borough, received 105 representations. 104 representations objected to the scheme and 1 was supportive.

Relevant Data/Evidence Sources

Census

The equality profile of residents drawn from the Census is available on the Council’s website, on the Statistics Pages and with that section the *Diversity* sub-section .

**See Appendix
A**

Current decision
rating



http://www.towerhamlets.gov.uk/ignl/community_and_living/borough_statistics/borough_statistics.aspx

However there is no local data analysis in respect of gender reassignment, sexual orientation for the Borough of Tower Hamlets. A statistical bulletin has been published by the Office for National Statistics about the LGB community nationally.. The bulletin provides a LGB estimate for the size of the community in London.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2015>

However a recent report (commissioned by the GLA) titled “*LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present*” published by UCL Urban Laboratory (July 2016) has provided valuable information in respect to issues surrounding LGBTQ+ cultural night time venues and event spaces in London.

In respect of this scheme the following report findings are relevant:

- Since 2006, the number of LGBTQ+ venues in London has fallen from 125 to 53, a net loss of 58% of venues. Bars make up the largest proportion of venues (44%), followed by public houses (33%).
- This compares to drops of 44% in UK nightclubs (2005–2015), 35% in London grassroots venues (2007–2016) and 25% in UK pubs (2001–2016).
- 21% of venue closures were influenced by development with 6% linked to large-scale transport infrastructure development and 12% to mixed-use or residential development.
- The report highlighted a lack of venues serving suggests a lack of provision of LGBTQ+ venues or spaces serving women, trans and Queer, Trans and Intersex People of Colour, (QTIPOC) communities.
- Members of the LGBT+ community completed in depth survey as part of the report’s research. These surveys revealed “*how the heritage of LGBTQ+ people is embedded in the fabric and specific cultures of designated LGBTQ+ venues and events. They also stress that venues are important spaces for education and intergenerational exchange*”
- The most valued LGBTQ+ spaces were experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. These were sometimes described as ‘safe spaces’. What this means to individuals varies, according to personal preferences, experiences and the specific forms of discrimination and oppression that people are vulnerable to (e.g. transphobia, homophobia, racism, ableism).
- Spaces that are/were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- LGBTQ+ nightlife spaces were seen as important places to express LGBTQ+ rights and the community rituals that have helped people to survive forms of oppression and discrimination, from one generation to another. Venues were seen to contain, embed or communicate LGBTQ+ heritage in their fabric and atmospheres, and to provide a structure that holds specific communities together.

- The report notes the significant drop in LGBTQ+ venues is also alarming when seen alongside other recent data. For instance, according to Metropolitan Police data, homophobic hate crime in London rose by 12% over the year to March 2017, to over 2,000 recorded incidents.

Conclusion - To be completed at the end of the Equality Analysis process

The Equality Analysis assessment has helped informed the Council in the determination of the current planning application (PA/16/00943) in respect to 562 Mile End Road & 1a, 1b, 1c Burdett Road. The determination of the application is considered to have had regard for the statutory obligations imposed by the Equalities Act upon the Council. It is considered the scheme will not have any undue adverse impact on the nine protected characteristics.

The Council have worked pro-actively with the developer and existing operator to secure a first refusal option to serve the Backstreet nightclub within the basement of the proposed scheme. Should the existing operator not wish to take this space for any reason, then a re-location strategy would be in place to help to secure new premises elsewhere in the borough.

Name: Brett McAllister

Date signed off: Paul Buckenham
(approved)

Service Area:

Planning and Building Control

Team Name:

Development Management

Service Manager:

Owen Whalley

Name and role of the officer completing the EA:

Brett McAllister - Case Officer

Section 2 – Evidence (Consideration of Data and Information)

Application Documents

Planning Policy Documents

National Planning Policy Framework, London Plan (2016). LBTH Core Strategy (2010), LBTH Managing Development Document (2013) including (but not exclusively) London Plan Policy 3.1 *Ensuring Life Chances for All*, London Plan Policy 3.16 - *Protection and Enhancement of Social Infrastructure*, London Plan Policy 7.1 - *An Inclusive Environment*, Local Plan Policy SP03 - *Creating Healthy and Liveable Neighbourhoods*, Policy DM0 - *Delivering Sustainable Development*. DM8 - *Community Infrastructure*, Policy DM25 – *Amenity*, Policy DM27 - *Heritage and Historic Environment*

Supplementary Planning Documents

- Mayor of London's Social Infrastructure SPG (May 2015)
- City Fringe (Tech City) Opportunity Area Planning Framework (December 2015)
- Draft Culture and the Night Time Economy SPG – draft for public consultation (April 2017)

Other Relevant Documents

- LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present” published by UCL Urban Laboratory (July 2016)

Statutory and non-statutory responses received:

Metropolitan Police Crime Prevention Design Officer, LBTH Conservation and Urban Design

Section 3 – Assessing the Impacts on the 9 Groups

Please refer to the guidance notes below and evidence how you’re proposal impact upon the nine Protected Characteristics in the table on page 6?

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

Use the Council’s approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

List all examples of quantitative and qualitative data available

(include information where appropriate from other directorates, Census 2001 etc)

- *Data trends – how does current practice ensure equality*

- **Equalities profile of staff?**

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

What are the potential or known barriers to participation for the different equality target groups? Eg-communication, access, locality etc.

- **Recent consultation exercises carried out?**

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

Please Note -

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse	Reason(s)
Race	Neutral	The proposal is not expected to have any adverse effects with regard to race.
Disability	Positive	The scheme would result in improved disability access arrangements for the site including level access from grade (street) to all floors and sections of the scheme including a wheelchair accessible lift entry to the basement.
Gender	Neutral	The existing nightclub serves a specific section of the gay (male) community. The proposed re-provided club would again serve this community therefore there would be no change with regards to gender.
Gender Reassignment	Neutral	The proposal is not expected to have any adverse effects with regard to gender reassignment.
Sexual Orientation	Positive	<p>The proposal secures through a legal agreement (to any planning consent granted) an opportunity for the existing Backstreet operator to run and manage the new basement nightclub (Sui Generis Land Use).</p> <p>The nightclub would be completed to a modern standard that would improve the standard and increase the size of the accommodation for the nightclub operation, which will help secure its long term function. The nightclub would retain its historic site; maintain the exact opening hours as existing while benefitting from a larger and modern built space.</p> <p>Should the existing operator not wish to take up the nightclub a re-location strategy is in place to secure an appropriate replacement venue within the borough thereby retaining the use for this part of the gay community in any case.</p>
Religion or Belief	Neutral	The proposal is not expected to have any adverse effect with regard to religion or belief.
Age	Neutral	The proposal is not expected to have any adverse effect with regard to age.

Marriage and Civil Partnerships.	Neutral	The proposal is not expected to have any adverse effect with regard Marriage and Civil Partnerships.
Pregnancy and Maternity	Neutral	The proposal is not expected to have any adverse effect with regard pregnancy and maternity.
Other Socio-economic Carers	Neutral	The proposal is not expected to have any other adverse Socio –Economic Carers impacts.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

No, the proposal would be sustaining the existing gay nightclub in terms of its site and hours while upgrading the quality of the build and slightly increasing its size. There is no evidence to suggest that different equality or other protected groups could be adversely impacted by the proposal.

(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. An EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)

Where you believe the proposal discriminates but not unlawfully, you must set out below your objective justification for continuing with the proposal, without mitigating action.

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes

How will the monitoring systems further assess the impact on the equality target groups?

The Head of Terms, within the Section 106 Agreement safeguards The Backstreet operator the opportunity to take up the lease of the nightclub. Should the operator, prior to occupation, not wish to take up the unit for any reason then a re-location strategy is also secured including £10,000 of financial assistance to help the operator find a different site within the borough.

Does the policy/function comply with equalities legislation?

Yes

If there are gaps in information or areas for further improvement, please list them below:

The fact that the current operator would have to vacate the premises and stop running for the period of construction means that the community will not have this facility for this period.

How will the results of this Equality Analysis feed into the performance planning process?




This Equalities Assessment would accompany any Development Committee Report and be a material planning consideration in determination of the application.

Section 6 - Action Plan

*As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.*

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Subject to planning consent be granted for the scheme secure the Section 106 legal agreement for the existing operator to take up the lease of the nightclub or re-locate the nightclub elsewhere in the borough.	As per Recommendation field	Before Decision Notice issued on planning application determined at Development Committee	Brett McAllister (Case Officer) in co-operation with LBTH Planning Legal Team	As per progress milestone

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Suspend – Further Work Required	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 