

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 17 AUGUST 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Sirajul Islam
Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Asma Begum
Councillor John Pierce (Substitute for Councillor David Edgar)
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Md. Maium Miah)
Councillor Chris Chapman (Substitute for Councillor Julia Dockerill)

Other Councillors Present:

Councillor Peter Golds

Apologies:

Councillor David Edgar
Councillor Md. Maium Miah
Councillor Julia Dockerill

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Brett McAllister	(Planning Officer, Place)
Kirsty Gilmer	(Planning Officer, Place)
Kate Harrison	(Planning Officer, Place)
Beth Eite	(Team Leader, Planning Services, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Shafi Ahmed declared a personal interest in agenda item 5.1 Enterprise House, 21 Buckle Street, London E1 8NN (PA/16/03552), as the application was within his ward and he had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 13th July 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

None.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Enterprise House, 21 Buckle Street, London E1 8NN (PA/16/03552)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) apart hotel lead scheme.

The Chair invited registered speakers to address the Committee.

Peter Park and Sumaiya Begum (local residents) spoke in objection to the application. They considered that the proposals would harm the amenity of local residents, especially the properties at Goldpence Apartments due to the separation distances through the loss of sunlighting and daylighting, privacy, overlooking and disturbance during the construction phase. The light levels to these properties were already compromised. The development would also create a sense of enclosure and increase pressure on the local highway due to the servicing arrangements, and therefore put at risk pedestrian safety especially child safety. They also questioned the need for additional hotel units in the area given the number already located in the vicinity and spoke about the lack of public amenities in the area. In response to questions, they expressed concern about the developer's consultation, the land use, the lack of green space in the immediate area, the height and massing and the road access issues.

Charles Cresser (Applicant's representative) spoke in support of the application. He recognised the site constraints and reported that the applicant had worked hard to address the reasons for refusing the previous application in 2015. The height had been reduced to minimise the proposal's impact. Amendments had also been made to introduce further measures to reduce overlooking. The developer had carried out a lot of consultation with residents including representatives of the Grade II St George's German Church who had influenced the design and were now supportive of the application. Whilst he was mindful of the close separation distances to properties, he considered that the light analysis showed that the breaches would be minimal. He also highlighted the benefits of the proposal in terms of the provision of serviced hotel apartments, flexible office work space to be offered at a discount to local business and the potential for community events within the development. In response to questions, he discussed the changes made to the plans at the pre-application stage, the developers consultation and the measures to minimise overlooking. The developer was willing to introduce further mitigation measures if the Committee felt this necessary. He also stressed the need for further hotel/serviced units in the area catering for longer term guests to meet the needs of businesses. He explained that the development would cater for a different type of guest to a tradition hotel and judging by the marketing evidence, there was clearly a need for these types of units. He also discussed the similarities between this proposal and the previous proposal in terms of their proximity to neighbouring properties.

Gareth Gwynne (Planning Services) presented the detailed report explaining the site location, the surrounds, the site designation in policy, the relationship between the site and the existing developments such as Altitude House and the Goldpence apartments and also the outcome of the Council's consultation.

He advised that in land use terms, the principle of the development could be supported based on the existing office being vacant for over 2 years and the marketing evidence provided by the applicant. Officers and the GLA accepted

that the existing offices are out of date and not fit for purpose. The proposal would deliver a range of benefits including employment and enterprise initiatives. The proposed design of the building was well considered and it was felt that whilst some of the issues with the previous refused scheme in respect to the design of a tall building on the site remained in this scheme taken overall the design approach was considered on balance acceptable.

The proposals presented adverse daylight/sunlight impacts to neighbouring residents and issues regarding outlook and sense of enclosure, albeit to a lesser extent than the previous application. On balance, Officers considered that the adverse amenity impacts of the development were not considered sufficient to justify a grounds for refusal when weighed against the benefits of the proposal and the site constraints.

Officers were recommending that the application was granted planning permission.

The Committee asked questions about the overshadowing to properties and the sunlight and daylight impacts, particularly to the Goldpence apartments. The Committee were advised that the applicant had carried out further testing to identify how the proposal would affect properties and the results were set out in the Committee report. The results compared favourable to the previously refused scheme in terms of both the quantity and degree of failures. Nevertheless, it was noted that a number of properties would still experience a loss of natural light including the properties at Goldpence House. In response to further questions, Officers explained that the daylight impact on the properties on the lower three stories of the development would be negligible as these properties already relied on artificial light. However the development would have a more noticeable impact on the properties located above three lower residential floors as they currently benefit from more natural light.

The Committee also asked about the impact on the heritage assets including the Grade II listed buildings and Officers confirmed that the impacts would be minimal and not anything like the scale of the previous application.

Members also asked questions about the need for further hotel accommodation in the area given the targets in policy and the average length of stay for this type of hotel use. They also asked about the discount for local businesses and the monitoring of the proposals especially the smoking area. Members also asked questions about the opportunities for a residential development on the site.

Officer explained that the applicant had provided information about the average length of stay and this indicated that it would be about 10 days based upon the applicants aparthotel hotel. In relation to the discount, the applicant had recently confirmed that they would offer a 50% discount to Borough based local businesses/residents for use of the work space and details of this was set out in the update report. It was also noted that the Greater London Authority set supply targets for each Borough for the provision of hotel

accommodation. It was also stated there was no evidence to suggest that the site would lend itself to residential development due to the site constraints. Officers also responded to the questions about the enforcement of the application and conditions.

On a unanimous vote the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a unanimous vote the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Enterprise House, 21 Buckle Street, London E1 8NN for the 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 store. (PA/16/03552)

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

- Sunlight and daylight impacts from the development
- Scale bulk and height of the development
- Adverse heritage impacts
- Overprovision of short stay accommodation and associated opportunity cost.

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

5.2 562 Mile End Road & 1a, 1b, 1c Burdett Road (PA/16/00943)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey residential led building including flexible commercial floorspace and associated infrastructure.

The Chair invited registered speakers to address the Committee.

Ms McGinley, Nigel Whitfield and Councillor Peter Golds spoke in opposition to the application. They felt that the previous reasons for refusal of the application had not been overcome in terms of the height, bulk and massing of the development, the impact on the townscape, the density and

overdevelopment of the site, the design, the servicing arrangements and the air quality issues. Nevertheless, Mr Whitfield and Councillor Golds welcomed the inclusion of the nightclub within the development and to secure this it was requested that there should be an obligation offering first right of refusal on the lease to a LGBT operator in line with the proposed agreement for the Joiners Arms venue at Hackney Road and that the existing opening hours of the venue be retained. It was felt that the present nightclub had not caused any issues in terms of residential amenity and the reintroduction of a mainstream club could act as a magnet for crime based on past experience. Concern was also expressed about the suitability of a single servicing bay for a development of this scale in terms of highway safety and about the proximity of the servicing route to the social housing. In response to Members, the speakers clarified their concerns about the proposal.

Richard Evans (Applicant's representative) spoke in support of the application. He stated that the application had been amended to include the nightclub. Should the current operators not be in a position to take this up, the applicant would help them relocate to a suitable premises. It was planned to refurbish the night club and make it fit for purpose and the operators would be given adequate notice prior to the start of the works. The proposal would also introduce an active frontage, a generous level of affordable housing in a transport hub and provide a landmark building in compliance with policy. There would be measures to improve air quality and an agreement with LUL to protect London Underground infrastructure. LBTH Highways and Transport for London had no objections to the application subject to the conditions. In response to questions about the loading bay, Mr Evans reported that this did meet the standard requirements. Regarding the compatibility of the uses, he confirmed that there would be measures to minimise noise disturbance to noise sensitive properties. He also confirmed that it was intended to offer the lease of the night club to an LGBT operator.

Brett McAllister, (Planning Services) presented the report explaining the site location and the surrounds. He explained that the application was considered by the Strategic Development Committee on two separate occasions 16 February and 25 April 2017. At the those meetings, Members were minded not to accept the application due to concerns about the height, bulk, massing and impact on the townscape, density and overdevelopment of the site, the servicing provision, the loss of community facility, design and air quality issues. Since that time changes had been made to the application to include the existing night club within the basement with a planning obligation to provide first refusal to an operator catering for the current specific use of night club. There would also be mitigation to minimise disturbance from the business.

It was considered that the changes to the height of the proposal (to 12 storey) would ensure that the building would relate better to the local area, whilst delivering a landmark building, good quality homes and commercial space in a transport hub. The development would deliver a policy compliant level of affordable units as well as private, communal amenity space and child play space.

It was considered that any impacts from the development would be minor in terms of the heritage and amenity impacts and had been reduced further following the changes to the application. TfL were supportive of the approach to servicing subject to the conditions. Officers were recommending that the application was granted planning permission.

The Committee questioned the merits of locating the night club within a residential development in view of the potential for disturbance from the coming and goings and questioned whether officers were aware of other examples where flats had been placed over a night club. It was felt that this proposal conflicted with the Agent of Change guidance within the Draft Mayor of London Culture and Night Time Economy SPD. In response, Officers confirmed that they were not aware of any precedents for this, however, careful consideration had been given to these issues. It was considered that the impact from the nightclub would be fairly similar to the existing night club. Furthermore, it was proposed that there would be a range of measures to mitigate the impact from the nightclub on residential properties. There would also be post completion testing that would offer the option to add further mitigation if necessary.

The Committee also asked about the sunlight and daylight impacts. Officers explained that any development of the site would affect neighbouring properties because they currently benefited from a low rise building and a part vacant site. The results of the light analysis had been retested and it was considered that the developments at 564 Mile End Road and Beckett Court would continue to receive adequate levels of light and that the impacts could be partly attributed to the site constraints.

Members also asked questions about the proposed height of the building setting an unwanted precedent in the area. Officers reported that each application would be considered on its own merits and in this case it was felt that there were special circumstances justifying this proposal in this location.

On a vote of 1 in favour of the Officer recommendation to grant planning permission, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor John Peirce proposed a motion that the planning permission be **REFUSED** (for the reasons set out in the Committee report) and on a vote of 6 in favour, 0 against and 1 abstention the Committee **RESOLVED:**

That planning permission be **REFUSED** at 562 Mile End Road & 1a, 1b, 1c Burdett Road at 562 Mile End Road & 1a, 1b, 1c Burdett Road 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.
(PA/16/00943)

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

- Height, bulk, massing and impact on the townscape
- Density and overdevelopment of the site
- Servicing provision
- Non-compliance with Chapter 5 “Agent of Change” of the Draft Mayor of London Culture and Night Time Economy SPD (April 2017)
- Design of the proposal
- Air quality issues

5.3 73-77 Commercial Road, London, E1 1RD (PA/17/00734)

Jerry Bell (East Area Planning Manager, Planning Services) introduced the application for the demolition and redevelopment of site to provide a single storey basement, together with ground plus ten storey office/retail building with associated works.

Kirsty Gilmer (Planning Services) presented the detailed report explaining the site location and surrounds, the changes made to the proposals to address concerns and the outcome of the consultation.

The Committee were advised that the proposed redevelopment of the site for an office led development was considered appropriate for the location as it fell within the city fringe opportunity area and city fringe activity area. The development would be of an appropriate, scale, form and composition for the surrounding area, of a high quality design and would contribute to the emerging landscape. The development would deliver a range of benefits including new jobs, an active street frontage and public realm improvements. It would also preserve the character and appearance of the Myrdle Street Conservation Area and had been found to have no significant amenity impacts. Furthermore in terms of the transport matters, the proposal complied with policy. Officers were recommending that the application be granted planning permission.

The Committee asked about the land use and the potential for a residential development on the site. It was reported that given the site constraints, the site did not easily lend itself to such use. Regarding the benefits of the application, it was noted that it would provide a number of jobs and provide smaller flexible space suitable for Small and Medium Enterprise (SME) in accordance with policy. The Committee asked about the action taken to provide affordable work space. To secure this, Councillor Marc Francis proposed and Councillor John Pierce seconded an additional non - financial contribution requiring that the applicant use reasonable endeavours to include flexible work space including affordable work space within the development. On a vote of 7 in favour and 0 against this was agreed

The Committee also asked questions about the height of the building given the site's location and the possibility that this might set a precedent for the wider area including an increase in height into the adjoining Myrdle Street Conservation Area. The Committee were advised that as the area was in transition and on the boundary of the Central Activities Zone, the height of the building conformed with policy requirements. In addition, the conservation area designation would stop inappropriate heights further east beyond the site. In this context, Officers felt that the height of the development was acceptable.

Officers also answered questions about the impact of the development on 79 Commercial Road and provided assurances about the future occupancy of the units

On a vote of 7 in favour and 0 against, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at 73-77 Commercial Road, London, E1 1RD for the demolition and redevelopment of site to provide a single storey basement, together with ground plus ten storey building. Proposed mix of uses to include 420sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1- A5) and the provision of 4,658 sqm (GEA) of office floorspace (Use Class B1), along with cycle parking provision, plant and storage, and other works incidental to the proposed development (PA/17/00734) .

Subject to:

2. Any direction by The London Mayor.
3. The prior completion of a Section 106 legal agreement to secure the planning obligations in the Committee report subject to the additional non financial contribution requiring that the applicant use reasonable endeavours to include flexible work space including affordable work space within the development
4. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director of Place is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report

5.4 225 Marsh Wall, E14 9FW (PA/16/02808)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storeys comprising 332 residential units, flexible community/ office floorspace, retail/restaurant/community and associated works.

Kate Harrison (Planning Services) presented the report explaining the site location, the nearest local amenities, (existing and proposed), the emerging developments and the changes made to the application in relation to the height, number of units, the increase in affordable units, and the improved public realm and child play space. Consultation had been carried out and the results of the Council's consultation was noted.

The Committee were advised that the proposal would deliver 25% affordable housing with a split of 64% (affordable rent) /36% (intermediate) with 50% of the affordable rent units at Tower Hamlets Affordable Rent and the other 50% at London Affordable Rent. 50% of the units within the affordable tenure would be family sized (3 bedrooms or more). The residential units would benefit from community space and child play space. All units would have private amenity space. There would be a slight under provision in under five child play space, but the applicant could make an area of the public open space in to play space should the permission be granted. The proposal included the reprovision of 810sqm of office space that would also benefit from being flexible B1 (office)/ D1 (community) space to help ensure occupation of the units.

The development would be of a high quality design with height stepping down from the Canary Wharf Major Centre. It would provide public open space that would link with the approved open space at Meridian Gate to the west. It was considered that the height would be appropriate for the area and preserve strategic views. Whilst there would be some impact on local views, on balance it could be considered that the benefits of the development would outweigh this.

The impact on neighbouring privacy and outlook would be acceptable given the separation distances. The impact on daylight and sunlight from this development in isolation would generally be negligible to minor adverse. There would be some moderate and major adverse impacts, but these could be attributed mostly to the design of the neighbouring properties impacted as well as the cumulative impacts from other surrounding developments, (and the proposed Skylines development), typical within an urban environment.

Subject to the recommended conditions and obligations, Officers were recommending that the planning permission was granted permission.

The Committee asked questions about access to the communal amenity space and the entrances to the affordable and private units. It was confirmed that the entrance to the affordable houses would be in a visible location and of a good quality design. All of the occupants of the development would have access the child play space at the second floor, but access to the communal space at the roof level would be restricted to the occupants of the private units. The scheme met all the amenity space requirements for the affordable housing.

The Committee also expressed concern about the overdevelopment of the Isle of Dogs given the cumulative impacts from developments on local infrastructure.

Officers responded that the plans would provide a D1 space that might provide a community facility and contributions for infrastructure including contributions for London Buses.

Members also asked questions about the affordable housing offer, the number of electric charge points within the development and also the fire safety measures. Officers reported that the viability of the application had been independently tested showing that the maximum level of affordable housing that the scheme could support had been secured. Fire safety issues were a matter for the building control service and the proposal would have to meet the required standards. Details of the electric charging points would be secured by condition.

The Committee also questioned whether the proposal complied with the stepping down policy from Canary Wharf given the pattern of development in the surrounding area and the height of the proposal. The Committee also asked about the special circumstances justifying the density of the proposal given it exceeded the density range in the London Plan.

Officers considered that the height of the scheme should provide an appropriate degree of transition between buildings moving away from Canary Wharf. The proposals also conformed with the South Quay Master Plan SPD that identified the site for a taller development and it was considered that any harmful impacts on local views would be outweighed by the merits of the application. It was considered that the scheme satisfied the tests in policy for high density applications given the merits of the scheme.

On a vote of 1 in favour of the Officer recommendation to grant planning permission, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against and 1 abstention the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 225 Marsh Wall, E14 9FW 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 flexible community/ office floorspace (use class D1/ B1); 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. (PA/16/02808)

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

Overdevelopment of site due to the:

Height,

Density,

Impact on infrastructure

The failure of the proposal to provide an adequate transition between the higher rise commercial area to the north and the low-rise residential areas to the south and east

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

The meeting ended at 10.40 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee