

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 6 SEPTEMBER 2022

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Abdul Wahid (Chair)

Councillor Iqbal Hossain
Councillor Suluk Ahmed
Councillor James King
Councillor Amy Lee
Councillor Amin Rahman (Substitute)

Applicant Representation:

Emma Penson	DWD – Planning Consultant
Andrew Watson	Big Yellow - Applicant
Anna Ryten	Mountford Pigott – Architect
Clive Bentley	Sharps Acoustics – Acoustic Consultant

Officers Present:

Paul Buckenham	– (Head of Development Management, Planning and Building Control, Place)
Kirsty Gilmer	– (Principal Planning Officer, Planning and Building Control, Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning and Building Control, Place)
Tom Lewis	– (Team Leader - Licensing Services)
Rikki Weir	– (Principal Planning Officer, Planning Services, Place)
Astrid Patil	– Planning Lawyer
Farhana Zia	– (Democratic Services Officer, Committees, Governance)

Apologies:

Councillor Kamrul Hussain

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillor Abdul Wahid declared for the record that he was a member of the Licensing Sub-Committee relating to a licensing application heard on 26th July 2022 in relation to E1/Studio Space. He said he was approaching the planning

application with an open mind and did not have any pre-determined views regarding the application before the Committee.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Development Committee **RESOLVED**:

1. That the unrestricted minutes of the meeting held on 10th August 2022 be agreed as an accurate record and be signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Development Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. DEFERRED ITEMS

There were no deferred items for the Committee to consider.

5. PLANNING APPLICATIONS FOR DECISION

5.1 60-70 & 100 The Highway and 110 Pennington Street, London E1W 2BX (PA/21/02513)

Update report was published.

Mr Paul Buckenham, Development Manager, Development Schemes, Planning and Building Control, introduced the application relating to 60-70 & 100 The Highway and 110 Pennington Street, London E1W 2BX. He explained the proposal was to demolish of existing buildings, with a new part five and part eight storey building plus lower ground floor fronting The Highway.

Mr Rikki Weir, Planning Officer presented the report advising the following:

- The site and surrounds of the proposed development were explained to Committee Members. The site is in the west of the borough, in St Katherine and Wapping Ward.

- The location map, pictures of the existing structures and views from various vantage points from Artichoke Hill, The Highway and Pennington Street were shown in the presentation, as were the CGI images of the proposed development.
- Mr Weir stated there would be mix of 114 residential units (38% affordable housing), with the ground and lower ground floor for commercial/ business and service units as well as nightclub/ photography and filming studio.
- Outcome of the statutory consultation: A total of 9 representations were received with 8 objections and 1 in support of the proposed development. The main issues of concern were loss of privacy, loss of daylight and sunlight and impact on neighbouring venues in Tobacco Dock.
- The presentation set out the land usage of the site and the floor plans of each stratum of the proposed building, showing the location of the nightclub, the commercial and office space, and residential units.
- Referring to the quality of the residential accommodation, Mr Weir stated this was divided into Core A, B and C. He said the affordable rented units were in Core A, with a new pedestrian link between The Highway and Pennington Street.
- The impact of daylight and sunlight on existing buildings and the potential loss of light were explained by Mr Weir. He said floors 1-3 of the Chi Building would experience marked loss of daylight although the design of the building with balconies provides some explanation for the degree of impact. He said the overall loss of light would not have a significant impact on the other neighbouring existing buildings.
- Referring to the nightclub, Mr Weir stated that existing nightclub was a cultural asset providing space for the LGBTQ+ community. The proposed new nightclub on the lower ground floor would be slightly smaller than the existing club. He said the design and acoustic impact had been assessed by surveyors and concrete slabs 1 meter thick would be used to ensure noise did not emanate from the club and did not disturb neighbours living above the club.
- Mr Weir stated under the proposal the queuing of patrons for the nightclub and the smoking area would be in the main on the site, rather than patrons queuing on the street in contrast to the existing nightclub. He said the proposed conditions and obligations in the update report provided further information in respect to help manage patrons entering and leaving the premises with a night-time management plan required to be in place, secured by a s106, by the operators of the nightclub.
- Referring to Highways and Transport, Mr Weir stated £335,000 had been earmarked for safety improvements to highways including pedestrian crossing/sand the urban landscaping of the area.

Officers were recommending that the application be granted permission.

There were no registered speakers wishing the address the Committee.

The Committee then asked questions of the Officers and the following points were noted:

- Referring to the Highway improvements, it was clarified that the traffic lights near the existing car dealership would require improvement.
- Pre-application consultation was undertaken by the Applicant, which included an online seminar in addition to the statutory consultation undertaken by the Council. The applicant confirmed 1,279 properties had been contacted, with three online consultation sessions held on the weekend, evening, and daytime. A website explaining the proposed development also provided information to those interested in the development. A total of 23 households joined the online sessions. The applicant confirmed these were local residents.
- The amenity space and child play space would be accessible to all residential units with no segregation or separate entrances.
- Access to all three cores A, B and C would be accessible via The Highway and Pennington Street with a new footpath linking the two streets.
- Loss of daylight and sunlight would impact residents of Chi Building..
- Of the 114 residential unit, 40 homes would be affordable homes, which is 38% [by habitable rooms] of the total number of new homes.
- The square footage of the nightclub is 1,123 sqm², with 1418sqm² for office/commercial space situated on the lower ground and ground floors.
- Presently, the patrons of the nightclub queue and smoke in the street. The new proposal means there will be a recessed gated area for smoking and the queuing will be under the colonnade. However, that is not to say there would not be overflow of queue onto the footpath on Pennington Street.
- The update report proposes planning conditions and obligations including provision of a noise management plan to help mitigate against the late opening times of the club and the potential noise from the club. Plans on how to mitigate against anti-social behaviour and the dispersal of patrons would be included in the plan.
- Concerns relating to noise vibration from the club to residential units above had been considered, with consultation with the Council's noise team as well as consultants.
- The proposal for the nightclub was for it to operate on more stringent timings than the existing nightclub on site with a review of the timings, 12 months thereafter. This would allow for the impacts of the nightclub to be reviewed following a period of operation.
- If conditions were breached by the nightclub, then compliance action could be undertaken. There also needed to be an awareness the nightclub operation would be also simultaneously regulated by another regulatory regime namely through licensing.

- The nightclub had been included in the development due to its cultural importance and due to land use planning policies in respect of community and social infrastructure. An Equalities Impact Assessment was undertaken as part of the planning process in recognition the redevelopment had potential to have impact on protected characteristics populations under the Equalities Act.
- The newly proposed pedestrian route through the development linking The Highway to Pennington Street would be gated and closed during the operation hours of the nightclub.
- Residents would have the option of using alternative access points to the building should they not want to be disturbed by noise from queuing patrons, such as accessing each of the residential cores via The Highway.
- In terms of the relationship between social housing and the nightclub, the nightclub would be at lower ground floor, units 5 and 6 would be flexible commercial units on ground floor, and the social housing would be located above units 5 and 6. The main entrance for social housing would be located on the other side of the development to the nightclub.
- Live noise testing had been carried out to see how audible noise from Tobacco Dock events impact on the potential development. Tobacco Dock runs 10 to 15 major events a year.

Update report was published.

On a vote of 4 in favour, 2 against, the Committee did not agree the Officer recommendation to grant planning permission for 60-70 & 100 the Highway and 110 Pennington Street for the following:

- Demolition of the existing buildings. Erection of a part five and part eight storey building plus lower ground floor fronting The Highway comprising a self-storage facility (Use Class B8) and flexi office/ workspace accommodation (Use Class E). Construction of two blocks of up to eight storeys plus lower ground floor to provide 114 residential units (Use Class C3), ground and lower ground floor flexible commercial/ business/ service units (Use Class E) and nightclub/ photography and filming studio venue (Sui Generis). Ancillary works comprising vehicular access, service yard, parking, refuse store, landscaping and associated works

Accordingly, Councillor Amin Rahman proposed and Councillor Iqbal Hossain seconded a motion that the planning permission be **REFUSED** (for the reasons set out below) and on a unanimous vote the Committee **RESOLVED**:

That planning permission be **REFUSED**, subject to any direction by the Mayor of London, due to concerns over:

1. The proposed opening times of the nightclub would result in members of the public queuing, arriving and leaving late into the night and early hours of the morning causing serious harm to the living conditions and

wellbeing of the future residents of the proposed affordable housing through noise, disturbance and anti-social behaviour. Members of the Committee were dissatisfied that the proposed conditions in the main report and update report would help mitigate against this.

6. OTHER PLANNING MATTERS

There were no other planning matters to be discussed.

The meeting ended at 7.53 p.m.

Chair, Councillor Abdul Wahid
Development Committee