

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 6.00 P.M. ON THURSDAY, 11 FEBRUARY 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce (Vice-Chair)
(4.1)
Councillor Sufia Alam (4.1)
Councillor Kahar Chowdhury
Councillor Leema Qureshi
Councillor Kevin Brady (4.2)

Other Councillors Present:

None

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Katie Cooke	– (Planning Officer, Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Daria Halip	– (Planning Officer, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Diane Phillips	– (Lawyer, Legal Services)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

Apologies:

Councillor Dipa Das

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillors Sufia Alam, Kahar Chowdhury, Abdul Mukit and John Pierce declared an interest in agenda item 4.1. Armoury House, 7 Gunmakers Lane, London, E3 (PA/20/01914). This was on the basis that they had received a written representation from a colleague on the application. They indicated that they could consider the application with an open mind

Councillor John Pierce declared an interest in agenda item 4.2, 114 – 150 Hackney Road, London, E2 7QL (PA/20/00034). This was on the basis that the Councillor had:

- helped establish the Friends of the Joiners Arms and was involved in the Asset of Community Value.
- Councillor Pierce had also spoke publicly at the meeting about this issue.

Councillor Pierce stated that he would leave the meeting for this item. Councillor Kevin Brady deputised for Councillor Pierce for this application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14th January 2021 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. 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

4.1 Armoury House, 7 Gunmakers Lane, London, E3 PA/20/01914

Gareth Gwynne introduced the application for a two storey extension above the existing building with three self-contained flats and associated works.

Katie Cooke presented the report. This application for planning permission was considered by the Development Planning Committee on 14th January 2021.

The application was deferred by Members to request the following:

- Justification of why a contribution for affordable housing has not been sought;
- Details in terms of potential noise impacts from the proposed fifth floor roof terrace; and
- A site visit.

The Committee were reminded of the key features of the application, including:

- Details of the site location and the character of the area, including a mix of converted industrial and new buildings, the Albany Works complex and Gun Wharf.
- The site lay in the Victoria Park Conservation Area and is close to Victoria Park. Whilst not listed itself, there were a number of listed buildings nearby. Officers remained of the view that the scheme would have minimal impacts in regards to the setting of the area.
- Access arrangements would remain as existing with a new bin storage area and new cycle spaces. Details of this were noted.
- All of the units would be in accordance with policy standards in terms of internal standards and private amenity space.
- That the scheme had been designed to minimise the impacts, through for example, setting back the development.
- The submitted daylight and sunlight assessment had been reviewed by officers and showed full compliance with the exception of a minor failing.
- Details of the results of the consultation (involving two rounds of consultation) and a summary of the responses received. 67 representations were received.

In terms of the reasons for deferral, the following issues were noted:

The lack of affordable housing contribution given the approach to 114-150 Hackney Road Development. (Item 4.2).

It was confirmed that, as with all small developments, Officers did not consider it appropriate to apply the draft SPD to this scheme, since the Planning Obligations SPD and associated calculator have yet to be adopted. The Hackney Road Scheme (for which a contribution could be sought), is an unusual scheme. It differed from this development in a number of ways given: its classification as a major scheme, the application of a public benefits test, and the issues around the timing of the decision notice, following the adoption of the SPD. This is not the case for this scheme.

Lack of noise assessment in relation to the impacts on residents below the development.

- It was noted that the Council's Noise Officer has been consulted on the scheme and were of the view that the impact would be in keeping with that from the surrounding residential properties. They had no record of any complaints from similar extensions and felt that any noise impacts could be managed.

- Overall, Officers were of the view that the proposal would raise no undue impacts in this regard. Therefore, it was considered that no noise report was necessary.

Issues with the plans

It was noted that new drawings have been submitted as set out in the report.

Lack of Consultation

Since the last Committee meeting, the applicant had arranged a virtual meeting with residents of Armoury House. The main issues discussed related to the construction impacts and structural issues. In response, the applicant had provided reassurances about this, and their plans to engage with residents. A Construction Environmental Management Plan would also be attached controlling construction impacts.

Overall, Officers remained of the view that the proposal was acceptable and the impacts would be minimal. Officers considered that the benefits including the provision of a family sized dwelling, would outweigh the any negligible harm.

The Committee asked a number of questions about the following issues:

- The status of the locally listed building. It was noted that the Council's Conservation Officer had undertaken to review the issues highlighted in paragraphs, 7.32 to 7.34 of the 14th January Committee report, regarding the status of Gate House. It was however confirmed that Gate House had been rebuilt, therefore, as it stood, it is not a listed building.
- Noise impacts from the use of the development generally and during the construction phase. Further reassurances were provided about the conditions to manage any noise impacts on residential properties including: the requirement to submit a Construction Environmental Management Plan and a noise and sound installation plan. Overall, it was emphasised that the noise impacts should be similar to any similar roof top extension in the area, which were not out of the ordinary. The impacts would be limited given that the application involved a modest extension to a residential development in a residential area.
- The height of the development and the appropriateness of this in the Conservation Area. It was noted that the development should be assessed against the Conservation Area Appraisal and its scale and bulk, (in the absence of any limitations in policy on the building heights). As detailed in the report, Officers had fully assessed the impacts of the development and had found it to be acceptable. It was noted that the height of the scheme would be broadly in keeping with the surrounding building heights that were of a similar height.
- The Committee also discussed the need to seek contributions for affordable housing. Support was expressed for seeking this. In light of this, Councillor John Pierce proposed and Councillor Sufia Alam seconded a proposal requesting that an additional condition should be

added to the s106 agreement requiring a small site contribution for affordable housing. On a vote of 3 in favour and 2 abstentions this condition was **agreed**.

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

1. That, subject to any direction by the Mayor of London, planning permission is **GRANTED** at Armoury House, 7 Gunmakers Lane, London, E3 for the following development:
 - Two storeys extension above the existing building with three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas. (PA/20/01914)
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report dated 14th January 2021 and the additional condition agreed by Committee at the meeting to secure a small site contribution for affordable housing.
3. Subject to the conditions set out in the Committee report dated 14th January 2021.

4.2 114 - 150 Hackney Road, London, E2 7QL PA/20/00034

Update report was tabled.

Gareth Gwynne introduced the report for the mixed use redevelopment of the site to provide a maximum 9 residential units, hotel floor space, commercial space, the provision of Public House along with associated works. He advised of the issues raised in the update report, containing additional representations.

Daria Halip (Planning Services) presented the application, providing a brief overview of the scheme and the surrounding area.

This application for planning permission was considered by the Development Committee on 14th January 2021. The application was deferred by Members for a committee site visit. The committee also sought information on the following items:

- a. The condition limiting the late night opening hours of the Public House to 12 months
- b. The rent levels for the Public House with a view to providing longer term affordable rents
- c. Review the radius for the provision of the meanwhile off site temporary venue for the Public House
- d. Daylight/ Sunlight Impacts on Vaughan Estate, particularly with regard to the existing architectural constraints
- e. Conditions regarding the use of the roof top area

- f. Management of the footfall from the scheme including details of the joint management for the operation of A4 and the hotel bar

The report and presentation addressed each of these issues as set out below:

Consultation

The Committee were reminded of the details of the statutory consultation carried out by the Council and the applicant's which was set out in the report.

It was confirmed that the Council's consultation went above and beyond requirements involving engagement with George Loveless House. 109 letters were sent to all registered properties in this development.

In addition, the Applicant had carried out non statutory consultation including a public exhibition and had offered to meet with the Columbia Tenants and Residents Association. The applicant had also engaged with the Friends of Joiners Arms.

Therefore, it was considered that adequate consultation had been carried out.

Daylight/ sunlight impacts, Vaughan Estate

The Committee were reminded of the outcome of the assessment as detailed in the report, particularly the issues around:

- The existing site constraints that acted as a barrier to sunlight and daylight exposure.
- Details of the gains and losses in daylight/ sunlight, compared to the extant scheme.

Overall, it was considered that the proposed development would have a minor adverse impact onto the daylight/ sunlight conditions to these properties.

Furthermore, when taking the extant consent as material planning consideration and the significant public benefits secured with the current scheme, the impact is considered to be on balance acceptable.

Management of the Hotel Bar and the Public House

The Committee noted details of the separate conditions regulating the above. This included the requirement to submit an Operation Management plan and to establish a Community Liaison group to deal with any issues. The wording of the condition for the hotel was detailed in the updated Committee.

Use of rooftop area

The Committee were reminded of the restrictions on the use of the rooftop area. A compliance condition will be added to further state that access to the roof top use is for maintenance purposes only.

Issues relating to the Public House

- Opening Hours

It was confirmed that a condition would be added restricting the opening hours of the A4 unit during the first 12 months of opening, with an opportunity to extent this. The Council noted the representations from the FOTJA requesting that this be removed. However, they were also mindful of the need to protect residential amenity. Therefore, they remained of the view that this condition, applied to the extant permission should remain in place.

- Rent levels

It was noted that representations had been received requesting reduced rent levels and the provision of an affordable rent clause in the Section 106. The Council's Viability Team had reviewed the market rent adopted for the viability assessment and had accepted this as reasonable. In addition, Officers were unable to find a policy justification to support this request.

The applicant had however agreed to extend the initial rent free period and the standard rent review period as detailed in the report.

- Meanwhile use temporary venue radius and other changes to draft s106

Amendments to the wording of s106 had been made to remove:

- the stipulation that the meanwhile use must be located within 1km of the application sites.
- The reference to peppercorn rent.
- The restrictions on the use of the financial contribution.

Officers were therefore recommending that the application is granted permission.

Committee's questions:

The Committee asked a number of questions of Officers around the following issues as summarised below:

- Management of the noise impacts from the A4 public house and the hotel bar.
- It was confirmed that there would be a range of bespoke conditions and mitigation measures, (for both the hotel and the public house) to minimise the impacts and ensure ongoing engagement with local residents, as set out in the report and the presentation. Details of these measures were noted including: the requirement to submit a Hotel Management Plan with controls to prevent customers congregating outside the venues.
- Other measures included a requirement to carry out post completion noise assessments to ensure the impacts within homes met standards.

- It was also noted that specialist noise consultants had been appointed in respect of the public house. They had reviewed the assessment in relation to the extant scheme and were satisfied with the proposed measures. The new A4 Public House would also be purpose built, with measures to minimise noise impacts. Contributions have also been secured towards the fit out costs to facilitate this and ensure noise break out was contained.
- The Committee also discussed the merits of removing the 12 month limitation on the opening hours for the A4 public house. It was questioned whether this should be removed, to facilitate its continued operation as a late night venue taking into account the representations about this and the business case.
- In response, Officers stressed the need to balance the business needs of the Joiners Arms in terms of serving as a late night public house and those of residential amenity. Given the residential nature of the area, Officers remained of the view that the reasons for applying this condition to the extant scheme still existed and therefore should still be applied to this application. It was also noted that the Licensing regime may impose its own conditions on the licensing hours. It was also confirmed that the hotel use would have its own separate permanent opening hours as set out in the conditions.
- The Committee also sought clarity regarding the impact on the pedestrian flow and transport matters, (impact from parking, the servicing and refuse arrangements). Officers provided assurances about these matters highlighting the plans to provide an improved pedestrian area.
- The Committee also noted the provision of measures to prevent overlooking.

Councillor Kevin Brady proposed and Councillor Kahar Chowdhury seconded a proposal to remove the 12 month restriction on the opening hours of the A4 public house. On a vote of 2 in favour and 2 against with the Chair using a casting vote against, this proposal was not accepted.

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

1. That subject to any direction by the Mayor of London, planning permission is **GRANTED** at 114 - 150 Hackney Road, London, E2 7QL for the following development:
 - 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 to eight storeys above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739 m² (GIA) hotel floorspace (Class C1) up to 3,529 m² (GIA) employment floorspace (Class B1), up to 358 m² (GIA) flexible office and retail floorspace at ground level (Class A1, A2, A3 and B1) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage. (PA/20/00034)

2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report dated 14th January 2021.
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report dated 14th January 2021 and the additional conditions set out in the Committee reported dated 11th February 2021.

[1] Prior to occupation of the hotel and the bar as identified on Drawing 1129_PL-GA-100 Rev E hereby approved, a Hotel Operation Management Plan (HBOMP) shall be submitted to and approved by the Local Planning Authority. The HBOMP shall include as a minimum, written details of the following information:

- i. Statement of Intent;
- ii. Hours of operation and licensable activities permitted;
- iii. Organisational responsibility for the hotel (including its bar) and the management team structure;
- iv. Typical staffing rota and staff qualifications;
- v. Details of the 24/7 front of house staffing level arrangement including details of door staff arrangements
- vi. Security strategy (e.g. entry policy, drugs and intoxication policy);
- vii. Physical and managerial noise controls processes and procedures to deal with customer dispersal strategy, customer queue management controls and management of smoking area;
- viii. In collaboration with the Class A4 unit operator, details of a community liaison group including terms of reference which, for the avoidance of doubt, will include representation from the Columbia Tenants and Residents Association;
- ix. Details of a complaints and investigation log including who takes ownership of serving as lead point of contact for dealing and responding to any complaints;
- x. General emergency evacuation policy.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031

[2] The rooftop area shown on the drawings hereby approved ref 1129_PL-GA-105 rev B, 1129_PL-GA-106 rev C, 1129_PL-GA-107 rev B and 1129_PL-GA-108 rev C shall be used for maintenance only and shall be kept as such in perpetuity.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031.

5. PLANNING APPLICATIONS FOR DECISION

There were none

6. OTHER PLANNING MATTERS

There were none

The meeting ended at 8.00 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee