

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 12 JULY 2022

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

Members Present:

Councillor Abdul Wahid (Chair)
Councillor Kamrul Hussain (Vice-Chair)
Councillor Iqbal Hossain
Councillor Suluk Ahmed
Councillor James King
Councillor Amy Lee

Officers Present:

Paul Buckenham	– (Head of Development Management, Planning and Building Control, Place)
Kitty Eyre	– (Planning Officer, Planning and Building Control Place)
Sally Fraser	– (Team Leader (East) 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)
Diane Phillips	– (Lawyer, Legal Services)
Tanveer Rahman	– (Senior Planning Officer, Planning and Building Control, Place)
Zoe Folley	– (Democratic Services Officer, Committees, Chief Executive's Office)

Apologies:

Councillor Amina Ali

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillor Suluk Ahmed stated that the application at 5..1106 Commercial Street, London, E1 6LZ (PA/19/02404 & PA/21/01396) was in his ward Councillors also declared that they had received representations on the application

2. MINUTES OF THE PREVIOUS MEETING(S)**RESOLVED:**

That the minutes of the meeting of the Development Committee held on 12 June 2022 be agreed as a correct record

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

There were none

5. PLANNING APPLICATIONS FOR DECISION**5.1 106 Commercial Street, London, E1 6LZ (PA/19/02404 & PA/21/01396)**

Update report was published.

Paul Buckenham introduced the application. The application proposes a change of use of the host building from office/storage (B1/B8) to a fine dining food market (A3). Internal and external changes are proposed in order to facilitate this.

The Committee were also advised of the content of the update report including additional representations and clarification of the weight attributed to the draft Spitalfields Neighbourhood Plan (SNP)

Committee Members had also attended a site visit.

Tanveer Rahman presented the application, highlighting the following points:

- Key features of the application.
- Key issues raised in the consultation.
- The outcome of the 2018 appeal decision (in relation to the previously refused scheme) – refused at appeal on two grounds. It was considered that both of these reasons, regarding the removal of the slate roof and the location of the assessable toilets has been addressed by this application. In addition, the appeal decision accepted the proposed land use and this had not changed. Overall, the proposed land use was consistent with policy and was therefore considered to be acceptable.
- Officers have carefully assessed the heritage impacts and have given due consideration to the draft Spitalfields Neighbourhood Plan (SNP). Officers considered that it would be reasonable to give the policies of the draft SNP moderate weight as set out in the update report. Overall, the proposal would preserve and restore large elements of the historic fabric of the building and use innovative ways to highlight the historic significance of the building. Details of this was noted, including the plans to better reveal historic features to the public.
- Whilst the proposals would result in heritage impacts (identified to the carriage lift, masonry floors and some openings around the central courtyard) there were strong practical reasons why these were considered necessary to facilitate the layout. In addition, the scheme will secure a long-term use for the site that can ensure retained heritage features are well maintained and restored where necessary, in accordance with Historic England’s published advice.
- Overall, it was considered that the scheme would result in less than substantial harm to heritage assets. Officers considered that the public benefits of the proposals would outweigh the identified harm. Therefore, the development accorded with paragraph 202 of the NPPF.. The public benefits included: greater public use of the interior, an uplift in employment, benefits for the local economy, improvements to the exterior and a long term use of the building.
- In terms of noise issues, the appeal highlighted no issues in relation to this. Although, officers noted that objections have been received in this regard. The LBTH Environmental Health Team had been consulted and an external noise consultant (who was expert witness at the appeal scheme) had been reappointed to consider the impacts. Subject to the conditions, both had not raised any objections.
- A planning obligation and a number of conditions would be secured and these were noted.

Officers were recommending that the application was granted permission.

Alec Foreshow, James Frankcom, David Donoghue, and Guljar Khan spoke in objection to the application. They raised concerns about:

- Harm to the listed building and its historic fabric. Its status, following the listing, had changed significantly since the appeal scheme. The report failed to address this issue and to give sufficient weight to the

loss of the historic features. It also wrongly stated that Historic England had no outstanding concerns with the proposal.

- Not sufficient weight afforded to heritage harm indeed very great weight should be afforded to conservation of heritage
- Whilst the changes were noted, Historic England considered that the harm remained significant.
- Proposals were contrary to the Spitalfields Neighbourhood Plan given harm to the listed building. Proposals should enhance the Conservation Area
- Officers failed to apply the test of paragraph 202 of NPPF concerning optimum viable use and that other schemes and uses could cause less harm and officers have not considered these alternatives
- Fire exit /emergency exit strategy using route through Puma Court is not adequate and is not controlled by the developer and leads to conflict with different users.
- Greater congestion/ queuing. This will cause chaos to local area
- Highway impacts.
- It will harm local Bengali heritage and cultural identity, destroy Brick Lane and lead to a loss of curry houses.

The Applicant's team: Matthew Clatworthy, John Thompson, Shivani Mawji and James Imrie (local resident) highlighted the following:

- The applicant had gone above and beyond addressing the two reasons for refusing the scheme at the appeal. For example, the proposed development had been reduced in size and it would have a smaller maximum capacity. Letters of support had been received and the applicant would put in place robust management plans, as set out the conditions.
- None of the alternative options were viable. The proposal would optimise public use of the site with minimal subdivision of the building.
- The applicant had fully reviewed the design approach with LBTH to ensure that historic features were exposed, and important features would be protected.
- It will bring footfall to the areas and bring business to the area. It would create local jobs and be a welcomed addition to the local area.
- The Time Out Magazine published articles and promoted initiatives to support businesses in London. It has published details of the application and looked forward to building on partnerships to continue to support this proposal.

The Committee then asked questions of Officers and the registered speakers around the following issues:

- The consultation with the community. The applicant's team commented on the nature of the community consultation, since 2019, including a total of 40 hours of events and meetings, as well as door knocking, the distribution of approximately over 9000 flyers and over 700 letters. Around 700 attendees were present at events. Following the listing of the building, the applicant had carried out further consultation.

- Fire safety issues. It was noted that the applicant had submitted a document regarding third party representations. Page 14 of this contains a letter from the London Fire & Emergency Planning Authority (Dated 31.10.2016) stating that they were satisfied with the proposals. No issues were raised in relation to this issue at the appeal. Whilst the letter appeared to relate to the previous scheme, this scheme was similar in nature. The proposals would also need to gain Building Regulations approval
- Noise impacts. It was noted that if granted, a Licensing permission would need to be obtained. That regime would deal with any licensable activities and issues, including impact of noise. (in addition to the measures set out in the conditions). The Committee heard from the Council's expert in this field. They confirmed that the proposal would not have a significant impact in terms of increased noise.
- The total occupancy capacity of the venue would be a maximum of 500 people, with a capacity to seat 360 people.

At the conclusion of the debate, Members noted the need for the Committee to take into account the public benefits of the proposals as well as the impacts. To make an informed decision, it was felt necessary that a further Committee site visit should be held to assess the heritage of the building to allow the Committee to fully view the interior unimpeded by the structures of the current exhibition.

Councillor Iqbul Hossain moved and Councillor Kamrul Hussain seconded a proposal that a Committee site visit was held.

On a vote of 4 in favour and 2 against the Committee **RESOLVED**:

1. That the application for planning permission and listed building consent is **DEFERRED** at 106 Commercial Street, London, E1 6LZ for a Committee Site visit.

5.2 Mooring at West India Dock North, Hertsmere Road, London (PA/21/02120)

Update report published

Paul Buckenham introduced the application for the proposed mooring of barge, with an attached floating garden, providing a number of facilities. The update report dealt with additional representations and clarifications. It was also clarified that the opening hours condition should read 7:00 to 21:00 Monday to Saturday.

Kitty Eyre presented the application, highlighting the following points:

- Site and the surrounding areas – and the key features of the proposed development including proposed opening hours for the outdoor spaces.
- Main points of objection including concerns around noise, anti – social behaviour, negative impacts on health, heritage impacts, loss of water space and lack of need for the proposal.

- The land use issues. Officers were mindful of the loss of water space. However, it was also noted that the proposal would be for a water related use. It had also been designed to enhance enjoyment of the water space. The provision of the café and spa would also contribute to the area. It was therefore considered to be acceptable from a policy perspective.
- Design and heritage. It was considered that the barge would be in keeping with the nature of the dock and add visual interest to the local area. Due to the nature of the proposals, it would not cause harm to the setting of the dock or any nearby heritage assets
- The proposed development would not result in unacceptable amenity impacts in terms of overlooking, loss of privacy, daylight and sunlight issues, sense of enclosure, loss of outlook, or noise impacts. Conditions would be secured to minimise any impacts including restrictions on opening hours. Environmental Health had no concerns about the application, subject to the conditions.
- The Council's Biodiversity Officer had no objections to the proposals and a condition would be applied to secure it would secure a number of enhancements including the provision of a floating garden, with vegetation.

Officers were recommending that the planning permission was granted.

Andrew Ore spoke in objection to the proposal as a representative of the One West India Quay Residents' Association. He raised objections about:

- Close proximity to properties.
- Use of the barge as an outdoor nightclub.
- Harm to residents amenity due to the long opening hours including the 8am opening time which was unique for a swimming pool.
- Loss of water space
- Concerns about increased water pollution and environmental damage.

Alex de Rijke spoke in support of the application highlighting the following:

- It would provide a number of much needed facilities, with a diverse offer, with the aim of promoting health and wellbeing.
- The applicant had consulted residents who were generally supportive.
- The applicant had modified their plans to minimise impacts.
- The applicant was mindful of the concerns about noise impacts and the concerns about a 'party boat', which they had no intention of this becoming. Conditions would be secured to manage the impacts.

The Committee asked a number of questions of the registered speakers and Officers regarding the following issues:

- The applicant confirmed that if successful, it was planned that the barge would stay in the area for the benefit for community.
- It would remain a cargo barge with facilities.
- In terms of the public benefits, the proposal would deliver a number of public benefits. This included the provision of an open-air heated pool,

sauna, plunge, treatment rooms, alcohol free cafe and wellness facilities, accessible to anyone who wanted to use the facilities. The facilities would be partly open and partly enclosed. A representative of the applicant confirmed that the facilities would be open to the public at affordable prices.

- That the applicant is committed to employing local people. Whilst the requirement to secure this as a condition only applies to major developments - the applicant was happy to commit to this. However, the Committee did not vote to secure this condition of the development.
- Compliance with the Local Plan water space policies. Whilst noting these comments, it was considered that the development complied with the policy in a number of ways given: the water related use, the biodiversity enhancements, and the merits in terms of enhancing enjoyment of the water space.
- The view was however expressed that the loss of water space was quite significant and due to the exclusive nature of the facility, many people would no longer be able to enjoy the water.
- It was also noted that The Council's Environmental Officer and the Canal and Rivers Trust have considered the application and they would have taken into account any issues regarding the impact on the water. They had not raised any objections, subject to the conditions.

On a vote of 4 in favour and 2 against the Committee **RESOLVED:**

1. That planning permission is **GRANTED** at Mooring at West India Dock North, Hertsmere Road, London, for the following development
 - Proposed mooring of barge, with an attached floating garden, providing a spa facility comprising an open-air heated pool, sauna, plunge, treatment rooms, alcohol free cafe and wellness facilities.
2. Subject to the conditions set out in the report, the amended conditions in the update report and the following reported at the Committee meeting:
 - opening hours condition should read 7:00 to 21:00 Monday to Saturday.

6. **OTHER PLANNING MATTERS**

There were none.

The meeting ended at 9.00 p.m.

Chair, Councillor Abdul Wahid
Development Committee