

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE - 10th May 2017

UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND BUILDING CONTROL

Agenda Item no	Reference no	Location	Proposal / Title
4.1	PA/16/01081	Balmoral House, 12 Lanark Square, E14 9QD	Erection of three additional storeys to the existing building to create nine new residential units (4x1 bed, 3x 2bed, and 2x 3bed) plus external amenity space, associate refuse storage and secure cycle parking.

1.0 ADDITIONAL REPRESENTATION

1.1 Since the publication of the committee report, the Council has received two additional comments. One is a new comment, and one is from a previous objector. The following points are raised:

- Nuisance from Construction noise
- Affordable housing requirements
- The application properties are already being marketed

1.2 The above issues have already been addressed within the main report.

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/16/03535	106 Commercial Street, E1 1JZ	Conversion of warehouse building (use class B1/B8) to fine dining food market (restaurant: use class A3).

1.0 CONSULTATION UPDATE

- 1.1 Since the publication of the committee report, the Council has received further representations, and as of midday today the Council has received a total of:

63 objections
27 letters of support
147 signature petition

- 1.2 It is noted that some of the signatories of the petition have also made individual objections. No additional matters have been raised that have not already been considered within the report to the committee.

2.0 FURTHER INFORMATION AND CLARIFICATION

Design and Conservation

- 2.1 Residents raised concerns with the removal of the original slate roof materials.
- 2.2 For clarity, the proposal includes the removal of the roof slates and waterproof layer, with the addition of insulation layers and a metal roof which sits on top of this original roof. The proposal will maintain the original roof form and shape, and is considered to be a reversible intervention which could be removed should the proposal cease to operate.
- 2.3 On balance, the proposal is considered to preserve the character and appearance of the Brick Lane and Fournier Street Conservation area pursuant of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 2.4 In this case, the amendments to the roof are not considered to cause harm to the conservation area. The conservation benefits of the proposal are considered to be restoration, and bringing back in to viable use, a building which makes a positive contribution to the conservation area. Furthermore, the proposal includes the retention of original internal features, which would be open to the public to view allowing a greater appreciation of borough's heritage in this area. Primarily the dis-benefit, in conservation terms, is the replacement of slate with aluminium at roof level however, it is noted that, this roof is seldom visible from the public realm and only from some upper windows within the land-locked urban block the application site sits within.

Brick Lane Town Centre

- 2.5 Officers liaised with the LBTH Brick Lane Town Centre Manager (Place Directorate) regarding potential impact of the proposed development on the Brick Lane town centre and the following issues were raised:
- The proposal will compete with Brick Lane and Hanbury Street;
 - The night time economy is unsuccessfully managed at the moment;
 - Increase in people to the area will result in more ASB in the area which is already a hotspot;
 - The high streets team are looking to make changes to the public realm and reduce the number of deliveries to tight roads in the area;

- Risk of noise pollution;
 - Proposing to develop the night time economy for a wider use including leisure and away from solely food and drink to attract a wider demographic of visitor to the area;
 - Risk of overcrowding to Spitalfields area;
- 2.6 Most of the planning considerations arising from these issues are considered within the Officer report but further detail is provided below.

2.7 Measures to prevent anti-social behaviour (as agreed by the applicant),

- limiting site capacity;
- patrol personal and security staff;
- dispersal policy including staggering closings of stalls;
- noise controls noise from within the building;
- non-disposable cutlery or crockery to reduce the potential for littering; and
- last service at 11pm, and venue closes at 11:30pm. No late night operations proposed.

2.8 In light of the above measures, while there is evidence of anti-social behaviour surrounding the site, it is not anticipated that this application would exacerbate the issues given the measures put in place by the applicant and conditioned as part of the permission. On balance, the proposed development is still considered to comply with London Plan (2016) policy 7.3 and local plan policy DM23.

3.0 RECOMMENDATION

3.1 Officer's recommendation is changed to GRANT planning permission subject to the prior completion of a legal agreement and conditions and informatives.

3.2 The prior completion of a **S106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- (a) Contribution of £166,500 towards Crossrail (Mayor of London 'Crossrail Funding SPG' 2016)

Non-Financial Obligations:

- (a) A minimum of 6 apprenticeships to be delivered during the operational phase of the development.
- (b) Secure a minimum of 20% of the operation phase workforce who are local residents of Tower Hamlets utilising LBTH workplace initiatives.

3.3 That the Corporate Director of Place is the delegated power to negotiate the legal agreement indicated above acting within normal delegated authority, and if within three months of the resolution the legal agreement has not been completed, the Corporate Director is delegated power to refuse planning permission.

Agenda item no	Reference no	Location	Proposal / Title
5.2	PA/16/01798	Millwall Outer Dock, London, E14 9RP	Erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure.

1.0 ADDITIONAL REPRESENTATION

1.1 Since the publication of the committee report, the Council has received additional comments from a previous objector which raise the following points:

- We do not consider that the rights sets out in the head lease which allow for 'repair and maintenance' extend to allowing for the servicing of the proposed residential mooring facility.
- The adjacent data centre will operate 24 hours a day, 7 days a week and given that barges will not have the same level of sound insulation as traditional residential properties it is considered that the proposal would lead to the creation of a sub-standard residential environment which would then impact on the operation of the adjacent data centre.

1.2 Officers have taken legal advice in relation to the first point following the publication of the main report. It has been viewed that this matter would be for the two parties to resolve legally and privately, and therefore there is a need to consider whether other servicing route is likely to be suitable in planning terms in event that an access cannot be obtained to and from Greenwich View Place. As it has been mentioned in the main report, alternative approach for CRT's refuse collection operative to service the application site would be via Muirfield Crescent and Pepper Street. The applicant have stated that the vehicle would park on the CRT land on the Dockside walkway, and the CRT staff or the contractor would walk south to the moorings and collect the refuse wheelie bins. It has been made clear that the temporary vehicle parking area is large enough for a flatbed truck whilst still allowing pedestrians to walk around the vehicle. The area is also secured by a chain and CRT lock and therefore it is not likely that unauthorised vehicles would occupy the space when it would be need for servicing.

1.3 Given that refuse would be collected privately by CRT's operative and there is already a collection of refuse bins along the Dockside walkway by CRT, officers are content that servicing of the site can be carried out without the need to rely on access to and from Greenwich View Place for the proposal to be acceptable in planning terms. Securing the site access through a planning condition is already mentioned in the main report.

1.4 In relation to the second point, this has already been addressed in the main report.

2.0 RECOMMENDATION

2.1 Officer's recommendation remains to GRANT planning permission subject to the conditions and informatives set out in the committee report.