

LONDON BOROUGH OF TOWER HAMLETS

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| Agenda Item number: | 6.1 |
| Reference number: | PA/11/2220 & PA/11/2221 |
| Location: | London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London |
| Proposal: | Demolition of Whites Row Multi Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street façade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works together with a new pavilion building for retail accommodation (Use Class A1). |

1.0 Clarifications

- 1.1 In paragraph 3.1 of the report, the contribution for indoor leisure should read £101,147 rather than £101.47
- 1.2 In paragraph 3.1 & 9.141 of the report, the contribution towards Crossrail is £2,026,716 and not £2,111,198 as previously stated.
- 1.3 In paragraph 4.8 of the report, the office building would be set 4m behind the retained façade not 2.5m.
- 1.4 In paragraph 5.3 there are approximately 60 businesses in the building (not 61 small businesses on the site).
- 1.5 In paragraph 8.10, the scheme would provide 182 cycle spaces and not 180 cycle spaces. The proposal makes provision for 50 racks provided in a 2 tiered parking system and 41 Sheffield stands. It is proposed to provide nine Sheffield stands for visitors Sheffield stands for visitors adjacent to the main building access along Brushfield Street. This would provide 18 cycle parking spaces. Agreement of the details of the cycle parking spaces would be reached through consultation with LBTH Highways during the s278 process.
- 1.6 In paragraph 9.2, it should be noted that the existing building's lawful use is unrestricted Class B1 offices together with the bank, public house and private medical facility. The original planning permission for the building does not restrict the floor plate size or require it to be used for small and medium enterprise (SME) accommodation.
- 1.7 In paragraph 9.12, the report should note that The City of London has been operating the building on the basis of low rents rather than subsidised.

2.0 Localism Act (amendment to S70(2) of the TCPA 1990)

- 2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15 January 2012, Parliament has enacted an amended section 70(2) as follows:

- 2.2 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
- 2.3 Section 70(4) defines “local finance consideration” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 2.4 In this context “grants” might include:
- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
 - b) Regional Growth Funds;
 - c) New Homes Bonus;
 - d) Affordable Homes Programme Funding.
- 2.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 2.6 *(Officer Comment: Officers are satisfied that the current report to Committee has regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements).*
- 2.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.
- 2.8 The Community Infrastructure Levy is not applicable to this application as the Crossrail contribution which would be secured in the S106 Agreement would offset this requirement)
- 3.0 Removal of the ‘Pavillion’ part of the scheme**
- 3.1 Should Members raise concern over proposed pavilion building, the applicant has confirmed in writing that he would be prepared to enter into a unilateral undertaking not to construct this element of the proposal and to increase the level of open space proposed as part of the scheme (specific to the south west corner of the site). Furthermore, the applicant has confirmed that prior to commencement of

development, he will submit and have approved alternative design details for the open space and area where the 'pavilion' is currently proposed. This will require approval of the boundary detailing in this area and landscaping proposals and the agreement to bespoke management arrangements.

- 3.2 This unilateral undertaking would be separate from the S106 Agreement but linked to the planning permission.

4.0 City of London

- 4.1 City of London have written to the Council to advise that they are working closely with the current tenants who occupy the London Fruit and Wool Exchange building to relocate them to other buildings in the Borough and/or to buildings within neighbouring boroughs.

- 4.2 The City advises that it works closely with the Council to provide assistance to Tower Hamlets residents in providing training, employment and business advice.

5.0 Additional representations received

- 5.1 Since the publication of the committee report,

2 letters and 1 petition(s) with 68 signature in support have been received
34 letters and 1 petition(s) with 242 signatures in objection have been received.

- 5.2 In summary, the following comments in opposition to the scheme have been received from local residents and organisations including Precious London; Spitalfield Community Group; The Spitalfields Historic Buildings Trust:

- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for this prominent and sensitive setting;
- Lack of street activity within the ground floor of the elevations
- The pedestrian route through the building is incidental and overdeveloped
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation
- The proposed restaurant use at ground floor level would have an adverse impact on surrounding residential amenity.
- Lack of meaningful public consultation with residents prior to submission.
- The new design fails to seize the opportunity to preserve and re-invigorate the historic urban fabric of Dorset Street
- The development would result in the loss of a historic air raid shelters in East London, located in the basement of the existing building.
- The Pavillion building could be considered out of place, awkward, incongruous and forced.
- The proposal fails to preserve or enhance the mix of uses in Spitalfields.

(Officer Comment): Officers have considered all of the above matters and the detailed comments received in the assessment of the application. However, it is considered that the proposal provides a development of high quality design which would have a positive impact on the surrounding locality.

- 5.3 Supporting comments

- The retention of the building's façade would retain the character of Brushfield Street while new public spaces would enhance the area.
- The proposal would bring more employment to the area.
- The development would release funding for local environments improvements in the area.
- The proposal provides a vast improvement on the existing building and car park and would provide amenities for local residents and is more in keeping with the surrounding area

(Officers comment: Officers concur with the comments above).

5.4 Some suggested changes

- Relocate the Gun Pub over to the diagonally opposite corner on Whites Row/Commercial Street).
- Extend the excavation down to a second basement to provide additional floorspace for SME's and commercial uses.
- The location of retail elements should be contained on Brushfield Street Commercial Street and Crispin Streets. White's Row should remain small SME's and possibly residential.
- The scheme should provide a mix use residential development.

(Officers comment: The above and all others suggested changes were considered in the assessment of the application. However, it is considered that the proposed scheme is well designed and would have a positive impact for the area).

5.5 All representations received are available to view at the committee meeting upon request.

6.0 **RECOMMENDATION**

6.1 The recommendation remains unchanged subject to the amending the financial contributions for indoor leisure facilities and Crossrail in accordance with paragraphs 1.1 and 1.2 of this report.