



Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 31 May 2012 at 7.00 p.m.

UPDATE REPORT

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Agenda Item 9.3

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

31st May 2012 at 7.00 pm

ADDENDUM REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal
8.1	PA/11/02220 and PA/11/2221	London Fruit and Wool Exchange (LFWE)	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 facade 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).
9.1	PA/11/03824	Orchard Wharf, Orchard Place	<p>Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>

LONDON BOROUGH OF TOWER HAMLETS

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. CLARIFICATIONS

- 1.1 Paragraph 6.2 of the report, sixth bullet point should read Contribution to borough indoor leisure facilities £101,147

2. ADDITIONAL REPRESENTATIONS

- 2.1 Since publication of the update report, the Council has received the following additional representations:
- 2.2 One letter local resident withdrawing their previous objections to the proposals and citing the regeneration benefits of the scheme.
- 2.3 One letter from a local resident citing regeneration benefits of the scheme and stating that the views of the Spitalfields Community Group views are not representative of the entire local community.
- 2.4 Three letters of support for the scheme citing design, regeneration benefits and employment opportunities.
- 2.5 Letter from Spitalfields Society re-confirming their support and noting additional benefits from increased SME space, provision of the employment and skills centre and other initiatives to promote local employment and training.
- 2.6 Letter from potential future tenant of the main office space confirming their interest in occupying the scheme if permitted.
- 2.7 Letter from proprietor of the Gun Public House confirming their support for the scheme.
- 2.8 Two letters from local residents raising the following points:
- Environmental Statement has not correctly identified the proposed conversion of 1 Whites Row from commercial to seven residential

apartments as “sensitive residential properties). Planning permission was granted in 2010 (PA/10/01842) and the flats are due for occupation in August 2012. This property and other residential properties would overlook the proposed public space on the south west corner of the site. The impact has therefore not been properly assessed.

- The officer recommendation has not properly assessed the historic significance of the site and the relationship to heritage assets including listed buildings.

2.9 Letter from Spitalfields Community Group confirming that their objections stand and raise the following points:

- no integration of housing of any kind within the development,
- no attempt to address the issues raised by the demolition of the Gun pub, the subsequent impact on the character and appearance of the Conservation Area and the loss of Dorset Street continues to be ignored.
- Proposals in relation to jobs are mainly promises and targets, which may or may not prove capable of fulfilment.

3. ADDITIONAL MATERIAL FROM THE APPLICANT

3.1 The applicant and their agent have provided the following comments which seek to respond to issues raised through community consultation and made at the previous SDC meeting:

3.2 Exemplar has serious concerns with regard to the general principles and design approach of the alternative scheme. Exemplar consider the scheme to be a wholly unrealistic and undeliverable proposition which cannot be given any credible weight in the decision making process.

3.3 Comments were made at the previous SDC committee regarding the enclosure of the south/west corner of the scheme. Exemplar would be prepared to accept a condition or clause in the legal agreement, requiring a detailed design solution for enclosure of the space to be submitted and agreed with the Council as part of the planning permission.

3.4 Comments were made at the previous SDC committee regarding the single large A3 unit on the south/west corner. A preference was expressed for smaller units in this location with a greater mix of commercial formats. Exemplar would be prepared to accept a condition or clause requiring detailed subdivision plans to be submitted and agreed with the Council and limiting the extent of A3 use in this location (thus allowing for a greater increase in A1 and A2 use classes).

3.5 At recent consultation meetings, issues surrounding public toilet facilities have been raised. It has been asked whether part of the public realm contribution could be put toward the refurbishment of public toilet facilities

close to the site. Exemplar would be happy for S106 monies to be directed toward this.

- 3.6 To assist in the management any issues arising from anti-social behaviour Exemplar are prepared to commit to covering the cost of an 'Enforcement officer' for 5 years with a budget of £250,000. The cost would be borne out through the service charge to the scheme but Exemplar are prepared for this commitment to be subject to a clause within the legal agreement.
- 3.7 Proposal for further consultation on the detailed architectural treatment of the Commercial Street elevation, the design and management of the public space and on commemorating the history of Dorset Street and the use of the basement of the LFWE as a World War II air raid shelter.

4. OBSERVATIONS

Third party representations

- 4.1 The Strategic Development Committee should note the additional comments and objections.

The alternative scheme

- 4.2 As stated in the report on tonight's agenda, weight cannot be attached to the alternative scheme as this has not been the subject of any public or statutory consultation and has not been submitted to the authority as a planning application.

The environmental statement

- 4.3 Advice has been sought from the Council's retained EIA consultants. The advice is summarized below.
- 4.4 The point to be addressed is that of the issue of the 'sensitive receptors' (7 residential apartments) at 1 White's Row not being identified within the EIA and whether this would have affected the outcomes of the EIA. The local resident has raised overlooking of the public space, location of restaurant units and security as comments on the overall design and operation of the proposals.
- 4.5 In terms of potential impacts upon the missed 'sensitive receptors', the following environmental aspects are relevant:
- 4.6 1 Whites Row lies between two residential receptors – one either side – that have been identified in the Environmental Statement.
- 4.7 Daylight and sunlight impacts – sensitive receptors are identified on either side of the residential block in question and the impacts upon all are likely to be similar. Whilst the impact might now affect another 7 units, however, this increase in numbers is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to D&S.
- 4.8 Construction impacts (noise/vibration/dust/local air quality) – These temporary impacts have been adjudged to be acceptable for neighbouring

sensitive receptors with appropriate mitigation, and therefore there is no reason why the same wouldn't apply to the residential block in question.

- 4.9 Views – the impact would be the same as surrounding properties and it is concluded that the conclusion is that it wouldn't be any worse than existing at this location in any case.
- 4.10 Lighting impacts – sensitive receptors are identified on either side of the proposed residential block in question and the impacts upon all are likely to be similar. Any impact might now affect another 7 units, however, this increase in receptor numbers is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to lighting.
- 4.11 Socio-economic impacts Changes to baseline in terms of capacity of local facilities may be changed to a very slight extent, but again, taking into account another 7 units is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to Socio-economic impact.
- 4.12 In conclusion, the omission of the application for residential development from the EIA has not materially altered the outcome of the EIA or the assessment of the application.

Enclosure of the public space

- 4.13 The proposed space at the south west corner of the site should be designed to encourage public access and support the key permeability of the site. Detailed design, lighting, landscape and boundary treatment would be the subject of planning conditions. Officers would not however support enclosure of this space as this would run contrary to the design strategy for the proposed development and to policies contained within the Core Strategy and Managing Development DPD. The concern relating to potential anti-social behaviour could be sufficiently addressed through the location of adjoining uses and management of the space, detailed below.

Location of restaurants

- 4.14 The ultimate distribution of Class A uses across the site can be dealt with via a planning condition, taking into account the most appropriate location for Class A3 restaurants. Furthermore officers recommend that a condition be included to restrict the use of the proposed unit on the south west corner of the site, overlooking the proposed public space to uses falling within Classes A1 (shops) and A2 (financial and professional services), in order to ensure that the space is sufficiently animated without resulting in potential harm through noise and disturbance to nearby occupiers.

Public toilets

- 4.15 The Council's Planning Obligations SPD does not include provision for improvement to local toilet facilities, The proposed heads of terms of the Section 106 Legal Agreement are set out in the update report., which include contributions relating to community facilities and heritage initiatives. Such contributions could be directed towards public toilet facilities if deemed appropriate.

Enforcement officer

- 4.16 The proposal could be controlled through a suitable obligation in the Section 106 legal agreement.

Further consultation on the detailed design matters

- 4.17 The Council will undertake further consultation on the submission of details of facing materials to be submitted to discharge planning conditions and take into account local representation prior to discharging such conditions.
- 4.18 Proposals for commemoration and interpretation of the historic use of the site as part of the on-going design development process are welcomed, could be incorporated into the landscape or building design and could be controlled through appropriate conditions.

5. RECOMMENDATION

- 5.1 As per the addendum report, subject to the following additional conditions and planning obligations:

1. Condition to restrict the use of units facing the proposed public space (south west corner) to uses within Classes A1 and A2 of the Use Classes Order.
2. Condition requiring detailed proposals to be submitted and agreed for the commemoration and interpretation of the historic development of the site, including Dorset Street and former air raid shelter.
3. Additional clause within the Section 106 legal agreement requiring the developer to fund provision of a dedicated “enforcement officer” to oversee the management of public spaces within the development.

Agenda Item number:	9.1
Reference number:	PA/11/03824
Location:	Orchard Wharf, Orchard Place
Proposal:	<p>Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>

1.0 FURTHER LOCAL REPRESENTATIONS

- 1.1 Since the writing of the main report, four additional letters of representation have been received, objecting to the proposed works. Officers consider the majority of comments raised which relate to neighbouring amenity, noise impacts and the impact of the proposal on the East India Dock Basin are addressed within the committee report and a copy of the additional representations are available to view this evening.
- 1.2 Concern has been raised with regard to the Committee report format. Principally this relates to the Hours of Operation condition which is proposed in paragraph 3.3, but no detail is provided in this particular section of the report. This is a standard approach taken to the listing of planning conditions. However the full restrictive hours of operation have been set out in paragraph 4.22 (Proposal) as Officers were aware of the sensitively around the operating hours.
- 1.3 Additionally it has been queried what measures will be imposed to control the times at which vehicles can access the site. Officers are aware that the HGVs/Cement mixers must be stored on-site overnight in accordance with the applicants Environmental Permit requirements. However in order to ensure there is no ambiguity with regard to vehicular access to the site outside of operation hours, it is proposed to restrict vehicular movements in accordance with the hours of operation at the site. These matters will be controlled by condition.

2.0 FURTHER STATUTORY CONSULTATIONS

- 2.1 On 24th May 2012, the Lee Valley Regional Park Authority (LVRPA) held a Committee Meeting to discuss the Orchard Wharf proposal. The LVRPA comments are outlined in paragraph 6.32 of the planning committee report. The LVRPA had initially concluded that any resolution to grant planning permission would be referred to the Secretary of State for his consideration under the Lee Valley Regional Park Act 1994.
- 2.2 Following the meeting with the Executive Committee at the LVRPA it was resolved that whilst the Park Authority would retain their objection, as the mitigation measures have now been secured for the East India Dock Basin, the Park Authority will not be referring the application, if granted consent, to the Secretary of State for consideration.

3.0 CLARIFICATIONS

- 3.1 Paragraph 7.1, Local Representation, has incorrectly stated that the application was publicised in the Evening Standard newspaper. The application was not publicised in the Evening Standard, the application was only publicised in East End Life newspaper in accordance with the requirements of the Statement of Community Involvement.
- 3.2 Some references have been made to the Managing Development DPD Proposed Submission Version January 2012. This was an error and all reference to the Managing Development DPD should be referenced as 'Managing Development DPD Submission Version May 2012'.

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