

**PLANNING COMMITTEE MEETING: 8<sup>th</sup> September 2011**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC  
REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-11-035-FUL	<b>DATE MADE VALID:</b>
<b>APPLICATION NUMBER:</b>	PA/11/00481/LBTH	<b>TARGET DATE:</b>

<b>APPLICANT:</b>	Surrey Vale LLP
<b>AGENT:</b>	Montagu Evans
<b>PROPOSAL:</b>	Temporary change of use from class B1/B8 industrial to sui generis hospitality venue including erection of temporary structures.
<b>LOCATION:</b>	Swan Wharf, Dace Road, London, E3

**1. SUMMARY**

- 1.1 The site is known as Swan Wharf, located at the eastern end of Dace Road on Fish Island. The area is currently a Strategic Industrial Location but is intended to be released for residential-led mixed use redevelopment as identified in Tower Hamlets' Fish Island Area Action Plan which has been through a 10 week consultation period which ended on 15<sup>th</sup> July 2011. The site is also located within the Fish Island Conservation Area which features industrial structures of varying age, architectural style and use.
- 1.2 The site itself is dominated by a three storey Victorian stable block and a mid-twentieth century warehouse extension. Within the site, a triangular courtyard contains various informal lean-to structures and a storage building. The site fronts the River Lea downstream of Old Ford Lock and has a direct viewline to the Olympic Stadium.
- 1.3 The application seeks planning permission for a temporary change of use to a sui generis hospitality venue for the duration of the Olympic and Paralympic Games. The capacity of the venue is proposed for up to 3750 people over a period from 0800 to 0400. Works to the buildings involve the restoration of historic structures and some works to facilitate new openings in buildings for access and viewing.
- 1.4 Although the proposed use falls within a Strategic Industrial Location and does not introduce compatible uses, the principle is considered to be acceptable. This view is based on the temporary nature of the scheme, the emerging policy for the area which releases industrial land use designation, and local and regional policies

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seeking to capitalise on the benefits of the Olympic and Paralympic Games.

- 1.5 The noise impact of the development has been analysed in detail as the nearest sensitive receptor site is a residential development located directly to the south of the scheme. Noise testing has been undertaken that confirms that the unmitigated operations of the venue would result in disturbance to residents of the adjacent development. Therefore, a range of mitigation measures are to be introduced to prevent disturbance. The noise levels following mitigation are to be agreed by condition.
- 1.6 Visitor access to the venue presents a challenge due to the already poor access onto Fish Island, both for private vehicles and public transport services. To assist in alleviating the transport demand generated by the Olympic and Paralympic Games, a river boat service is intended to stop at Old Ford Lock on a main route along the River Lea between Tottenham Hale and Limehouse Basin. The applicant has agreed to provide ticket holders to the venue with a return ticket on the river boat service. Additionally, the applicant has applied to British Waterways to provide a pontoon stop directly outside the venue.
- 1.7 Servicing of the site has also been carefully considered with the submission of a Delivery and Servicing Plan. At present, the site relies on servicing directly from Dace Road. The proposal will involve smaller vehicles than have been used for the site in the past and therefore the site is capable of being serviced on site. However, in the event that larger vehicles are required, the former servicing arrangement from Dace Road will be required. This would be infrequent and the hours of servicing are to be restricted by condition to early morning.
- 1.8 The site's location within a conservation area has required special attention. The physical works to the site involve restoration of bricked up windows and soft stripping of original features. However, a number of new openings into the buildings are required for access and viewing purposes. Although the buildings are not listed, the applicant has agreed to restore these alterations to their original condition following cessation of the use. Overall, the physical works to the site are considered to preserve and enhance the setting of the conservation area.
- 1.9 The application is recommended to be approved, subject to the conditions listed in section 11 of this report.

## **2. SITE AND PROPOSAL**

### Site

- 2.1 The site is known as Swan Wharf and is located at the eastern termination of Dace Road on Fish Island. The site is broadly triangular in shape and occupies an area of 2,458sqm. Dace Road forms the northern boundary of the site and the River Lea the eastern boundary. To the south is a car parking area for the adjacent site. A site plan is provided at Appendix 1.
- 2.2 Fronting Dace Road is a three storey brick Victorian building originally used as a stable block and later used as a wharf building. A four storey concrete frame and brick infill building of mid-Twentieth Century era fronts Dace Road at the River Lea end of the site. Within the site is a triangular courtyard that is framed to the south by buildings on the adjacent site and to the east by the River Lea. Within the courtyard

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are various lean-to structures and a single storey storage structure. The site contains no listed buildings or structures. At the time of the submission, the site was occupied by a furniture manufacturer, however it is understood that this tenant has now vacated the site. Plans and elevations of the existing site conditions are provided at Appendix 2.

- 2.3 The site falls within both a Strategic Industrial Location and the Fish Island Conservation Area. Land uses in the immediate area are dominated by small scale industrial operations ranging from single storey buildings with attached yards to four storey Victorian brick warehouse buildings. The exception to this built form is the Formans Smokehouse Gallery to the north, which is used as a restaurant and function centre linked to the fish processing use. To the south of the site is a part seven, part nine storey live/work scheme known as the Iron Works. This development contains 77 live/work units and six office units. On the eastern side of the River Lea is the Olympic Park and most notably the Olympic Stadium some 150 metres further to the east.
- 2.4 Access to the site is poor by all means of transportation. Although the area has been designated as an Industrial Employment Area since the adoption of the 1998 Tower Hamlets UDP, the street network is narrow, heavily parked and in poor repair. The A12 runs in a north-south direction to the west of the site however access to this major route is via a convoluted series of back streets. Public transport access to the site is similarly poor, with no underground or mainline train services nearby and relatively infrequent bus services.
- 2.5 In addition to the local road network, pedestrian and cycle access to the scheme is achieved via the Greenway to the south and via a footbridge crossing of the River Lea at the Old Ford Locks located at the end of Dace Road. The Greenway route connects Victoria Park to the west through to Pudding Mill Lane DLR to the south east. During the Olympic Games, the Greenway will form a western access to the Olympic Park.

### Proposal

- 2.6 The application seeks temporary planning permission for a hospitality venue for visitors to the area during the Olympic and Paralympic Games. The temporary period sought is nine weeks.
- 2.7 The Victorian stable block is proposed to be a mixture of restaurant and bar areas over all three storeys. Within the courtyard, a two storey temporary marquee occupying 460.9sqm ground floor and 302.4sqm first floor is proposed to be erected to serve as a nightclub venue. The marquee is intended to be a bespoke structure of canvas and clear plastic.
- 2.8 Physical works to the site involve the clearance of dilapidated lean-to structures within the central courtyard and the removal of a single storey structure. The bricked up windows in the Victorian stable block will be reinstated and any original features of the building are to be revealed. The Twentieth Century building is intended to be altered to create new windows which will offer views over the Olympic Park. A two storey steel framed structure on the eastern end of this building will also be restored for additional seating.

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2.9 The venue is proposed to have a capacity of 3,750 patrons served by 340 staff at any one time and it is expected that the venue will attract a maximum of 6,470 visitors per day. The venue is split into bar and hospitality areas depending on the floor and is as follows:

Floor	Bar	Hospitality	Total
Ground	1690	0	1690
First	1000	450	1450
Second	0	450	450
Third	0	160	160
Total	2690	1060	3750

2.10 The hospitality use is intended to run from the 20<sup>th</sup> of July 2012 to the 16<sup>th</sup> of September 2012. A period of occupation for the preparation and restoration of the site is anticipated to run from the grant of planning permission to the 31<sup>st</sup> of November 2012.

### 3. MAIN ISSUES

- Principle of the development
- Access
- Noise
- Heritage

### 4. RELEVANT SITE HISTORY

4.1 In November 2002, an application (PA/02/01754) was lodged for the following:

*“Demolition of the existing four storey office block and 3 timber/steel and brick buildings and sheds. Retention of the existing three-storey ‘stable block’ fronting Dace Road and its conversion into 6 Class B1 office units. Erection on the remainder of the site of a five-storey building fronting Crown Wharf and a six-storey building fronting the River Lea for use as 4 Class B1 office units and 16 live/work units.”*

4.2 It is understood that Tower Hamlets planning committee resolved to grant planning permission on 16<sup>th</sup> July 2003, subject to the satisfactory completion of a S106 agreement. The S106 was not completed and in 2007 the application was closed without permission being issued.

### 5. CONSULTATIONS/NOTIFICATIONS

#### London Borough of Tower Hamlets

5.1 The Borough has written to the Corporation stating that the proposal is acceptable in principle but that it does have some concerns.

- 5.2 The site's location within an area of very poor transport accessibility has been highlighted, particularly the lack of public transport accessibility. There are concerns that guests would rely on private hire vehicles and shuttle buses in arriving and leaving the venue, which in turn may lead to Fish Island being limited in its ability to function as an industrial location through increased traffic congestion. There are also concerns that increased traffic would lead to noise and disturbance to nearby residents. Questions have also been raised as to whether full vehicular access will be available to the A12 during the Games period with Olympic Road Network being in place.
- 5.3 Tower Hamlets are not convinced that the applicant's reliance on river boat services as a primary means of transport will overcome the problems they predict. A Grampian condition has been proposed that will prevent the operation of the use until the water taxi service is operational. The Borough suggests that this should be expanded to include reference to 'high frequency, 24 hours service'. Officers consider that it would be reasonable to word the condition to cover the opening hours of the use only - see condition 4 in section 11 below.
- 5.4 The Borough has also expressed concern with the water taxi service itself with regard to its overall capacity, the noise and disturbance caused to residential properties along its route up to 4am, and the impact of passengers disembarking at Limehouse Basin near residential areas particularly after the train and DLR services have ceased for the night. In terms of the water taxi capacity, it is intended that additional services will be chartered to accommodate the after hours patrons of the venue. A ticketing system will also ensure sufficient services are in place during the peak operating times. This is discussed in more detail in section 9 of this report. The service's impact on residential amenity further away from the site is a separate matter than the consideration of this temporary use, as the water taxi service will be operating whether the use is implemented or not.
- 5.5 The Borough has also highlighted an outstanding appeal to the Secretary of State relating to the mooring of water taxis in Limehouse Basin. The appeal is against Tower Hamlets' refusal to issue a certificate of lawful development on the grounds that the moorings are not Permitted Development as they would constitute EIA Development. On this basis, Tower Hamlets claims that the service is not guaranteed to be able to operate during the Games. However, dismissal of the appeal would be on the basis that the mooring of water taxis is not permitted development, which is a technical legal issue not a decision on planning merits. It would therefore not indicate whether the water taxi service is acceptable or unacceptable were an application for planning permission to be made - supported by an ES if necessary. In any case, and as stated earlier, a Grampian condition is to be imposed such that the temporary use cannot commence until the water taxi is fully operational.
- 5.6 The Borough also claims that the appeal scheme only shows six moorings so therefore the service will not be able to operate the full complement of 27 boats. The operators of the water taxi service have confirmed that they have the necessary licences from British Waterways to moor all 27 boats at various locations.
- 5.7 Tower Hamlets have requested conditions to secure 40 cycle stands in addition to the 40 already provided within the site. The applicant has provided an analysis of

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cycle parking demand for the site, which concludes that there would be 59 cyclists drawn from amongst guests and staff. Although this demand is above the number of stands provided on site, the applicant has confirmed that storage also exists in the warehouse buildings on the northern side of Dace Road. Should demand exceed the supply of stand within the site, staff will be asked to use the warehouse storage for their cycles. Further details of this overspill arrangement will be contained in the Travel Plan secured by condition 5.

5.8 Concerns have also been expressed with regard to the noise generated by the proposed use. However, condition 6 relating to the control of sound levels has been found to be acceptable to the Borough's Environmental Health Officer.

5.9 The hours of use have also been queried by Tower Hamlets. It is the Borough's view that the venue should be closed at 11pm rather than 4am. The earlier closure time is considered to be more compatible with public transport operating time and will reduce the impact upon neighbouring residential properties. The applicant has responded and is of the opinion that given the conditions to be imposed on the temporary use, the earlier closure time would not be necessary. However, it has been acknowledged that visitors to the venue do have the potential to cause disturbance on the street when entering and leaving. To alleviate this disturbance, a Door Management Policy has been provided that seeks to manage the arrivals and departures to and from the venue, the riverboat moorings, the surrounding area and the organisation of taxis and shuttle buses. The applicant has also stated that closing the venue at 11pm would render the operation financially unviable as Games visitors leaving the Olympic Park would not have sufficient time to visit the venue. As a compromise, a closure time of 2am has been offered. The door policy coupled with the earlier closure time is considered to be reasonable by officers and these matters have been secured by condition - see conditions 6 and 9.

#### Olympic Delivery Authority

5.10 The ODA has no objection to the principle of the development but has highlighted a number of concerns regarding the potential impact the temporary use may cause.

5.11 In terms of the principle of the development, the ODA considers that the scale of the new structure is generally compatible with the scale of the existing buildings on site and in the surrounding area and as such is not considered to be overly dominant. Although the proposed use is contrary to the site's industrial designation, the ODA does not object to a suitably scaled temporary structure providing hospitality service provided that the structure is removed and the use ceased after the Games.

5.12 Concern is raised by the ODA in relation to the potential impact of the development on the local highway network. A number of specific queries have been raised in relation to the submitted Transport Assessment which may give rise to detrimental impacts on the making of proper preparations for the Olympics. In particular, the supporting information was not considered to accurately forecast the likely impacts by underestimating the number of guests, understating the taxi and pool car use and the scale of the shuttle bus operation. A supplementary package of information was submitted by the applicant and is discussed in greater detail in Section 9 of this report.

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5.13 The ODA has also highlighted the London Olympic Games and Paralympic Games (Advertising and Street Trading) (England) Regulations 2011 which are currently out to consultation. These Regulations are intended to control advertising in and around the Games.

5.14 Details of the construction operations have also been requested to ensure that construction activity will not disrupt the movement of construction or operational traffic related to the Olympic Park.

#### London Organising Committee of the Olympic Games

5.15 LOCOG have identified the western access point to the Olympic Park located on the Greenway as being physically constrained to a three metre wide footpath. As a result, LOCOG are concerned that the proposal will put pressure on the capacity of the access, particularly in the mornings, leading to unacceptable queuing times into the Olympic Park.

5.16 In response to these concerns, the applicant has provided crowd modelling information on spectator demand at the western entrance. This shows that the entrance will have spare capacity throughout the day with the exception of a 45 minute period between 0845 and 0930 and an hour period between 1500 and 1600. Modelling of the development proposal has also been undertaken that shows the baseline and reserve capacity of the western entrance can accommodate the proposal, with the exception of the hour 0900 to 1000 where a minor excess demand will occur. The applicant intends to overcome this minor excess demand by provided gate status updates to patrons of the venue.

#### Environment Agency

5.17 The EA initially objected to the proposal on three grounds: First; that the submitted Flood Risk Assessment was inadequate in that it did not comply with the requirements set out in PPS25. Second; that the applicant had not provided any evidence that the risk to nature conservation from the proposed development had been assessed and addressed satisfactorily. Third; that the applicant has failed to restore the ecological value of the River Lee Navigation.

5.18 With regard to the first area of objection, the applicant liaised directly with the EA who later confirmed in an email dated 10 June 2011 that should an emergency plan containing accurate flooding information (including depth, hazard, time to onset of flood, warning, etc) to enable an emergency planning team to make an informed decision, the EA would be in a position to remove their objection. The realistic implementation of such an emergency plan is secured by planning condition - see condition 9.

5.19 Although the second and third objections are both valid areas of concern, the temporary nature of the development creates an issue of what can reasonably be asked of the developer. With regard to the risk to nature conservation, officers consider that the temporary time period of the development coupled with the nature of the development itself will not lead to any harm to the natural environment of the River Lea. Additionally, the conditions listed in Section 11 of this report include measures that will ensure the natural environment is protected during the nine week use.

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5.20 The EA's request for the restoration of the ecological value of the River Lea at this location is unreasonable given the temporary nature of the use and the intention to use the site frontage as a landing stage for water taxis.

#### British Waterways

5.21 British Waterways has no objections to the proposed use and welcomes such waterside uses. However, several key observations are also noted in the response.

5.22 Firstly, a query was raised as to the extent of the frame overhanging the river and whether this will be used or not. This frame is to overhang the river at second and third storey levels. The applicant is to be made aware of British Waterways licensing requirements by way of an informative.

5.23 British Waterways also comment that it is highly unlikely that visitors to the proposed development will be able to access the site via the tow path as the privately owned bridge across Old Ford Lock will be restricted due to the numbers of people using Old Ford as a drop off point for boat trips.

5.24 It has been suggested that the applicant consider a landing stage for water taxis to access the site directly. The applicant has submitted plans to British Waterways for a pontoon to be attached to the river wall.

5.25 A number of offsite improvements have also been recommended, including the improvement of Dace Road environs, landscape improvements to Old Ford Lock and investment in pontoon infrastructure. As mentioned earlier, plans for a pontoon have been submitted to British Waterways for approval. Off site works towards the other environmental improvements have not been proposed.

5.26 Five conditions have been requested by British Waterways and relate to the following:

- A survey of the condition of the river wall
- A risk assessment and method statement for works adjacent to the water.
- Full details of proposed landscaping
- Proposed details of lighting and CCTV
- A feasibility study of the movement of material by water.

5.27 The condition requiring details of landscaping will not be imposed as no landscaping is proposed for the scheme. Otherwise, the remaining conditions are considered to be reasonable and can be found in Section 11 of this report.

#### English Heritage

5.28 English Heritage has responded in relation to the conservation area consent (to be determined by Tower Hamlets). However these comments are considered to be relevant to the determination of this application as the conservation area consent only involves the demolition of the lean-to structures and storage building. The concern from English Heritage is centred on the works to the early Twentieth Century element of the scheme which involve the creation of new openings to the Olympic Park. The heritage implications of this scheme are discussed in greater detail later in this report.

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### Transport for London

5.29 TfL's comments are centred around the pedestrian conditions surrounding the site and seek improvements to area lighting and walking environs. Passing reference is made to the Transport for London Road Network and that measures along Stratford High Street may impact upon shuttle bus operations.

## **6. APPLICATION PUBLICITY**

Neighbour Notification: 24 March 2011

Consultation Expiry: 14 April 2011

## **7. REPRESENTATIONS**

7.1 A total of 117 adjoining occupiers and neighbouring residents were consulted on the application. One objection to the proposal was received, which was lodged on behalf of the Association of Ironworks Residents (AIR) who represent 25 residents of this development. The areas of objection and the officer response are detailed below.

Individual Comment	Response to Comment
<p>1. Hours of operation:</p> <p>The operating hours of between 0700-0400 every day is not compatible with residential amenity</p> <p>2. Noise</p> <p>The proposed noise control measures taken at Flat 40 are misleadingly low. There is a lack of evidence of noise reduction measures up to 2300. No detail of additional measures will be taken to ensure that music noise will not be audible after 2300.</p>	<p>1. It is proposed that the external areas will be closed at 2300 every night as is often seen in pubs and nightclubs throughout London and that the use must cease altogether at 2 am. These matters will be secured by condition.</p> <p>2. While it is acknowledged that Flat 40 is not the nearest residential unit within the Ironworks development to the venue, the sound levels and mitigation will be tested in order to comply with the relevant guidance and controls. This is to be secured by condition in consultation with Tower Hamlets Environmental Health Officers.</p>

## **8. RELEVANT PLANNING POLICY**

### 8.1 Central Government Guidance

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPS5 Planning for the Historic Environment  
PPG13 Transport  
PPS24 Noise

### 8.2 The London Plan (2011)

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2.4 The 2012 Games and their Legacy  
2.17 Strategic Industrial Locations  
4.6 Support and Enhance the Provision of Arts, Culture and Entertainment  
6.3 Assessing Effects of Development on Transport Capacity  
6.9 Cycling  
6.10 Walking  
6.11 Smoothing Traffic Flow and Tackling Congestion  
7.8 Heritage Assets and Archaeology  
7.15 Reducing Noise and Enhancing Soundscapes  
7.25 Increasing the Use of the Blue Ribbon Network for Passengers and Tourism  
7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use  
7.30 London's Canals and Other Rivers and Waterspaces

8.3 The London Borough of Tower Hamlets Unitary Development Plan 1998

DEV29 Changes of Use in Conservation Areas  
DEV47 Development Affecting Water Areas  
DEV50 Noise  
EMP1 Encouraging New Employment Growth  
T15 Location of New Development  
T16 Traffic Priorities for New Development  
T17 Transport Planning Standards  
T21 Pedestrian Needs in New Development  
T24 Cyclists' Needs in New Development  
T26 Use of the Waterways for Freight  
ART1 New Entertainment Facilities  
ART3 Use of Vacant/Short Life Property  
ART10 Encouraging Visitor Facilities  
U3 Flood Protection Measures  
U6 Consultation with the Environment Agency

8.4 The London Borough of Tower Hamlets LDF Core Strategy 2010

SP06 Delivering Investment and Job Creation  
SP08 Improvements to Public Transport Offer  
SP10 Heritage Assets

8.5 Draft Fish Island Area Action Plan DPD

## **9. ASSESSMENT OF MAIN ISSUES**

### Principle of the Development

9.1 Under the adopted regional policy context, Swan Wharf sits broadly within a Strategic Industrial Location. The London Plan policy 2.17 sets out a plan-led approach to the strategic management of industrial capacity and therefore for a more specific indication of the SIL boundary and industrial capacity, the local policy context provides relevant guidance.

9.2 Tower Hamlets Core Strategy identifies Fish Island as a placemaking area where significant opportunity for regeneration is identified given the substantial investment in the Olympic Park and associated facilities. More specifically, the site is identified

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as being within 'Fish Island Mid' where conservation and heritage-led renewal promoting a mix of uses including residential, workshops, light industry and enterprise space is envisaged. A draft Fish Island AAP has recently been through the first stage of consultation and supports the Core Strategy's objection of de-designating SIL in favour of mixed use development.

9.3 Although the hospitality uses do not deliver the industrial or employment uses envisaged in London Plan SIL policies, the recently adopted local Core Strategy and emerging AAP policies seek to release this SIL designation in favour of mixed development taking advantage of the benefits delivered with the Olympic and paralympic Games and their legacy. Furthermore, policy 4.6 of the London Plan refers to provision of cultural and entertainment facilities with paragraph 4.32 confirming that London's cultural offer should extend to the opportunities created beyond central London, for instance at the Olympic Park.

9.4 Given that Tower Hamlets LDF is not at this stage complete, guidance may be found in policy EC.11 of PPS4 which advises on the determination of planning applications for economic development not in accordance with an up to date development plan (though clearly Tower Hamlets Core Strategy is adopted). This states that local authorities should weigh market and other economic considerations against social and environmental information; take into account longer term benefits such as job creation; and consider whether the proposal helps to meet wider objectives in the development plan. Officers consider that these criteria are met given that the use brings a vacant site back into effective use, create jobs and clear the site of redundant buildings while also restoring historic structures, thereby assisting in preparing the site for more permanent development following the period of use.

9.5 In consideration of the area's shifting land use focus, the proposal's capitalisation on the Olympic and paralympic Games and that the land use change is for a defined temporary period, the proposal is considered to be acceptable in principle.

#### Noise Impact

9.6 PPG24 provides guidance on the assessment of noisy development in the context of noise-sensitive receptors. Paragraph 22 of Annex 3 makes specific reference to the assessment of noise from recreation and sporting activities, highlighting 'open air pop concerts' as falling under this area of consideration. This category is considered the closest to the proposed use. In this section, reference is made to the balancing exercise that local planning authorities must make between the enjoyment of the facility by participants and the nuisance to other people. This balance must take into account how frequently the noise will be generated and how disturbing it will be. Under the circumstances of the proposed scheme, the noise will be consistent but will be for a temporary length of time in total. In terms of how disturbing the noise will be, the noise assessment and proposed mitigation must be taken into account.

9.7 The submitted Noise Assessment identifies the established guidance for noise from outdoor music event as being the Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995). This Code of Practice states, among other considerations, that after 23.00 music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

- 9.8 The suggested criteria set by Tower Hamlets for entertainment venues during the Games period is for noise emanating from any such premises being controlled to a level not exceeding 15dB above the background noise levels LAeq, 15min during the Games day period (0700-2300) and no increase on background noise level LAeq, 5min during the night time period (2300-0100) at agreed monitoring locations.
- 9.9 The nearest sensitive receptor site to the proposal is the Ironworks development located to the south of the site. Significantly, at least 11 of the units within this development overlook the courtyard of Swan Wharf where the two storey pavilion will be located. BS8233 guidance provides design criteria for internal noise levels and suggests a limit for bedrooms of 30dB LAeq, T as 'good' and 35dB, LAeq, T as 'reasonable'. It should also be noted that 70 The Ironworks located on the ninth floor of the Ironworks development is to be used by the BBC as a broadcasting studio during the Games and is one of the units overlooking the venue.
- 9.10 The applicant has taken background noise measurements and sound propagation tests using a sound system representative of the system to be used in the venue. The noise propagation tests used 40 The Ironworks to measure the internal noise condition, although it has been noted that unit 40 does not have a clear line of sight to the sound systems, whereas other closer and higher units do have a line of sight. The results of the tests have shown that the measured external level at 40 The Ironworks with the sound system in operation was 64.8dB LAeq. The measurement taken inside unit 40 was 41.6dB LAeq.
- 9.11 These results indicate that the venue would not meet the Code of Practice or Tower Hamlets' noise criteria up to 2300 hours without mitigation in place. After 2300, Tower Hamlets requirement for no increase on background noise levels and the BS8233 ratings of 'good' or 'reasonable' for bedrooms cannot be met without mitigation. Additionally, as 40 The Ironworks does not have a direct line of sight to the venue, it is likely that those units that do overlook the venue will experience higher noise levels.
- 9.12 The applicant has proposed a range of noise mitigation measures that will bring the noise levels within the acceptable criteria. The speaker noise will be limited using a sound control programme. This involves controlling the internal levels of the venue to a level set prior to the first event and controlled using a limiting device. The sound system will be set up to be flown, rather than ground stacked, in order to focus the speakers downward. These speakers will be distributed as much as possible using a greater number of speakers so that volumes can be reduced while still providing sufficient coverage within noise overspill. Further sound propagation tests will be undertaken with the agreed sound system in place to optimise sound coverage without off-site environmental noise impact.
- 9.13 The marquee proposed for the courtyard will provide further mitigation. The dance floor will be located on the ground floor of this two storey structure. It is understood that the marquee skin and the separation of the first storey will provide a further 3dB of attenuation. This is achieved by fixing high density barrier matting within the floor and first floor level and providing internal drapes around all sides of the marquee. Should this approach prove to be inadequate, it is proposed that a 'sound box' be constructed around the dance floor. This involves the construction of sound insulating material around the walls and ceiling of the dance floor. Due to the nature of the materials required for a sound box, a separate structure is likely to be

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necessary in order to support this attenuation technique. This would not, however, require planning permission as it would not materially affect the external appearance of the marquee structure.

- 9.14 Barriers are also proposed to be provided at each of the entrances to the venue to reduce the transmission of sound between internal and external areas. Barriers are also proposed for any external area that has a direct line of sight to The Ironworks units.
- 9.15 All plant associated with the venue is to be located as far away from noise sensitive locations as possible. The impact of this noise will be assessed against BS 4142 standards.
- 9.16 Smoking areas associated with the venue are to be located away from sensitive receptors, although the specific locations of these smoking areas have not been identified.
- 9.17 As mentioned earlier in this section, the noise monitoring undertaken at The Ironworks development was not representative of the nearest sensitive receptor site. Given that further monitoring is therefore required, particularly in establishing the acceptable sound levels of the development, a condition is proposed to determine the appropriate sound levels for the sound systems as perceived from the nearest unit in The Ironworks development. This is condition 6 in section 11 of this report. This will ensure that the sound levels will meet the previously-mentioned criteria to the satisfaction of the Borough's Environmental Health Officers. It should also be noted that the Borough's Environmental Health comments by email have indicated that the mitigation can be resolved by the imposition of a condition.

#### Visitor Access Arrangements

- 9.18 Fish Island's patchwork of light industrial uses combined with the physical barriers of the river and canal, the A12 and the Greenway present difficult vehicular access conditions. Dace Road and, in turn, the wider industrial estate are served from the roundabout junction with Monier Road and Wansbeck Road. From this point, access to the A12 is achieved southbound via Wicks Lane or northbound via Wansbeck Road through Hackney Wick. It should be noted that the A12 forms part of the Olympic Route Network that will accommodate temporary Games lanes, therefore it is likely that access to Fish Island will be further restricted during Games times.
- 9.19 Currently parking in the area is provided on-street, with approximately 50 marked bays along Dace Road to Monier Road, 12 bays along Bream Street and 7 along Smeed Road. These bays are currently unrestricted, however temporary parking controls will be introduced during the Games and Tower Hamlets is consulting on a permanent controlled parking zone for the whole of Fish Island.
- 9.20 The site has poor access to public transport. The nearest rail connections are Hackney Wick Overground which is 900 metres to the north or Pudding Mill Lane DLR which is 900 metres to the south (although not open during the Games). Two bus routes serve Fish Island and provide access to Hackney Central, Stratford, West Ham and other locations.
- 9.21 The poor access conditions that currently exist in the Fish Island area present a

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challenge as to how 3750 patrons per day will be able to access the site during the Games period. The maximum capacity of patrons is not expected to be filled in one sitting but rather spread over each day and into the evening. The hospitality element will be operated in three sittings of breakfast 0800-1200, first sitting 1200-1800 and second sitting 1800-2300. These will accommodate 400, 1060 and 1060 guests respectively. The bar areas will be operated continuously from 1200 to 0400 with maximum numbers of visitors at 2700 from 1200 to 2100, 1250 from 2100 to 2300 and 1000 from 2300 to 0400. Therefore, the maximum capacity of the venue will be reached during the afternoons between 1200 and 1800.

- 9.22 Many of the guests arriving at the venue are anticipated to be visitors to the Olympic Park using the Western Games Access located on the Greenway. Due to the limited access to this Games entrance, a river boat service is to provide an alternate means of accessing Fish Island via Old Ford Lock. This service, known as 'Water Chariots' has been part funded by the ODA, British Waterways and LTGDC. It is the sole provider of river boat services to and from the Olympic Park and has an agreement with both the ODA and British Waterways to this effect. The service is to operate 27 boats each with a capacity of 90 people. The service will run from Tottenham Hale through to Limehouse Basin stopping at various locations in between, including Old Ford Lock.
- 9.23 The applicant has placed emphasis on the ability of Water Chariots to be the primary mode of transportation for people using the venue and has confirmed that all pre-booked tickets to the venue will include tickets on this Water Chariots service. The applicant is also in discussions with British Waterways to deliver a dedicated pontoon adjacent to the site. The service has a timetable of one boat per hour from 0800 to 1100 then three boats per hour from 1100 through to midnight.
- 9.24 Once the scheduled services have finished, the boats will be used for private charter. Water Chariots has confirmed in writing that the applicant has agreed, subject to planning permission, to charter their services between midnight and the venue closing time. This charter will be able to operate a service between Swan Wharf and, Tottenham Hale, Limehouse or Three Mills every 6 minutes with a total capacity of between 3,200 and 3,600 people which is more than sufficient to accommodate the maximum 2300 patrons anticipated between 2300 and 0200. Additionally, this pre-booked facility means that Swan Wharf patrons will not need to purchase a ticket on the day as would general public users of the service, which may be perceived as a preferable option to other forms of public transport where crowds and queuing may be expected or pre-booked taxi services where traffic restrictions may impede access to Fish Island. The submitted Door Management Policy contained at appendix 6 will ensure that noise and disturbance will be kept to a minimum as patrons leave the venue.
- 9.25 While the Water Chariots service is committed to providing water transportation in time for the Games' opening ceremony, it should also be noted that the service is yet to be formally implemented. Therefore, to ensure that the proposed temporary use does not rely on alternate forms of transportation that may detrimentally impact upon the road capacity of Fish Island, a Grampian style condition has been drafted to ensure that the use is not implemented until it is confirmed that the boat service will be fully operational and acceptable drop off points are identified. This is condition 4 in part 11 of this report. To further safeguard Fish Island from the potential highway impact of this scheme, a travel plan is also to be secured prior to the commencement of the use. This is secured by condition 5 in part 11 of this

report.

### Servicing Arrangements

- 9.26 Swan Wharf is located in a corner of Fish Island adjacent to the terminus of Dace Road, which is seven metres wide and has no formal turning head. The present access arrangement requires service and delivery vehicles to turn into Bream Street and reverse down the site frontage to the main site entrance. Vehicles currently servicing the site are up to 8 metre, 7.5 tonne box vans, but not larger rigid or articulated vehicles.
- 9.27 Tower Hamlets Highways Officers have indicated that all servicing should be off the public highway requiring vehicles to be able to access the site, rather than simply servicing from the roadside. A Delivery and Servicing Management Plan has been provided and shows through path analysis that it is possible for 7.5 tonne rigid vehicles to service the site off the public highway, entering and leaving the site in forward gear, but that larger 10 to 12 metre rigid good vehicles would not be able to so access the site. Such larger vehicles would be required to reverse along Dace Road and service the site from the public highway. The swept path analyses for the various vehicle sizes can be found at Appendix 4.
- 9.28 The Delivery and Servicing Plan anticipates that the majority of servicing movements to and from the site will be from vehicle of a size at or below 7.5 tonnes and occurrences of deliveries using the 10 to 12 metre rigid vehicles will be unlikely for the type of deliveries anticipated. Specifically, there would be up to six deliveries per day using 7.5 tonne box vans along with be daily collections of refuse which may be by larger vehicles. The submitted Delivery and Servicing Plan states that the operator of the venue will appoint delivery companies where the size and type of delivery vehicle can be specified so that preference can be given to those that have vehicles that can service from within the site. Deliveries are proposed to be limited to 0600 to 0800 with refuse collection occurring first followed by delivery movements. These delivery hours are to be secured by condition -see condition 8 in Section 11 (below).

### Heritage Considerations

- 9.29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting and views into or out of the area.
- 9.30 PPS5 is the government guidance for planning and the historic environment. Policy HE10 of PPS5 deals with the principles guiding the consideration of applications for development affecting the setting of a heritage asset, in this case the Fish Island Conservation Area. The policy states that planning authorities should treat favourably applications that preserve those elements of the setting that contribute to the significance of a heritage asset, and identify changes in the setting to enhance that significance.
- 9.31 The Victorian stable block is the largest building, occupying the bulk of the site's public frontage and is the most historically significant of the buildings on Swan Wharf. The twentieth century building is located on the water frontage at the end of Dace Road. Images of these buildings can be found at Appendix 5.

9.32 The site's most recent use as a storage warehouse has required all openings to the building to be sealed, which resulted in a three storey high blank wall presented to Dace Road and the public realm within the Conservation Area. Furthermore, due to the limited usage of the site compared with its original purpose the building is in a dilapidated state of repair.

9.33 The proposed development involves the restoration of the Victorian stable block and alterations to the twentieth century warehouse building. The full extent of the works can be seen at Appendix 3. Works to the Victorian stable block involve reinstating most of the bricked up windows and doors overlooking Dace Road. On the southern side of the building 15 large openings will be made to provide views out over the internal courtyard. The openings also provide access to and from the temporary stair and toilet structure that will be mounted against the building in the north western corner of the courtyard. These openings are not reinstating original features as with the windows over Dace Road and therefore the applicant has agreed that the removed bricks and material will be stored off-site and reinstated after the cessation of the use.

9.34 The twentieth century warehouse building will be altered to provide new windows in the southern façade of the building and balconies within the steel frame overhanging the River Lea.

9.35 English Heritage has expressed concern with regard to the nature of the works but does not elaborate further. While the comments centre on the application for conservation area consent, it is considered appropriate to impose a condition that requires the restoration of any original building features following cessation of the use. This is condition 3 in section 11 of this report.

9.36 Officers consider that the physical works to the buildings on site will improve the setting of the Conservation Area, both in terms of the temporary use and in restoring the structures to a better state of repair following the conclusion of the use.

## **10. CONCLUSION AND REASONS FOR APPROVAL**

10.1 The application before Members seeks to take advantage of the London 2012 Olympic and Paralympic Games by converting an underutilised industrial site on Fish Island into a temporary hospitality venue. The impacts of the scheme have been considered in depth by officers, particularly the noise, access, servicing and heritage considerations. It is the opinion of officers that the application complies with the adopted and emerging policy for the area and therefore is recommended to be approved, subject to the conditions listed in section 11 below. These conditions include specific and detailed requirements to deal in particular with the four considerations set out above.

## **11. CONDITIONS AND REASONS**

1. The uses hereby permitted shall occur for a limited period from the 20<sup>th</sup> of July 2012 and shall be discontinued on or before the 16<sup>th</sup> of September 2012, after which time all temporary structures are to be removed from site.

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Reason: To prevent the retention of a permanent hospitality use where other preferred land uses may be more appropriate, in accordance with SO16, SP02 and SP06 of the London Borough of Tower Hamlets LDF Core Strategy 2010.

2. The development shall be implemented in accordance with the following details:

1194\_0111 rev B Ground Floor Plan  
1194\_0112 rev B First Floor Plan  
1194\_0113 rev B Second Floor Plan  
1194\_0114 rev B Third Floor Plan  
1194\_0252 Proposed Elevations Sheet 1  
1194\_0253 Proposed Elevations Sheet 2  
1194\_0254 Proposed Elevations Sheet 3  
1194\_0255 Proposed Elevations Sheet 4  
Swan Wharf, Door Management Policy – August 2011

The details shall be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is implemented in accordance with the approved plans.

3. Prior to any physical works to the Victorian stable block or the Twentieth Century warehouse block, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how the works will be undertaken, including the reinstatement of original windows, the restoration of original features and the storage of original building fabric for reinstatement following the cessation of the permitted temporary use, where appropriate.

Reason: To ensure that buildings or historic merit are restored and maintained to a satisfactory standard of development, in accordance with policy SP10 of the London Borough of Tower Hamlets LDF Core Strategy 2010 and policy DEV29 of the London Borough of Tower Hamlets UDP 1998.

4. The temporary use hereby permitted shall not open to the public until such time as a river taxi service operating from the site during the use's opening hours to areas with alternate access to public transport facilities has been demonstrated as being fully operational, and drop off points confirmed as acceptable, in writing by the Local Planning Authority.

Reason: To ensure that alternate means of access to and egress of Fish Island exist to serve the temporary use, in accordance with policy SP08 of the London Borough of Tower Hamlets LDF Core Strategy 2010 and policy DEV50 of the London Borough of Tower Hamlets UDP 1998.

5. Prior to the commencement of the use hereby permitted, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan shall include the details of available modes of public transport to guests using the site, including details of pre-booked ticketing arrangements for guests using the river boat service.

Reason: In order to provide information to patrons using the venue of different

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modes of transports to access and egress the area, in accordance with policy SP08 of the London Borough of Tower Hamlets LDF Core Strategy 2010.

6. Prior to the first commercial operation of the temporary use hereby permitted, sound levels for the public announcement and music equipment shall be agreed in writing by the Local Planning Authority, in consultation with the relevant London Borough of Tower Hamlets Environmental Health Officers, and shall be based upon external and internal noise levels taken from appropriate noise sensitive receptor locations. These agreed levels shall be controlled and restricted using an entertainment noise control system and will not be exceeded without the prior written agreement of the Local Planning Authority.

Reason: In the interests of nearby residential amenity and in accordance with policy DEV50 of the London Borough of Tower Hamlets UDP 1998.

7. All external areas within the site shall be closed to patrons after 2300hrs every night unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nearby residential amenity and in accordance with policy DEV50 of the London Borough of Tower Hamlets UDP 1998.

8. Deliveries to and servicing of the development shall occur only between the hours of 0600 and 0800 and at no other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the free flow of the local highway network and in the interest of pedestrian safety, in accordance with policies T15, T16 and T17 of the London Borough of Tower Hamlets Unitary Development Plan 1998.

9. The use hereby permitted shall not operate between the hours of 0200 and 0800 on any given day unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy DEV50 of the London Borough of Tower Hamlets UDP 1998.

10. Prior to the occupation of the temporary hospitality use hereby approved, an emergency evacuation plan must be submitted to and approved in writing by the Local Planning Authority. The emergency evacuation plan must include accurate information including depth, hazard and time to onset of flood, proposed warning systems and evacuation procedures, and be produced in conjunction with the Local Planning Authority's Emergency Planning Team.

Reason: In the interests of flood safety, in accordance with policy U3 of the London Borough of Tower Hamlets Unitary Development Plan 1998 and PPS25.

11. Prior to the commencement of the development hereby permitted, a survey of the condition of the waterway wall and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority. Any heritage features and materials identified by the survey shall be made available for inspection to British Waterways and where appropriate, preserved in-situ or reclaimed and re-used elsewhere on site or on a nearby waterway wall.

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Reason: In the interests of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, and in accordance with policy DEV47 of the London Borough of Tower Hamlets UDP 1998.

12. Prior to the commencement of the development hereby approved, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted to and approved in writing by the Local Planning Authority. The risk assessment shall also include details of any proposed safety equipment along the river frontage, which shall be installed prior to the first occupation of the development hereby permitted.

Reason: In the interests of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, and in accordance with policy DEV47 of the London Borough of Tower Hamlets UDP 1998.

13. Prior to the commencement of the development hereby permitted, full details of any lighting and/or CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting/CCTV scheme shall be implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interest of crime prevent, ecology, visual amenity and the riverside setting.

14. Prior to the commencement of the development hereby permitted, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables). The use of waterborne transport shall be maximised during both the construction and occupation of the development unless the above assessment demonstrates that such use of the river is not physically or economically feasible.

Reason: To encourage the use of the river for transporting waste and bulk materials in accordance policy T26 of the London Borough of Tower Hamlets UDP 1998 with policies 7.27 and 7.30 of the London Plan 2011.

## **12. INFORMATIVES**

1. The applicant is advised that any encroachment into, or oversail of the waterspace, or new accesses, require British Waterway's written consent before the development commences. Please contact British Waterways on 0207 985 7200 for further information.
2. The applicant should refer to the current British Waterways "*Code of Practice for Works Affecting British Waterways 2010*" to ensure that any necessary consents are obtained and should contact London's Third Party Works Engineer for further information.

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**CASE OFFICER:** Stephen Allen

**Appendix 1:** Site Location Plan

**Appendix 2:** Existing Site Plans and Elevations

**Appendix 3:** Proposed Site Plans and Elevations

**Appendix 4:** Swept Path Analysis

**Appendix 5:** Site Photos

**Appendix 6:** Door Management Policy