

Item No.	Classification	Decision Level	Date
1	OPEN	PLANNING COMMITTEE	01.03.04
From Interim Development and Building Control Manager		Title of Report DEVELOPMENT CONTROL	
Proposal Conversion of warehouse space within railway arches into space for corporate and private functions including conferences, product launches exhibitions and private dining with ancillary restaurant; provision of new glazed elevations to arches fronting Bank End with projecting balconies at first floor level. (Application 03-AP-0311).		Address Corner of Clink Street and Bank End Ward CATHEDRALS	

1. PURPOSE

- 1.1 To consider the above application which needs to be considered by the Committee because of the number of objections received.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to a legal agreement concerning the management of the proposed use.

3. BACKGROUND

- 3.1 This application was previously reported to the Planning Committee on 1st September 2003. The Committee decided to defer making a decision on the application to allow the applicant to provide more details of fume extraction and ventilation equipment and sound insulation measures for the proposed use. The applicant was also requested by the Committee to arrange a meeting with local residents to address their concerns and to try to incorporate these into the design of the extraction/ventilation systems and sound insulation measures. The previous report is attached as an appendix.

- 3.2 A public meeting was held on 3rd December 2003 attended by local residents and Councillor MacCarthy (ward councillor). As a result of the concerns raised amended plans and further information were submitted by the applicant on 30th January 2004. A full reconsultation of the neighbouring residents has been carried out in the light of this information.

- 3.3 The revised plans principally change the proposed elevations with enlarged louvres being fitted to the upper part of the arches facing the beer garden to the Anchor public house so that most of the ventilation can take place from this point. A new section of brick wall has been added to the east elevation of the central arch facing a small water inlet and the flats in Clink Wharf. The amount of brick work has also been increased to the other arch on this elevation. A new extract duct is also indicated which would run beneath the railway bridge over Clink Street at high level to discharge onto Bank End.

Full details of this have not been supplied but it is indicated that the duct would be 450mm by 700mm in section and would be painted in a dark colour. The submission of precise details of this can be required by a planning condition.

- 3.4 A statement has also been submitted with the application which gives further explanation of the proposed use, the sound insulation plant and extraction equipment, event management, traffic and deliveries and refuse storage. The statement also contains a noise emission assessment undertaken by a specialist.

The proposed use

- 3.5 The plans show a restaurant (open to the public), an events space and kitchens and toilets at ground floor level with three private function rooms and two offices (to administer the applicant's business on both this and other sites). The offices will provide space for 21 work stations and the office hours will be between 8am and 6pm. The location of mechanical plant is also shown on the revised plans as are internal refuse stores.

- 3.6 The events space will host a range of daytime and evening events such as Christmas parties, product launches, private dinner and conferences and will cater for 80-150 people. The function rooms will have a maximum dining capacity of 300 and the overall maximum dining capacity for the whole use is approximately 350. Live/music and dancing will be provided at some events but the applicant has indicated that the majority of events are likely to be meetings and conferences and none will be pay at the door events.

Noise assessment

- 3.7 The applicant's noise consultant has measured the background noise level on the Bank End elevation close to the river and in the small water inlet opposite the flats in Clink Wharf on 18th and 19th November 2003 between 2000 and 0200 and from 2000 on 6th January to 8th January 2004. The later measurements were taken on the balcony of Studio 2 Clink Wharf. The report then goes on to identify noise outputs from proposed ventilation and extraction equipment and music at different locations within the application site. For comparative purposes the noise level at a function taking place in Vinopolis was also measured.

- 3.8 Taking these measured noise levels and the background noise level into account the consultant suggest a number of sound insulation measures such as additional brick work combined with mineral wool and gypsum boarding and acoustic doors. With these measures in place it is concluded that the ambient background noise level will not be raised.

Event management

- 3.9 The applicant's statement indicates that they have organized approximately 200 events at Vinopolis in the last 4 years and are familiar with the area. It is indicated that because of the specific nature of their operation they would be able to actively manage the use of the building and departure of guests later in the evening.

In response to concerns raised by surrounding residents about disturbance from late night comings and goings the applicants have proposed a number of management measures which they are willing to accept as a planning condition or a legal agreement. These include closing the bar 30 minutes before an event finishes, provision of security at the main exit to minimize disturbance and control customer

- 3.10 behaviour, signage to remind customers to be quiet when leaving, taxi marshals to ensure taxis wait in a suitable place, provision of surrounding residents with a list of forthcoming events and contact telephone numbers for the venue management team, and keeping a log of complaints.

Traffic and deliveries

- The restaurant and function space will be run by the same operator and it is expected that the restaurant will receive 15 deliveries a week by van. The function rooms will have an in-house catering facility and will not be serviced by outside caterers. Lighting and production facilities will also be permanently set up within the building so these will not have to be installed for each event. The applicants have also indicated that they are willing to accept a condition specifying that no deliveries shall be carried out to the Clink Street entrance to the arches between 1800 and 0700.
- 3.11

Supplemental planning history

- The planning permission for the mixed uses scheme for the Vinopolis site granted in April 1999 referred to in paragraph 3.2 of the previous report granted permission for the application site to be used for restaurant/bar (Class A3) purposes but subject to a condition limiting the hours of operation to 0730 to 2300 on any day. A further planning permission was granted for a mixed uses scheme on both the Vinopolis arches and the application site in 2001 and subject to the same condition. Both of these permissions are still valid.
- 3.12

4. FACTORS FOR CONSIDERATION

4.1 Main Issues

As previous report.

4.2 Planning Policy

As previous report.

4.3 Consultations

As previous report.

Replies from:

Since the application was previously reported to the Committee and before the latest round of consultation letters were sent out letters have been received from Flat 1 Little Winchester Wharf, 6 Horseshoe wharf(2 letters), 10 Horseshoe Wharf,5 Winchester Wharf; Flat 6, Clink Wharf.

These 6 letters object to the proposal on the following grounds:

- Proposed use does not bring any community benefit.
- Fume/odour nuisance from kitchen extract.
- Increased traffic problems.
- Worsening litter and associated vermin problems.
- Unacceptable appearance of balconies to Bank End .

- Detrimental to the appearance of Clink Street and the conservation area.
- Late night noise and disturbance will be increased.
- Scheme contrary to UDP policies which seek to protect the amenities of residents.
- Grant of permission for the proposed use will be the first step towards the premises being used as nightclub.
- If permission is to be granted the use should be limited as recommended in the previous Committee report and should be subject to similar conditions except that the opening should be limited until 2300.

A petition has also been submitted signed by 28 residents in Clink Street objecting to the scheme.

Since the most recent round of consultation in the light of the additional information supplied by the applicant an e mail has been received from the occupants of 5 Winchester Wharf . The e mail objects to another entertainment venue in Clink Street and no amount of soundproofing or management will be able to deal with people leaving the premises late at night and proceeding along Clink Street shouting, fighting, littering and urinating on their way to London Bridge.

5 PLANNING CONSIDERATIONS

Acceptability of use in principle.

- 5.1 The proposed use is considered to be acceptable in a riverside location such as this with good access to public transport. Whilst it does not specifically meet the needs of local residents it will generate employment, improve the environment and bring these vacant arches back into use.

Impact on the amenities of nearby residents

- 5.2 Since this application was previously considered the applicant has provided a noise assessment report which indicates that subject to appropriate soundproofing measures being undertaken any of the proposed activities carried out in the building will not increase the ambient noise level in the area.
- 5.3 Noise measurements have been taken at one of the nearest residential properties in Clink Wharf and so it is felt that the applicant has demonstrated that the uses carried out in the building will not give rise to additional noise disturbance. The amended plans show increased areas of brickwork on the arches facing Clink Wharf which is one of the sound insulation measures indicated in the noise assessment report. Any grant of permission should still be subject to a condition that activities carried out in the building shall not exceed the background noise level and full details of the soundproofing to be undertaken on site should be submitted and approved before the development commences.
- 5.4 With regard to the noise created by customers arriving at and leaving the property the applicant has indicated that he is willing to undertake a number of management measures such as having security staff and taxi marshals which would alleviate any potential for disturbance. This goes beyond what could normally be required under a

planning condition and should therefore be subject to a legal agreement. This in combination with the previously recommended opening hours of 0800 to 2400 should help to alleviate any potential noise nuisance problems.

5.5 In addition the applicant has offered to restrict servicing to the Clink Street elevation to only during the day which will help to avoid late night disturbance from servicing vehicles. This can be controlled by a planning condition.

5.6 The applicant has indicated an extract duct will be provided to the restaurant kitchen which is proposed to run beneath the railway bridge to discharge on the Bank End elevation. This should help to avoid any odour nuisance being caused to residents in Clink Street. Only indicative details are given of the duct on the application and precise details of the duct should be required by condition.

Appearance of the proposed alterations

5.7 Although some objectors are opposed to the appearance of the proposed balconies they are considered to be appropriate for this location within a railway arch. The arches are currently empty and contribute little to the character and appearance of the street. The conservation area runs to the east of the application site on the Clink Street side and the level of alteration on this side of the arches is considered to be so minor that it will not harm the character and appearance of the conservation area.

5.8 The precise proposed external extract duct to the restaurant kitchen has not been included in this application but from the route indicated on the plans it is not felt that it will be sufficiently unsightly to be unacceptable. Its visual impact can be minimized through painting it a neutral colour or use of a brickwork enclosure. A planning condition requiring the submission and approval of details of the duct should be imposed.

Traffic and parking issues.

5.9 The applicant's offer to have taxi marshals should help to prevent undue congestion from occurring outside the venue particularly late at night when many customers may wish to leave the premises at once.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 Provide additional job opportunities.

7. LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

7.1 Vacant site brought into use in a location accessible to public transport.

8 CONCLUSION

8.1 Following the consideration of this application on 1st September 2003, the applicant has, as requested, provided further details of fume extraction, ventilation equipment, and sound insulation, including a noise assessment report. The public meeting which the Committee called for has also taken place.

The applicant has taken the concerns expressed by the Committee and by local residents as far as is reasonably practicable. The issues of noise and fume extraction can be controlled by legal agreement and planning conditions.

Planning consent already exists for a restaurant on this site. Under the circumstances planning permission is recommended subject to both a legal agreement and conditions.

LEAD OFFICER	Jim Sherry	Interim Development and Building Control Manager
REPORT AUTHOR	Jeremy Howell	[tel. 020 7525 5906]
CASE FILE	TP/2561-212	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES	
	[tel. 020 7525 5402]	