

DEVELOPMENT COMMITTEE

Tuesday, 30 July 2019 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE

Vice Chair : Councillor Dan Tomlinson

1 Vacancy, Councillor John Pierce, Councillor Mufeedah Bustin, Councillor Dipa Das and
Councillor Leema Qureshi

Substitutes:

Councillor Sabina Akhtar, Councillor Kevin Brady and Councillor Rajib Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Friday, 26 July 2019**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Monday, 29 July 2019**

Contact for further enquiries:

Antonella Burgio, Democratic Services,

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4881

E-mail: antonella.burgio@towerhamlets.gov.uk

Web: <http://www.towerhamlets.gov.uk/committee>

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an electronic
agenda:



Public Information

Attendance at meetings.

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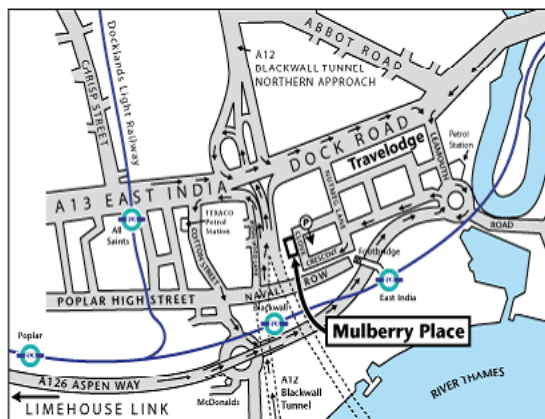
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Fire alarm

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Electronic agendas reports and minutes.

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11 July 2019. (Document to follow)

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 9 - 10)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS	11 - 12	
4 .1 Walker House, 6-8 Boundary Street, London E2, PA/17/03009	13 - 48	Weavers
5. PLANNING APPLICATIONS FOR DECISION	49 - 54	
5 .1 Regents Wharf. Wharf Place, London E2, PA/18/01676	55 - 78	St Peter's
5 .2 Bishops Square, Market Street and Lamb Street, London E1 6AD (PA/18/03254 and PA/18/03255	79 - 126	Whitechapel
6. OTHER PLANNING MATTERS		

Next Meeting of the Development Committee

Thursday, 19 September 2019 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitry and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C section 35](#) Planning Code of Conduct.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 Council’s Constitution



Deferred Items

1. INTRODUCTION

1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
13 Jun 2019	PA/17/03009	Walker House, 6 – Boundary Street, E2	Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).	Formal Committee site visit
13 June	PA/18/01676	Regents Wharf, Wharf Place, E2	The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.	Committee indicated that it was minded not to determine the application but to request that the application be relisted and heard afresh.

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

4.1 PA/17/03009: Walker House, at 6 – Boundary Street, E2

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM DEFERRED REPORTS**

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3.2 The following deferred applications are reported on the “Planning Applications for Decision” part of the agenda:

5.1 PA/18/01676: Regents Wharf development at Wharf Place, E2

3.3 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council’s Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the “Planning Applications for Decision” part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.



Application for Planning Permission

[click here for case file](#)

Reference	PA/17/03009
Site	Walker House, 6-8 Boundary Street
Ward	Weavers
Proposal	Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).
Recommendation	Grant planning permission with conditions
Applicant	Metro Associates
Architect	GML Architects LTD
Case Officer	John Miller
Key dates	- Application registered as valid on 19/01/2018 - Initial public consultation finished on 09/02/2018 - Amended plans received 01/05/2019 - Revised public consultation finished on 04/06/2019 - Planning committee (1) on 13/06/2019 - Member site visit 17/07/2019

1. APPLICATION DETAILS

Location: Walker House, 6-8 Boundary Street

Proposal: Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3).
Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).

2. BACKGROUND

- 2.1 This application for planning permission was considered by the Development Committee on 13th June 2019. A copy of the original report is appended.
- 2.2 The application was deferred so that committee members could better understand the proposed impacts of the building, both to the Conservation Area and its immediate surrounds. A site visit was requested and further suitable graphics were sought so that members could better understand the physical context of the proposal including its materiality and impacts to surrounding buildings.

2.3 This report has been prepared to discuss the implications of the reasons for deferral and to discuss any further information provided by the applicant following the committee.

3. CONSIDERATION OF THE COMMITTEE'S REASONS FOR DEFERAL

3.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Additional Graphics

3.2. Following the committee meeting on 13th June 2019 the applicant submitted additional photorealistic graphics of what the scheme would look like if built out. A sample of the proposed roof material was also submitted and made available on the day of the site visit.

3.3. A full selection of the submitted graphics are provided below:



01 East Elevation
100 1:250



02 South Elevation
100 1:250



03 North Elevation
100 1:250



EXISTING - Photo From Boundary Street



PROPOSED - Photomontage From Boundary Street



EXISTING - Photo From Shiplake House Courtyard



PROPOSED - Photomontage From Shiplake House Courtyard



VIEW 1.



VIEW 2.



VIEW 3.

- 3.4. Officers are of the opinion that the submitted graphics together with the site visit fully resolve the reasons for deferral. The images provide greater detail and depict how the building would sit as well as providing further understanding of the materiality and how it would relate to the surrounding context.
- 3.5. As per the original application, officers are of the mind that the proposed building would be of high architectural quality and is acceptable in this location.

4.0 IMPLICATIONS OF THE DECISION

- 4.1. The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so. In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.
- 4.2. If planning permission is refused, the applicant could pursue through an Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.

Financial implications - award of costs

- 4.3. The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”

- 4.4. Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 4.5. Whatever the outcome, officers would seek to defend any subsequent appeal.

5.0 RECOMMENDATION

- 5.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report.

6.0 DOCUMENTS AND DRAWINGS (amended)

6.1 Drawings

- 4588/PA100 - CGI Elevations
- 4588/PA105 - CGI Street View 1
- 4588/PA106 - CGI Street View 2
- 4588/PA110 - CGI Aerial Views 1



DEVELOPMENT COMMITTEE

13 June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission[click here for case file](#)

Reference	PA/17/03009
Site	Walker House, 6-8 Boundary Street
Ward	Weavers
Proposal	Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).
Recommendation	Grant planning permission with conditions
Applicant	Metro Associates
Architect	GML Architects LTD
Case Officer	John Miller
Key dates	- Application registered as valid on 19/01/2018 - Initial public consultation finished on 09/02/2018 - Amended plans received 01/05/2019 - Revised public consultation finished on 04/06/2019

EXECUTIVE SUMMARY

The proposed redevelopment of this site represents a good example of a mixed use development (residential and office) and is considered appropriate in this location as it falls within the City Fringe Opportunity Area. The development would provide additional office accommodation and the residential units would have an appropriate standard of accommodation as required by planning policy.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would still appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets. There would be a degree of impact (less than substantial) to the Conservation Area however; officers consider that given the proposals would be of high architectural quality and that public benefits that would result from the scheme (including additional office space, housing, and improvements to the existing building for the benefit of visitors and residents) would outweigh this limited harm.

The report explains that part of the reasoning behind the acceptability of the proposal is derived from its location and relationship with Walker House, which does not form part of the historic Grade II Listed Boundary Estate mansion blocks and nor does the rear open space / car parking area forms part of the historic court yard spaces serving the Boundary Estate. The proposal will preserve the character and setting of surrounding heritage assets, including listed buildings and Conservation Areas.

The proposed residential dwellings would be acceptable in terms of standard of accommodation and would have an acceptable amenity impact to neighbouring residential and commercial properties.

The impacts on the amenity of neighbouring occupiers would be minimal and would be acceptable for an urban location.

Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

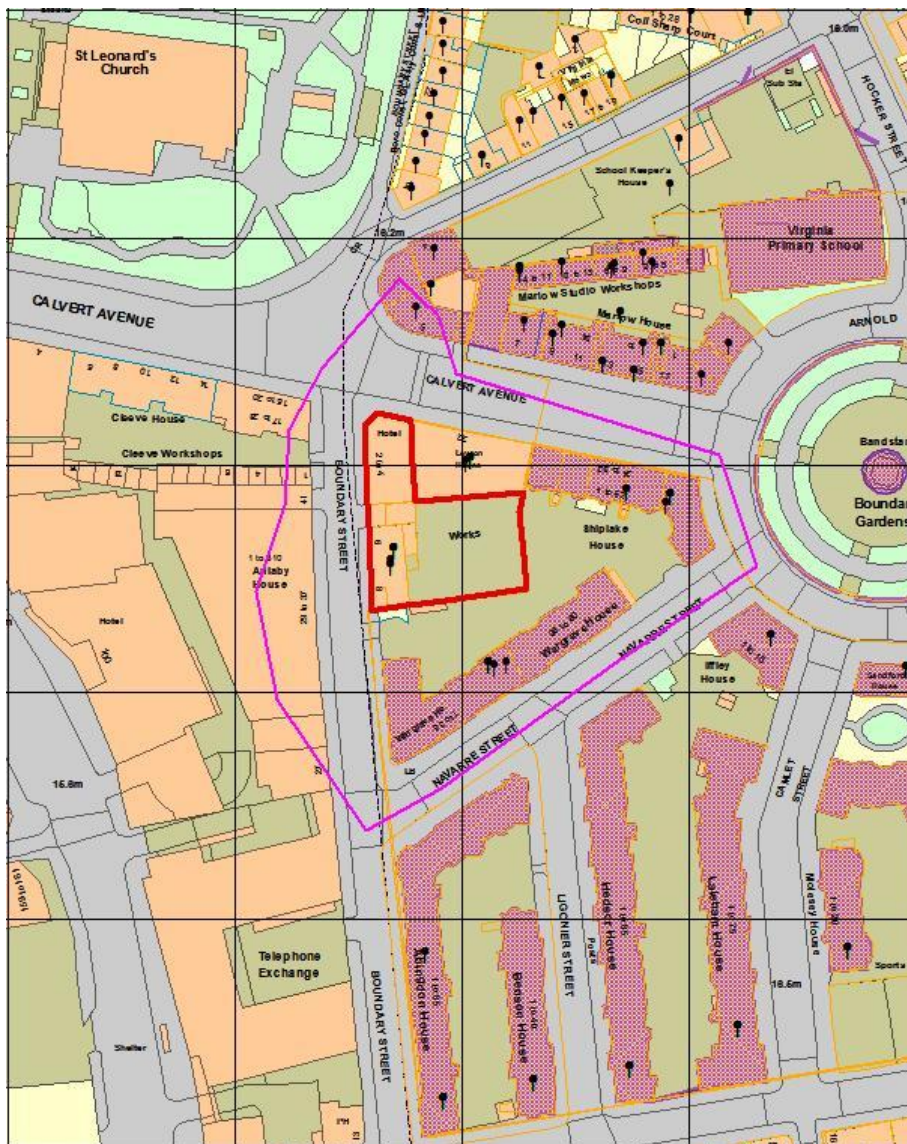


Figure 1: Site boundary (red) including consultation (pink)

1. SITE AND SURROUNDINGS

- 1.1 The application red line boundary includes Walker House building fronting Boundary Street, on the corner of Calvert Avenue, and the car park at the rear of this building (approximately 25m x 25m). Walker House is a five-storey building with commercial uses on the lower floor levels and flats on the upper three floors. The first floor of Walker House, subject of this application, is vacant office space. The car park, also subject of this application, provides 20 car parking spaces. It is understood that seven of the spaces are allocated for commercial uses in the adjoining Leyton House. The remaining car spaces are used by occupants of Walker House, but not controlled by planning condition. The car park is located at lower ground level accessed down from a ramp and is also surrounded by a large brick wall.
- 1.2 Immediately at the north of the car park is Leyton House, with commercial at lower levels and residential above. The urban block that Walker and Leyton Houses form part of is roughly triangular. These blocks are part of the wider pattern of development that surrounds Arnold Circus, the heart of the Boundary Estate Conservation Area. Walker and Leyton House are the more recent developments, with the rest of the urban block formed by the original Boundary Estate blocks, which are Grade II Listed.
- 1.3 The application site and streets around Arnold Circus fall within the Boundary Estate Conservation Area. The original Boundary Estate blocks are Grade II Listed, including those in this urban block, Shiplake House to the east, and Wargrave House, on the south side. The boundary with the London Borough Hackney runs down the centre of Boundary Street.

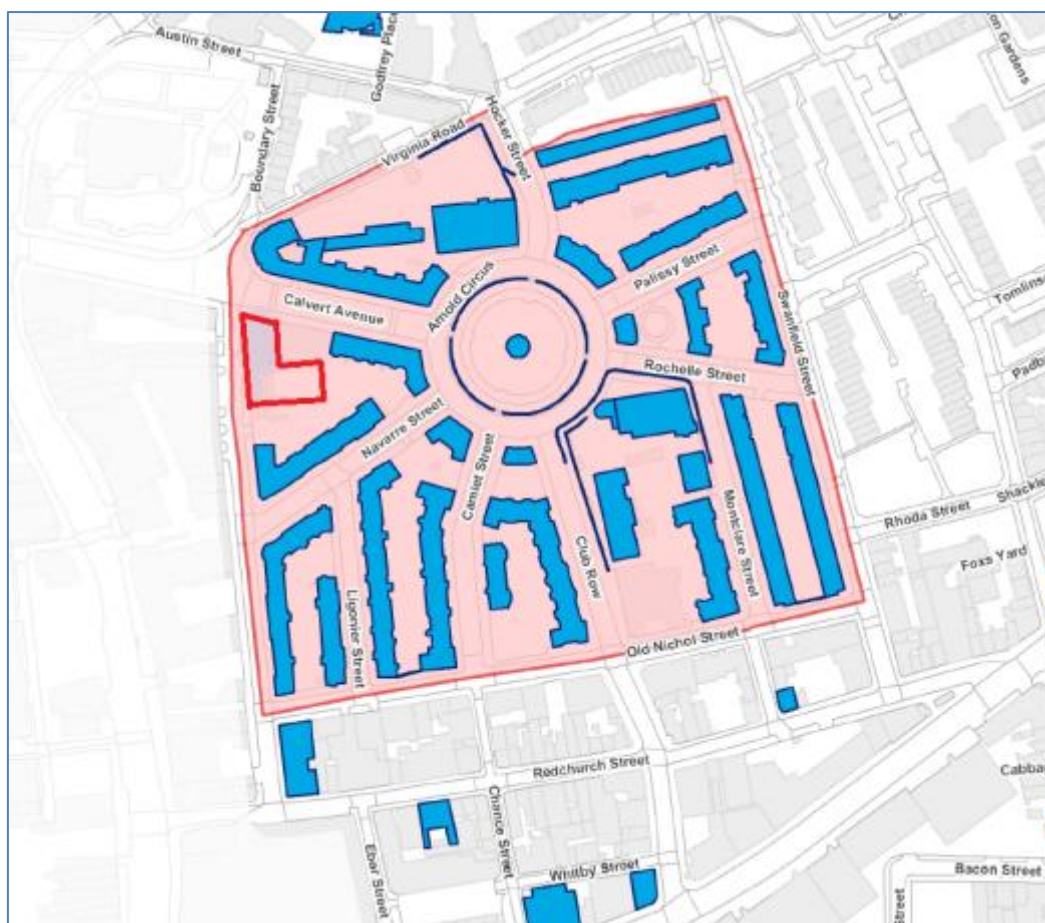


Figure 2: Boundary Estate Conservation Area

- 1.4 The application site has a Public Transport Accessibility level of 6b (the highest - excellent) with Shoreditch Overground station to the south (approximately 320m away) and Old Street Underground to west (approximately 800m away) as well as various local bus routes in close proximity. The application site is in the office to residential permitted development exclusion zone, where the rights to make the aforementioned general permitted development change in use does not apply.

2. PROPOSAL

- 2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is in two broadly distinct parts:
- a) Change of use of first floor office space (use class B1a), approximately 380sq.m to 4 residential flats (use class C3). The proposal would provide 1 x 1-bed, 2 x 2-beds, and 1 x 3-bed. The proposal includes provision of 2 x balconies at rear.
 - b) Construction of a new two-storey office building in the rear car park. The building would be on stilts with the lower level of approximately 97sq.m of space and the remainder the car parking spaces. The upper level would provide approximately 310sq.m of office floorspace. The access to the office building would be through the existing gate and undercroft into the rear of Walker House.
- 2.2 The scheme would be 'car free' for incoming residents with existing residents still benefiting from the remaining informal spaces. The existing number of car parking spaces from within the site would be reduced from 20 to 13. A total of 20 cycle parking spaces would be provided to serve all the uses.
- 2.3 The architecture of the scheme would be contemporary in character, with rich detailing and a material palette centred on the use of robust materials such as copper cladding, and glazing as illustrated in the applicants' document package and re-produced below. Further selected plans and images of the proposed development are set out in Appendix 2.
- 2.4 Amended plans have been received over the course of the application and these largely relate to:
- Incorporation of gutters into the design
 - Amended skylight
 - Revised main entrance to Walker House

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PA/17/01567: Installation of revised entry-way including new door and panelling. Approved 07/05/2019
- 3.2 PA/16/02194: Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a three-storey building to the rear to provide 700sq.m of office space (use class B1a). Application withdrawn by applicant, following advice from officers that

the proposal would not be supported, 27th January 2017 due to scale, footprint and massing concerns.

- 3.3 PA/09/00540: Lawful development certificate for use of ground floor as single dwellinghouse. Refused: 24th June 2009.
- 3.4 PA/08/02655: Retention of use of basement as a gymnasium (use class D2) and extract fans on exterior of building. Approved: 24th March 2009.
- 3.5 PA/07/01868: Division of ground floor studio space (use class B1) to provide a self-contained 1-bedroom flat (use class C3) and studio space (use class B1). Refused: 18th July 2007: Reason: failed to provide justification for loss of employment.

Leyton House, 22 Calvert Avenue

- 3.6 PA/18/02176: Change of use from Use Class D1 to flexible Use Class D1 / B1 and / or A1. Approved 13/07/2018
- 3.7 PA/08/01592: Change of use of ground and lower ground floor from office (use class B1) to Arts and Cultural Exchange Centre and Gallery (use class D1). Approved: 19th September 2008.
- 3.8 PA/98/01173: Alterations and partial reconstruction of Leyton House and addition of four floors in similar style, to retain business space on ground and lower ground floors with new loading bay at lower level and provide 3 live/work units on first floor and 13 flats above. Servicing and parking in rear yard to be shared between commercial occupiers of Leyton House development and both residential and commercial occupiers of Walker House. Approved 11th June 2014.

Club Row Building, Rochelle Centre, Club Row, Arnold Circus, London E2

- 3.9 PA/12/02317 and PA/12/02318: Planning permission and Listed building consent for change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution), external and internal extensions and alterations. Refused by Tower Hamlets Development Committee April 2013. Appeal Allowed by the Planning Inspectorate January 2014.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.2 As amended plans were received in July 2018 and May 2019 and three rounds of consultation were undertaken to give neighbours the opportunity to consider the various amendments.
- 4.3 In total there were 33 unique letters of objection.
- 4.4 In the first round of consultation which took place in January 2018, 29 letters of objection and 1 petition with 29 signatures was received.
- 4.5 In the second round of consultation which took place in September 2018 11 letters of objection (including previous objectors) was received.
- 4.6 In the third round of consultation which took place in May 2019, 11 letters of objection (including previous objectors), and a petition with 21 Signatures was reviewed

4.7 The issues raised in the petitions are as follows:

- We, the undersigned, are writing to object to the Planning Application above mainly to build a two storey office in the car-park of Walker and Leyton Houses.
- Heritage - out of character, proposed materials not appropriate, proposed building intrusive and visible to residents, visible from Arnold Circus, a Grade II listed historic park, the centre piece of the whole estate
- Loss of light / noise / density – those affected will lose light and suffer a negative impact in terms of energy efficiency, balconies proposed will add to acoustic canyon effect of noise and disturbance, proposal will increase density to already built up area
- Biodiversity / Pollution – object to removing any ivy covered walls, will affect community gardens in Wargrave and Shiplake houses

4.8 The issues raised in the objection letters are as follows:

- Design of building incompatible with townscape, character and appearance
- Disagree with the submitted Heritage Assessment that the proposal is a well-designed and proportioned building
- Proposal is excessively large for a small space surrounded by residential
- Impact of light reflectance from roof of development, light pollution from development
- Submission refers to wider community benefit and viability of Walker House. Viability of Walker House not in doubt, building is in a good state of repair, residential and commercial units all occupied, residents' sinking fund significant, car park is regularly used. Shoreditch already one of busiest areas of London, additional employees doesn't seem relevant
- Loss of daylight to Calvert 22 space, basement and gallery space depends on natural light a very significant extent and loss of daylight to residential properties
- Development would displace space for servicing space for vehicles for Calvert 22 space. Gallery utilises rear car park for deliveries of exhibits including large artworks; may force deliveries onto surrounding streets; receive up to 20 deliveries over 12 months; vehicles range from a transit van to heavy goods vehicle
- Secure access is currently in place for Walker House car park with keypad locked gates. This will be compromised during and after the proposed build
- Proposal will involve reduction of car parking spaces by 38% and no parking for proposed office. Agreed planning permission for Leyton House secured 19 car parking spaces, but proposal retains 13 spaces
- Secure by design concerns with proposal including a partly covered parking space out of sight from the street and neighbouring properties
- Do not believe volumes of waste are adequately dealt with
- Potential for the car park to be used as landscaped open space. This potential would be lost with the proposal to build

- The proposed office development is not needed nor wanted
- Have structural concerns about the proposal
- Revised scheme is the same as before so concerns raised previously are still valid

5. CONSULTEES

LBTH Refuse

- 5.1 The applicant will need to ensure that any obstruction and overuse of bins will be managed by a managing agent. The same applies to the trolleying distance. The applicant will need to ensure that all bins are presented to within the 10 meter trolleying distance and adhere

Officer comment: the applicant has confirmed that they are willing to secure a DSP via condition.

LBTH Highways

- 5.2 Should planning permission be granted it is requested that an informative is included that loading / unloading can only take place outside of the site where it is safe and lawful to do so. Any non-lawful servicing will be subject to enforcement action by the parking control team. In terms of existing deliveries, the proposed layout shows manoeuvring will be more difficult than the current situation but that loading can still occur. Vehicles which currently service from the rear will be able to do so and large vehicles which currently reverse on site or wait on street will continue to do so. The 1998 planning consent was approved with a loading bay and car parking spaces and it is understood that previous application incorporated car parking into the s106 legal agreement. This will need to be looked into should the application be recommended for approval.

Officer comment: Officers note that the existing legal agreement from 1998 permission secured a number of car spaces for the business premises at 22 Calvert Avenue. It is understood that no additional legal agreement exists for the remaining spaces.

LBTH Biodiversity officer

- 5.3 The site has little existing biodiversity value, and the buildings are not suitable for bats. There will, therefore, be no significant adverse impacts on biodiversity.

LBTH Tree officer

- 5.4 Mature tree to the south of the site, agreed pruning methods and agreed pruning points, and supervised excavation agreed in revised arboricultural report. Details acceptable

External responses

Historic England

- 5.5 No consultation required for this application.

Historic England Archaeology (HEA)

- 5.6 Proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions necessary.

Crime Prevention Officer

- 5.7 Clarity need in terms of access between commercial and residential premises as well as perimeter treatments. This can be resolved by way of condition requiring secure by design accreditation

CADAP

- 5.8 Upon request of members the application was taken to the Conservation and Design Advisory Panel and this took place in
- 5.9 Members questioned whether the principal of the proposal to infill the site was suitable. They raised issues with regards to the sustainability (ie overheating) and the use of the materials. Comments with regards to the practicality of the proposals including noise, ventilation, gutters, the skylight, how it would be built and generally in relation to residential layouts were also noted. It was recommended that landscaping should be provided. No assessment of the Conservation Area has been undertaken to date.

Officer comment: Following the CADAP meeting the applicant sent updates on the scheme and responded to comments made. Officers feel these have been adequately addressed in the response and through the updates which saw clarification on the sustainability, ventilation ect, and revised/new drawings were submitted for the skylight & gutters. In terms of the comment regarding the principle of development and assessment of the Conservation Area the application package includes a detailed heritage impact assessment which addresses these issues. Officers also find the standard of accommodation of the new residential units to be satisfactory. Officers analysis of the amended submission (including a response to the CADAP comments is provided in the 'Material Planning Considerations' section of the report).

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Further guidance is provided within Agenda item 5.

- 6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

- 6.3 The key development plan policies relevant to the proposal are:

Land Use - LP4.1, LP4.5, LP4.7, SP01, SP02; SP06, DM15
(city fringe areas, office)

Housing LP3.3 -3.13, SP02, DM3, DM4
(unit mix, housing quality)

Design - LP7.1-7.8, SP09, SP10, SP12, DM23, DM24, DM27
(layout, massing, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14, DM20, DM21, DM22

(sustainable transport, highway safety, car and cycle parking, waste, servicing)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Land for Industry and Transport SPG (2012)
- LP Draft New London Plan (2019)
- LBTH Employment Land Review (2016)
- LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport & Waste
- v. Environment
- vi. Local Finance Considerations
- vii. Equalities and Human Rights

Land Use

7.2 The application concerns two elements that are related, these are the change of use of vacant office space within the Walker House building and the construction of a new two-storey building to the rear. The vacant office space would be converted into new residential accommodation. The new building to the rear of the Walker House building in the existing car park would provide new office space.

7.3 While the Boundary estate is characterised by significant historical housing blocks, the area also contains a mix of commercial uses. The street facing ground floor frontages of this urban block on Calvert Avenue and Boundary Street includes a range of uses including a gym, art gallery, café and laundrette. Immediately opposite Walker House (LB Hackney) the ground floor is office accommodation. This is part of a wider context with the main commercial activity of Shoreditch High Street to the west, and Shoreditch High Street and Redchurch Street to the south, both nearby.

7.4 In respect of policy designations that apply to this site in terms of land use, the Boundary estate forms part of the City Fringe Opportunity Area. This policy designation has three categories and the application site is within the Inner Core Growth Area. This is an area where demand for employment space is identified as being the highest. The GLA planning framework for the area states that the inner core growth area '*is where development proposals for employment floorspace will be encouraged and supported, in order to support the process of the core expanding and prevent supply diminishing*'. (para 3.9).

7.5 The provision of employment space is an objective of the Council's policies. Large floorplate office developments are to be directed to the Preferred Office Locations (POL) in Aldgate and

Canary Wharf, while other office accommodation including office accommodation that meets the needs of Small and Medium Enterprises (SME) is encouraged more widely in the Borough.

- 7.6 Core Strategy (2010) policy SO15 seeks *'to support thriving and accessible global economic centres of Canary Wharf and the City Fringe which benefit the regional and local economies'*, and SO16 *'to support the growth of existing and future businesses in accessible and appropriate locations'*. Managing Development Document (2013) DM15 states that the upgrading and redevelopment of employment sites outside the POLs will be supported. Development should not result in the loss of active and viable employment uses unless it can be shown through marketing that the site is unsuitable.
- 7.7 The provision of office accommodation in the Boundary Estate Conservation Area was addressed by the Planning Inspector for an appeal decided in 2014, in respect of the Rochelle Centre, Club Row. (see RELEVANT PLANNING HISTORY above) In that decision the Inspector commented, *'The appeal site is situated on the edge of the Central Activities Zone, promoting a vibrant mix of uses. It is well located to accommodate the small scale B1 and D1 uses intended. The uses would complement the businesses already present on the site, as well as reflect the cultural based activities in Shoreditch generally'*. These comments are in accordance with the applicable planning policy and the location of the Boundary estate and surrounding area.
- 7.8 In addition to the provision of office accommodation the development proposes 4 residential units. As much of the building is already in residential use this use is consistent with the character of the area and the existing use of the building. Moreover the provision of new housing is also an objective of the Council's policies. Core Strategy (2010) policy SO7 sets out the objective to *'deliver housing growth to meet general and specialised housing demand in line with London Plan targets'*. The delivery of new housing is a key objective at local and London-wide levels
- 7.9 In this context in terms of principles of land use the proposed provision of office accommodation and new housing on this site is in line with the local plan objectives and the City Fringe OAPF. The proposal is acceptable in land use terms and would support the achievement of these objectives.

Design & Heritage

- 7.10 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Scale, height, mass

- 7.11 The proposed new office building would be constructed on stilts from within the basement carpark and would be two storeys in height, leaving space beneath for car parking and services. Overall the building would be 9.2m high at its maximum (from basement level) which is considerably lower than the surrounding area which largely consists of medium rise buildings between 4-7 storeys.
- 7.12 Officers note the improvements the applicant has made and the revised scheme addresses the main issues raised previously through the pre-application process as well as clarifying comments made by CADAP. Whilst visible from upper floors of adjacent buildings, the proposal has been reduced in height and would largely be hidden from view from the public realm. The building has been pulled back slightly from the existing boundary walls, restricting views of the bulk of the development. The reduction in mass has also improved the relationship between the new build and Walker House.

- 7.13 Considering the prevailing heights in the area the proposal is considered acceptable with regards to scale, mass and height.

Appearance & Materials

- 7.14 The external material has been changed following engagement with officers through the pre application submission process. The main material for the building is a pre-oxidised copper cladding. This is a visually distinctive material with a modern look, and overall a high quality material. The material would be appropriate for a new building, making a clear distinction between old and new with colour tones that would relate well to the palette of brickwork that predominates in the Boundary Estate.
- 7.15 The proposed building is two-storeys in height from the level of the surface car park. This means that the building has an eaves height approximately 1.5m above the height of the surrounding wall. The building then slopes up away from the boundary. The east elevation of the building would be set away from the boundary by approximately 3m, from the north elevation with Leyton House by approximately 4.5m, and from the southern boundary approximately 1m. In this respect the proposed building would be a new feature in the immediately surrounding communal space on the opposite side of the boundary wall. However, for the reasons discussed above, including the boundary treatment and the location at the rear of these buildings the proposal would not be a prominent or significant feature in the surrounding area.
- 7.16 Officers also note the improvements made to the main residential entrance which have been approved under PA/17/01567 are also incorporated into this application. This saw the reduction of available space from within the internal porch and an improved lighting scheme in response to the anti-social behaviour activity in the area.
- 7.17 Following comments provided by CADAP additional details outlining where gutters would be located and a revised skylight were submitted. These details are considered acceptable in terms of appearance and materials.
- 7.18 It is acknowledged that from a 'birds-eye' plan perspective, and a view from upper floors of surrounding buildings, the proposal fills in a large part of the existing car park. This is a notable change from upper floor views. However, these are not the key views in respect of the impact of the proposal on the general character and appearance of the Conservation Area and surrounding area (discussed below).

Secure by Design

- 7.19 Policy 7.3 of the London Plan and policy DM23 of the Managing Development Document (2013) seek to ensure that developments are safe and secure.
- 7.20 The proposed development has been assessed by the Crime Prevention Officer who has not raised objection to the proposal, however wanted further clarification on the development. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.
- 7.21 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the Managing Development Document (2013).

Design Conclusions

- 7.22 In conclusion, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with local and regional policies.

Heritage

- 7.23 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Archaeology

- 7.24 Whilst the site does not fall in a designated Archaeological Priority Area, Historic England Archaeology (GLAAS) advises that the site lies in an area of general archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.
- 7.25 Following amendments to the Written Scheme of Investigation (WSI) GLAAS are satisfied that the proposal could be dealt with by an appropriately worded compliance condition.

Surrounding Conservation Areas and Listed Buildings

- 7.26 As set out below, the Conservation Area is arranged around the central Arnold Circus. The Boundary Estate Conservation Area Appraisal states:

The character of the Boundary Estate Conservation Area is defined by the semi-formal late 19th-century housing estate, which is made up of twenty (Grade-II listed) purpose-built housing blocks. The majority of the blocks are five stories high, each individually designed to reflect its position within the estate and its relationship to its surroundings. The raised central garden known as Boundary Gardens, is the centre point of the estate, with the housing blocks arranged on seven unequally placed streets radiating from this focal point.

Calvert Street, the original main road leading from Shoreditch High Street was widened and extended to provide a grander entrance to the estate. The tree-lined Calvert Avenue was remodelled with shops facing onto the road and workshops to the rear. Today, these are still in existence, many with their original shop fronts.

- 7.27 The application site consists of Walker House, a building that has historically been extended and altered. The building has an immediate relationship with Leyton House that was extended substantially subject to a planning permission in 1998. As stated previously the rear of the buildings is the lower ground level car park, which is bound by a brick wall. The car park level is lower than the surrounding public realm and is approximately 4m below the height of the surrounding wall
- 7.28 The planning application drawings are submitted with an accompanying Heritage Impact Assessment. A fundamental consideration in the assessment of an application in this area is that it does preserve or enhances the integrity, character and understanding of this Conservation Area, and this very historically significant Estate. Whilst included within the Conservation Area, Walker House was not built as part of the LCC's ground breaking Boundary Estate. The building site is at the rear of the property, situated below existing ground level and was evidently built on in the past and importantly did not form part of the historic yard spaces between the Boundary Estate blocks, which are a key part of the areas character and an important component of the Conservation Area.
- 7.29 Extensions of any significance or main alterations would not be entertained in the immediate setting or surrounding communal area to an original Grade II Boundary Estate building. However, assessment of this site shows that this is a part of the Estate different from the other Estate buildings. The Council's specialist heritage officer has considered the principle and specific proposals of a new building on the rear car park to be acceptable.

- 7.30 In considering the development from the surrounding streets and within the communal area in the centre of this urban block, the visual impact of the proposal is very limited given the location of the proposal to the rear, given the existing car park is set at lower ground level and given the existing wall that surrounds the car park does much to help screen the proposal. Set in this context, while the top of the proposal would become a new feature in the surrounding area officers are of the opinion the proposal has a more than satisfactory relationship with the surrounding public realm and would preserve the character of the Conservation Area, enhancing the appearance of this screened away section of the Conservation Area.
- 7.31 Residents have specifically noted that the proposal would be visible from Arnold Circus; however, visibility does not immediately suggest that harm would be caused and in this instance given the low scale of development proposed and the screening afforded to this part of the site the proposal would not be detrimental to the character and appearance of the surrounding Conservation Area.
- 7.32 Whilst the proposal would result in the development of a new, modern building within the Conservation Area the redevelopment of site, in particular the limited visibility from the street, the quality of the design and materials as outlined above, is considered to preserve the character and appearance of the Boundary Estate Conservation Area. Overall, it is considered that the proposal would sit comfortably in this context and would not cause any adverse harm to the setting of statutory and locally listed buildings and the setting of the Conservation Area.

Neighbour Amenity

- 7.33 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions

Privacy, Outlook, Overlooking

- 7.34 Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites. As a result of the redesign the proposed office development is at lower ground and ground floor level. Walker House and neighbouring Leyton House have residential properties at first floor and above with the proposed building generally being at a lower level than the residential flats. Furthermore, there are no windows facing north. As such officers consider that the development would not adversely impact neighbours outlook or sense of enclosure, nor raise challenging issues in terms, daylight, sunlight (discussed below), and privacy to these residential properties.
- 7.35 The development is set away from Shiplake and Wargrave Houses to the south, behind the existing wall and should not have any significant impact on residential amenity to the occupants of these buildings due to the barrier created by the existing wall and the height at which the building is proposed.

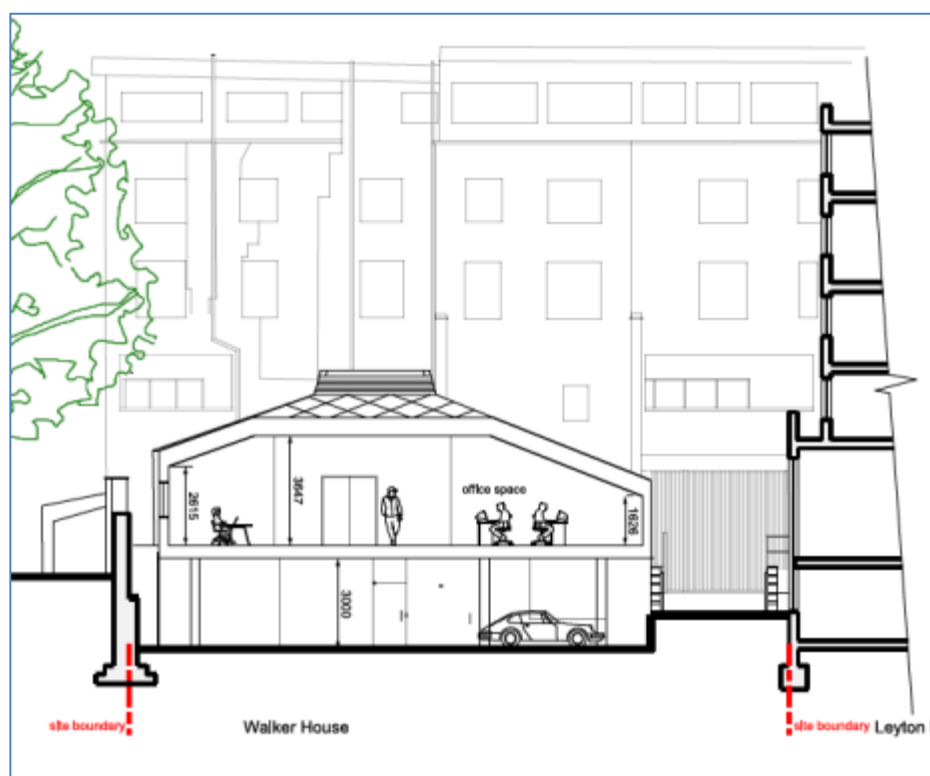


Figure 3: Section of proposal with lower ground and ground of Leyton House (22 Calvert) on right.

- 7.36 The non-residential use that has an immediate relationship with the proposal is the rear frontage of the 22 Calvert Avenue. This is currently occupied by the Calvert Foundation, a not-for profit organisation concerned with culture and creative arts activities. The premises occupy the ground and lower ground, this includes art gallery space, café and bookshop, meeting space for hire, and associated offices. While it is clearly the case that from a 'birds-eye view' the proposal is a notable change to the setting of the car park, the relationship with residential properties is reasonable. The proposal is set back from the adjoining 22 Calvert Foundation offices by approximately 4.5m and maintains a reasonable level of daylight, sunlight and outlook to these dual aspect premises
- 7.37 In terms of the proposed residential units as there are existing units above, the proposal would not introduce any new overlooking concerns beyond that which currently exists as the proposed balconies would be inset within the building.
- 7.38 Given the use, location, separation distance of surrounding facing residential properties and the tight urban grain in this part of the Borough, it is considered that the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of privacy, loss of outlook and sense of enclosure.
- 7.39 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved, a level of outlook is maintained and there will be no sense of enclosure to surrounding residential properties.

Daylight & Sunlight

- 7.40 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.41 A number of residential properties surround the site which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.
- 7.42 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive
- 7.43 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.44 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- Leyton House
 - Shiplake House
 - Wargrave House

Leyton House

- 7.45 Of the 46 windows tested, 44 would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. Of the 2 windows that do not meet the BRE daylight levels in terms of the 20% of their former value these windows are located at lower ground floor level serving the gallery space and face a loss of 23% and 25% of their former value which is marginally below the standard of 20%. The windows would receive VSC's of 22.01 & 22.24 respectively and would therefore maintain good access to daylight.

Shiplake House

- 7.46 Of the 14 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Wargrave House

- 7.47 Of the 58 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Walker House

- 7.48 In terms of Walker house_the proposed development involves blocking up two ground floor windows of Walker House facing onto the car park. These are two small windows with security bars over them. The lawful use for this unit is as a workspace studio (B1), with primary outlook onto Boundary Street. The planning history shows an application has been refused planning permission and a lawful development certificate for use of this space as residential. With the primary outlook and daylight from windows onto Boundary Street, blocking up these windows will not have a significant impact on the amenity of the building.

Sunlight

- 7.49 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

Leyton House

- 7.50 Of the 46 windows tested, 38 would pass the tests set out in the BRE. All the windows that fail belong to the lower ground floor non-residential institution and would fail in terms of winter hours but pass in terms of summer hours. Given the location, use of the building and the number of windows studied this reduction in sunlight levels to the building is acceptable.

Shiplake House

- 7.51 Of the 14 windows assessed all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is therefore negligible.

Wargrave House

- 7.52 No sunlight analysis is required as these windows face north. Overall, there is no impact in daylight and sunlight terms to the properties in Wargrave House as a result of the proposed development.

Conclusion

- 7.53 The proposed development shows almost full compliance with the required daylight and sunlight standards. Overall considering the size of the scheme, the highly urban context (located within a carpark) and the number of windows tested these reductions in daylight are on balance acceptable.

Overshadowing

- 7.54 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 7.55 There are no existing amenity spaces or park areas within close proximity to the development.

Noise & Vibration

- 7.56 Objections have been received due to the balconies proposed potentially adding to the acoustic canyon effect within the courtyard area. It should be noted that two balconies are proposed facing in to the courtyard area which would not be a discordant feature in a residential area such as this. Many properties have windows facing into the courtyard area currently which are openable. There are also amenity terraces which are located facing the courtyard in properties such as Leyton House which is adjacent to the application site in question.
- 7.57 Given there are existing residential properties with external amenity spaces in the area and also that there is a policy requirement for residential private amenity space; it is not

considered that two residential amenity spaces (for private use of occupants of the flats) would cause an unacceptable impact on amenity.

- 7.58 Officers have also considered the effect on noise from the office building. Given that typical offices hours are proposed and that there are existing businesses form within Calvert Avenue, no objection is raised.

Construction Impacts

- 7.59 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Housing

Housing Mix

- 7.60 Considering the size of the development the proposed housing Mix is acceptable.

Standard of proposed accommodation

- 7.61 The proposed development includes change of use of the first floor of Walker House from vacant B1 office space to provide 4 new flats. The accommodation would be a mix of 1 x 1-bedroom flat, 2 x 2-bedroom flats and 1 x 3 –bedroom flat.
- 7.62 Officers are satisfied that all of the proposed residential units are compliant with the relevant space standards. Each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable. The units would be primarily served by existing large windows to the west. In addition 3 of the 4 flats would be dual aspect including windows to the east. Two of the four flats, including the 3-bedroom unit, would have private amenity in the form of an inset terrace. The submitted amendments have had no effect on the residential units
- 7.63 The second floor and above of Walker House is in residential use and this would be a continuation of that arrangement. This reflects the predominant character of the estate and surrounding area with residential on upper floors. The existing building is well suited to residential accommodation and the proposed units should have good levels of daylight, sunlight, outlook and privacy.
- 7.64 In summary, the quality of residential accommodation assessed against policy and with due regard to site constraints is satisfactory.

Transport

- 7.65 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Car parking and access

- 7.66 Walker House and Leyton House benefit from an off-street car park within their demise located to the rear of the buildings. In respect of the wider Boundary Estate this is not a common feature. The main characteristic of the rear of properties in the Estate is open

communal space. However, this site does not include original Boundary Estate buildings and it is understood the current location of the car park was historically the site of a warehouse building, possibly destroyed in bomb damage.

- 7.67 The car park has 20 spaces. It is accessed through a controlled access gate (approx. 4m in height) from Boundary Street, and down a ramp to the lower ground level of the car park. The proposal is for a development that sits over the existing car park, and it is to change the number of car parking spaces reducing them from 20 spaces to 13 spaces.
- 7.68 Relevant planning history in respect of this car park is the 1998 approval for extensions and alterations to Leyton House, which included details on the use of the car park to serve Walker and Leyton Houses. The layout of the car park is secured by condition 8 and the accompanying S106 agreement pursuant to this permission. If permission were to be granted a condition requiring the applicant to vary the existing s106 would be secured
- 7.69 The condition and S106 identify 6 of the 20 spaces and state that they shall be used exclusively for commercial uses in Walker and Leyton Houses. The proposal subject of this report maintains an allocation of 6 spaces for commercial uses. In effect, as the allocated 6 spaces for commercial use remains, the reduction in car parking spaces (6 spaces) will be for unallocated general use car parking.
- 7.70 The objective of adopted planning policy is to reduce the use of car journeys in areas that are well connected to public transport. As set out in the site and surroundings section above, this is a highly connected location with the highest public transport accessibility level (PTAL) of 6b. This is a reflection of the short walking distance to Underground and Overground stations and a wide range of bus routes.
- 7.71 It is understood that for existing residents a loss of car parking would be undesirable. However, in a highly connected location as this there would need to be clearly identifiable severe transport impacts from the proposed reduction of 6 spaces for this to be a significant concern in respect of the planning application. This is not considered to be the case in respect of car parking.

Refuse

- 7.72 The existing refuse store to the rear of the building will be replaced with a new store providing office storage and residential storage. The proposal provides sufficient bin space based on standards including 3 x refuse bins, 2 x recycling bins and 1 x compostable bin for the residential element and 2 x commercial refuse bins for the office elements.
- 7.73 The waste officer has noted that the distance to the street is more than 10 metre pulling distance and therefore the applicant will need to manage the waste accordingly including presenting bins to street on refuse collection days. The applicant has agreed to this proposal and the details of this arrangement will be required through the delivery and service management plan which will be required by condition.

Servicing and deliveries

- 7.74 The rear car park is also used for servicing for commercial businesses and an objection to the application has been received by the 22 Calvert Foundation. This relates to servicing of the Foundation premises, primarily in respect of deliveries of art works. The Foundation have advised they receive up to 20 deliveries in a 12 month period, vehicles used range from transit vans to Heavy Goods Vehicles, The Foundation state they also receive deliveries from the street but on-street parking and stepped access mean this is not ideal.
- 7.75 It is considered that servicing for this business must be maintained; however, it is noted the number of deliveries is on average less than 2 deliveries a month.

- 7.76 Notwithstanding this, the design of the proposal is such to accommodate continued servicing from the rear of a transit van type vehicle. The proposed office accommodation provides a clear height of approximately 3m, which is a comfortable distance for a transit van, that measures approximately under 2m in height. Large vehicles could not be accommodated in the proposed arrangement for the rear car park. However, it is not considered likely that such vehicles would be easily accommodated under the current arrangement, with ramped access, and on street servicing would be necessary. Given the relatively modest number of deliveries over the year this should be accommodated in a manner that would not harm the safety or capacity of the highway.

Trip generation

- 7.77 In respect of the impact of the proposed development, the submitted application includes a Trip generation assessment for the proposed net increase of office floorspace (44sq.m) and the new proposed 4 residential units. The trip generation shows 90% (59no.) of additional journeys by public transport, cycling or walking. There are projected numbers of 10% (7no.) journeys by car. However, this is only a projected number in a location where there will not be allocated spaces for these uses, and in a highly accessible location, this should not have a significant affect. Overall, the trip generation is commensurate with a highly accessible inner London location as this and should be comfortably accommodated by the existing public transport infrastructure.

Cycle parking

- 7.78 The Design and Access Statement notes that there are currently 8 cycle parking spaces located within the existing car park which are provided by way of 4 Sheffield stands. The proposal will re-provide these 8 cycle parking spaces in addition to 12 new cycle parking spaces consisting of 5 cycle parking spaces for the new office and 7 cycle parking spaces for the new residential units. This is compliant with the current London Plan (2016) standards.
- 7.79 The cycle parking spaces will be located in two stores at basement level to the west and south east of the existing basement level. Details of the access arrangements and layout of cycle parking stands will be secured by way of condition.

Conclusion

- 7.80 Following advice of the Council's legal officer, if planning permission is to be granted this should be done subject to a 'Grampian' condition. This condition is to ensure commencement of a development does not take place until a deed of variation has been completed in respect of permission PA/98/01173 and the proposed amended arrangement of the existing car park. Other conditions required are a car-free agreement to prevent the proposed new residential flats requesting on-street permits, details of cycle parking and a Construction Management Plan, to manage the construction impacts during the build. Subject to these conditions the proposal is acceptable in terms of transport and highways considerations.

Environment

Air Quality

- 7.81 An Air Quality Assessment has been submitted by the applicant and this assesses the impacts of the development on the local area as a result of changes in traffic, any emissions from plant on site and the dust emissions during the construction phase of the project. The impact on the local area as a result of the proposed development is considered to be insignificant. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will

see the site designated a “Low Risk Site” and residual effects are not be considered significant. Appendix 5 includes site specific mitigation for a low risk site and the implementation of these measures can be ensured through the condition requiring a Construction Management Plan.

Waste

- 7.82 Development Plan policies require adequate refuse and recycling storage.
- 7.83 All commercial waste and recycling is to be stored within a storage area on the ground floor with direct access from the north-west corner of building to Greenfield Road.. Objections have been received that this would not be adequate however the store has been sized appropriately, taking account of Council guidance.

Landscaping & Biodiversity

- 7.84 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.85 The biodiversity officer has noted the only feature of any value for biodiversity is the ivy on the south wall due to the fact it is likely to support nesting birds and its loss would result in a very minor adverse impact on biodiversity. The ivy should be cleared outside of nesting season or a survey for nesting birds undertaken before clearance and this will be controlled by way of condition.
- 7.86 In terms of biodiversity enhancements, the applicant has investigated the option of introducing additional biodiversity enhancements to mitigate any losses and meet the requirements of the Local Biodiversity Action Plan (LBAP). The applicant has confirmed that bird and bee nesting boxes can be incorporated into the scheme which will be along the boundary walls. The provision of these nests (and other mitigation and enhancement as is feasible) as well as the retention of as much of the ivy as is feasible will be controlled by condition.

Land Contamination

- 7.87 Subject to standard conditions, the proposals are acceptable from a land contamination perspective and that any contamination that is identified can be satisfactorily dealt with.

Energy

- 7.88 The proposal is a minor application and an Energy Statement has been submitted which shows how the development will be designed to maximise energy efficiency and reduce carbon emissions in line with Building Regulations and London Plan principles.
- 7.89 Such measures include solar control double glazing, mechanical ventilation with heat recovery, high efficiency air source heat pumps and gas boilers. A 9.5% reduction in carbon dioxide over current Building Regulations can be achieved. In addition, there are no existing or potential district heating networks in the vicinity of the development. These measures are welcomed and appropriate approach for the scheme.

Human Rights & Equalities

- 7.90 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

- 7.91 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations:

- 8.3 With regards to the Community Infrastructure Levy considerations, Members are reminded that the London mayoral MCIL2 became operational from 1 April 2019 and would be payable on the scheme if approved.

8.4 Planning Conditions

Compliance conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Tree Protection Measures
4. Provision of approved refuse storage
5. Hours of construction

Pre-Commencement Conditions

6. Details of noise and vibration mitigation measures
7. Details of biodiversity mitigation measures
8. Timing of vegetation clearance (breeding birds)
9. Land Contamination
10. Construction Management Plan
11. Samples and details of all facing materials
12. Method statement for the protection of the boundary wall beside the tow path
13. Proposed amendments to car park approval

Prior to occupation conditions

14. Details of cycle parking
15. Works completed to the new residential entrance to Walker House
16. Delivery and Service Management Plan
17. Details of all Secure by Design measures and Secure by Design accreditation
18. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)

Appendix 1

List of plans for approval

Schedule of Drawings

- 4588/PA001
- 4588/PA002,
- 4588/PA010 A
- 4588/PA011
- 4588/PA012
- 4588/PA013
- 4588/PA020
- 4588/PA021
- 4588/PA030 C
- 4588/PA031 A
- 4588/PA032 A
- 4588/PA033
- 4588/PA040 A
- 4588/PA041
- 4588/PA045 A
- 4588/PA050 A
- 4588/PA051
- 4588/PA052
- 4588/PA060 A
- 4588/PA070
- 4588/PA080
- 4588/PA090

Schedule of Documents

- Heritage Impact Assessment dated October 2017 prepared by Bob Kindred Heritage Consultants
- Daylight and Sunlight to Neighbours dated October 2017 prepared by Brooke Vincent and Partners
- Design and Access Statement dated November 2017 prepared by GML Architects
- Arboricultural Impact Assessment dated 30th May 2018 prepared by Hallwood Associates
- Archaeological Desk based Assessment dated September 2016 prepared by Allen Archaeology
- Air Quality Assessment dated 12th October 2016 prepared by Hawkins Environmental
- Transport Statement dated September 2017 prepared by Entran Ltd
- Energy Statement dated October 2017 prepared by Chris Evans Consulting
- Preliminary Ecological Assessment dated October 2016 prepared by The Ecology Partnership

Appendix 2

Selection of plans and images



01 Aerial View from North
002



02 Aerial View from South
002



Rear of Walker House from car park



View from Boundary Street, Walker House Left, Wargrave House right, car park boundary wall beyond.



View from junction of Navarre Street, application site in background within courtyard



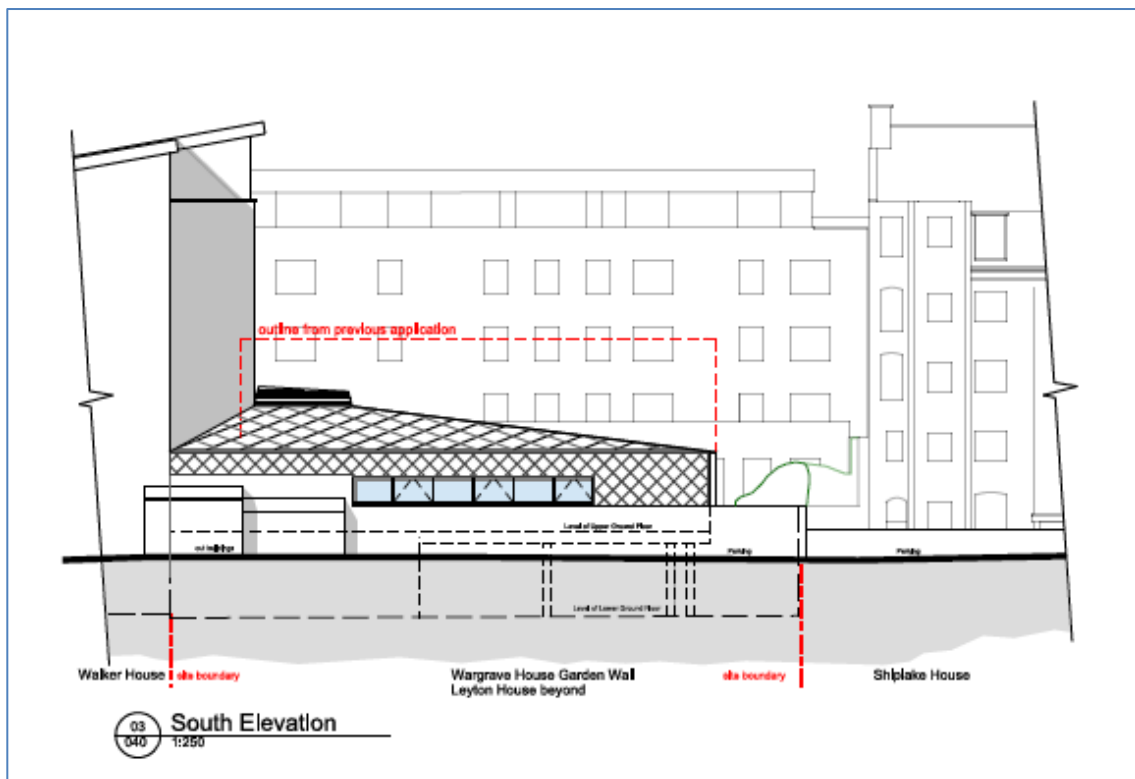
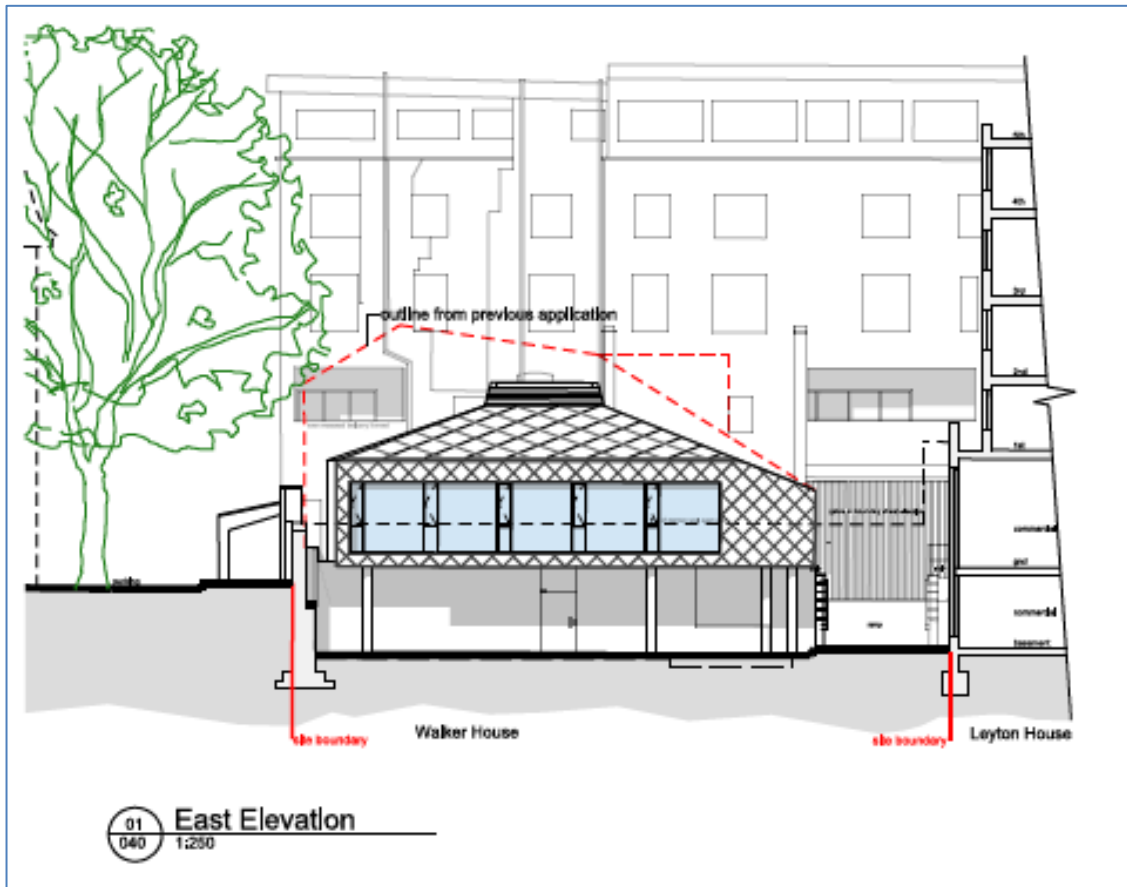
22 Calvert Avenue premises and access ramp

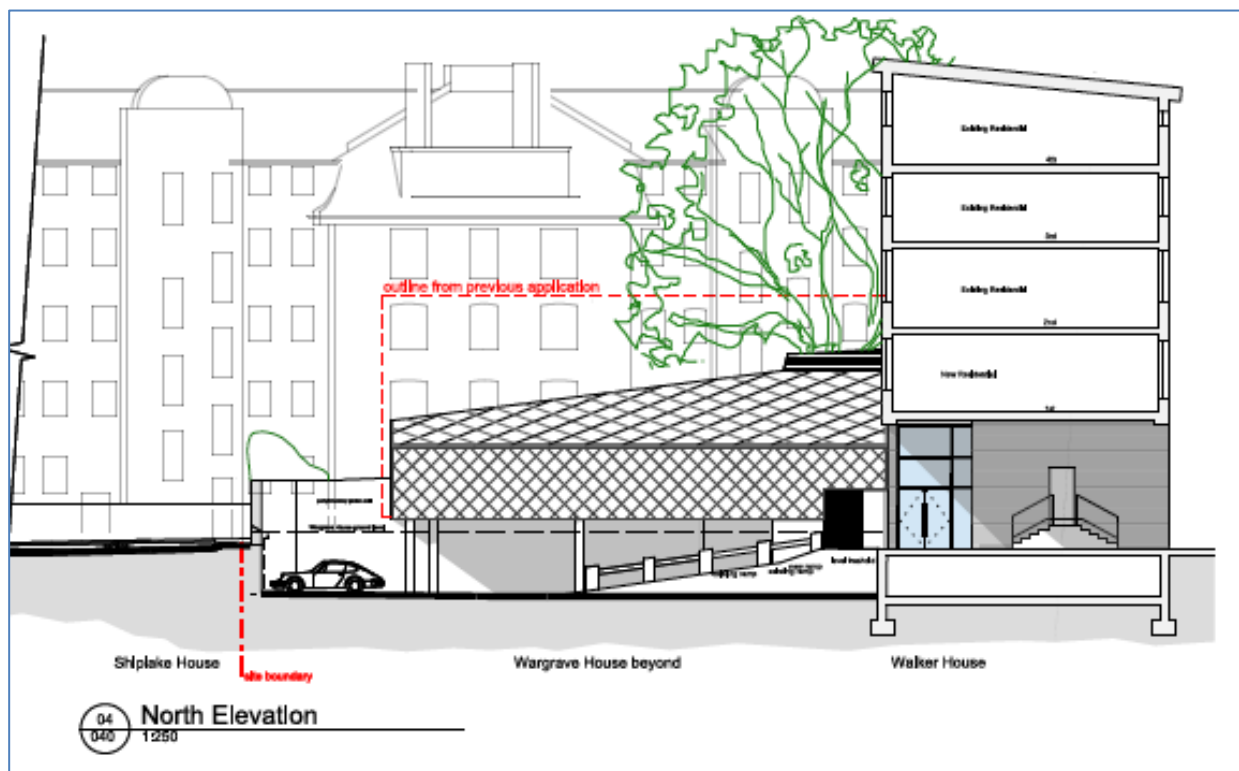
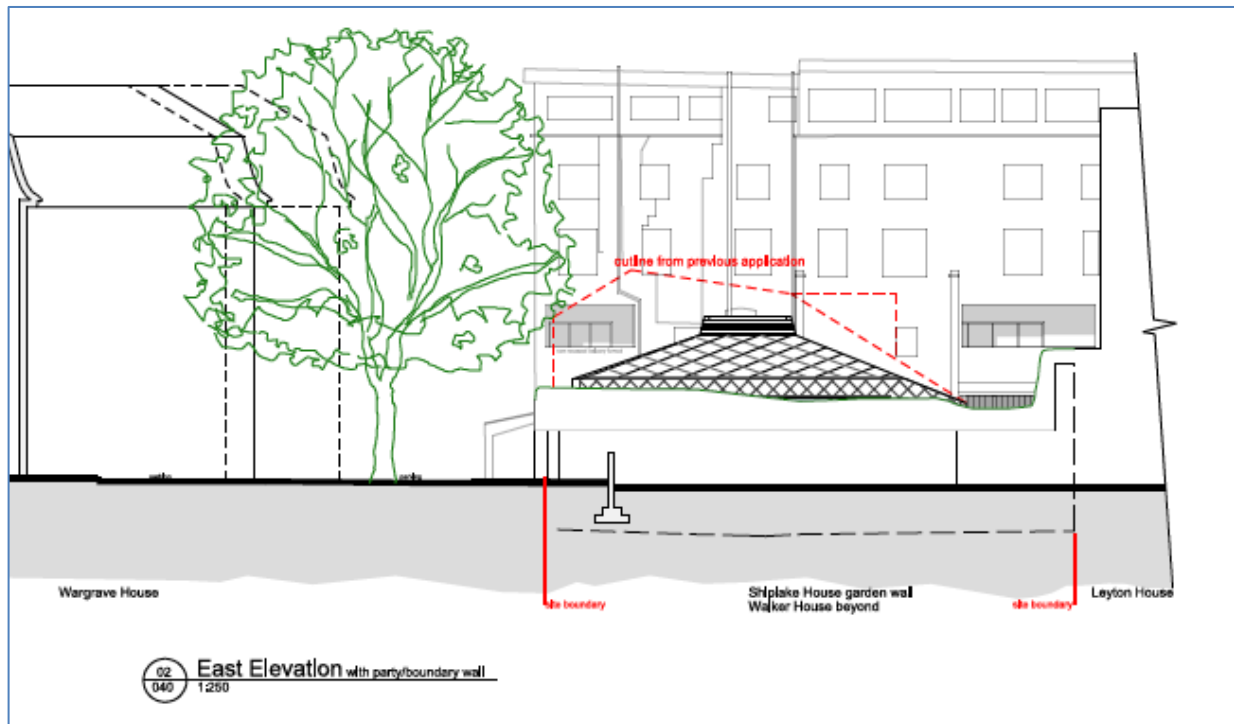


Vehicle Access via Boundary Street



Boundary wall and Wargrave house from within the carpark







Advice on Planning Applications for Decision

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
- The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
- The Managing Development Document adopted in 2013.

- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (NPPF) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (NHB) and Community Infrastructure Levy (CIL) fall within this definition.

¹The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

² The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as “*local finance considerations*”, the key question is whether they are “material” to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be ‘material’ to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed Buildings and Conservation Areas

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Trees and Natural Environment

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “*must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.

Crime and Disorder

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “*dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...*”

Transport Strategy

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

Environmental Impact Assessment

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Third Party Representations

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

Daylight, Sunlight and Overshadowing

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide. The BRE Guide does not form part of the Development Plan and compliance is not a statutory requirement.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; or
 - b) The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

General comments

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
 - To grant planning permission with conditions;
 - To refuse planning permission; or
 - To defer the decision for more information (including a site visit).

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

5. RECOMMENDATION

5.1 The Committee to take any decisions recommended in the attached reports.



DEVELOPMENT COMMITTEE

30 July 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/18/01676
Site	Regents Wharf, Wharf Place, London
Ward	St Peters
Proposal	The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.
Recommendation	Grant planning permission with conditions
Applicant	Albany Homes
Architect	Square Feet Architects
Case Officer	John Miller
Key dates	<ul style="list-style-type: none">- Application registered as valid on 12/06/2018- Public consultation finished on 07/08/2018- Planning committee (1) on 24/01/2019- Planning committee (2) on 13/06/2019

EXECUTIVE SUMMARY

The report considers an application for a roof extension to an existing development to provide six additional flats. Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.

The report sets out that the scheme would provide additional residential accommodation within a well considered design that is consistent with the architectural ambition and high design standards achieved within the locality.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would still appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets.

The proposed residential dwellings would be acceptable in terms of standard of accommodation and would have an acceptable amenity impact to neighbouring residential and commercial properties.

The impacts on the amenity of neighbouring occupiers would be minimal and would be acceptable for an urban location.

Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

The application was first considered by the Development Committee on 24th January 2019 and then again on June 13th 2019. In the first instance the application was recommended for approval, however, members resolved to defer the application for a daylight/sunlight analysis. In the second instance given the changes to the membership of the Development Committee that considered the application in January, the Committee deferred again due to the need to fully consider afresh all aspects of the application scheme and not restrict itself to the reasons why the previous Committee deferred the application.

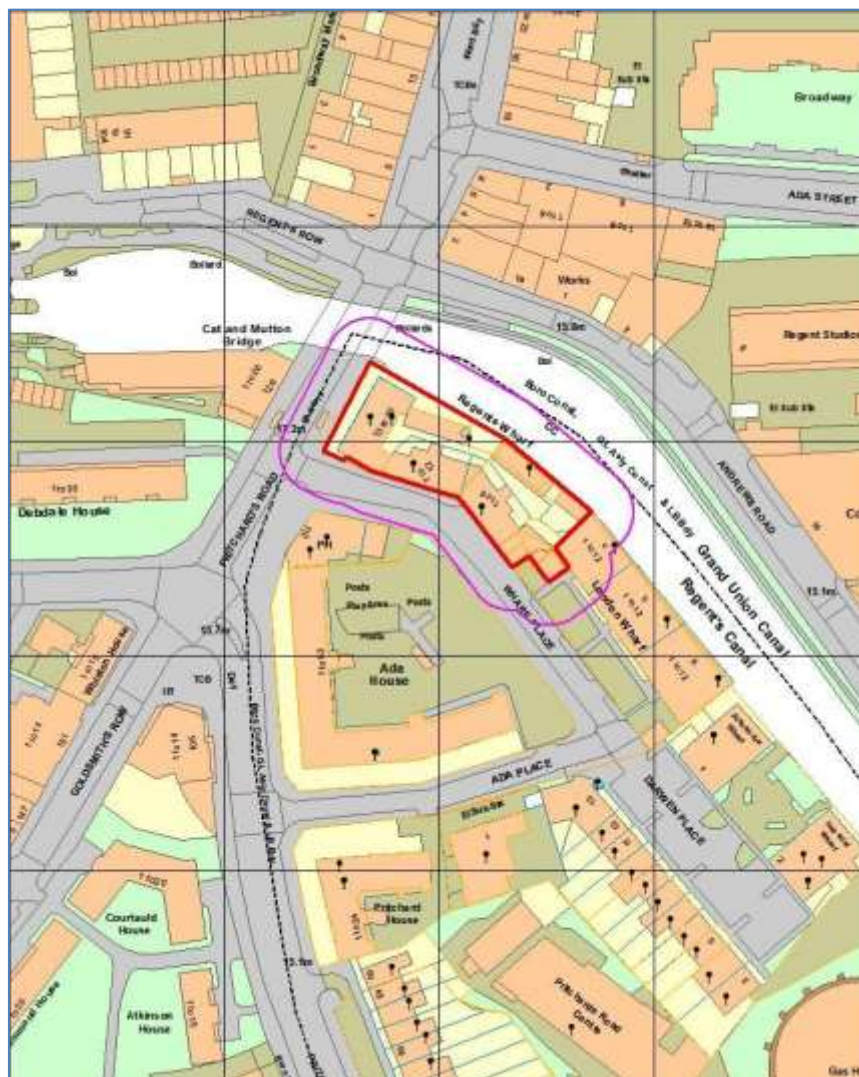


Figure 1: Site boundary (red) including consultation (pink)

1. SITE AND SURROUNDINGS

- 1.1 The application site is approximately 0.12ha and is bound by The Regents Canal to the north, Wharf Place to the south-east and Pritchard's Road to the west.
- 1.2 The application site comprises of 28 flats and associated cycle parking, waste storage, 20 car parking spaces and communal area fronting the canal totalling 420sqm. The site is known as Regents Wharf on Wharf Place.
- 1.3 The site is bound by Regents Canal to the north, London Wharf to the east, a four storey residential development, Ada House to the south, a five storey residential development, and Debdale House to the west, a six storey residential development.
- 1.4 The buildings that immediately surround the site are primarily residential in nature. London Wharf, Ada House and Debdale House range between four and six storeys in height.
- 1.5 In terms of policy designations, part of the application site is located within the Regents Canal Conservation Area (the part of the site fronting the canal). There are no listed buildings in the immediate vicinity.
- 1.6 The site is located in close proximity to the Hoxton overground station, in addition to local bus routes. It has a Public Transport Accessibility of 4.
- 1.7 The site does not fall with any site allocations as outlined in the Local Plan but is located to the north of the 'Marian Place Gas Works and The Oval' site allocation as per the Managing Development Document (2013).
- 1.8 Relevant photographs of the application site and neighbouring development are included below and in Appendix 2.

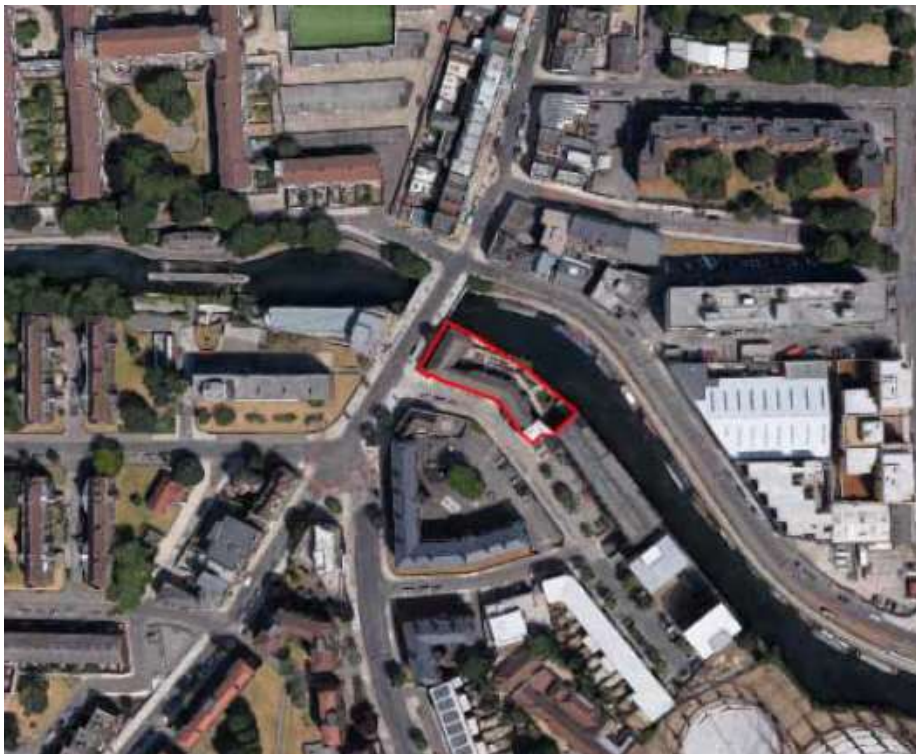


Figure 1: Birds eye view of the site and surrounds (highlighted in red)

2. PROPOSAL

- 2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is for:
- The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.
- 2.2 The scheme would be 'car free' for incoming residents with existing residents still benefiting from the private underground car parking area. All spaces would be retained. A total of 36 cycle parking spaces would be provided to serve all the units (existing and proposed).
- 2.3 The architecture of the scheme would be contemporary in character, with rich detailing and a material palette centred on the use of robust materials such as zinc cladding and glazing.. Further selected plans and images of the proposed development are set out in Appendix 2.
- 2.4 Amended plans have been received over the course of the application and these largely relate to:
- Revised cycle arrangement
 - Daylight/sunlight analysis

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PA/01/01427: Partial demolition of existing two storey residential unit, down to courtyard level, and construction of a three storey building on NE corner of courtyard, incorporating existing basement residential floorspace and creating one maisonette and two flats. (Revised scheme of reduced scale and amended design to replace proposal advertised in December 2001) *Withdrawn*
- 3.2 PA/04/00160: Partial demolition of existing two-storey residential unit, down to courtyard level, and construction of a three-storey building on NE corner of courtyard. Proposal incorporates existing basement space into a replacement maisonette and adds three new flats. *Refused. Appealed – Dismissed*
- 3.3 PA/05/02129: Construction of new 3 storey building to form 3 flats over existing entrance and bin store. *Refused. Appealed - Dismissed*
- 3.4 PA/06/01087: Construction of new 3 storey building to form 3 flats over existing entrance and bin store (revised scheme). *Refused. Appealed – Allowed*
- 3.5 PA/07/00411: Construction of 3 storey building to provide 3 x 1-bed flats, provision of bin store enclosure and upgrading of entrance (addition to side). *Permitted 18/06/2007*
- 3.6 PA/09/02273: Erection of two new dwellings in disused car-park area. *Refused Appealed Dismissed*
- 3.7 PA/11/00834: Erection of a new dwelling within part of the basement parking area. *Permitted 07/02/2012*
- 3.8 PA/12/00514: Erection of one 1 bed dwelling within the area of the lower car park level. *Refused 14/08/2012*

- 3.9 PA/13/01945: Erection of one 1 bed dwelling within the area of the lower car park level. *Refused 17/10/2013*
- 3.10 PA/15/02977: Erection of one new residential flat within rear car parking space. [AMENDED PROPOSAL] *Permitted 26/01/2016*
- 3.11 PA/16/02761: Erection of no 1 porters lodge in a dis-used space. *Refused 29/11/2016*
- 3.12 PA/17/00632: Erection of no 1 porters lodge in a dis-used space. *Withdrawn*
- 3.13 PA/17/01725: The change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard. *Permitted 16/11/2017*
- 3.14 PA/17/02982: Single Storey mansard style roof extension to Regents Wharf to provide 5no. new residential (C3) units. *Withdrawn*
- 3.15 PA/18/00776: Non-Material amendment to planning permission PA/17/01725 and dated 16/11/2017 to carry out alterations to the internal layout of the consented one bedroom residential unit at lower ground floor to accommodate existing electrical cupboard. *Permitted 25/04/2018*

Pre-application

- 3.16 Officers engaged with the applicant at pre-application stage under pre-application reference PF/17/00115. The proposal under consideration was largely similar to the proposal as per pre-application stage. Pre-application discussions identified several key issues to be addressed. These included:
- Detailed design
 - Biodiversity

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.2 A total of 27 letters of objection were received from local residents. From the initial application (prior to the first committee meeting) 26 letters of objection were received. Following the publication of the June 13th committee report an additional representation was received.
- 4.3 The issues raised in the objection letters are as follows:

Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding

Amenity

- Construction would harm amenity of residents
- Additional storey would block of light to surrounding residents and canal

- No provided amenity space
- Unacceptable overlooking into adjacent properties

Highways & Waste

- Proposed cycle storage is already in site from a previous application
- Cycle and waste storage is already at capacity

Other

- Application documents fail to fully identify site history
- Misleading information contained within documents
- The site has been used as an ongoing construction site and is a nuisance to residents
- Devalue properties
- Structural problems/issues

4.4 The issues raised in the follow up letter are as follows:

Building management plan

- Regents Wharf remains a building site with construction works on a previously approved application (PA/17/01725) still on-going with the result the site is in a hazardous state and left without communal amenity space.
- Failed to complete construction in a timely manner.
- No evidence that an enforceable management plan is envisaged and considering that it is unlawful to impose such a condition planning consent should be withheld.

Daylight/sunlight

- Appears BVP's assessment was carried out without a site visit or primary research and relies on some estimations and assumptions.
- Do not agree that the transgressions are minor in terms of the failure to adhere to the winter sunlight guidelines.
- Confidence in the independent review is undermined by a failure to pick up two further transgressions in BVP's data: existence of a fourth winter sunlight transgression to W8 on the second floor which is reduced to 0.61 of its former value a transgression of the BRE guideline on the ratio of proposed to existing annual sunlight. With window W11 on the ground floor, shown at 0.77 in the data

table and should be flagged "no" not meeting BRE guidance but is erroneously flagged as "yes".

- Surprised at the timings of a site visit from the independent consultant given it was undertaken before the updated daylight report was issued.

5. CONSULTEES

LBTH Refuse

- 5.1 Initial comments were that the applicant is required to provide further information on the volume of waste by litres, size and type of containers to be used. The information provided of existing 5 x 770 litre wheelie bins does not address the breakdown of waste streams and the proposed units.
- 5.2 All bins must meet the British Standard EN 840 Bin Store. The applicant is required to show details of the bin store.
- 5.3 Officers note the objections with regards to the waste storage however following the above the applicant submitted revised documents detailing the breakdown of waste arrangements in line with the council's requirements. Waste officer comments were then updated stating that the proposed capacity breakdown was acceptable and that the bin store/ waste arrangements would be acceptable subject to a condition.
- Conditions
- 5.4 Planning conditions requiring a waste management plan are proposed.

LBTH Highways

- 5.5 Transport and Highways will require a S106 (or similar mechanism as agreed by the case officer) 'car and permit' free agreement to be secured for this development as it is located in a good PTAL area (PTAL 4).
- 5.6 Based on the London Plan, the applicant is required to provide at least eight cycle spaces for this development. The proposed cycle spaces do not comply with the cycle parking standard outlined within appendix 2 of the MDD.
- 5.7 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.
- 5.8 Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition.
- 5.9 *Officer comment: further discussion regarding the cycle parking is discussed in the main body of the report. Officers consider there to be sufficient space within the area proposed to accommodate the level of cycle parking and this can be controlled by condition. conditions are also recommended in relation to the construction management plan, car free development and s278.*

5.10 **LBTH Biodiversity**

- 5.11 Comments identified that the existing building has Moderate potential for bat roosts, but emergence and re-entry surveys show that there are currently no bats roosting at the site. Current best practice guidelines state that the results of such surveys are valid for one year. Hence, if work has not commenced by June 2019, a precautionary bat survey should be undertaken before work commences. This should be secured through a condition.

External responses

London Borough of Hackney

- 5.12 No Objections

Canal and River Trust

- 5.13 The Trust has reviewed the application and has no comments to make. Informatives are recommended in relation to Canal and River Trust Code of Practice for works and consent for works encroaching on to the towpath.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Further guidance is provided within Agenda item 5.

- 6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

- 6.3 The key development plan policies relevant to the proposal are:

Land Use - LP3.3, LP3.4, LP3.5, LP3.8, SP02, SP03;
(residential)

Housing LP3.3 -3.13, SP02, DM3, DM4
(unit mix, housing quality)

Design - LP7.1-7.8, SP09, SP10, SP12, DM23, DM24, DM27
(layout, massing, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14,
DM20, DM21, DM22
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

- 6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)

- LP Draft New London Plan (2019)
- LBTH Draft Local Plan (2019)
- Housing Supplementary Planning Guidance (March 2016)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport & Waste
- v. Environment
- vi. Local Finance Considerations
- vii. Equalities and Human Rights

Principle of Development/Land Use

- 7.2 The proposal seeks the construction of 4 x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat atop the existing residential block. As the existing use on site is residential the proposed flats raise no objections in terms of land use.
- 7.3 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to an identified need.
- 7.4 This is considered in more detail in the housing section of this report.
- 7.5 With regards to emerging policy S.H1, the proposal is for the delivery of 6 private residential dwellings. Policy states that affordable housing should be provided on a sliding scale (2-9 units) and if not offered a financial contribution would be sought. However, whilst no affordable housing is provided within the scheme, on balance the development presents uplift in quality housing which meets an identified need. Considering the policy is in draft form and carries limited weight it would not be reasonable to refuse the application on these grounds, nor would it be reasonable to seek a contribution until the policy is fully adopted.

Design & Heritage

- 7.6 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Scale, height, mass

- 7.7 The proposed development marks a slight increase (0.6m) in building scale when compared to the existing structure; however it is noted the surrounding and adjacent developments are of a similar scale. Officers have given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area and the conservation area setting. Consideration has also been given to the amenity impacts of this which are discussed later in the report.
- 7.8 Objections have been received in relation to the scale of the proposed extension, which consider that the proposed height is not in keeping with the existing and adjacent plots, and

would lead to overcrowding in an already dense urban environment. These concerns have been considered below.

- 7.9 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings adjacent to the application site range between 3 and 6 storeys in height.
- 7.10 The proposed building would be increased to 4 storeys in response to the variations in surrounding height. The extension would mark an increase in approximately 0.6m from the existing building and would be slightly taller than the adjacent building to the east. When measured from the Wharf Place elevation (south west), the building would increase from a maximum of 13.4m to a maximum of 14m.
- 7.11 An objection has been received on this increase in scale however given the surrounding developments varying height, and the overall minor increase in height, officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 7.12 The applicant has provided CGIs from the canal side that provides an insight into the impact of the proposed building from direct and longer views. Whilst the footprint is largely similar the drawings and documents demonstrate the high design quality of the scheme and this is considered to offset any potential harm resulting from its visibility.
- 7.13 The overall slight increase in height and change in massing is not considered to adversely impact upon the setting of the conservation area with buildings in the vicinity being of a similar scale. Furthermore the adjacent building at the London Wharf (which fully falls within the conservation area) has a traditional mansard roof and it is considered that the proposed development would be in keeping with the neighbouring development.
- 7.14 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing and appropriate within the context of the conservation area.

Appearance & Materials

- 7.15 Officers consider that the existing building reflects the past character of the area and in recognition of the surrounding context the applicant has adopted a contemporary architectural style for the roof extension which raises no objections.
- 7.16 Officers have given regard to the detailed design of the proposed extension and consider it to be well-proportioned with appropriate massing. It is simple in its design, appearing as a single uniform extension largely constructed in zinc cladding. The extension is arranged in a mansard style development sitting atop the floors below. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation which largely follows the rhythm below whilst also giving a clear distinction between old and new.
- 7.17 The proposed detailing is considered to successfully break down the scale and massing of the proposed extension resulting in a contemporary approach to a roof extension. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by way of condition.

Design Conclusions

- 7.18 In conclusion, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with local and regional policies.

Neighbour Amenity

- 7.19 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions

Privacy, Outlook, Overlooking

- 7.20 As previously set out, the proposed building sits in proximity to similar scale neighbouring buildings but has the advantage of the canal providing a buffer to buildings to the north. As the application site comprises a three storey residential block, the slight increase in scale as a result of the roof extension would not adversely affect the outlook of neighbouring properties.
- 7.21 An objection has been received regarding direct overlooking to the existing flats and the proposed flats. The closest physical relationship would exist between the existing building and Ada house to the south and the adjacent block to the west (in the London borough of Hackney).
- 7.22 Whilst distances involved are below the 18m guideline as outlined in the Local plan, officers note that the existing building is residential in nature and given the very minor increase in scale and that the windows have been designed to follow the fenestration pattern of the floors below the development would not introduce overlooking beyond that which currently exists. Officers therefore consider the scheme acceptable in this regard.

Daylight & Sunlight

- 7.23 Following the committee meeting on 24th January 2019 the applicant submitted a daylight/sunlight report taking the surrounding developments into account. A number of residential properties surround the site which can be impacted by the development; these have been tested as part of the application. The Council also had the report independently reviewed (by Anstey Horne) following the submission. In summary with regards to daylight/sunlight the impacts are on balance acceptable.
- 7.24 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site.
- Existing Regents Wharf flats
 - London Wharf
 - 110-112 Pritchard Road
 - 129 Pritchard's Road and Debdale House

- 7.25 The Council's independent review confirmed that the methodology used was in line with best practice and that all the relevant properties and windows had been taken into consideration. The windows at 129 Pritchard's Road and Debdale House did not require further testing as the angle of obstruction was less than 25 degrees.

Daylight

- 7.26 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment. This test measures whether buildings maintain most of the daylight they currently receive.
- 7.27 In summary, the BRE report states that: *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building from the centre*

of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- the VSC [vertical sky component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; [or]*
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.”*

Existing Regents Wharf flats

- 7.28 Of the 30 windows studied which are located at the ground, first and second floors at the junction of the L-shape of the building (see appendix 1 & 2), all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values. While it is noted that existing values across the ground and first floors are less than the recommended 27% guideline (see figure 1), the reduction to the values of these windows are unlikely to be perceptible by the occupants. It is also noted that a number of rooms are serviced by multiple windows which would increase access to daylight. This has been confirmed by the Councils independent review.

London Wharf

- 7.29 Of the 4 windows studied which are located on the western elevation at the second and third floors, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

110-112 Pritchard Road

- 7.30 Of the 5 windows studied which are located on the eastern elevation at first floor level, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

Overall

- 7.31 Overall the development shows full compliance with the guidelines in terms of daylight. The impacts to the daylight conditions of the studied properties would therefore be negligible. These findings have been also confirmed by the Councils independent review and that all windows that require testing have been tested.

Sunlight

- 7.32 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

Existing Regents Wharf flats

- 7.33 Of the 12 windows studied all would meet the BRE guidelines for summer sunlight hours, however 3 would fail with regards to winter sunlight (see figure1 above). The existing winter sunlight levels are low already and it is felt that the small losses are unlikely to be perceptible by the occupants. Taking the winter sunlight numbers in isolation there is a minor adverse impact. However, once one understands the context, the low existing winter levels and the adherent summer sunlight levels, the overall impact would be negligible. These findings have also been confirmed by the Councils independent review.

- 7.34 An objection was received following the publication of the officers report for the June 13th committee date. The objection raised concerns with regards to additional transgressions not picked up by the Councils independent review, however, in terms of the additional transgression to W8 on the second floor, whilst the reduction is below the 0.8 recommended guideline the window retains 8% of winter sunlight hours which exceeds the target of 5%. This window is therefore correctly identified as adhering to the BRE guidance.
- 7.35 In terms of the annual sunlight reduction to W11, this is reduced from 9% to 7%, a ratio reduction of 0.77 – however the guidelines state a third target in 3.2.11 of the BRE guidance whereby a reduction of no more than 4% is sought. As this window sees a reduction of 2% this value satisfies the guidelines.

London Wharf

- 7.36 Of the 2 windows assessed, which are located on the second and first floors all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

110-112 Pritchard Road

- 7.37 The window assessed, located on the first floor passes the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

Overall

- 7.38 Overall the development shows almost full compliance with the guidelines in terms of sunlight with the exception of winter hours to three of the windows tested. Considering the existing values and wider context the impacts to the sunlight conditions of the studied properties would therefore be negligible. These findings have also been confirmed by the Councils independent review.

Noise & Vibration

- 7.39 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.
- 7.40 Objection has been received regarding the noise of construction works and ongoing works as a result of the redevelopment of the site. In order to satisfy the policy and the ongoing objections a condition requiring a construction environmental management plan will be secured in which the developer would have to comply with the current best practice standards (British Standards). To further protect the amenity whilst the site is under construction Acoustic Reports to demonstrate compliance will be required. The council will also condition the construction hours of the development.

Construction Impacts

- 7.41 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Housing

Housing Mix

- 7.42 Considering the size of the development the proposed housing Mix is acceptable.
- 7.43 Regard has been given to the lack of a family sized unit however due to the relatively small nature of the scheme, the location of the flats at fourth floor level and lack of private amenity space, the proposed units in this instance would not be suitable for families. Therefore, in this particular instance officers feel that the proposed mix which includes different sizes of 2 bed units is on balance acceptable.

Standard of proposed accommodation

- 7.44 Officers are satisfied that all of the proposed residential units are compliant with the relevant space standards. Each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable. Additionally all flats benefit from a dual aspect setting.
- 7.45 It is however noted that only the 2B4P flat provides private amenity space in the form of a 7sqm balcony. The rest of the flats would be serviced by roughly 420sqm of communal amenity space found at the ground floor facing the canal which is used by existing units.
- 7.46 The communal space which currently services the existing units is considered to be acceptable in terms of quantum to service the proposed uplift in flats. Objections have been raised with regards to the loss of green space to the communal area; however, this has been identified to be as a result of the cumulative development on the application site. As the size of the space will not be amended as a result of the development officers raise no objection in this regard.
- 7.47 Objection has been raised over the provision of private amenity space, however from the above it can be seen that on balance the standard of accommodation for the proposed flats is acceptable.

Summary

- 7.48 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. Five of the flats do not provide private amenity space; however, on balance officers consider the proposal to be acceptable in this regard.

Transport

- 7.49 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Car parking and access

- 7.50 Residents benefit from off-street dedicated car parking in the basement. Existing parking opportunities within the development will be retained.

Deliver, servicing and refuse

- 7.51 The Design & Access Statement submitted by the applicant outlines that the existing waste collection activity occurs from the existing bin store at ground floor level fronting Wharf Place from 6 Chamberlin bins. This has been confirmed by officers as part of a site visit undertaken on Friday 11/01/2019 with 4 bins being used for general waste and 2 for recycling.

- 7.52 Objections have been received from residents that the stores are already beyond maximum capacity and that an increase in flats would cause further strain on the arrangement.
- 7.53 Highways and waste officers requested further clarification on the existing arrangement and as a result updated documents were received detailing the existing and proposed arrangement/capacity. The plans have been correctly updated to show the 6 bins and the council's waste officer is satisfied that the capacity arrangements are suitable. Officers are satisfied that 6 bins would provide the necessary capacity as outlined in the Local Plan.
- 7.54 Overall providing 6 bins would lead to a capacity of 7680L where the total required for the entire development would be 5100L. As a result the proposed waste arrangement is policy compliant for the existing and proposed residential units combined.
- 7.55 Officers are satisfied that the scheme is capable of delivering an acceptable waste strategy.

Cycle parking

- 7.56 Initially as per the London Plan Guidelines an 8 additional cycle parking spaces were to be provided adjacent to the existing spaces. This arrangement was found to be suitable however given the objections from residents surrounding the capacity of the existing cycle parking an opportunity to provide an upgraded space for existing residents was identified at basement level.
- 7.57 As previously proposed the basement cycle storage would provide 28 spaces, however it was identified that this would impede a car parking space. This has been redesigned so that the car parking space is not impacted and as a result the number of cycles in the basement has been reduced to 20.
- 7.58 To account for the reduction at basement level an additional 8 spaces are proposed at ground floor level where the existing cycle store is located which will be accessible to all residents in a secure area. As per the original report officers find this arrangement to be a significant upgrade over the existing situation and raise no objections. This will be secured to be implemented via condition.

Conclusion

- 7.59 Following advice of the Council's legal officer, if planning permission is to be granted this should be done subject to a 'Grampian' condition. This condition is to ensure commencement of a development does not take place until a deed of variation has been completed in respect of permission PA/98/01173 and the proposed amended arrangement of the existing car park. Other conditions required are a car-free agreement to prevent the proposed new residential flats requesting on-street permits, details of cycle parking and a Construction Management Plan, to manage the construction impacts during the build. Subject to these conditions the proposal is acceptable in terms of transport and highways considerations.

Environment

Landscaping & Biodiversity

- 7.60 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.61 The Council's biodiversity officer has given consideration to the Preliminary Roost Assessment (PRA) submitted by the applicant. The report has recorded the existing biodiversity value as well as a moderate potential for bats roosting at the existing site.
- 7.62 The submitted survey states that bats are not roosting at the existing site. Current best practice guidelines state that the results of such surveys are valid for one year. Hence, if work

has not commenced by June 2019, a precautionary bat survey must be undertaken before work commences. This will be secured via condition.

7.63 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.

- Enhancements

7.64 The councils Biodiversity Officer has stated that the proposed green roof will be sufficient to ensure net gains for biodiversity.

7.65 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Other matters

7.66 At the previous committees, issues were raised by residents with regards to ongoing and delayed construction of implementing previous planning permissions. Members commented on whether a condition could be secured for the applicant to construct the development in a timely manner.

7.67 In response to this it would be unlawful for the Council as a planning authority to grant permission and consent subject to conditions that require the development to be completed within an allocated timeframe. Such a condition would not meet the tests for planning conditions as set out in the NPPF.

7.68 A standard condition requires that the developer commence works within three years of the permission will be secured; however, the owner could decide to delay the implementation of the works, if it wished to do so. There is also no compulsion on an applicant to carry out the development or works that benefit from the permission.

Human Rights & Equalities

7.69 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.70 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations:

8.3 With regards to the Community Infrastructure Levy considerations, Members are reminded that the London mayoral MCIL2 became operational from 1 April 2019 and would be payable on the scheme if approved.

8.4 Planning Conditions

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction

Prior to commencement of development conditions

4. Construction Environmental Management Plan (including noise reports)

Prior to completion of superstructure works conditions

5. Materials (samples and details)
6. Landscaping details including external lighting
7. Architectural Drawings
8. Waste Management Strategy
9. Car Free development
10. S278 Agreement
11. Cycle Parking
12. Waste Details
13. Biodiversity enhancements including green roof

Ongoing Conditions

14. Further Bat Surveys (depending on commencement of development)

Informatives

- Canal and River Trust – construction and encroachment

APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

EXISTING SITE AND LOCATION PLAN	1431_L_001 REV A
EXISTING BASEMENT PLAN	1431_L_010
EXISTING GROUND FLOOR PLAN	1431_L_011 REV C
EXISTING FIRST FLOOR PLAN	1431_L_012
EXISTING SECOND FLOOR PLAN	1431_L_013
EXISTING THIRD FLOOR PLAN	1431_L_014
EXISTING ROOF PLAN	1431_L_015
EXISTING ELEVATIONS (1)	1431_L_020
EXISTING ELEVATIONS (2)	1431_L_021
EXISTING SECTIONS	1431_L_025

PROPOSED DRAWINGS

PROPOSED BASEMENT PLAN	1431_L_110 REV A
PROPOSED GROUND FLOOR PLAN	1431_L_111 REV C
PROPOSED FIRST FLOOR PLAN	1431_L_112 REV A
PROPOSED SECOND FLOOR PLAN	1431_L_113
PROPOSED THIRD FLOOR PLAN	1431_L_114 REV C
PROPOSED ROOF PLAN	1431_L_115 REV B
PROPOSED ELEVATIONS 1	1431_L_120 REV B
PROPSOED ELEVATIONS 2	1431_L_121 REV B
PROPOSED SECTIONS	1431_L_125 REV A
CYCLE STORAGE DETAIL	1431_L_151 REV A

DOCUMENTS

Design & Access Statement prepared by Square Feet Architects

**Preliminary Roost Assessment, November 2017 prepared by Greengage
Bat Survey Report, June 2018 prepared by Greengage**

REFUSE STORAGE ANALYSIS prepared by Square Feet Architects

Daylight and Sunlight to Neighbouring Buildings dated April 2019 dated BVP

**Review Report on a Daylight & Sunlight Assessment dated May 2019 prepared by
Anstey Horne**

Appendix 2

Selection of plans and images



CGI of proposed development – view along Regents Canal looking south west



CGI of proposed development – Ariel view looking south west



Existing site looking south



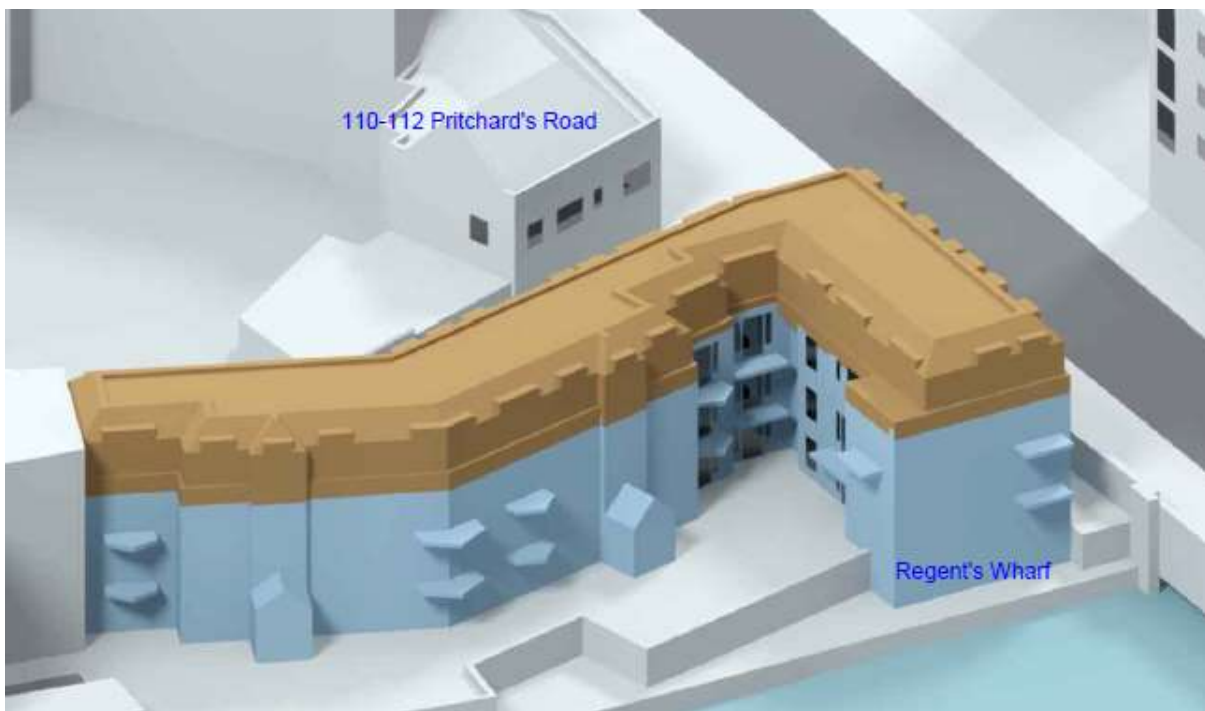
Existing site looking south west



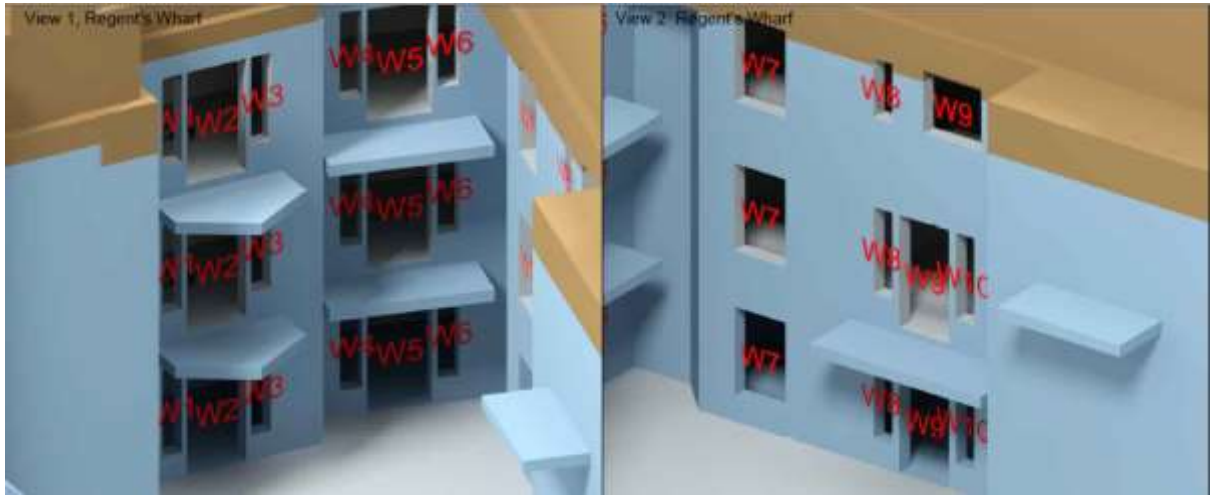
Existing site looking north east



Existing site looking south east from Cat and Mutton Bridge



Model of tested windows for Regents Wharf & Pritchard's Road



Windows tested Regents Wharf

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Application for Planning Permission

[click here for case file](#)

Reference	PA/18/03254 – Full Planning Permission PA/18/03255 – Listed Building Consent
Site	Bishops Square, Market Street and Lamb Street, London E1 6AD
Ward	Whitechapel
Proposal	<ul style="list-style-type: none">- Change of use of part of the ground floor from Class B1 to Class A1- Change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street,- Removal of canopy and extensions together with new shopfronts on Market Street- Construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.
Recommendation	Grant planning permission and Listed Building Consent with conditions
Applicant	Bishops Square Sarl
Architect	Foster + Partners
Case Officer	John Miller
Key dates	<ul style="list-style-type: none">- Application registered as valid on 13/11/2018- Initial public consultation finished on 11/12/2018- Amended plans received 19/07/2019

EXECUTIVE SUMMARY

The proposed redevelopment of this site represents a good example of retail development and is considered appropriate in this location as it falls within the Central Activities Zone and City Fringe Opportunity Area. The loss of office is justified given it is largely ancillary space and that the proposed uses support the land use designations. The development would provide additional flexible A1/A3/D2 accommodation as well as additional improvements to the surrounding public realm.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would still appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets. There would be some degree of change to the setting of heritage assets but this is not judged to cause harm. Notwithstanding, officers consider the proposals would be of high architectural quality and provide a number of public benefits resulting from the scheme including; additional retail space, employment benefits and improvements to the existing public realm.

It is envisaged that the proposed uses, together with the public realm works, would enhance the vibrancy of the area and contribute to its character. The proposed Lamb Street building is considered to introduce some identity, activity and vibrancy to the locality. The proposals are considered to enhance the quality of the public realm, and improve the pedestrian and retail experience for residents and visitors alike. The narrowing of the street to 9m (which is in line with TfL guidance), together with the extension of the retail units, is considered to result in a public realm that, due to its human scale, enhances the relationship between people and place.

The impacts on the amenity of neighbouring occupiers would be minimal and would be acceptable for an urban location.

Following further clarification transport matters, including parking, access and servicing, including the implications upon the movement of pedestrians and cyclists resulting from the narrowing of Lamb Street and Market Street are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development. Officers are satisfied that the proposed amendments to the Lamb Street proposals, which includes the removal of street furniture, would maximise the space available for safe movement whilst achieving a public realm that is comprehensible at a human scale.

The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

Officers are of the opinion that the proposal would result in sustainable development as required by the NPPF.

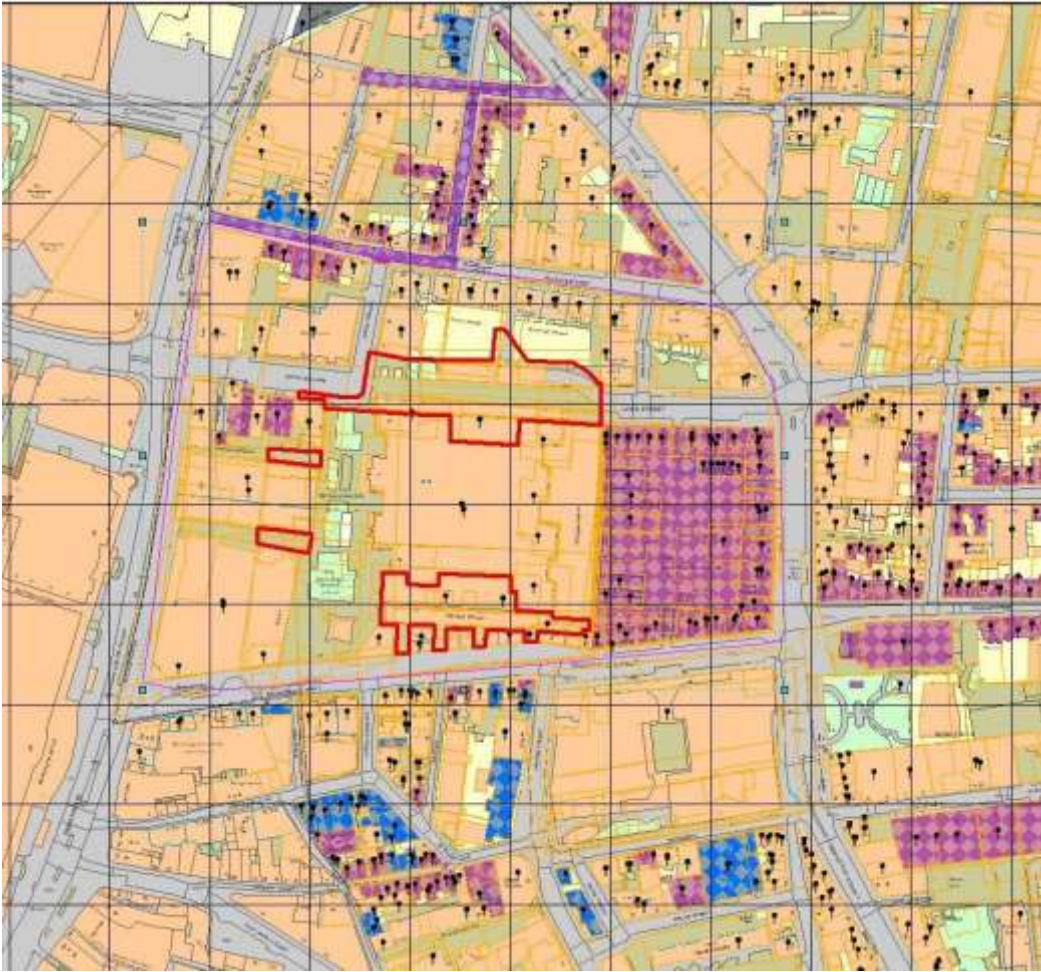


Figure 1: Site boundary (red) including consultation (pink)

1. SITE AND SURROUNDINGS

- 1.1 Bishops Square is a large commercial development located to the immediate west of the Old Spitalfields Market. The upper floors of the Bishops Square building are used as offices which are occupied by Allen and Overy. The ground floor of the building comprises a mix of uses, including retail, restaurants, a pub and ancillary office floorspace.
- 1.2 The proposals relate to part of the ground floor floorspace of the Bishops Square building and two access streets that lie to the north and south of this building – Market Street and Lamb Street. The satellite image below shows the relationship between Lamb Street, Market Street and the surrounding area:



Figure 2: Satellite image of the application site and surrounding area.

- 1.3 Market Street is to the south of the Bishops Square and is fronted by retail units on both sides. The street is pedestrianised and covered by a canopy that extends from Bishops Square to the Grade II listed Horner Market buildings. As existing, there is also street furniture and artist's stalls present at various points along Market Street. Refer to Appendix 2 for site photographs.
- 1.4 The Grade II listed Horner Buildings enclose the Old Spitalfields Market and wrap from the eastern end of Lamb Street along Commercial Street and around to Market Street.
- 1.5 Lamb Street is to the north of the Bishops Square building and connects Spital Square (in the west) to Commercial Street (in the east). It is a pedestrianised street which is also heavily used by cyclists.
- 1.6 The Bishops Square building overhangs the southern side of Lamb Street and comprises a pub/restaurant towards the eastern end and a retail unit towards to western end. There is a single storey timber and metal framed structure on the northern side of Lamb Street that encloses a vehicle ramp that allows access to the basement of the Bishops Square building. To the immediate east of the ramp enclosure is a single storey security kiosk.
- 1.7 To the north of Lamb Street, there is a residential development which includes the following building addresses:

- 26-27 Spital Square
- Priory House
- Vanburgh House
- Linnell House
- Dandridge House

- 1.8 The built form comprises a horse shoe arrangement around Elder Gardens which is a publicly accessible open space; however, Elder Gardens is not designated green space through the green grid network. Elder Gardens can be accessed via the entrance gates which are located at the eastern end of Lamb Street, at the western end of Lamb Street and off Folgate Street.
- 1.9 There is also a space between the ramp enclosure and the boundary railings of Elder Gardens which is used by pedestrians as a path/ access route.
- 1.10 Lamb Street is also currently used by temporary food vendors at varying times during the week.

Site/ policy designations

- 1.11 The eastern part of the site lies within the Brick Lane/Fournier Street Conservation Area and as referred to above, is adjacent Horner Market buildings are Grade II listed.
- 1.12 The site is within an Archaeological Priority Area. The Scheduled Monument of the Priory and Hospital of St Mary Spital is also directly to the west of the site
- 1.13 Part of the site located to the east falls within the Preferred Office Location (POL) designation. It is also located within the Central Activity zone (CAZ) and within the core growth area of the City Fringe Opportunity Area.
- 1.14 In terms of public transport and accessibility, the site has a PTAL rating of 6b
- 1.15 The site carries no further planning designations.

2. PROPOSAL

2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is in two broadly distinct parts:

2.2 Market Street:

- Physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units;
- The extension to the rear of the units involving the change of use of part of Bishops Square building (southern side of Market Street) at ground floor level, from Class B1 to Class A1.

2.3 Lamb Street:

- The change of use of part of the Bishops Square building (southern side of Lamb Street) at ground floor level from Class B1a to Class A1/A3, together with new shopfronts;
- The construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb street;

- New hard and soft landscaping.

2.4 The proposal also includes additional short and long stay cycle parking.

2.5 The current application varies from the previously refused permission in the following respects:

- The proposed Lamb Street (north) building has been re-designed on the north eastern elevation in order to limit the overshadowing conditions to Elder Gardens
- The Lamb Street narrowing has a seen a re-design which allows additional available width for both pedestrians and cyclists. The currently blocked area in the under croft will be opened up and street furniture will be restricted via condition with the available street width being protected via legal agreement. [KF1][JM2][KF3]

2.6 Officers are of the opinion that the proposal has now overcome the previous reasons for refusal as discussed within the main body of this report.

3. RELEVANT PLANNING HISTORY

Bishops Square

3.1 PA/02/00299 – Planning permission granted 19/11/2002 for:

The construction of a building of basement, lower ground and ground plus twelve floors for Class B1 office use and uses within Classes A1 and A3; the construction of a building of basement and ground plus one floor for uses within Classes A1 and/or A3; the change of use and alteration of 39-51 Brushfield Street and 7-8 Steward Street to include works to adapt the buildings for uses within Classes A1, A3 and C3 (residential - 7 flats); the alteration of 47-49 Brushfield Street to facilitate the construction of a pedestrian way; the formation of open spaces including covered open spaces, pedestrian ways, associated landscaping, car parking and servicing facilities, all enabling works and works to existing structures including works to demolish buildings and structures which form part of the 1928 extension to the Old Spitalfields Market save for 39-51 Brushfield Street and 7-8 Steward Street.

3.2 PA/17/02470 – Planning permission was refused (by development committee) 04/05/2018 for:

The removal of the canopy on Market Street; physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units, involving the change of use of part of the ground floor from Class B1 to Class A1; the change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, together with new shopfronts; the construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.

The application was refused for the following reasons:

1. The proposed Lamb Street building would result in an unacceptable overshadowing impact upon Elder Gardens, contrary to Policy 7.4 Local character and Policy 7.6 Architecture of the London Plan (2016), Policy SP10 Creating distinct and durable places of the Core Strategy (2010) and Policy DM25 Amenity of the Managing Development Document (2013).
2. The proposed narrowing of Lamb Street would give rise to an unacceptable conflict between the movement of pedestrians and cyclists resulting in compromised

pedestrian safety, contrary to Policy SP09 Creating attractive and safe streets and spaces of the Core Strategy (2010) and Policy DM23 Streets and the public realm of the Managing Development Document (2013).

3.3 PA/17/02471 – Listed Building consent withdrawn 03/06/2019 for:

The removal of the canopy on Market Street; physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units, involving the change of use of part of the ground floor from Class B1 to Class A1; the change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, together with new shopfronts; the construction of a new two storey building (flexible Class A1/D1 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.

Lamb Street

3.4 PA/07/03205 – Planning permission granted 31/01/2008, but never implemented, for:

The erection of a two-storey building over existing service ramp to provide 462sqm of retail floorspace (A1) on ground floor and eight (8) serviced apartments (C1), and associated works.

3.5 PA/11/00176 – Planning permission granted 05/08/2011, but never implemented, for:

The erection of a two-storey building over existing service ramp to provide retail floorspace (A1 - 462 square metres) on ground floor and eight (8) serviced apartments (C1 - 934 square metres), and associated works.

Pre-application

3.6 Pre-application discussions identified several key issues to be addressed. These included:

- Scale and massing of the proposed Lamb Street building at its eastern end including reducing the overshadowing impacts to Elder Gardens.
- Highways implications as a result of the narrowing of Lamb Street

4. PUBLICITY AND ENGAGEMENT

4.1 The applicants carried out public consultation from June –October 2018 prior to submission of the current application holding various meetings with ward councillors and stakeholder groups as well as a drop-in exhibition open to members of the public. Concerns were raised over the design of the proposal, sunlight conditions to Elder Gardens, and highways implications as a result of the narrowing of Lamb Street.

4.2 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.

4.3 In total, across the two applications there were two letters in support. 35 unique letters of objection including objections from the Spitalfields Trust and St Georges Residents' Association were received.

4.4 The issues raised are as follows:

Support

- Removes the food trucks which are currently a nuisance
- Recent amendments reducing the massing to the Lamb Street building are an improvement.
- Green roof and planting is welcomed
- Improvements to the pedestrian section of Lamb Street and general safety improvements are also welcomed
- Employment opportunities for locals

Objections

Land use/principle of proposal

- General lack of long term vision for the area and question whether there is a need for further regeneration of Spitalfields
- Creeping commercialisation and over-densification of use.
- The addition of so much retail would create an imbalance between residential and commercial leading to a sterile and concrete environment
- Additional amenity spaces and offices would be more appropriate.
- Another place to eat and drink rather than having a diverse offer
- The removal of the canopy on Market Street would reduce its flexibility as a market area.
- Already enough hot food use
- Pop up arrangement of food trucks works well at the minute and gives choice
- Retail does not create material uplift in jobs or employment uses
- Other retail locations available such as Bishopsgate Goodsyrd
- Proposal would result in overcrowding in an already overcrowded location Proposed D2 use is not appropriate – there are enough gyms locally
- Proposal is not sustainable and will impact on daily life as well as quality of life
- The proposed benefits do not outweigh the harm

Design, heritage and local character

- Area is unique, neighbourhood has a vibrant character and does not suffer from a lack of activity as stated in the submission documents
- Proposal is still the same as before and is still out of character for historic area
- The proposal is visually dominant, inappropriate in its design and materiality and encroaches on its surrounds
- The existing sense of openness would be replaced with views of a bland and imposing façade.
- Hides Elder Gardens – makes it less visible and accessible.
- Shopfront design should be more in keeping with surrounds
- Additional activation of streets is not necessary and is unwanted
- Doors facing west should be omitted
- Removal of the canopy has the benefit of a better view of Christ Church spire is offset by the reduction in protection against adverse weather.

Public realm/open space, Landscaping, trees

- Loss of green space and public amenity is not appropriate
- Elder Garden should be treated as a special case and is a key public open space
- There are direct and indirect light losses to Elder Gardens
- Loss of trees is also inappropriate and concerns regarding tree protection measures
- Shadow effects will limit the type of planting and will require additional maintenance
- Proposed landscaping is not high quality and should include a better choice of tree
- Herbaceous bed outside Itsu should be removed with tree retained
- Safety concerns on entry to Elder Gardens

Amenity

Daylight and sunlight impacts

- The Lamb Street building would overshadow and deprive light from Elder Gardens (one of the precious and few green spaces in the area); the building would increase the struggle of plantings on the north side of the garden.
- some parts of the garden space that have been assessed are unusable
- Loss of light/ overshadowing to Lamb Street.
- Loss of daylight and sunlight for the surrounding residents
- The proposed structure would obstruct more of the light from the market.
- Glare from the proposal/general lighting impacts

Privacy, sense of enclosure

- Increased overlooking and loss of privacy as a result of the new building on Lamb Street
- Unacceptable sense of enclosure for residents of 40 Folgate Street as well as other surrounding residents
- Residents would feel claustrophobic when looking out of balconies/ windows; the view of the sky/open space would be lost.
- The proposal would enclose Elder Gardens and make area claustrophobic.

Noise, disturbance and odours

- Noise and odour related impacts as a result of the proposed uses, including the gym and hot food uses (as well as extraction equipment).
- Inconsistencies in the noise report in terms of cumulative impacts, window openings, vehicle nuisance and assessment of properties
- Hours of operation should be restricted
- Odours from the bin store of concern

Highways and access

- Pedestrian area will be squeezed and the passageway would be greatly restricted in Lamb Street and Market Street.
- The narrowing of Lamb Street would reduce flow of pedestrians, wheelchair users and cyclists. Meaning that there would not be adequate space for pedestrians and cyclists on this busy thoroughfare.
- Inadequate space for large vehicles within the layout proposed (manoeuvring space) which would also lead to additional traffic in Lamb Street
- Concerned about potential accidents as a result of the above matters
- Service doors to Elder Gardens are inappropriate as they do not allow for access (such as to the flats) including for those with mobility restrictions
- Significant increase in footfall and activity
- Significant increase in deliveries/refuse collections/maintenance (especially early in the morning and late at night;) resulting in increased traffic congestion and risk of collision with cyclists and pedestrians as well as noise and pollution issues
- Conditions are recommended regarding control of deliveries and unloading times etc. Concerns regarding impact and inconvenience of construction traffic
- Lack of clarity on bin stores

Crime, security and anti-social behaviour

- The potential for crime in the walkway to the rear of the Lamb Street building, as it would be largely concealed.
- Creation of further secluded dark spaces, with potential to conceal people who wish to linger.
- Proposal will lead to additional littering

Process

- The planning application is misleading as it joins two proposals that have substantially different impact on the surrounding areas. There should be two distinct applications.
- If application is approved, conditions and s106 obligations should be secured accordingly
- Question whether consultation was undertaken with cyclists and pedestrians who use the route
- Cannot rely on management strategies to be effective in this location

Other

- Every time a new planning application is filed, it moves farther and farther from the original plan for the use of the space (the original Master Plan) and balance of commercial/residential space as well as public space
- Concerned that the application will result in additional alcohol licence applications
- False imagery used in the submission – demonstration of Lamb Street as underutilised

St Georges Residents' Association

St George Residents have stated "*residents' opinions about the proposed changes are varied by there are common threads mainly focussing on the proposals to develop the ramp enclosure for A1 and D2 use and change of use of the current A&O post room on Lamb street to A1 or A3 use*". Below is a summary of their key concerns. Please note that there is some cross over with the previously stated resident objections.

- Unfortunate the applicant has submitted the Market and Lamb Street proposals as one application
- Some residents like the idea of the removal of the canopy on Market Street and some fear the adverse impacts of weather.
- Feels the narrowing of market street with adversely impact pedestrian legibility
- Acknowledge that the new application seeks to address the reasons for refusal
- Appearance of the buildings being 'similar' is far-fetched and the proposed building is a discordant feature between the Bishops square buildings and the traditional brick residential blocks
- Design jars with listed buildings and Conservation Area
- Residents feel that the opportunity to conceive a building that might provide a gentler gradation in style is possible if the Committee refuses the proposed design
- Proximity to the residential properties on the east and west is too close and concerned over loss of light to their homes
- Drawings misrepresent the appearance of the proposed building
- Buildings and annexed canopy should not extend further than existing enclosure
- Congestion for pedestrians as a result of the new building and access is restricted to the western gate
- Residents ask that the retail units are not as deep or close to Beaumont House as proposed

- Concerned over the loss of light to Elder Gardens and how it will impact tree and plant growth
- Minor change to design would not help the overall shadowing impact to the gardens
- Deliveries and servicing regularly disregard advisory times and concerned that the delivery and servicing will be further impacted upon which causes congestion and other amenity related nuisances
- Submitted acoustic assessment has not considered more than one vehicle arriving simultaneously
- Residents do not want any additional restaurants/bar near their homes as it causes amenity impacts. Existing tenants already disregards residents' concerns regarding noise, deliveries, and other impacts associated with these uses.
- Imbalance between uses and lack of imaginative retail offerings
- Details in noise assessment are hard for average person to comprehend
- Noise assessment makes little assessment to the residential properties
- Gym is not welcomed by residents and openings should be earlier
- Bins are no longer contained within the north building and residents are concerned as to where this is now located as movement of waste causes amenity concerns.
- Feel threatened by these new proposals which, if fulfilled, will encroach both physically and socially on residents' homes.

5. **CONSULTEES**

Internal Responses

LBTH Refuse

5.1 No Objections

LBTH Environmental Health – Contaminated Land

5.2 No response received.

LBTH Environmental Health – Air Quality

5.3 Initial comments raised concerns about the impacts of air quality with proposed hot food uses and that policies had not been met in the submission. Officers commented where a hot food use is proposed with sensitive land uses above (offices and particularly residential), then details of extraction would be required.

Officer comment: The proposed units for hot food use are flexible use and following further clarification the EH officer has agreed that details of any plant/odour equipment relating to these units should be submitted via condition prior to the occupation of any hot food use.

LBTH Biodiversity

5.4 The site consists largely of existing buildings and hard surfaces. The loss of two small, non-native trees would be a very minor adverse impact on biodiversity.

5.5 Proposed green roofs are supported and the planters would provide additional biodiversity value and contains a good range of nectar-rich flowers, chosen to provide nectar for as much of the year as possible.

5.6 A condition should be added in respect of the proposed green roof and any other biodiversity enhancements. Best practice guidance on biodiverse roofs has been published by Buglife and should be referred to when the detailed design of the green roof is drawn up.

LBTH Energy and Sustainability

- 5.7 The submitted Energy Assessment (Ramboll – October 2018) demonstrates that the design has followed the principles of the Mayor’s energy hierarchy, and seeks to reduce energy demand through energy efficiency measures and supply heat efficiently through integration of Air Source Heat Pumps. The proposed design is anticipated to achieve a 19.2% reduction in CO2 emissions which is below the policy requirements for a 45% reduction. A carbon offsetting contribution of £14,945 is proposed to offset the remaining 8.3 tonnes CO2.
- 5.8 The proposals for on-site CO2 emission reduction should be secured via Condition with a post construction verification report submitted to the council to demonstrate delivery of the anticipated CO2 savings.
- 5.9 In order for the scheme to be supported by the sustainable development the shortfall in CO2 emission reduction should be met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £14,495 would be appropriate for LBTH carbon offset projects and should be secured through the section 106.
- 5.10 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The proposal for the scheme is to achieve a BREEAM Very Good. The submitted Sustainability Statement (incl. BREEAM Pre-Assessment – Ramboll October 2018) identifies the limitations for the development and the site constraints in achieving a higher rating. In this specific instance it is considered appropriate for the scheme to achieve a Very Good rating and this should be secured via Condition.

LBTH Waste Policy and Development

- 5.11 No objections

LBTH Transportation and Highways

- 5.12 Officers note that the applicant has installed food vans without permission as well as additional signage and bollards within the site boundary and on the public highway on Lamb Street.
- 5.13 A cycle route has been here for many years and it was part of an old LCN+ route which safeguarded cycling. The Lamb St route links to a completes Quietway route so there is already demands for cycling across the corridor in addition to the future delivery of additional schemes. The route forms part of TfL’s Central London Cycle Grid Network and forms part of TfL’s future routes plan and it is understood that TfL are proposing upgrading the Lamb / Commercial St junction to further improve the environment for cycles and pedestrians.
- 5.14 TfL acknowledges the importance of this cycling route, which provides connections to Quietways and Cycle Superhighway 2. The Mayors Transport Strategy includes the target that 80 per cent of trips within London should be made by walking, cycling or modes of public transport by 2041. The aims of the Mayor’s Transport Strategy are supported by the policies contained within the draft London Plan
- 5.15 The applicant is once again seeking to reduce the current permitted area of public realm in Lamb Street, which is privately owned. This will change the current movement and interaction of pedestrians and cyclists. Concerns have again been raised in relation to the Lamb Street

proposals as Lamb Street is a connector of main roads – Bishopsgate and Commercial Street – which provides connections to Quietways and Cycle Superhighway 2 and is used by both pedestrians and cyclists as a link between these roads and the public transport infrastructure and it appears that all parties do not know the importance of this cycle route. .

- 5.16 Objections have been raised on the basis that the proposals to narrow this section of Lamb Street would prevent cyclists from accessing the area, or increase the chances of pedestrian/cyclist collision.
- 5.17 The applicant carried out a pedestrian comfort level (PCL) survey based on a clear 7.5m space being made available to pedestrians and cyclists. If this can be secured through this planning application and the placing of any street furniture or other obstruction prohibited then both the highway authority and TfL would consent to the change. Taking this into consideration, the 7.5m identified by the applicant on Lamb Street should always be available to pedestrians and cyclists to use. The introduction of street clutter, such as signs, tables and chairs, should be prohibited as this is likely to impede on cyclist and pedestrian movement through this area. Both highway authorities are concerned that in future further applications may come forward which seek to alter this and we would ask that agreement is made to retain a clear 7.5m width for pedestrians and cyclists in perpetuity. It is on this basis that the highway authority will agree to this proposal.
- 5.18 Overall the highways group do not object to the other proposals within the application but are concerned with any measures which seek to restrict cycle and pedestrian movement along Lamb Street as it is considered that Lamb Street plays an important part in terms of pedestrian and cycle access within the Borough and links other parts of the network for which there are future plans to improve

LBTH Town Centres

- 5.19 In support of the application, the removal of the canopy over market street will improve the overall view from this street and is a welcome action.
- 5.20 Making better use of the space on Lamb Street is also supported, creating more A1 and A3 uses and rationalising the space will create more interest in this relatively dead space and opportunity for businesses coming into the area.
- 5.21 The changes made to the 2 storey building over the ramp access is a much better design and also allows for pedestrians to see the tree line, the greening of the site is also welcomed as it is needed in this area.

Sustainable Urban Drainage (SUDS) officer

- 5.22 No comments received in this application however previously a condition requiring the submission of a surface water drainage scheme should be added to the permission. This should be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

External responses

Transport for London

- 5.23 The comments below provide a full review of TfL's comments to the scheme. The applicant has responded to TfL's comments and following further discussions between all parties, TfL have confirmed that they are satisfied and do not have further concerns subject to the planning authority relevant securing conditions.

- Public realm

- 5.24 Initial consultation saw no concerns over changes to public realm and street/footpath widths, however following further discussion the proposed development includes the narrowing of Lamb Street. Lamb Street has been identified as a suitable cycle route, and TfL are concerned that the proposal will be to the detriment of active travel. Increasing active travel within London is a key policy area within the Mayor's Transport Strategy and the draft London Plan. TfL's comments on Lamb Street, and how the applicant has not demonstrated that the proposed development will not have a detrimental impact on pedestrians and cyclists using Lamb Street, have not yet been addressed. Further information, which includes PCL levels for Lamb Street, have been requested from the applicant.
- 5.25 Following discussions the applicant provided TfL with a technical note that provides a Pedestrian Comfort analysis for the existing and proposed layout of Lamb Street. The output from this analysis indicates that whilst the proposed changes do decrease the PCL in some areas, in the whole PCL levels remain the same or are slightly improved. Furthermore, PCL levels for the proposed layout do not fall below a 'B-' . TfL notes that within the technical note the applicant provides an overview of the measures that they will put in place to improve the walking and cycling environment of Lamb Street, to ensure that it maintains dual function as a local cycle and pedestrian route. These measures should be agreed with the Council, and secured appropriately.
- Car parking
- 5.26 Car-free nature of proposal supported given PTAL of 6b.
- 5.27 TfL notes the applicants argument that introducing infrastructure for electric or other Ultra-Low emission vehicles will reintroduce unwater street furniture. In light of this, the applicant should agree a more suitable location for an electric car charging point within the LBTH. This should be secured via condition
- Cycle parking
- 5.28 The applicant should provide additional short stay cycle parking and following discussions it is welcomed that the applicant is seeking to meet the standards set out in the draft London Plan. This should be secured by condition.
- Servicing and delivery
- 5.29 Vehicles associated with the development must only park/stop at permitted locations/time periods.
- Construction
- 5.30 Footway and carriageway on Commercial Street and Bishopsgate must not be blocked during construction. Temporary obstructions must be kept to minimum.
- 5.31 No skips or construction materials shall be kept on carriageway/footway of the TLRN.
- 5.32 Licences should be obtained from TfL in respect of scaffolding/ hoarding on the footway.
- 5.33 The applicant should submit a Construction Logistics Plan (CLP) prior to any construction
- Historic England (Archaeology)**
- 5.34 Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest

- 5.35 Historic England (archaeology) are content that the groundworks impact areas in the application have been previously archaeologically excavated, as concluded in the submitted archaeological study. Any subsequent variation to the scheme may create new impacts and Historic England (archaeology) will need to be consulted on future amendments to the works.
- 5.36 No further assessment or conditions are therefore necessary.

Historic England

- 5.37 Whilst the development is within the scheduled monument of the Priory and Hospital of St Mary Spital, unusually, an application for scheduled monument consent will not be required. No new footings or foundations are proposed, and also all the proposed development is in areas which have previously been fully excavated. The proposal has discussed the case with the archaeological consultant to the project and am satisfied there will be no harm to archaeological deposits

Crime Prevention (Metropolitan Police)

- 5.38 Detailed comments were provided on the previous application and upon inspection of the current submission the previous advice still stands. Whilst there are a number of site specific concerns (relating to matters such as smaller seating hubs, designing in the emergency vehicle bays, limiting opportunities for concealment/climbing in the design and landscaping used, specific details relating to lighting, windows and floor treatment), the designing out crime team consider that a condition requiring the developer to engage with the Metropolitan Police and the local authority to achieve Secure by Design accreditation would be appropriate.

Thames Water Utilities Ltd.

- 5.39 Surface water drainage is the responsibility of the developer. It is recommended that the applicant should follow the sequential approach to the disposal of surface water.
- 5.40 Applicant is advised to read guidance on working near of diverting Tames Water pipes.
- 5.41 The proposed development is located within 15m of a strategic sewer. Thames Water request that a piling condition be secured to any planning permission.
- 5.42 No objection to waste water network or waste water process infrastructure capacity.
- 5.43 Would request an informative with regards to the development as there are water mains crossing or close to the development.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Further guidance is provided within Agenda item 5.
- 6.2 In this case the Development Plan comprises:
- The London Plan 2016 (LP)
 - Tower Hamlets Core Strategy 2010 (SP)
 - Tower Hamlets Managing Development Document 2013 (DM)
- 6.3 The key development plan policies relevant to the proposal are:

Land Use - LP4.1, LP4.2, LP4.7, LP4.8, SP01, SP02; SP06, DM1, DM8,

DM15, DM16

(CAZ, city fringe areas, office, community uses)

Design - LP7.1-7.8, SP09, SP10, SP12, DM23, DM24, DM27

(layout, massing, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25

(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14, DM20, DM21, DM22

(sustainable transport, highway safety, car and cycle parking, waste, servicing)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Land for Industry and Transport SPG (2012)
- LP Draft New London Plan (2019)
- LBTH Employment Land Review (2016)
- LBTH Draft Local Plan (2019)
- LBTH Elder Street Conservation Area Character Appraisal and Management (2007)
- LBTH Planning Obligations SPD (2016)
- Mayor of London's SPG: Planning for Equality and Diversity in London (2007)
- Mayor of London's SPG: Accessible London: Achieving an Inclusive Environment (2004)
- Mayor of London's City Fringe / Tech City Opportunity Area Framework (2015)
- TfL Streetscape Guidance Fourth Edition (2019)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport & Waste
- v. Environment
- vi. Local Finance Considerations
- vii. Equalities and Human Rights

Land Use

General Principles

- 7.2 The proposal seeks the change of use and introduction of additional commercial floorspace to the application site, including A1, A3 and D2 (gym) uses totalling 2678sqm (1627sqm of new floorspace). The proposals would give rise to the loss of B1 (a) floorspace totalling 606sqm. It should be noted that the previously refused scheme (with planning reference PA/17/02470) involved the provision of A, A3 and D2 uses totalling 2707sqm.
- 7.3 The site falls within the Bishopsgate Road Corridor 'Preferred Office Location' (POL). Here, major office development is the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 7.4 The application site is also within the core growth area of the City Fringe Opportunity Area which is identified by the London Plan as containing a significant development potential.
- 7.5 Annex 9 of the Core Strategy 'Delivering placemaking' sets out a vision for Spitalfields. The vision is "a historic gateway to the vibrancy of Spitalfields Market, Trumans Brewery and Brick Lane". It further states that:
- 7.6 *"Spitalfields will continue to be a vibrant, diverse and mixed use area...Development in Spitalfields will be sensitive and responsive to the mixed use, fine urban grain character that defined the places in the city fringe. It will conserve the historic fabric and enable the integration of new development to reinforce this unique townscape."*

Loss of the existing use

- 7.7 The proposals would give rise to the loss of 606sqm of floorspace ancillary to the B1a office floorspace within the Bishops Square building. The application submission explains that this floorspace is either circulation space or back-of-house ancillary space to the office use of the building. This includes part of an over-sized reception, a toilet, a prayer room, security room and a mailroom.
- 7.8 The application submission has confirmed that the prayer room would be relocated within the music room. It has also confirmed that the floorspace lost would not influence or impact upon the quantum of employment on the premises.
- 7.9 On this basis, officers are satisfied that the proposals would not be to the detriment of the office and employment function of the Bishops Square building, nor the function of the wider POL.
- 7.10 Officers are further satisfied that the proposed uses would be compatible with, and contribute to, the sustainability of the major office environment. This is reflected in the supporting text of local policies which states that supporting uses such as gyms, hotels, restaurants and retail help to achieve a sustainable office environment.
- 7.11 The proposal would also give rise to the loss of the existing food vans on Lamb Street. The applicant has provided further information in this regard and has outlined that the existing food vans on Lamb Street were introduced as a temporary solution to bring greater activity and animation to Lamb Street. It is further outlined that the intention has always been that the food vans would make way once a permanent proposal to improve Lamb Street came forward. The applicant considers that the proposal would continue to achieve the objectives to improve the activation, appearance and function of Lamb Street as per policy DM23. It is also noted

that there will remain opportunities for temporary stalls /vans to be located from time to time elsewhere around Bishops Square to enrich the overall variety of offering the locality makes.

- 7.12 It is also noted that there are artists stalls currently located on Market Street. It is also understood from the applicant that the artists would be relocated to an alternative location within the market.
- 7.13 On the above basis, officers are satisfied that the proposal is acceptable in this regard.

Proposed uses

- 7.14 Table 1 below sets out the breakdown of the floorspace by location and land use. Regard is had to the principle of each land use below.

Use	Existing	Proposed	Difference
Office (B1)	606	0	-606
Retail (A1)	445	1,649	+1,204
Retail (A1/D2)	0	619	+619
Retail (A1/A3)	0	410	+410
Total	1,051	2,678	+1,627

	Existing	Proposed	Difference
Market Street – Lobby	196	196	0
Market Street - Retail	445	937	+492
Lamb Street – South	410	410	0
Lamb Street - North	0	1,135	+1,135
Total	1,051	2,678	+1,627

Table 1: Existing and proposed uses

- 7.15 In the objections, concerns have been raised in relation to the intensification of retail and restaurant development in the locality. It is considered that this is imbalanced with residential uses leading this location to become an intensive commercial destination.
- 7.16 However, having regard to the town centre hierarchy, the application site is at the top of the hierarchy and located within the Central Activities Zone (CAZ) which supports a wide range of mixed uses. This is also supported by regional policies.
- 7.17 Officers also note objections raised regarding the level of employment to be created by the proposal. Using the HCA Employment and Density Guide, it is predicted that the proposal will generate between 108 and 145 FTE jobs.
- 7.18 The proposed mix of land uses (including additional food and drink offer and additional employment offer) is therefore considered to be compatible with the strategic priorities and character of the CAZ and the major office function of the locality.

- 7.19 Further to this, the proposed land uses are considered conducive to the placemaking vision for Spitalfields, a priority of which is “*to promote mixed-use development which adds to the vibrancy, economy and character of the area, while ensuring the management of any negative impacts*”.
- 7.20 This is considered to be particularly positive in the context of introducing vibrancy to Lamb Street, currently a relatively inactive thoroughfare.
- 7.21 In light of this, officers raise no objections to the principle of the proposed land uses.
- 7.22 The flexible nature of some of the proposed floorspace is also unobjectionable from a land use perspective. Officers will have regard to the impacts of each specific use within the relevant sections of this report.
- 7.23 Officers have also had regard to the potential proposed D2 use. Policies direct these facilities within or near the edge of town centres in highly accessible locations to contribute to the viability and vitality of the location. In terms of the above as the site falls within the CAZ and given the nature of the market being largely retail/office use the proposed gym would be considered suitable in this location. In terms of amenity issues arising from the gym these will be discussed in the relevant section of the report.

Design & Heritage

- 7.24 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.25 The discussion surrounding the design and heritage impacts of the proposals will be broken down into the following sections:
- Removal of the canopy in Market Street
 - Shopfronts
 - New two storey building
 - Public realm and landscaping
- 7.26 When compared to the previously refused scheme the current application largely differs in two key areas, which are in direct response to the reasons for refusal.
1. The proposed Lamb Street (north) building has been re-designed on the north eastern elevation in order to limit the overshadowing to Elder Gardens
 2. The Lamb Street narrowing has seen a re-design which allows additional available width for both pedestrians and cyclists. The currently blocked area in the undercroft will be opened up and street furniture will be restricted.

Removal of the canopy in Market Street

- 7.27 As per the previously refused application, officers raise no objections to the principle of the removal of the canopy above Market Street and consider that it would improve views of the Grade I listed Christ Church located to the east on Commercial Street. On this basis, it is considered that this element of the scheme would enhance the character and appearance of local area.
- 7.28 Officers have again had regard to the impact of removing the canopy upon the listed Horner Building to which it is currently attached. The application submission provides detailed plans that demonstrate the method of removal. Officers are satisfied that the canopy removal would not harm the listed building.

- 7.29 It is considered appropriate to attach a condition to ensure that, where necessary, the listed building is 'made good' in materials that match the existing original work adjacent. It is also proposed that the method details are secured.

Shopfronts in Market Street

- 7.30 The extension to the existing Market Street retail units gives rise to new shopfronts on the northern side of Market Street.
- 7.31 The application submission sets out a shopfront design strategy which provides four shopfront scenarios/ designs, including a consistent signage zone and awning positioning. The intention of the four varying scenarios is to provide retailers with flexibility and use the shopfront design most suited to their needs.
- 7.32 As part of the evolution of the shopfront design strategy, the applicant has identified and drawn upon examples of existing high quality shop fronts in the local surrounding area. The character and appearance of these high quality examples has provided design cues for the proposed shopfront designs.
- 7.33 Officers are satisfied that each of the proposed shopfronts would be high quality, relate positively to the character and appearance of the local area and sit comfortably alongside each other. Officers are also satisfied that there is a sufficient level of consistency between the four shopfront designs to achieve the appropriate level of uniformity.
- 7.34 It is proposed that the shopfront details for all four shopfronts are secured by condition. Further details relating to their materiality will also be secured by condition.
- 7.35 The extension of the shop units beyond the existing pillars is also considered to increase the prominence of the retail units in Market Street. This, together with the narrowing of the street which is discussed later, is considered to result in a greater level of integration between the shops, the public realm and passers-by and thus, contribute to the retail character of the street.

New two storey building on Lamb Street (northern side)

- 7.36 The proposal seeks a new two storey building on the northern side of Lamb Street (an extension to existing ramp structure). Further details surrounding the scale, positioning and materiality of the proposed building are set out earlier in the report. Following the refusal amendments have been made to the scheme in order to address the overshadowing issues to Elder Gardens. This includes the following changes:
- Amendments to north eastern elevation reducing the overhang which extended over the car park ramp resulting in a stepped design
 - Removal of toilet and bin store to the north elevation
- *Height, bulk and massing*
- 7.37 The proposed building would replace and extend the existing ramp enclosure to introduce retail floorspace at ground floor and flexible retail/gym (B1/D2) at the upper floor.
- 7.38 The proposed building would mark an increase in scale when compared to the existing structure. The building scale has however been further reduced since the original application and subsequent refusal. Whilst not a directly a reason for refusal the massing to the eastern end of the building was a factor in the results of the daylight/sunlight and overshadowing to Elder Gardens. In order to improve this relationship the massing has been amended on the north eastern edge of the site and now steps back in line with the south side of the ramp rather than overhanging it.

- 7.39 Officers are of the opinion that the re-design further improves the relationship the building has with Elder Gardens as well as the neighbouring properties to the east.
- 7.40 In terms of its relationship with the surrounding scale of development, the Bishops Square office building, which is located to the immediate south of the proposed building, is 8 storeys on Lamb Street, with an overall maximum height of 13 storeys. The residential buildings that are arranged around Elder Gardens to the rear of the site range between 4 and 7 storeys. The Horner buildings that form part of the Old Spitalfields market to the east of the site range between 3 and 4 storeys in height.
- 7.41 It is also considered that the proposed building would not impact upon the character and appearance of the listed Horner buildings to the east. Due to their separation distance and positioning on opposite sides of the street, there are limited viewpoints at which the two buildings would be viewed together. On this basis, officers raise no objections in this regard.[KF4]
- 7.42 The Council's conservation officer has confirmed that while there would be a new structure erected resulting in a degree of change; this change is not considered to constitute harm.
- 7.43 The proposed two storey building is therefore considered to be compatible with the surrounding building heights. Officers have also had regard to the impact of the proposed scale and massing upon Elder Gardens to the rear which sees an improvement over the previously refused application.
- 7.44 The current elevation introduces a variation of materiality which is considered to break up the perceived bulk of the new building when viewed from Elder Gardens, as well as introducing a sense of permeability that is considered to reduce its impact.
- 7.45 Overall the proposed building is considered to be acceptable in terms of its scale and officers are of the opinion that the massing will not cause detriment to the openness of Elder Gardens
- *Detailed design*
- 7.46 The ground floor of the proposed building would comprise 9 small retail (A1) kiosks and an electrical substation. The western end unit would be larger with double height space which connects to the first floor. The first floor would be in flexible A1/D2 use.
- 7.47 The building has been approached architecturally as a standalone building that seeks to establish an industrial aesthetic. The application submission refers to existing examples of the industrial aesthetic in the local area, including the Truman Brewery, the TEA building, Box Park and Spitalfields Market. The applicant has also drawn upon the 'building grid' expressed on the Bishops Square office building, but scaled it down to a pedestrian scale suitable for the proposed building.
- 7.48 The building would comprise a structural frame, in red micaceous iron oxide, that would be infilled by glazing, canopies and partitions.
- 7.49 Concerns relating to the proposed red colour and the industrial aesthetic are expressed throughout many of the objections. Residents express concern that the proposed design conflicts with the character and appearance of the surrounding existing built form, including the conservation area.
- 7.50 Officers note that the proposed building adopts a contemporary design style, more akin to the Bishops Square office building than the surrounding residential buildings and listed Horner market buildings. It is also noted that there are other examples of contemporary architecture in the immediate locality, including the Patisserie Valerie building on Brushfield Street which sits immediately adjacent to the listed Horner buildings on the southern side of the Market.

- 7.51 Officers raise no objections to the proposed contemporary approach, but acknowledge that the new building would mark a bold addition to Lamb Street. The proposed red colour would present a contrast to the existing grey palette that currently dominates the Lamb Street streetscene.
- 7.52 The overall proposal does however seek to extend and build upon the immediate vicinity as a retail and leisure destination that supports the office function of the area and attracts residents and visitors. The bold design of the building is considered to be compatible with the character of the area, and the overarching objectives of the proposal, in that respect.
- 7.53 Further to this, and as set out previously, officers do not consider that the proposed building would impact upon the setting of the listed buildings to the east of Lamb Street. Officers therefore raise no objections to a bold addition to the street; it is considered that, along with the mix of land uses proposed, the building would enhance the vibrancy of Lamb Street and the wider area.[KF5]
- 7.54 The proposed canopies and shopfronts are considered to provide a good level of activity and human-scale interaction with pedestrians and public realm as required by policy DM23. Again, as stated previously the proposed redesign to the north eastern corner is considered to appropriately respond to the reason for refusal whilst still maintaining the design intent of the scheme.
- 7.55 Officers have also secured amendments to the rear of the building. Initially outwards swinging doors onto the footpath were proposed but these have since replaced with inwards swinging doors as to not obstruct the footpath.
- 7.56 To ensure that the building is delivered to a high quality, it is proposed that a condition is attached requiring samples of the materials proposed.

Public realm/open space and landscaping

- 7.57 Local and regional policies state that development should make the public realm comprehensible at a human scale. It also suggests that landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose and should contribute to the easy movement of people through the space.

- Elder Gardens

- 7.58 As noted previously, to the north of the site the built form comprises a horse shoe arrangement around Elder Gardens. Whilst this space is recognised as publicly accessible open space, Elder Gardens is not designated green space through the green grid network. There will be no development over the Elder Gardens open space.

- 7.59 A number of residents raised comments regarding the loss of light and overshadowing impacts to Elder Gardens. This is further discussed in the 'amenity' section of the report.

- Street narrowing

- 7.60 The proposals would result in the narrowing of both Market Street and Lamb Street.
- 7.61 The Market Street proposals would result in a street width of 5.6m (reduced from 9.4m). The Lamb Street proposals would result in a street width of 6.2m (reduced from 11m) when measured from the proposed building to the edge of the Bishops Square office building overhang. When measured from the ground floor elevations of the Bishops Square office building and the proposed new building, the street would be 12.5m wide. Street furniture is proposed to be controlled via condition and the landscaping improvements (secured via condition) would assist in delineating this zone.

- 7.62 The previous application incorporated extensive street furniture to the undercroft of the south side of Lamb Street. In order to increase available street width and to address the reason for refusal this is proposed to be reduced significantly. The existing ventilation grilles which are located between the overhang and the existing Bishops Square building on the ground will be replaced with a high slip resistance alternative and the barriers which currently restrict access will be removed. Overall this increases the available street width to 9m (6.2m previously refused) as a seating zone is proposed. This has been accepted by TfL and the council's highways officer.
- 7.63 The application submission has regard to the rationale for the proposed street narrowing: as well as enabling the extension of the retail units, the narrowing of the street is considered to create an optimum street width for pedestrians in a retail environment and contribute to a balanced public realm. The current proposal is also an improvement compared to the refused scheme due to an increase in available street width for both cyclists and pedestrians.
- 7.64 Officers consider that the proposed street widths would lend themselves to the retail character, help define the spaces as retail destinations and encourage people to linger. This is considered to be a particular enhancement to Lamb Street that is currently mainly used as a thorough route with limited congregation of people. The proposed street narrowing is therefore supported on this basis.
- 7.65 The objections have raised concerns in relation to the potential conflict between cyclists and pedestrians, especially in Lamb Street, as a result of the street narrowing. This will be discussed in greater depth in the highways and transport section of this report, but it has resulted in various amendments to the Lamb Street public realm. This includes the removal of more extensive street furniture and amendments to the paving.
- *Street furniture*
- 7.66 The current proposals also include street furniture in Market Street. Whilst this would result in a further narrowing of Market Street, it would provide opportunity to sit and enjoy the space. A clear zone has been secured in relation to the proposed Market Street to ensure that street furniture does not further impinge on movement space.
- 7.67 This is considered to be a good solution to achieve some seating without further narrowing the street.
- 7.68 As a result of further negotiations including discussions over available street width with both TfL and the local highways department street furniture along Lamb Street has been restricted to a specific zone and will be controlled via condition. This zone would leave 9m available between the base of the new building and the proposed seating area. This approach is supported by officers
- *Landscaping*
- 7.69 The proposals seek to introduce yorkstone paving throughout Market Street and Lamb Street. This would result in a unified approach with the surrounding streets. The appropriate yorkstone paving slab size has been selected to ensure matching with adjoining streets.
- 7.70 The Lamb Street proposals include textured yorkstone setts to create a rumble strip as a signal to cyclists that they are entering a shared space.
- 7.71 The proposals would not result in the loss of trees within, or on the boundary between Elder Gardens and Lamb Street. It would however result in the loss of two existing trees on Lamb Street, close to the western entrance of Elder Gardens.

7.72 As a result, the proposal includes the planting of two additional trees within Elder Gardens. The proposed trees are a London Plane and a Prunus Kanzan (cherry tree) which has been found to be acceptable.

7.73 It is also proposed that the roof on the Lamb Street building is a green roof. The details of this are further discussed in the biodiversity section of this report.

- *Design out crime*

7.74 Crime Prevention officers at the Metropolitan Police made several recommendations surrounding design measures regarding crime on the previous application. Comments from the previous application were reiterated by the crime prevention officer for this submission.

7.75 Officers have worked with the applicant to ensure that crime prevention and resident and pedestrian safety was considered. It is recognised that the proposed development sits within an existing and functional development of a similar nature and that steps have been taken in order to increase lighting as well as signage throughout the development.

7.76 Whilst there were some concerns from the officer surrounding anti-terrorism, when viewing the site this is largely a result of an existing condition. Bollards have been erected on either end of Lamb Street so vehicle access is entirely restricted and Market Street is also inaccessible to vehicles. Due to the nature of the scheme and the existing site conditions it is not considered that the proposal would increase levels anti-social behaviour that would warrant refusal.

7.77 Overall, officers are satisfied that the proposal is acceptable in this regard.

- Summary

7.78 In summary, the proposed public realm and landscaping works are considered to enhance the quality of the local area from a placemaking perspective and make the public realm more comprehensible at a human scale. The increase in width of the street compared to the previous application and removal of street furniture has satisfied both TfL's and the highway officer's concerns.

7.79 It is considered that the proposals work to further define both Market Street and Lamb Street as retail streets and thus, further define the character of the wider Spitalfields Market/ Bishops gate area as a vibrant mixed use locality. A lighting scheme will also be secured via condition so that concerns residents raised with regards to lighting and anti-social behaviour as a result of the development are taken into consideration.

Heritage

7.80 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Archaeology

7.81 The application is located within an archaeological priority zone. The application submission includes an Archaeology Assessment.

7.82 Historic England have had regard to this and raise no objections as the groundworks impact areas have been previously archaeologically excavated, as concluded in the submitted archaeological study.

- 7.83 Historic England has also had regard to the impact of the proposal upon the Scheduled Monument of the Priory and Hospital of St Mary Spital. .
- 7.84 In light of the above, it is proposed that a planning condition is attached to the decision, restricting the commencement of works before the necessary Scheduled Monument consent has been obtained.

Neighbour Amenity

- 7.85 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions

Outlook, overlooking, loss of privacy

- 7.86 Several objections raised concerns in relation to the amenity impacts to nearby residential properties and Elder Gardens as a result of the proposed building on the northern side of Lamb Street. Specifically, the concerns relate to daylight and sunlight impacts of the proposal upon the market, Lamb Street itself, Elder Gardens, and some of the residential windows to the north. The objections also refer to impacts relating to overlooking, loss of privacy, increased sense of enclosure, noise, disturbance and odours.
- 7.87 During the previous planning application process, officers raised concerns in relation to the amenity impacts of the proposal, mainly with regard to the overhanging section of building that was originally proposed at the eastern end of the building and the treatment of the rear elevation. In response to this, and the objections, the proposals were amended to remove the overhanging section (cantilever) at the eastern end of the building and revise the treatment of the rear elevation. The removal of the overhang/ cantilever results in a separation distance of 18.5m between the residential building (Dandridge House) and first floor side elevation. It would also result in a distance of approximately 11m between the entrance of Elder Gardens and the proposed building.
- 7.88 It is acknowledged that the proposed building would change the view experienced from the adjacent residential windows. However, the two storey scale of the building, the separation distance and the trees, together with the revised rear elevation which removes between 5-10m of massing from the north eastern elevation as well as the proposed bin store and toilet are considered to successfully mitigate any unacceptable impact.
- 7.89 Officers are therefore satisfied that the proposal would not result in an unacceptable impact upon the visual amenities of the surrounding residential properties, by way of unacceptable sense of enclosure and loss of outlook. Regard is had to the daylight and sunlight impacts of the proposal below.
- 7.90 The objections also raise concerns in relation to the overlooking impact resulting from the proposed Lamb Street building. The revised rear elevation design has sought to strike a balance between achieving a visually interesting and semi-permeable elevational treatment, whilst mitigating any unacceptable overlooking impact associated with an active first floor level.
- 7.91 Officers consider that the proposed materials, which include laminated mesh, aluminium privacy screens, weather louvres together with areas of solid aluminium panelling, would ensure that the proposed building would not give rise to increased overlooking upon the surrounding residential windows. The last bay at the western end of the building would not be privacy screened as it is a double height entrance space, with no first floor. Officers are

therefore satisfied that there would not be an unacceptable loss of privacy resulting from the rear elevation of the building.

7.92 Officers have also had regard to any impacts arising from the side elevation at the eastern end of the proposed building. It is proposed that the part of this elevation that is adjacent to the residential building (Dandridge House) would be screened to match the rear elevation. The rest of the elevation would be glazed. Officers consider that the separation distance is sufficient enough to avoid any unacceptable privacy impacts resulting from diagonal views.

7.93 It is proposed that the privacy screening is secured by way of condition.

Daylight & Sunlight

7.94 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

7.95 A number of residential properties surround the site which can be impacted by the development, these have been tested as part of the application.

7.96 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive

7.97 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

7.98 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:

- 25, 26-27 Spital Square
- 26-28 Folgate Street
- Priory House, 32 Folgate Street
- Vanburgh House, 40 Folgate Street
- Linnell House, 50 Folgate Street
- Dandridge House, 31 Lamb Street

Daylight

7.99 None of the tested windows would experience a loss of daylight, greater than a 20% reduction. Therefore, all windows tested would meet the BRE guidelines in respect of VSC.

7.100 To provide further comfort, the daylight impact of the proposal was also tested using a different methodology. The No Sky-Line (NSL) test calculates the distribution of daylight within rooms. BRE considers a reduction of 20% to be permissible.

7.101 All windows tested using this methodology would meet the BRE guidelines in respect of NSL.

Sunlight

7.102 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual

probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

7.103 In assessing the sunlight effects to existing properties, only windows orientated within 90 degrees due south and which overlook the site require assessment. The testing has shown that all windows tested would meet the BRE guidelines with regards to sunlight.

Conclusion

7.104 The proposed development shows full compliance with the required daylight and sunlight standards. Overall considering the size of the scheme, the highly urban context (located within a carpark) and the number of windows tested these results are acceptable.

Overshadowing – Elder Gardens

7.105 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”. Elder Gardens is recognised by officers as being publicly accessible open space.

7.106 The previous planning application was refused on the basis that the proposed Lamb Street building would result in an unacceptable overshadowing impact upon Elder Gardens. In the previous instance the proposal would result in an overshadowing analysis of 41% of Elder Gardens receiving 2 hours of sunlight, slightly failing the guidelines. As a result of the redesign as part of the current submission, the proposal now passes the tests as set out by the guidelines and at least 50% of Elder Gardens would receive 2 hours of sunlight. This information is set out in the tables below.

7.107 Officers acknowledge that the proposed building would give rise to a slightly increased overshadowing impact to Elder Gardens. However, when taking into account the dense urban environment that exists in this part of the borough, officers do not consider that the overshadowing impacts warrant a reason for refusal in this instance given the BRE guidelines have been met.

Date	Total area (sqm)	Existing >2hr (sqm)	Existing % >2hr	Proposed >2hrs (sqm)	Proposed % >2hr	Retained (Pr/Ex)
21 st March	1438.01	818.57	57%	725.21	50.4%	0.89
21 st June	1438.01	1438.01	100%	1438.01	100%	1.00
21 st Dec	1438.01	0.00	0%	0.00	0%	1.00

Table 2: APSH results in respect of Elder Gardens

Noise, vibration & odour

7.108 The objections raise concerns relating to the noise impacts of the proposal. This includes impact arising from deliveries and servicing, the proposed gym, increased footfall, outdoor seating areas, gathering at entrance of proposed building and the generator room.

- 7.109 The application submission includes a Noise Impact Assessment. The report includes the findings of a baseline survey that has been undertaken to inform the assessment.
- 7.110 Noise impacts resulting from the following areas have been considered:
- Plant noise emissions
 - Activity noise break-out from proposed gym
 - Delivery noise – vehicle movements, idling and activity noise/ unloading
 - Façade and ventilation strategy of the new building.
- 7.111 The report concludes that mitigation measures would be required to ensure that the plant noise emission limits are met. It is recommended that this is achieved through selection of appropriate acoustic louvres and/or enclosures for the plant items. It is considered that by incorporating the mitigation strategies, the operational noise significance of impact would be negligible.
- 7.112 The report has also has regard to activity noise break-out from the first floor, should it be occupied by a D2 (gym) user. It concludes that the façade requires sound insulation to minimise the impact upon the residential receptors. It is considered that this mitigation would sufficiently attenuate both noise ingress and egress. It is however noted that impulsive noises, for example, from the dropping of weights, may require additional mitigation in the form of resilient matts/ specialist floating flooring system. It is also recommended that the gym activity is limited to daytime hours and this will be secured via condition.
- 7.113 Further to this, the report has assessed the noise impact associated with vehicle movements, delivery truck idling and noise from unloading against the baseline noise levels recorded on Lamb Street. The report concludes that the noise levels resulting from the proposed vehicle movements would be significantly lower than the existing ambient and background noise climate from all existing sources.
- 7.114 The noise levels associated with idling trucks at the nearest noise receptors has also been calculated to be lower than existing background noise levels. Similarly, the maximum instantaneous noise levels from delivery unloading are calculated to be lower than existing maximum noise levels as the nearest noise sensitive receptors. The noise sources associated with deliveries are therefore not considered to be significant when considered in relation to the existing background noise levels.
- 7.115 The submitted Noise Impact Assessment has not had regard to noise generation associated with increased footfall and the gathering of people at the entrance of the proposed Lamb Street building and the seating areas across the development. However, officers see this very much as a continuation of existing activities. As demonstrated within the Transport Statement a substantial amount of people move along Lamb Street throughout the day as existing. Officers have also witnessed many people dwelling in Elder Gardens and utilising other nearby seating opportunities at varying points of the day, in addition to utilising the food stalls that are regularly located on Lamb Street.
- 7.116 There is a however an 'Outdoor Seating Management Plan' appended to the Design and Access Statement which sets time restrictions in relation to the use of the outdoor seating. This will be secured via condition and includes:
- 09.00 – 23.00 Monday to Saturday
 - 09.00 – 22.30 Sundays and Public holidays
- 7.117 Officers are therefore satisfied that the proposals would not give rise to unacceptable noise and disturbance impacts In relation to plant noise and the gym, this is subject to the

incorporation of the recommended mitigation measures; it is proposed that these are secured by condition.

7.118 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

7.119 Any potential hot food use would be required to submit extractor information by way of condition.

Transport

7.120 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

7.121 The Council's Highways officer and TfL have had regard to the following issues; their consultation responses are incorporated into the assessment set out in the paragraphs below. It is important to note that following the previous lengthy and detailed discussions surrounding the schemes highways issues, particularly those to do with the narrowing of Lamb Street have taken place between the applicant, the council and TfL.

- Car parking (and Blue Badge parking)

7.122 There is no planning policy requirement to provide any car parking for the proposed land uses, with exception to blue badge parking. The parking standards set out in Appendix 2 of the Managing Development Document and the London Plan state that both A1 and A3 uses should provide one on-site space for disabled people.

7.123 No car parking provision is proposed as part of the proposals. In terms of general car parking, this is supported in line with the aforementioned policy position. It is considered that the existing surrounding Controlled Parking Zone would mitigate any possible impact arising from increased car parking in the local area associated with the proposed development.

7.124 In terms of disabled parking, the proposed development does not seek to provide on-site spaces for visitors. It is accepted that due to the pedestrianised nature of the surrounding area, it is not realistic to provide on-site disabled parking. It is however noted that there are parking opportunities for blue badge holders in the surrounding area. These are set out within the submitted Transport Assessment and officers find these acceptable.

7.125 The proposal does however provide an off-street disabled staff parking space within the existing loading bay at the eastern end of Lamb Street. This sits within the Spitalfields Estate and off the public highway.

7.126 Whilst this would lessen the loading space for delivery and servicing vehicles, officers are satisfied that there is ample room for vehicles to load/unload safely and without obstruction to the public highway. It is also noted that the disabled parking space would only be in use should the requirement arise. Officers are satisfied that this could be managed appropriately in conjunction with the servicing and delivery plan.

- Cycling

7.127 The application submission sets out a breakdown of the proposed cycle parking. This exceeds the London Plan policy requirements, however falls short of the requirements set out in the Draft London Plan.

7.128 TfL, in their initial comments, refer to the need for additional cycle spaces in line with the Draft London Plan. As a result the applicant has committed to providing the additional spaces and this will be secured via condition.

7.129 The visitor cycle parking would be located at Spital Square, within the red line, between the Lamb Street and Market Street proposals. This is considered to be an accessible and therefore acceptable location. The cycle parking would be provided in the form of Sheffield stands, this is also considered to be acceptable. The long stay cycle parking would be provided in the existing Underground Service Area. This is acceptable.

- Pedestrian and cyclist movement

7.130 Many of the objections received raised concern relating to the transport and highways impacts resulting from the narrowing of the street. This includes conflict between wheelchair, pedestrian and cyclist movement as a result of the narrowing of the thoroughfare. The objections in this regard relate mainly to Lamb Street, where cyclists are more prevalent, but concerns relating to Market Street have also been noted.

7.131 The Council's highways team have also raised concerns relating to the impact of the street narrowing on Lamb Street on the basis that the proposal would prevent cyclists from using this route and that it would increase likelihood of cyclist/pedestrian collision.

7.132 The findings of the Transport Assessment submitted demonstrate that there is a large flow of both pedestrians and cyclists on Lamb Street, particularly during the morning and afternoon rush hours.

7.133 The substantial change when compared to the previously refused application has been the widening of the usable shared surface area on Lamb Street. Officers have received additional amendments during the course of the application and this distance has been increased further, from 6.2m (previously refused) to 9m and has been achieved via the restriction of seating to the retail units along the south side of Lamb Street and the removal of the existing barriers which block access through the undercroft. An independent safety report has also been commissioned which is appended to the Transport Statement. The findings of the report are that the revisions to the scheme will not adversely impact upon pedestrian/cycle safety. [KF7]

7.134 In response to previous concerns, the Lamb Street proposal was amended to remove the street furniture, planters and introduce hard landscaping measures to encourage a positive relationship between cyclists and pedestrians. These changes still from part of the proposal with the further additional measures mentioned above also taking place. The hard landscaping measures include the use of textured paving (rumble strip) to signal to cyclists that they are entering a 'shared space' and to slow down. The amended ground floor plan removes the seating area on the southern side of Lamb Street (under the canopy), leaving 12.5m (up from 6.2m) clear for pedestrian and cyclist movement, however as stated above a seating zone is proposed and this distance would be controlled via legal agreement so that 9m of space between the proposed Lamb Street building and the seating area is secured. A new seating management plan for this area is also proposed and will be secured via condition.

7.135 Officers are satisfied that the inclusion of the rumble strips, together with the removal of street furniture [KF8] and planters, as well as additional signage, resurfacing of the undercroft and removal of the railings would maximise the width available for safe pedestrian and cyclist movement minimising the likelihood of collisions. Whilst local highways officers and TfL shared some concerns over the space, they have reviewed the submitted amendments which include a pedestrian comfort levels analysis and consider that the scheme represents a good solution to resolve the highways concerns. Both the local highways authority and TfL have removed their objection on the basis that the available width along Lamb Street (for both cycle

and pedestrian) be retained at a minimum of 7.5m (in line with TfL guidance). Following further discussions the applicant has agreed to a distance of 9m. This is acceptable to officers.

7.136 In relation to Market Street, it is noted that the street would be narrower than existing, restricting the flows of pedestrians to an extent. As previously outlined, this is considered to be compatible with the character and nature of the street and wider area and is supported on that basis. The ground floor plan also delineates a 4m wide 'clear route' on Market Street to allow for unobstructed movement, without the placement of street furniture.

7.137 On this basis, it is also considered that wheelchair users and pushchairs can achieve unobstructed movement through Market Street and Lamb Street. This is in addition to full wheelchair access to the proposed Lamb Street building which comprises access ramps and a lift at ground floor.

7.138 Officers are satisfied that this is acceptable and propose that the street furniture 'zones' throughout Lamb Street and Market Street are restricted by planning condition and a minimum of 9m clear space is secured via legal agreement as suggested by TfL and confirmed by the local highways officer. [KF9]

- Delivery, servicing and waste collection

7.139 The application submission sets out a Delivery and Servicing Plan in Appendix 4 of the Transport Assessment. The plan has been designed to accord with the established and permitted operational arrangement and procedures of the Spitalfields Estate which includes:

- Deliveries to Market Street taking place from kerbside on Brushfield Street.
- Deliveries to Lamb Street taking place from the Lamb Street paved area.
- Delivery vehicles on Lamb Street move one-way (enter via Lamb Street and leave via Spital Square).
- Access to Lamb Street managed with a barrier system controlled by the Spitalfields Estate security Gatehouse, and all vehicles have banksman support.

7.140 It is noted that many of the objections received raise concerns relating to impacts associated with additional servicing and delivery taking place within the area. This includes the increased risk of collisions between delivery vehicles, cyclists and pedestrians during the late night and early morning. Concerns relating to an inadequacy of parking and loading provision for delivery vehicles have also been raised. It is also noted that objectors consider the delivery projections associated with the proposed development to be unrealistic as the existing conditions are already under strain.

7.141 Some of the objections also refer to existing delivery and servicing impacts, for example, vehicles arriving in the early hours. It should be noted that this is existing impact, which is not associated with the proposed development.

7.142 In relation to the increase in the risk of collisions, officers consider that the proposed management arrangements would mitigate this. The proposed delivery and servicing plan also seeks to restrict deliveries to Lamb Street between 08.15 and 09.15 when the pedestrian and cyclist flows are at their greatest.

7.143 With reference to the Table 4.1 and 4.2 of the Transport Assessment, officers also consider it appropriate to restrict deliveries to Lamb Street, associated with the proposed development, between 12.30 and 13.30 and 17.30 and 18.30 when the pedestrian flows are also significant. It is proposed that this is secured by condition.

7.144 In light of the proposed condition, officers are satisfied that the delivery and servicing would not give rise to an unacceptable level of conflict with pedestrian and cyclist movement.

7.145 It is also proposed that the waste management and collection arrangements for the proposed scheme comply with the established and permitted operational arrangements on the Spitalfields Estate:

- a. Waste is stored in the existing basement and collected by a refuse vehicle.
- b. Daily waste collections carried out by Tenon FM (a service partner of CBRE) and managed on site by the Spitalfields Estate Management Team.

7.146 As per the existing arrangements, it is proposed that the storage of waste will be the responsibility of the occupant of each unit to store waste within their demise ensuring that any food waste, glass and mixed recyclables are segregated. Estate cleaning operatives would then undertake collections directly from these units three times a day and transport the waste directly down to the basement where it will be collected by a refuse vehicle in accordance with the existing arrangement. Officers raise no concerns in this regard.

- Summary

7.147 The proposed delivery and servicing arrangements mark an extension of existing arrangements to accommodate the servicing of the proposed additional retail units.

7.148 Officers have had regard to the estimated number of additional deliveries resulting from the development and consider that the proposal would not give rise to an unacceptable cumulative impact in the context of the retail character of the area.

7.149 The most notable increase of delivery and servicing activity would take place on Lamb Street.

7.150 Officers consider that the proposed time restrictions on the servicing of Lamb Street are sufficient to mitigate the impact of this.

7.151 It is proposed that the delivery and servicing arrangements, including the delivery hours are secured in line with the existing arrangements. This is with exception to the additional restrictions outlined above.

- Construction

7.152 The application submission does not include a Construction Logistics Plan (CLP). In their consultation response, TfL sought the submission of a CLP as the proposed development exceeds 1000sqm.

7.153 Officers are satisfied that this can be dealt with sufficiently by securing the necessary planning condition(s). It is therefore proposed that the requirement for a CLP to be submitted before the commencement of works.

Environment

Landscaping & Biodiversity

7.154 The existing site has limited ecological value as it is mostly hardstanding. The loss of the two small, non-native trees would be a very minor adverse impact on biodiversity.

7.155 In terms of biodiversity enhancements, the scheme proposes a green roof to the two storey building on Lamb Street. The biodiversity officer has noted the proposed green roof would enhance the biodiversity on site and further details will be secured via condition.

7.156 The proposal includes the planting of two additional trees within Elder Gardens. The proposed trees are a London Plane and a Prunus Kanzan (cherry tree). These species have been found suitable by the biodiversity officer as replacements for the existing Red Oak trees..

Energy & Sustainability

- 7.157 The submitted Energy and Sustainability report demonstrates that the design has followed the principles of the Mayor's energy hierarchy, and seeks to reduce energy demand through energy efficiency measures and use of air source heat pumps. The proposed design is anticipated to achieve a 19.2% in CO2 emissions. Whilst this is below the policy target of 45%, the applicant is proposing to fulfil the shortfall through a carbon offsetting contribution.
- 7.158 Subject to conditions securing the energy proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for sustainability and CO2 emission reductions.
- 7.159 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Submission of post construction report (including as built calculations SBEM) to demonstrate the CO2 savings on site have been delivered
 - Carbon offsetting contribution secured through S106 contribution (£14,495)
 - Submission of Final BREEAM certificates to demonstrate delivery of BREEAM Very Good Development

Flood Risk & Drainage

- 7.160 Development Plan policies seek to manage flood risk and encourage the use of Sustainable Urban Drainage.
- 7.161 In relation to surface water run-off, the site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates Sustainable Drainage Measures in accordance with the London Plan's hierarchy the proposal is considered acceptable in accordance with adopted policy NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 of the Core Strategy (2010) and DM13 of the Managing Development Document (2013).
- 7.162 Thames Water advises that conditions could also appropriately address the matters raised regarding the site drainage strategy.
- 7.163 In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the Core Strategy (2010).

Air Quality

- 7.164 Clarification was sought surrounding impacts of Air Quality as a result of the proposed development.
- 7.165 With regards to the construction impacts of the proposal, the applicant will be required to submit a construction management plan which will demonstrate that it meets the GLA SPG on the Control of Dust and Emissions from Construction and Demolition site.
- 7.166 The councils Environmental Health officer agreed that a condition will be secured whereby if any of the flexible units are serving Hot Food then details surrounding extraction, etc will need to be approved in writing by the council which will include full details of the extraction unit and air quality.

Infrastructure Impact

- 7.167 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £143,791.62 and Mayor of London CIL of approximately £268,455.00
- 7.168 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.169 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £10,712.00 towards construction phase employment skills training
 - £40,765.75 towards end-user phase employment skills training
 - £14,945 toward carbon emission off-setting

Human Rights & Equalities

- 7.170 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.171 The proposed development would not result in adverse impacts upon equality or social cohesion. It will improve the attractiveness of the retail offering in the area whilst providing for a range of mixed uses supporting the local economy.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations:

- a) £10,712.00 towards construction phase employment skills training
- b) £40,765.75 towards end-user phase employment skills training
- c) £14,945 toward carbon emission off-setting
- d) £ 500 per head of term towards monitoring

Total financial contributions: **£66,422.75 + monitoring contribution**

8.3 Non-financial obligations:

- a. Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 2 construction phase apprenticeships
 - Relocation of art stalls within the market yard

- b. Transport
 - Car Free development (commercial)
 - Approval and implementation of Transport Statement
 - Unobstructed 9m available width on Lamb Street
 - MCIL2
- c. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.6 Planning Conditions

Compliance conditions

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Making good of listed building and method statement
4. Shopfronts
5. Schedule Ancient Monument consent
6. Hours of construction
7. Delivery, servicing and waste arrangements (in line with existing arrangement) and Lamb Street delivery time restrictions.
8. Hours of operation of units
9. Noise assessment and mitigation measures

Prior to commencement conditions

10. Construction Logistics Plan;
11. Materials (samples), including shopfronts
12. Piling Method Statement
13. Street furniture/seating management plan to Lamb Street

Prior to completion of superstructure works conditions

14. Details of green roof
15. Details of cycle parking (to draft London Plan standards)
16. Details of Electric Vehicle Charging Point
17. Lighting scheme

Prior to occupation conditions

18. Delivery of energy strategy and post construction report showing CO2 savings
19. Delivery Service Management Plan
20. Secure by Design accreditation
21. BREEAM final certificates

Informatives

1. Subject to s106 agreement
2. CIL liable
3. Thames Water informatives

Appendix 1

List of plans for approval

Schedule of Drawings

EXISTING DRAWINGS

- PA101 Rev 01 General Arrangement Plan, Ground Floor, Existing
- PA102 Rev 01 General Arrangement Plan, Level 1, Existing
- PA103 Rev 01 General Arrangement Plan, Roof, Existing
- PA110 Rev 01 General Arrangement South, North, Brushfield Street North, Existing
- PA111 Rev 01 General Arrangement West And East, Existing
- PA112 Rev 01 General Arrangement Elevations, Lamb Street North And South Existing
- PA120 Rev 01 General Arrangement, Section A, Existing

PROPOSED DRAWINGS

- PA301 Rev 05 General Arrangement Plan, Ground Floor, Proposed [KF10]
- PA302 Rev 02 General Arrangement Plan, Level 1, Proposed
- PA303 Rev 02 General Arrangement Plan, Roof, Proposed
- PA310 Rev 01 General Arrangement South, North Elevations, Brushfield Street North Elevation, Proposed
- PA311 Rev 02 General Arrangement West And East Elevations, Proposed
- PA312 Rev 02 General Arrangement, Lamb Street North And South Proposed
- PA320 Rev 01 General Arrangement, Section A,B Proposed
- PA321 Rev 02 General Arrangement, Section C,D Proposed
- PA500 Rev 02 Market Street Facades
- PA501 Rev 02 Lamb Street Facades

- PA502 Rev 00 Lamb Street Facades
- PA700 Rev 01 Canopy Removal, Demolition
- PA701 Rev 00 Canopy Removal, Demolition
- PA710 Rev 00 Canopy Removal, Proposed

Schedule of Documents

- [KF11]Planning Statement, dated October 2018, prepared by DP9 Limited;
- Energy Statement, dated October 2018, prepared by Ramboll;
- Sustainability Statement, dated October 2018, prepared by Ramboll;
- Transport Assessment, dated October 2018, prepared by Ramboll;
- Noise Impact Assessment, dated October 2018, prepared by Ramboll;
- Statement of Community Involvement, dated October 2018, prepared by Kanda;
- Daylight & Sunlight Report, dated October 2018, prepared by eb7;
- Archaeology Assessment, prepared by MOLA; and
- Arboricultural Implications Assessment, dated October 2018, prepared by Broad Oak Tree.
- Pedestrian Comfort Analysis, dated March 2019, prepared by Ramboll

Appendix 2

Selection of plans and images [KF12]



Image 1 - Market Street as existing



Image 2 – Lamb Street as existing (looking east)



Image 3 - Lamb Street as existing (looking west)



Image 4 – Lamb Street as existing (looking south-east)



Image 5 - Lamb Street as existing (looking south-west)



Image 6 – Existing Lamb Street structure (looking south-west from Elder Gardens)



Image 7 - Lamb Street boundary with Elder Gardens, to rear of existing ramp structure



Image 8 - Elder Gardens (looking east from Lamb Street)



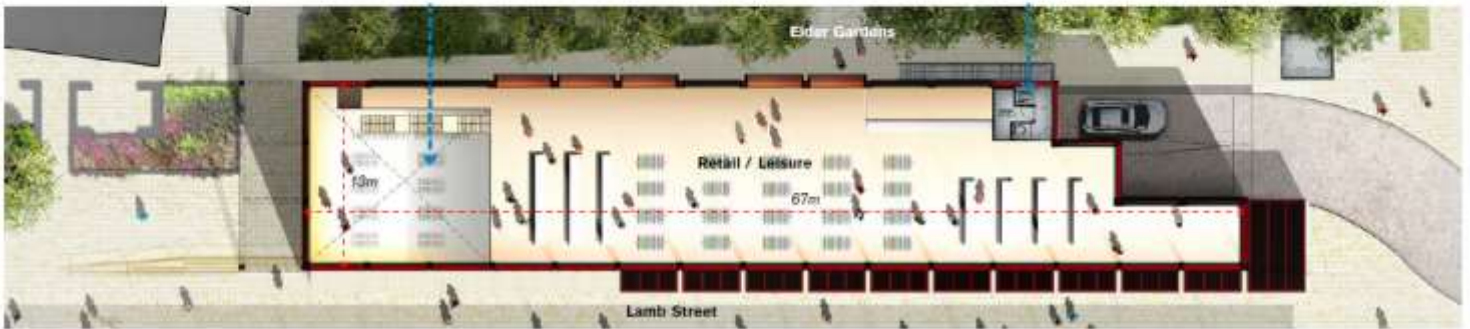
Image 9 - Western end of Elder Gardens (looking north from Lamb Street)



Image 10 – Proposed Lamb Street building looking south-west (from Elder Gardens)



Ground Floor Plan



First Floor Plan

Image 11 – Indicative Lamb Street building layout

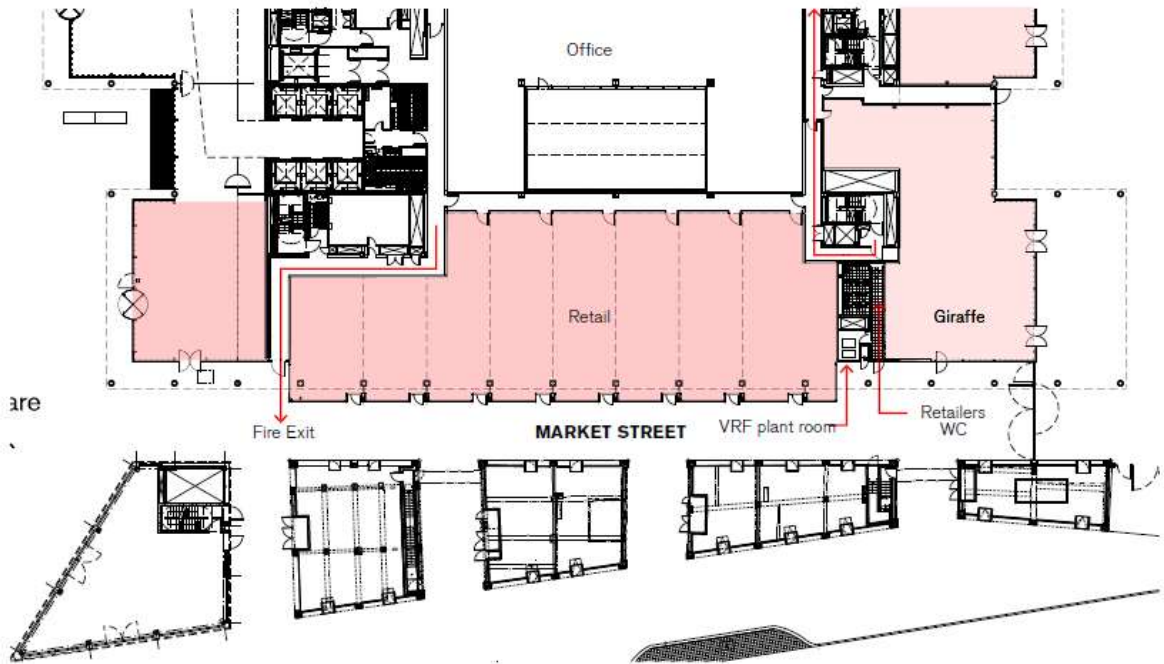


Image 12 – Proposed Market Street ground floor layout

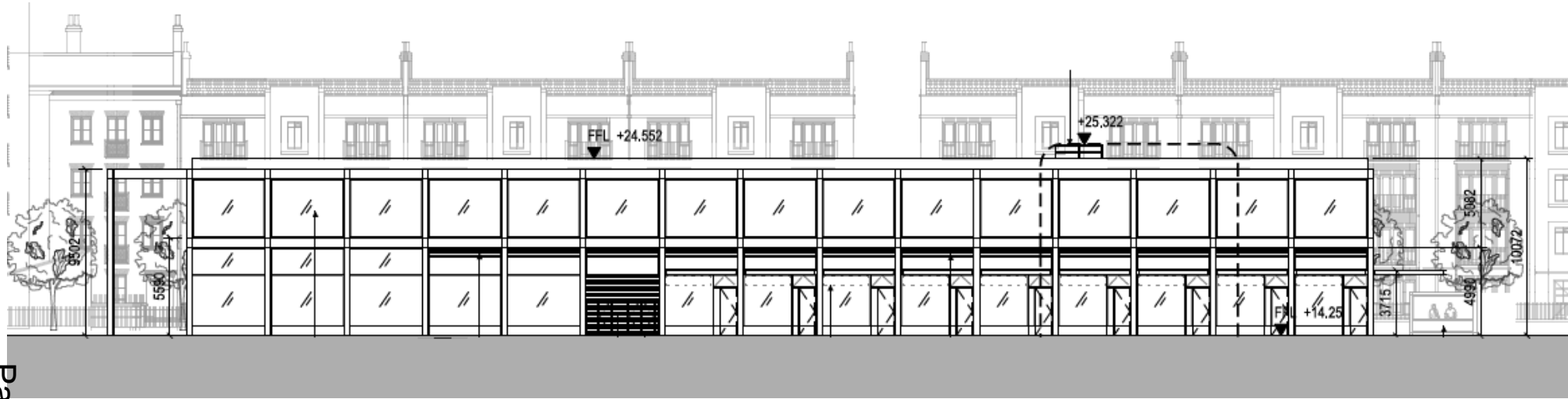


Image 14 - Proposed Lamb Street elevation (looking north)