

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 12 May 2011 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman	
Vice-Chair:	
Councillor Stephanie Eaton	Councillor Tim Archer, (Designated
Councillor Dr. Emma Jones	Deputy representing Councillor Dr. Emma
Councillor Bill Turner	Jones)
Councillor Kabir Ahmed	Councillor Peter Golds, (Designated
Councillor David Edgar	Deputy representing Councillor Dr. Emma
Councillor Shahed Ali	Jones)
	Councillor Gloria Thienel, (Designated
	Deputy representing Councillor Dr. Emma
	Jones)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Alan Ingram, Democratic Services, Tel: 020 7364 0872, E-mail: [alan.ingram@towerhamlets.gov.uk](mailto:alan.ingram@towerhamlets.gov.uk)

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 12 May 2011**

**7.00 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

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 Chief Executive.

**3. UNRESTRICTED MINUTES**

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 14 April 2011.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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**3 - 8**

**4. RECOMMENDATIONS**

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

**9 - 10**

Please note that the deadline for registering to speak at this meeting is:

**4.00 pm on Tuesday 10 May 2011**

## **6. DEFERRED ITEMS**

**11 - 12**

## **7. PLANNING APPLICATIONS FOR DECISION**

**13 - 14**

### **7 .1 Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, London**

**15 - 62**

**Spitalfields  
&  
Banglatown;**

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# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE**

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### **Declaration of interests for Members**

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.10 P.M. ON THURSDAY, 14 APRIL 2011**

**M71 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Stephanie Eaton  
Councillor Bill Turner  
Councillor David Edgar

Councillor Peter Golds

**Other Councillors Present:**

Nil

**Officers Present:**

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Alan Ingram	– (Democratic Services)

**ELECTION OF CHAIR FOR THE MEETING**

In the absence of the Chair, it was proposed by Councillor David Edgar and unanimously **RESOLVED**

That Councillor Bill Turner be elected to act as Chair for this meeting of the Strategic Development Committee.

**COUNCILLOR BILL TURNER IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Shahed Ali, Kabir Ahmed, Carli Harper-Penman (Chair) and Dr Emma Jones (for whom Councillor Peter Golds deputised).

**2. DECLARATIONS OF INTEREST**

**Councillor Bill Turner** declared a personal interest in agenda item 7.1 “438-490 Mile End Road, E1” in that he was a Ward Councillor for the area of the planning application.

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 7 March 2011 be agreed as a correct record and signed by the Chair.

**4. RECOMMENDATIONS**

The Committee **RESOLVED** 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, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

**5. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure for hearing objections.

**6. DEFERRED ITEMS**

Nil items.

**7. PLANNING APPLICATIONS FOR DECISION**

**7.1 438-490 Mile End Road, E1**



At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update report concerning the application for planning permission at 438-490 Mile End Road, E1 (Ref. No. PA/10/2091). He explained that, although consideration of the application had been deferred by the Committee on 20 January 2011, the applicant had made substantial amendments to the proposal to address Members' concerns and this warranted the matter being treated as a fresh application.

Mr Jerry Bell, Strategic Applications Manager, made a detailed presentation of the application, together with a powerpoint display of relevant plans. He indicated that the scheme had been amended by:

- removal of the top floor of the western half of the building and
- removal of the infill block adjacent to Lindrop House.

These amendments had resulted in the loss of 58 additional student units and effectively brought the proposal in line with planning permission PA/09/01916 approved by the Committee on 2 February 2010.

Additional minor amendments had been made relating to:

- revised refuse arrangements
- revised cycle storage and
- revised entrance arrangements.

A further round of public consultation had also been carried out regarding the revised scheme, which had not resulted in any objections being raised.

Referring to the tabled update report, Mr Bell added that whilst the reduction in student units reduced the pro rata (£224,000) S106 contribution currently being offered as part of the previously deferred scheme, the health contribution of £54,835 was an additional sum that was not previously secured in the approved scheme of 2 February 2010 and would also not apply to the amended scheme being brought to this meeting.

Members expressed the view that the amendments to the development had now satisfactorily addressed the concerns previously raised.

In response to questions from the Committee, Mr Bell indicated that:

- the reference to "the Mayor" was intended to mean the Mayor of London. The Chair asked that this be made explicit in all future reports to avoid confusion.
- He would write to the Chair updating the position with regard to bursary allocations as per the scheme established under the S106 agreement.

On a unanimous vote, the Committee then **RESOLVED**

- (1) That planning permission be **GRANTED** at 438-490 Mile End Road, E1 for amendments to planning application reference PA/09/01916 for demolition of existing structures and erection of new building ranging from 3 to 9 storeys to provide a new education facility comprising:

teaching accommodation and associated facilities; student housing; cycle, car-parking, refuse and recycling facilities being

- (a) revised refuse storage arrangements;
- (b) revised arrangements for bike storage; and
- (c) a revised main entrance door configuration;

such permission to be subject to any direction by the Mayor of London, the prior completion of a legal agreement to secure planning obligations, and to the planning conditions and informatives as set out in the circulated report and update report **Tabled** at the meeting.

- (2) That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated in resolution (1) above.
- (3) That the Corporate Director Development & Renewal be delegated authority to issue planning conditions and informatives to secure the matters listed in the circulated report.
- (4) That, if within three months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development and Renewal be delegated authority to refuse planning permission.
- (5) That the Strategic Applications Manager write to the Chair of the meeting detailing the current position regarding awards to students under the bursary scheme established under the S106 agreement.

## **7.2 Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, London**

Mr Pete Smith, Development Control Manager, indicated that he was seeking to have this item withdrawn in view of the need for Transport for London to hold further discussions as the applicant was disputing the level of Crossrail contributions. It was agreed that the report be withdrawn accordingly.

## **ANY OTHER BUSINESS**

### **Leamouth Peninsula North, Orchard Place, London, E14**

The Development Control Manager referred to the objection lodged by the Committee as agreed at its meeting held on 7<sup>th</sup> March 2011 and reported that the London Thames Gateway Development Corporation (LTGDC) had granted this planning application nevertheless, subject to the decision of the Mayor of London not to direct refusal of planning permission. The matter now rested with the Mayor of London for consideration.

It was **RESOLVED**

That the Development Control Manager arrange for a briefing on the LTGDC decision, including reports and any minutes available, to be copied to all Members of the Committee by noon on 15 April 2011.

The meeting ended at 7.40 p.m.

Chair, Councillor Bill Turner  
Strategic Development Committee

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# Agenda Item 5

## **DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE**

### **PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS**

- 6.1 Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker’s address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers’ addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 12 May 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Originating Officer:</b> Owen Whalley		<b>Title:</b> Deferred items  <b>Ref No:</b> See reports attached for each item  <b>Ward(s):</b> See reports attached for each item	

## 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.
- 1.2 There are currently no items that have been deferred.

## 2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:  
Application, plans, adopted UDP. draft  
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 11 May 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal  <b>Originating Officer:</b> Owen Whalley Service Head, Planning & Building Control		<b>Title:</b> Planning Applications for Decision  <b>Ref No:</b> See reports attached for each item  <b>Ward(s):</b> See reports attached for each item	

## 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 are 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.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2008 (Consolidated with alterations since 2004)
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, 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.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects 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.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **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 Agenda Item 5.

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 14 <sup>th</sup> April 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Elaine Bailey		<b>Ref:</b> PA/10/02764 & PA/10/02765	
		<b>Ward:</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

Location: Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London

Existing use: Office, shops, café, public house, motor transport depot (vacant) and builders merchant warehousing space (vacant)

Proposal:

### **PA/10/02764 – application for Full Planning Permission**

Redevelopment of the former Nicholls and Clarke site and adjoining depot site, for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height 48.40m AOD (plus plant), to provide approximately 17,705sqm of B1 (Office); approximately 1,903sqm of A1 (Retail) and A3 (Restaurant); approximately 762sqm of A4 (Public House) and 8 no. residential units (comprising 5 x 1-beds, 1 x 2-bed, 2 x 3-beds) together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

### **PA/10/02765 – Conservation Area Consent application**

Conservation Area Consent for the demolition of No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No.16-17 and No.10 Blossom Street; partial demolition, refurbishment and conservation repair of 16-19 Norton Folgate, 5 -11a Folgate Street and 12-15 Blossom Street; and reconstruction (including façade retention) of 14-15 Norton Folgate to enable the redevelopment of the former Nicholls and Clarke site and adjoining depot site for commercially led mixed use purposes in association with planning application ref: PA/10/02764).

**Drawing Nos:**

1006-P-SIT; 10006-P-X-GAX-LG; 10006-P-X-GAX-01; 10006-P-X-GAX-02; 10006-P-X-GAX-03; 10006-P-X-ELX-01; 10006-P-X-DGA-LG-A; 10006-P-X-DGA-00; 10006-P-X-DGA-01; 10006-P-X-DGA-02; 10006-P-X-DGA-03; 10006-P-X-GA-LG; 10006-P-X-GA-00-A; 10006-P-X-GA-01; 10006-P-X-GA-02; 10006-P-X-GA-03; 10006-P-X-GA-04; 10006-P-X-GA-05; 10006-P-X-GA-06; 10006-P-X-GA-07; 10006-P-X-GA-08; 10006-P-X-GA-10; 10006-P-X-GA-00; 10006-P-C-GA-00; 10006-P-X-EL-01-A; 10006-P-X-

EL-02-A; 10006-P-X-EL-03-A; 10006-P-X-EL-04; 10006-P-X-EL-05; 10006-P-X-SE-01-B; 10006-P-X-SE-02-B; 10006-P-X-RE-01; 10006-P-X-RE-02; 10006-P-X-RE-03; 10006-P-X-RE-04; 10006-P-SK-002

- Documents:**
- Planning Statement
  - Design and Access Statement
  - Transport Statement
  - Heritage Statement
  - Townscape Heritage and Visual Impact Statement
  - Statement of Community Involvement
  - Energy Efficiency Statement
  - Sustainability Statement
  - Daylight/Sunlight Assessment
  - Noise and Vibration Impact Statement
  - Wind Assessment
  - Ventilation/Extract Statement
  - Air Quality Assessment
  - Utilities Report
  - Viability Assessment (submitted under separate cover)

**Applicant:** Mayor and Commonality and Citizens of the City of London.

**Owners:** City of London and various others

**Historic buildings:** Locally Listed Building

**Conservation areas:** Elder Street Conservation Area

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

### With regard to the Conservation Area Consent:

- The demolition of No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No. 16-17 Blossom Street and No.10 Blossom Street is considered acceptable because these buildings are not considered to contribute positively to the character and appearance of the Elder Street Conservation Area. As such, their demolition is considered to meet the objectives of saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.
- The partial demolition/refurbishment and general conservation repair work proposed to 16-19 Norton Folgate, 5 -11a Folgate Street and 12-15 Blossom Street and 14-15 Norton Folgate is considered acceptable as these works will

both preserve and enhance the character and appearance of these buildings and the conservation area in accordance with saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.

With regard to the Planning Application:

- The scheme will provide an employment-led mixed used residential scheme which safeguards the use of the site as a preferred office location within the Central Activities Zone and the City Fringe and would also facilitate locally-based employment, training and local labour opportunities for the local community and residents of Tower Hamlets in accordance with policies 3B.1, 3B.2, 3B.3 and 3B.11 of the London Plan (consolidated with alterations since 2004), saved policies CAZ1, DEV3, EMP1, EMP6, EMP7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and policies SP01 and SP06 of the Core Strategy (2010) and the IPG City Fringe Action Area Plan (2007) which seek to support the employment growth in key strategic locations, and the growth of existing and future businesses in accessible and appropriate locations.
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.
- The scheme will preserve and enhance the character and appearance of the of the Elder Street Conservation Area and provide a range of conservation and design benefits. As such, the scheme accords with policies 4B.11 – 4B.13 of the London Plan (consolidated with alterations since 2004), saved policy DEV 28 of the Council's Unitary Development Plan (1998), policy CON2 of the Council's Interim Planning Guidance (October 2007) and policy SP10 of the Core Strategy Development Plan Document (2010), along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protect London's built heritage and preserve or enhance the character and appearance of conservations area.
- The proposal provides an acceptable mix of units in line with policies 3A.5 and 3A.6 of the London Plan (consolidated with alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan (1998), policy HSG2 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable internal space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (consolidated with alterations since 2004) and saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1, DEV2 of Council's

Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to provide an acceptable standard of accommodation.

- The proposed amount of private amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004), policy DEV27 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure and noise is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policies SP02 and SP10 of the Council's Core Strategy (2010) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1, 3C.3, 3C.17 and 3C.23 of the London Plan (consolidated with alterations since 2004), saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (consolidated with alterations since 2004), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), which seek to promote sustainable development practices and energy efficiency.
- Contributions have been secured towards the provision of Crossrail, heritage asset/conservation area improvements; public realm and street scene improvements; employment; training and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan (1998); policy IMP1 of the Council's Interim Planning Guidance (2007); and policy S03 and SP13 of the Core Strategy (2010), which seek to secure contributions toward infrastructure and services required to

facilitate and mitigate against the proposed development.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission and Conservation Area Consent, subject to:

- A. Any direction by The Mayor;
- B. The prior completion of a legal agreement to secure the following planning obligations:

#### **Financial Contributions**

- Contribution of £108,840 towards Enterprise and Employment;
- Contribution of £270,000 towards Environmental Improvements and Public Art in Elder Street Conservation Area;
- Contributions of £300,000 towards Public Realm/Street Scene Improvements for Pedestrians and Cyclists
- Contribution of £1,425,887 towards Crossrail.

#### **Non-Financial Obligations:**

- Display and interpretation of archaeological finds in a publicly accessible location within the site;
- Right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal;
- Travel plan preparation and implementation;
- Travel plan co-ordinator for implementation and monitoring;
- Car free agreement;
- Skillsmatch

That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **Conditions – Full Planning Permission:**

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Details of all external materials;
4. Plans showing redesign of arches above rear wash houses;
5. No A1/A3 units to be amalgamated;
6. Details of commercial units including shopfront design & signage;
7. Hard and soft landscaping details of public square and courtyard
8. Details of gating system including operation mechanism, hours of operation and security;
9. Details of all access and ingress points;
10. All ramps gradients to be 1:20;
11. Details of a lighting scheme to ensure no light pollution/spillage to surrounding

- residential occupiers.
12. Details of noise mitigation measures between A4 and C3 uses.
  13. Landscape Management Plan;
  14. Archaeological Investigation;
  15. Programme of historic building recording and analysis;
  16. Lifetime Homes standard, including 10% wheelchair accessible;
  17. The following parking spaces are to be provided
    - 2 service bays
    - 1 disable parking space
    - 142 cycle spaces
  18. Detail of the cycle parking stands;
  19. Detailed design and method statement for all of the foundations (in consultation with London Underground)
  20. Limit hours of construction
  21. Noise levels for plant
  22. Details of ventilation system and any associated plant required;
  23. Environmental Management Plan;
  24. Construction Environmental Management Plan;
  25. Delivery and servicing plan
  26. BREEAM rating and Code for Sustainable Homes
  27. Investigation and remediation measures for land contamination;
  28. Details of the proposed A1 hours of operation;
  29. Details of the proposed A3 hours of operation;
  30. Details of the proposed hours of operation for public house terrace;
  31. Section 72 agreement required to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
  32. 278 agreement to be entered into for Highway works surrounding the site;
  33. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives:

1. Definition of Superstructure and practical completion;
2. The permission is subject to a S106 agreement;
3. Contact Thames Water;
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

That, if within 6 weeks of the receipt by LBTH of the Mayor of London's Stage II report the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

Conditions – Conservation Area Consent

1. Demolition work within 3 years;
2. Grampian condition preventing demolition works until submission of construction contract relating to associated planning permission;
3. Details of the means of enclosure prior to construction;
4. Demolition Environmental Management Plan.

Informatives:

1. Building Control Department with regard to the submission of a Demolition Notice;



2. Submission of a Demolition Notice to Building Control;

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

4.1 Planning permission and Conservation Area Consent is being sought for a development comprising a mix of demolition, retention and conversion of a number of existing buildings, to provide a 4 to 9 storey commercially led mixed use development, containing offices (Use Class B1), small and medium enterprise offices, retail units (Use Class A1), restaurant (Use Class A3), public house floorspace (Use Class A4), 8 no. residential units (Use Class C3) and associated open space.

4.2 A breakdown of the proposal in more detail can be described as follows:

##### Demolition & Partial Demolition:

The applicant proposes to demolish No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No.16-17 and No.10 Blossom Street. Partial demolition and refurbishment is also proposed for the existing warehouses at No 14 - 15 Blossom and No. 14 and 15 Norton Folgate including façades retention.

##### Refurbishment and Conservation Repair:

It is proposed that the remaining buildings on the site be retained through the refurbishment and conservation repair of No. 16-19 Norton Folgate, 5 -11a Folgate Street and 12-14 Blossom Street;

##### Redevelopment:

The above works are to enable the redevelopment of this site for a commercially led mixed use development comprising:

- Buildings between 4 and 9 storeys in height (48.40m AOD plus plant)
- Approximately 17,705sqm of B1 (Office) floorspace;
- Approximately 1,903sqm of A1 (Retail) and A3 (Restaurant);
- Approximately 762sqm of A4 (Public House) floorspace
- 8 no. residential units (comprising 5 x 1-beds, 1 x 2-bed, 2 x 3-beds)
- Creation of a new public space referred to as Blossom Place;
- Provision of new access to Blossom Place;
- Associated highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

4.3 This application represents a revised proposal to a previous application for planning permission and Conservation Area Consent (ref: PA/06/02333 and PA/06/02334) refused on 25 June 2007.

4.4 Section 6 of this report outlines the planning history in further detail, however, for clarification purposes it is considered important at this point in the report, to note the key differences between the this scheme and the previous scheme.

4.5 As such, the key alterations can be summarised as follows:

- Substantial reduction in the extent of demolition proposed;
- Increase in the number of buildings to be retained and refurbished, in particular 16-19 Norton Folgate;

- Reduction in the height of the tallest part of the proposal (north west corner) from 10 storeys to 9 storeys.
- Alternative design approach to elevations, particularly along Shoreditch High Street and Norton Folgate.
- Reduction in level of office floorspace by approximately 3,300sqm
- Reduction in no. of residential units from 9 to 8 units and improved mix of unit sizes.

## **5 Site & Surrounding Area**

- 5.1 The application site contains two neighbouring land parcels located within the Spitalfields area along the City Fringe, on the western boundary of the Borough, 500m north of Liverpool Street Station and south of Shoreditch High Street Station.
- 5.2 The principle site is referred to as the former Nicholls and Clarke showrooms and warehouses site, a rectangular plot of land measuring approximately 0.38ha, bounded by Fleur-de Lis Street (to the north), Folgate Street (to the south), Blossom Street (to the east) and Norton Folgate and Shoreditch High Street (to the west). The smaller depot site which measures approximately 0.05ha (479sqm), lies immediately to the north east corner of the principle site at the junction of Blossom Street and Fleur-de Lis Street.
- 5.3 The site includes a miscellaneous array of buildings including:
- The vacant Nicholls and Clarke showrooms that occupy the Shoreditch High Street frontage to the north;
  - The vacant Nicholls and Clarke warehouse building fronting Blossom Street and dating from between 1866 and 1914;
  - A vacant 1950's motor transport depot;
  - A non-descript 1950's commercial building at 16-17 Blossom Street;
  - A locally listed Arts and Crafts building on the corner of Blossom Street and Folgate Street, which contains office (B1) and public house (A4) uses (buildings dating between 1866 and 1914)
  - A group of commercial units fronting Norton Folgate dating from the 18th century up to early 20th century.
- 5.4 The site is also located within the Elder Street Conservation Area, originally designated in 1969 and comprising an area which centred around the surviving Georgian houses along Elder Street and Folgate Street. The Conservation Area was extended in 1976 which sought to include the commercial area west of Blossom Street, north of Fleur de Lis Street, as well as Spitalfields Market fringe area to the south of Folgate Street.
- 5.5 The Conservation Area is characterised by predominantly 3-4 storeys buildings with many 3-storey Georgian houses. The buildings towards Commercial Street rise to 5-6 storeys in height.
- 5.6 The subject site however lies within an area which is undergoing a considerable amount of regeneration and change, including large scale office development to the south along the Bishopsgate corridor and Spitalfields Market, containing buildings of up to 10-15 storeys in height. Also, to the west of Norton Folgate lies along the borough boundary with London Borough of Hackney, lies 201 Bishopsgate, a 35 storey office redevelopment. To the north beyond Commercial Street lies Bishopsgate Goodsyards, an area currently being appraised by the Council for a potential large scale mixed use development.
- 5.7 The site is also located within an area defined as a Scheduled Ancient Monument, being

part of the precinct of the Priory and Hospital of St Mary Spital.

## **6 MATERIAL PLANNING HISTORY**

### **6.1 PA/06/02333 and PA/06/02334**

Relating to the two same land parcels as in the current application, planning permission and conservation area consent was previously refused on 25 June 2007 (ref: PA/06/02333 and PA/06/02334) for the redevelopment of the site for the erection of buildings between 4 storeys and 10 storeys plus plant (totalling 43 metres in height), and retention and conversion of a selection of existing buildings to provide a mixed use development to contain 9 residential units (1x studio flat, 1x 1-bed flat and 7x 2-bed flats), 22,387sq.m of B1 (Office) (1,336sq.m of which were small/medium enterprise units), 1,674sq.m of A1 (Retail) and A3 (Restaurant and Café) and 595sq.m of A4 (Public House), with associated open space and servicing.

### **6.2 The planning application was refused for the following reason:**

*“The proposal by reason of its bulk, scale and height would fail to either preserve or enhance the character and appearance of the Elder Street Conservation Area contrary to policies DEV25 and DEV28 of the London Borough of Tower Hamlets adopted (1998) Unitary Development Plan and policies CP49 and CON2 of the emerging London Borough of Tower Hamlets Core Strategy and Development Control Submission Document (November 2006)”.*

### **6.3 The Conservation Area Consent was refused for the following reason:**

*“Demolition except in conjunction with and immediately prior to an approved scheme of redevelopment would be detrimental to the character and appearance of the Elder Street Conservation Area. The proposal is therefore considered premature in the absence of an approved scheme for redevelopment”.*

### **6.4 Both applications were appealed (appeal ref: APP/E5900/A/08/2062519). The Planning Inspector subsequently dismissed both appeals. In summary, the key issue for the Inspector was the loss of the existing historic buildings which were considered to make a positive contribution to the Elder Street Conservation Area.**

### **6.5 The points made by the Planning Inspector in this appeal decision are an important consideration for the current application, and much of which is discussed in later paragraphs of this committee report, however it is considered of relevance at this point in the report to summarise some of the key points made by the Inspector:**

### **6.6 The Inspector’s appeal decision notes the following:**

- Loss of certain historic buildings (especially No. 16-19 Norton Folgate) considered to have an adverse impact on the conservation area;
- Lack of evidence to demonstrate that the retention of 13-19 Norton Folgate can not be repaired and retained.
- Warehouse buildings along Blossom St contribute to the character of the conservation area.

The more neutral and positive aspects of the appeal proposal noted by the inspector include:

- Appropriateness of the 10 storey element in terms of design and context;
- Overall high quality of the scheme, careful design consideration;
- Retention of the historic kink/set back in the building line between No.1 Shoreditch High St and and 20 Norton Folgate (which marks the boundary of the former precinct to the medieval Priory of St Mary Spital);
- The quality of permeability and improved public access proposed;
- The benefits of the proposed repair work to Blossom St warehouses and locally listed buildings along Folgate Street;
- Potential compatibility between pub use and residential uses with the use of suitable conditions to control the management of the pub.

## 7. POLICY FRAMEWORK

- 7.1 For details on the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are considered relevant to the application:

### **Spatial Development Strategy for Greater London (The London Plan consolidated with alterations since 2004)**

#### Policies

Policy 2A.4	Central Activities Zone
Policy 2A.5	City Fringe Opportunity Area
Policy 3A.1	Increasing London's Supply of Housing Borough
Policy 3A.2	Housing Targets
Policy 3A.3	Maximising the Potential of Sites
Policy 3A.4	Efficient Use of Stock
Policy 3A.5	Housing Choice
Policy 3A.6	Quality of New Housing Provision
Policy 3A.20	Health Objectives
Policy 3A.23	Health Impacts
Policy 3B.1	Developing London's Economy
Policy 3B.2	Office Demand and Supply
Policy 3B.3	Mixed Use Development
Policy 3B11	Improving Employment Opportunities for Londoners
Policy 3C.1	Integrating Transport and Development
Policy 3C.2	Matching Development to Transport Capacity Sustainable Transport in London
Policy 3C.3	Tackling Congestion, Reducing Traffic
Policy 3C.17	Local Transport and Public Realm Improvements
Policy 3C.19	Improving Conditions for Walking
Policy 3C.21	Parking Strategy
Policy 3C.23	Parking in Town Centres
Policy 3D.1	Supporting Town Centres
Policy 3D.2	Town Centre Development
Policy 3D.3	Maintaining and Improving Retail Facilities
Policy 4A.1	Tackling Climate Change
Policy 4A.2	Mitigating Climate Change
Policy 4A.3	Sustainable Design and Construction

Policy 4A.4	Energy Assessment
Policy 4A.5	Provision of Heating and Cooling Networks
Policy 4A.6	Decentralised Energy: Heating, Cooling and Power
Policy 4A.7	Renewable Energy
Policy 4A.9	Adaptation to Climate Change
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.17	Water Quality
Policy 4A.18	Water and Sewerage Infrastructure
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes
Policy 4A.33	Bringing Contaminated Land Into Beneficial Use
Policy 4B.1	Design Principles for a Compact City Promoting
Policy 4B.2	World-Class Architecture and Design
Policy 4B.3	Enhancing the Quality of the Public Realm
Policy 4B.4	Retrofitting
Policy 4B.5	Creating an Inclusive Environment
Policy 4B.6	Safety, Security and Fire Prevention and Protection
Policy 4B.8	Respect Local Context and Communities
Policy 4B.9	Tall Buildings - Location
Policy 4B.10	Large-scale Buildings – Design and Impact
Policy 4B.11	London's Built Heritage
Policy 4B.12	Heritage Conservation
Policy 4B.13	Historic Conservation Led Regeneration
Policy 4B.15	Archaeology
Policy 4B.16	London View Management Framework
Policy 5C.1	Strategic Priorities for North East London
Policy 5C.3	Opportunity Areas in North East London

#### **London Plan Relevant SPGs**

- Housing (November 2005)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action.
- Draft Interim Housing Design Guide (August 2010)

#### **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals:		Designations within the vicinity of the site are as follows: Central Area Zone Special Policy Area (SPA) where a diverse and balanced mix of use is to be maintained Area of archaeological importance potential Strategic view consultation area
Strategic Policies:	ST1	Addressing the Needs of Residents
	ST15	Local Economy
	ST17	High Quality Work Environments
	ST23	Housing Quality
	ST25	Housing and Infrastructure

	ST26	Existing Residential Accommodation
	ST28	Restrain Use of Private Car
	ST30	Safety and Convenience for all Road Users
	ST35	Local Shops
	ST37	Improvement of Local Environment
	ST41	Art and Entertainment
	ST43	Public Art
	ST47	Skills Requirements & Training Initiatives
	ST49	Social & Community Facilities
	ST50	Medical Services
	ST51	Public Utilities
Environment:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV28	Demolition in Conservation Areas
	DEV33	Development in London Squares
	DEV34	Development Adjacent to London Squares
	DEV35	Uses in London Squares.
	DEV42	Scheduled Ancient Monuments
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV53	Conditions on Consents
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
Employment:	CAZ 1	Central Activities Zone
	EMP1	Promoting economic growth and employment opportunities
	EMP6	Employing Local People
	EMP7	Enhancing Employment Opportunities
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
Housing:	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
Transport:	T1	Improvements to the Underground
	T3	Extension of Bus Services
	T8	New Roads
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T19	Priorities for Pedestrian Initiatives
	T21	Pedestrians Needs in New Development

Shopping:	S7 S10	Special Uses Requirements for New Shopfront Proposals
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### **Tower Hamlets Interim Planning Guidance 2007**

Proposals:	CF4	Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4) CAZ Scheduled Ancient Monument Conservation Area Archaeological Priority Area Strategic View Consultation Area
Development Policies:	DEV1 DEV2 DEV3 DEV4 DEV5 DEV6 DEV7 DEV8 DEV9 DEV10 DEV11 DEV12 DEV13 DEV14 DEV15 DEV16 DEV17 DEV18 DEV19 DEV20 DEV22 DEV24 DEV25 DEV27	Amenity Character & Design Accessibility & Inclusive Design Safety & Security Sustainable Design Energy Efficiency & Renewable Energy Water Quality and Conservation Sustainable drainage Sustainable construction materials Disturbance from Noise Pollution Air Pollution and Air Quality Management of Demolition and Construction Landscaping and Tree Preservation Public Art Waste and Recyclables Storage Walking and Cycling Routes and Facilities Transport Assessments Travel Plans Parking for Motor Vehicles Capacity of Utility Infrastructure Contaminated Land Accessible Amenities and Services Social Impact Assessment Tall Buildings Assessment
Economy and Employment:	EE2	Redevelopment / Change of Use of Employment Sites
Retail and Town Centres:	RT5	Evening and Night-time Economy
Housing:	HSG1 HSG2 HSG7 HSG9	Determining Residential Density Housing Mix Housing amenity space Accessible and Adaptable Homes
Conservation:	CON2 CON3 CON4 CON5	Conservation Areas Protection of London Squares Archaeology and Ancient Monuments Protection and Management of Important Views

## **Tower Hamlets Core Strategy Development Plan Document (adopted 2010)**

Spatial Policies	SO1 – SO25	Strategic Objectives for Tower Hamlets
	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Priorities and Principles LAP1&2 – Shoreditch and Spitalfields
	SP13	Planning Obligations

### **Supplementary Planning Guidance/Documents**

- Former Nicholls & Clarke Draft Development and Design Brief (May 2010)
- Designing Out Crime
- Residential Space
- Landscape Requirements
- The Mayor of London's Housing Supplementary Planning Guidance

### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development Planning and Climate Change – Supplement to PPS1
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

### **Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

### **Other material considerations**



- CABE & English Heritage “Guidance on Tall Buildings” (July 2007)

## **8. CONSULTATION RESPONSE**

- 8.1 The following were consulted regarding the application. The summary below should be read in conjunction with the full representations available in the case file.
- 8.2 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

### **INTERNAL CONSULTEES**

#### **Environmental Health - Health and Safety**

- 8.3 No comments received.

#### **Environmental Health - Contaminated Land**

- 8.4 Due to the former industrial uses (Chemical Manufactory - Chuck Lockett & Co. 10 Norton Folgate & 3 Spital Square (2 adjoining sites) and adjoining stations rail approach tracks which contained coal stock yards etc, these uses have the potential to contaminate the area. A site investigation is required to identify potential contamination and to ensure that any contaminated land is properly treated and made safe before development.

*(Officer's comment: a condition requiring a contamination report and associated investigation is recommended).*

#### **Environmental Health - Noise & Vibration**

- 8.5 Sound insulation testing reports should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regs - Resistance to the Passage of Sound.

#### **Environmental Health - Smell / Pollution**

- 8.6 No comment received

*(Officer comment: Any ventilation and extraction required to facilitate cooking from A3/A4 use will require full details to be submitted and approved).*

#### **Environmental Health - Air Quality**

- 8.7 Further information requested from EHO in relation to:

- background concentrations used in the model
- meteorological data
- source of traffic data (and whether TfL factor was applied)
- whether the street canyon effect has been taken into account.

*(Officer comment: Information subsequently submitted and EHO has confirmed satisfaction with air quality assessment, however recommends that details of a Construction Environmental Management Plan is submitted. A condition has been attached to this effect).*

## **Environmental Health - Daylight & Sunlight**

- 8.8 In summary, the EHO considers that the scheme has no significant impact on itself or surrounding residential buildings. Daylight on the surrounding buildings in terms of VSC, ADF and DDC is considered acceptable. Sunlight on the proposed scheme on itself in terms of APSH is also considered acceptable.

## **Environmental Health - Micro-climate**

- 8.9 EHO requested further information in relation to baseline calculations and following the submission of this additional information by the applicant, the EHO considers the wind assessment to be satisfactory.

Considering there are already significant tall buildings in the vicinity of the site and noted in the baseline assessment, the proposal is not considered to have any adverse impact on itself or the surrounding residential buildings, including courtyards / open spaces.

## **Landscape /Parks/ Open Space**

- 8.10 No comments received.

*(Officer comment: it is suggested that a landscape scheme is submitted and approved in writing via condition).*

## **Transportation & Highways**

### **8.11 Parking**

- In light of high PTAL rating the permission should be subject to permit free agreement.
- The provision of a disabled parking space in the Blossom Place welcomed.
- The provision of 142 cycle spaces exceeds the minimum standards (96 cycle spaces) and is therefore welcomed.
- Further information required detailing type of the cycle parking.
- Further information requested in relation to the design's of showers and changing facilities.

### **8.12 Trip Generation**

- Further information requested in relation to trip generation and service trips.

### **8.13 Servicing**

- Lack of on site service for the depot site considered disappointing, however proposed service arrangement considered acceptable.
- Concerns regarding the proposed loading area outside of the depot site (oversails the area of footway below and assurances needed that minimum clearances can be achieved).
- The submission of Delivery & Servicing Plans to be conditioned prior to occupation.

### **8.14 Refuse**

- Clarification needed on whether LBTH refuse collection vehicle able to access the site. Note to applicant's TA regarding City of London refuse/waste management team willing to commit to undertaking the refuse/recycling collection from the site.

8.15 Travel Plan

The submitted framework travel plan should be tied into the S106 and should cover:

- Implementation of Travel Plans in accordance with the framework, submitted to and approved by the Council;
- Appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans;
- A contribution to Tower Hamlets Council (£3,000) for monitoring the Travel Plans.
- The Applicant may wish to consider including membership to the Cycle Hire Scheme as part of the Resident's Travel Pack.

8.16 Nature & Scale of Retail Use

- Due to the servicing issues commonly associated with larger retail and convenience food use operators, it is recommended that a condition be imposed to ensure the proposed retail spaces remain as shown on the plans (small separate units).

8.17 S.278 Issues

- All Highway works will be designed and implemented by the Council's Highway Design team at the applicant's expense (S278/S106).
- Proposed works to the public highway will form part of a S278 Agreement
- The material to be used for the proposed public highway (pavement/footway works) must be agreed with the Highway Design Team;
- Section 72 Agreement required in order to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
- Construction Management Plan to be secured.
- Travel Plan to be secured alongside the Travel Plan monitoring contribution of £3,000 monitoring fee)
- Delivery & Service Management Plan also required.

*(Officer Comment: Applicant has submitted further information in response to the Highways Officers requests. Further plans have been submitted to overcome concerns regarding oversailing of the building over the highway. Appropriate conditions also recommended)*

**Strategic Transport Team**

8.18 No objections raised.

**Crime Prevention Design Officer**

8.19 No major objection to the design. However, officer would like to make sure that consideration has been given to the mitigation of terrorist attacks, particularly because of the building's relationship to the Liverpool Street Train line and Dalston/Croydon Overground line and other important buildings in the vicinity. It is recommended that measures to prevent vehicle born attacks, and also the use of protective glass in the building, should be considered.

*(Officer comment: the applicant has confirmed commitment towards the use of protective glass, however the quality of glazing will be controlled through Building Regulations in any event. Furthermore, officers consider that other measures proposed by the applicant such as the proposed 24 security of the entrance gates, to be sufficient to monitor any potential security attacks.*

## **Enterprise & Employment**

- 8.20 Officers accept the employment contribution of £108,840 previously agreed by the Planning Contributions Overview Panel.

In terms of non-financial obligations, the following is sought:

- 20% of the construction phase workforce will be local residents of Tower Hamlets through the Council's Skillsmatch Construction Service.
- 20% of goods/services procured during the construction of the development, be achieved by businesses in Tower Hamlets.

*(Officer comment: Contributions secured - see later sections of this report for discussion on planning obligations and contributions).*

## **Communities, Localities & Culture**

- 8.21 No objections.

## **Waste Management**

- 8.22 No comment received.

## **EXTERNAL CONSULTEES**

### **GLA & TfL**

- 8.23
- Proposed mixed use of the site within a CAZ considered acceptable and consistent with relevant London Plan policies;
  - Improvement to previous scheme recognised and conservation and urban design considered acceptable;
  - Principle of housing considered acceptable and housing mix acceptable.
  - Inclusive design principles acceptable
  - Further information required on climate change mitigation and adaptation, e.g. overall carbon emissions savings relative to 2010 Building Regulations, and external district heating network.
  - Contribution towards employment, training and enterprise recommended.
  - Contribution toward pedestrian and cycling improvements, travel plan, delivery and service plan, construction logistic plan.
  - Contribution towards Crossrail £1,425,887

### **CABE**

- 8.24
- Design strategy and the proposed integration of retained building commended.
  - Scale and massing acceptable in context.
  - Composition of building volumes work well.
  - Linkages through to site and access to Blossom Place welcomed.
  - Success of the scheme will be dependant on materials and detailing and should be conditioned.

## **English Heritage**

- 8.25
- Application should be determined in accordance with national and local policy

guidance, and on the basis of specialist conservation advice.

**English Heritage Archaeology**

- 8.26
- Confirms that the site falls within a Scheduled Ancient Monument (SAM), being part of the Priory of St Mary Spital.
  - Works which involve excavation below ground level will require SAM consent
  - Programme of historic building recording and analysis recommended (condition).

**National Air Traffic Services Ltd.**

- 8.27 No safeguarding objections raised.

**Environment Agency**

- 8.28 Application considered to have low environmental risk. No further comment.

**City Of London Corporation**

- 8.29 No comment received.

**London Borough of Hackney**

- 8.30 No objections raised.

**London Fire and Emergency Planning Authority**

- 8.31 Ground floor plan indicates that the existing water supplies are to be maintained and the provision of water supplies for the fire service should be adequate. Fire brigade access should not be problematic.

**Thames Water**

- 8.32 No objections to the application however an informative relating to minimum water pressure should be attached to any decision.

**London City Airport**

- 8.33 No comment.

**British Broadcasting Corporation - Reception Advice**

- 8.34 No response received.

**Georgian Group**

- 8.35 No response received.

**Twentieth Century Society**

- 8.36 No response received.

**The Spitalfields Trust**

8.37 Acknowledge that the current application is a considerable improvement, however objections raised in relation to:

- Proposed scheme containing elements that are too height and bulky;
- Retention of late 19<sup>th</sup> Century shops/houses applauded but facadism is not supported. Should be restored in their entirety and uppers floors restored to residential.
- Oppose the wrap around window design of the corner building at Norton Folgate and Folgate Street. More traditional window shapes preferred.
- High rise components of the scheme remain too high to the detriment of the character of the conservation area.
- Retention of the first floor wash houses along Norton Folgate applauded, however, object to the treatment of the proposed shop unit openings. Suggests that brick arches should be considered instead of cat-nick lintels.
- Unhappy with proposed cascade of cantilevering balconies. More traditional balconies suggested.
- Excessive demolition proposed to the Blossom Street warehouses.

*(Officer Comment: The applicant met with the Trust in mid April to discuss the concerns highlighted in their objection letter, and wrote to the Trust on 19 April summarising their rationale for the overall design and outlining where amendments could be made. See Design and Conservation section of his report for discussion of the these issues. )*

#### **Elder Street Residents' Association**

8.38 No response received.

#### **St Georges Residents' Association**

8.39 No response received.

### **9. LOCAL REPRESENTATION**

9.1 A total of 125 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and 6 site notices were erected around the site.

9.2 A total of 5 representations were received following publicity of the application and these can be summarised as follows:

<b>No. of individual responses:</b>	<b>Object:</b>	<b>Support:</b>	<b>General Observation:</b>
<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>

9.3 4 letters of representation were received from local residents, 2 raising objection and 2 raising a number of concerns, issues and suggested alterations and conditions as well as elements of support for the proposal.

9.4 Many of the representations made note their support for the scheme in principle and in particular:

- Commend aspects of the proposed retention to the historic buildings;

- Acknowledge the improvements of the scheme when compared to that previously submitted in 2007;
- Acknowledge the applicant's public consultation exercise as being 'excellent and informative'.
- Supports the retention of the existing open space and its formation into a more publically accessible space.
- Improved permeability welcomed.

9.5 The remaining comments and objections raised can be summarised as follows:

- Concerns regarding the façade design and window treatment of the proposed building on the corner of Folgate St and Bishopsgate.
- Traffic concerns along Blossom Street;
- Need for proposed piazza/terrace area between rear of public house and the square to have a designated smoking area;
- Potential light pollution from the main element of the proposal. Suggested condition to ensure windows are shuttered at night and turned off when not needed;
- Potential impact of construction on functioning of the Water Poet pub;
- Concerns expressed by owner of Water Poet pub regarding relationship with pub use and proposed residential uses above.
- Need to ensure the pub use continues to have access to an external courtyard.

9.6 One of the objections raised was submitted by The London Society, who raised concerns regarding the appearance of the new development and how will look out of keeping with the character of the conservation area, particularly the element fronting onto Norton Folgate. They also oppose the demolition of the art deco building at Shoreditch High Street.

## 10. MATERIAL PLANNING CONSIDERATIONS

10.1. The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development/Land Use
- Housing
- Residential Standards
- Design & Conservation
- Open Space & Landscaping
- Amenity
- Air Quality
- Access and Transport
- Energy & Sustainability
- Conservation Area Consent
- Scheduled Ancient Monument
- Planning Obligations

### **Principle of Development / Land use**

10.2 The site is currently occupied by a mix of commercial uses including shops, offices, vacant warehouses and a public house. The application proposes a mix of uses with commercial office space being the predominant use, comprising approximately 17,705sqm of B1 floorspace. Some 1,903sqm of A1 (Retail) and A3 (Restaurant) is also

proposed along side 762sqm of A4 (Public House) floorspace and 8 no. residential units.

- 10.3 The appropriateness of each of these uses in planning policy terms is broken down and outlined under the following headings below:

#### Office Use

- 10.4 The site falls within the 'Central Area Zone' and the 'Bishopsgate/Shoreditch Opportunity Area', as identified in the London Plan 2008. The site is also identified in the Council's adopted City Fringe Action Area Plan (City Fringe AAP) 2006, which identifies the site as falling with a strategic preferred office location (site reference CF4) and identifies its use for employment (B1), residential (C3) and supporting A1, A2, A3 and A4 uses.
- 10.5 The London Plan seeks to improve employment opportunities and accommodate a significant proportion of office based employment growth in the East Sub-region, particularly in Opportunity Areas. The Council's Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough.
- 10.6 Approximately 6,938sqm of office space exists on site at present. The application proposes 17,705sqm therefore providing an uplift of 10,767sqm of office floorspace. This is expected to generate approximately 900 jobs and as such will make a significant contribution to the planned increase in jobs provision within the Opportunity Area. Whilst the proposed office uses will provide the majority of these jobs, the proposals will also give rise to the provision of a variety of employment opportunities arising from the A1, A3 and A4 activities.
- 10.7 The proposed development will also provide a significant amount of large floor-plate offices along the Bishopsgate Road Corridor, which is an objective of the Council's Core Strategy Policy SP06(2). However, considering the site's location within a conservation area, the applicant has also sought to retain the existing historic layout of the many of the historic properties along Norton Folgate. As such the proposal provides accommodation for small and medium enterprises in accordance with Saved Policy EMP8 of the UDP (1998), Policy SP06 of the Core Strategy 2010 and Policy CFR9 (4) of the CFAAP.
- 10.8 In terms of maximising employment and increasing employment opportunities for local people, the proposal satisfies policy SP06 of the Core Strategy 2010 through the commitment towards local people gaining access to employment during construction and local employment initiatives such as Skillsmatch. (Discussed further in the planning obligations section of this report.

#### Retail Use

- 10.9 The retail element of the proposal includes a mix of restaurant and shop units, all of which are to be located on the ground floor of the principle elevation fronting Shoreditch High Street and Norton Folgate. The site is not within a designated town centre, however it is located within the City Fringe and the provision of retail space in this area is supported by the IPG City Fringe Area Action Plan 2007 which acknowledges the role of retail use supporting commercial office function. Much of the retail space proposed is in the form of small retail units and this is reflected in the existing floor plan layout of No. 13-19 Norton Folgate which are to be retained and refurbished.

#### Public House Use

- 10.10 The application proposes to retain the existing pub use in line with Policy RT6 of the IPG 2007 which seeks to prevent the loss of public houses. The application proposed to



increase the amount of A4 use by 117sqm therefore providing 762sqm of A4 use. The additional space is directed towards the rear of the newly formed Blossom Place, as well as west along Folgate Street.

- 10.11 The proximity of the pub to adjacent residential uses in principle is a material consideration; however, the existing pub is located adjacent to a number of existing residential units on Folgate Street. The compatibility of C3 residential uses above an A4 pub use is not considered uncommon in this urban location. It is recommended that hours of operation be conditioned, appropriate noise insulation measures be adopted in order to ensure compatibility between the uses. The issue of residential amenity impacts is discussed in later sections of this report.

#### Residential Element

- 10.12 The application proposes 8 new residential units as part of this mixed use development. It is acknowledged that the site falls within a Preferred Office Location and officers in Strategic Policy do not support the residential element of this application in this location. However, Policy CFR10 of the IPG CFAAP (2007) supports residential development in the Aldgate and Spitalfields Market sub-area, where it forms part of an employment led mixed use development in areas not identified as a Preferred Office Location. The site is designated as a POL however, as the commercial element of this application remains the dominant use, the residential element is considered acceptable as it would be minor in scale and not an uncharacteristic use in the Elder Street Conservation Area.
- 10.13 Furthermore, the application proposes to reinstate the upper floors of the locally listed Arts & Crafts buildings along on Folgate Street back to residential use. It is considered that this would have been the original use of these floors where accommodation would have traditionally been provided above the pub uses.
- 10.14 Whilst strictly speaking this aspect of the proposal could be considered contrary to policy, this is considered an exception and on balance, the residential aspect of the proposal, along side the mix of retail and restaurant and office uses proposed, are considered to establish an appropriate mix of land uses in accordance with the objectives of London Plan Policy 3B.3, saved Policy DEV3 of the UDP (1998) and the CFAAP (2006) which generally seeks to secure a mix of uses including housing within the Central Activities Zone and Opportunity Areas.

#### Conclusion

- 10.15 Considering the designation of the site as Preferred Office Location within the Central Activities Zone and the fact that the proposal is dominated by commercial accommodation, officers consider the proposal to be acceptable in land use terms.
- 10.16 Through renewal of existing stock and provision of new office space, the scheme will provide an employment-led mixed used scheme which safeguards the employment use of the site. It will provide a variety of type and size, including large floor plate office space and SMEs and will also facilitate locally-based employment and training opportunities. The scheme therefore accords with policies 3B.1, 3B.3, 3B.11 of the London Plan (2008), saved policies DEV3, EMP1, EMP7, EMP8 of the UDP (1998), policies SP01 and SP06 of the Core Strategy (2010) and CFR10 of the City Fringe AAP (2006).

#### **Housing**

- 10.17 Policies 3A.1, 3A.2 and 3A.5 of the London Plan (2008) seek to increase London's supply of housing, require Boroughs to exceed housing targets, and for new developments offer

a range of housing choices, in terms of the mix of housing sizes and types. Policy SP02 of the Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

### **Affordable Housing**

- 10.18 Policy SP02 of the Core Strategy (2010) requires 35-50% affordable homes on sites providing 10 new residential units or more however, the application proposes 8 residential units and as such, falls just below the threshold of 10 units, therefore the scheme is not required to provide affordable housing. As such, all 8 of the units proposed are for private market tenure.

### **Housing Mix**

- 10.19 London Plan Policy 3A.5 requires developments to offer a range of housing choices, in terms of housing sizes and types. Saved Policy HSG7 of the Council's UDP (1998) states that new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policy HSG2 of the IPG (2007) and Policy SP02 of the Core Strategy (2010) also seek to create mixed communities.
- 10.20 The application proposes 8 residential units comprising 5 x 1 beds, 1 x 2 bed, and 2 x 3 beds units. At the pre application stages, the application comprised 1 and 2 beds only. Officers advised the applicant to include some family sized units to facilitate potential urban family living common to Tower Hamlets. Despite the application only providing 8 residential units, the scheme now comprises 2 x 3 bed units (25%).
- 10.21 The scheme provides an acceptable mix of housing size and mix in accordance with policy 3A.5 of the London plan, saved policy HSG7 of the UDP (1998) and Policy HSG2 of the IPG (2007) and policy SP02 in the Core Strategy (2010).

### **Housing Size**

- 10.22 London Plan Policies 3A.6 and 4B.1 seek to ensure that new housing is designed to accommodate today's greater demands for internal space arising from our changing lifestyles. Saved Policy HSG13 of the UDP (1998) Policy SP02 of the Core Strategy (2010) also seeks to ensure that all new housing is of a high quality, is well-designed and has adequate provision of internal residential space. Minimum space standards are set out in the Council's SPG on Residential Standards (1998) and more recently the Mayor's has published an interim Housing Design Guide (August 2010) setting out minimum floor areas for units based on number of people expected to inhabit the unit.
- 10.23 As the table below details, the proposal complies and in many cases exceeds both the Council and the Mayor's standards.

<b>Apt No.</b>	<b>Unit Type</b>	<b>Proposed Unit Size (sqm)</b>	<b>Mayor's Minimum Unit Standards</b>	<b>LBTH SPD Residential Standards.</b>
Apt. 1	1 Bed (2 person)	54	50	44.5
Apt. 2	1 Bed (2 person)	50	50	44.5
Apt. 3	3 Bed (4 person)	87	74	70
Apt. 4	1 Bed (2 person)	54	50	44.5
Apt. 5	1 Bed (2 person)	50	50	44.5

Apt. 6	3 Bed (4 person)	<b>87</b>	74	70
Apt. 7	1 Bed (2 person)	<b>50</b>	50	44.5
Apt.8.	2 Bed (3 person)	<b>86</b>	61	57

- 10.24 Overall, the proposed residential unit sizes are therefore considered to be acceptable and in accordance with the London Housing Design Guide (Interim Edition, 2010), Policies 3A.6 and 4B.1 of the London Plan (2008), saved policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010) and the Residential Standards SPG (1998).

### Housing Amenity Space

- 10.25 Saved Policy HSG16 of the UDP (1998) and Policy HSG7 of the IPG (2007) requires all new housing developments to have an adequate provision of amenity space, for it to be designed to be fully integrated into a development, that it is safe, and that it maximises accessibility and usability, and does not detract from the appearance of a building. Policy HSG7 (and Table DC2) of the IPG (2007) also sets out the minimum standards for private amenity space in relation to unit sizes requiring 6sqm for 1 bedroom units and 10sqm for units providing two or more bedrooms.
- 10.26 More recently, the Mayor's London Housing Design Guide (Interim Edition, 2010) recommends that a minimum of 5sqm of private outdoor space be provided for 1-2 person dwellings and an extra 1sqm be provided for each additional occupant.
- 10.27 Based on Policy HSG7 of the IPG, a total of 60sqm of private amenity space would be required from a development proposing 5 x 1-beds, 1 x 2-bed and 2 x 3-bed units. As the summary table below outlines, the application proposes to exceed the Councils (and the Mayor's) minimum private amenity standards by doubling, and on occasion tripling, the minimum standards, resulting in a total of 128sqm of private amenity space with the smallest balcony being 10sqm and the largest being 21sqm. This aspect of the proposal is commended.

Unit Type	LBTH IPG 2007 Required Private Amenity Space (sqm)	Proposed Private Amenity Space (sqm)
Apt No. 1 (1 Bed)	6	<b>21</b>
Apt No. 2 (1 Bed)	6	<b>21</b>
Apt. No. 3 (3 Bed)	10	<b>17</b>
Apt. No. 4 (1 Bed)	6	<b>10</b>
Apt. No. 5 (1 Bed)	6	<b>10</b>
Apt. No. 6 (3 Bed)	10	<b>11</b>
Apt. No. 7 (1 Bed)	6	<b>18</b>
Apt No. 8. (2 Bed)	10	<b>20</b>
<b>TOTAL</b>	<b>60sqm</b>	<b>128sqm</b>

- 10.28 The application also proposes a new public amenity space within the site through the enlargement and reconfiguration Blossom Place, which the residents could also utilise. The rear balconies proposed will look north towards the new Blossom Place and to maximise daylight and sunlight, the balconies are staggered at each level.

Representations made following the public consultation on this application raised objections to the balconies reaching over the square, however, to clarify, the balconies are to be set back from the square and staggered to maximise the amenity of future occupiers.

- 10.29 Given the urban location of the site, its context within a conservation area and in particular the composition of the proposed residential units within the constraints of the locally listed buildings, the private amenity space proposed is welcomed and considered acceptable and in line with saved policy HSG16 of the Council's UDP (1998), policies HSG7 of the IPG (2007) and policy SP02 of the Core Strategy (2010).

## **Design & Conservation**

### Conservation Issues

- 10.30 PPS5 provides detailed guidance on the conservation of the historic environment and historic assets. Policy HE7 in particular sets out a number of principles guiding the determination of applications relating to heritage assets and in the consideration of the impact of a proposal requires local planning authorities to take account of the significance of the heritage asset and the value that it holds. PPS 5 also sets out a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 10.31 London Plan Policies (4B.1, 4B.11, 4B.12, 4B.13) and Policy SP10 of the Council's Core Strategy (2010) seek developments to respect London's historic environment, through the protection and enhancement of historic assets and the encouragement of schemes which make use of historic assets.
- 10.32 Saved policies DEV27 and DEV28 of the Council's UDP (1998) and Policy CON2 of the Council's IPG (2007) sets out the specific criteria for when development proposals are considered acceptable in Conservation Areas and these relate back primarily to National and Regional guidance outline above which seek to preserve or enhance the conservation area. These policies also seek to protect buildings which make a positive contribution to the conservation area and seeks to resist their demolition unless appropriate justification is provided.
- 10.33 More specific to the application site, the City Fringe AAP (2006) specifies a number of design principles applicable to the Aldgate and Spitalfields Market sub-area, one of which (Policy CFR12) requires development within the Elder Street and Artillery Passage Conservation Areas to reinforce the historic street pattern. Supporting paragraphs of this AAP (paragraphs 4.17-4.19 also note how new buildings should complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.
- 10.34 The acceptability of the proposed development and its impact of the Elder Street Conservation Area can be considered in the context of the above policies and guiding principles. For ease of reference, it is considered appropriate to break the development down into three aspects which reflect the three principle elevations of the site;
- (i) Shoreditch High St/Norton Folgate Street;
  - (ii) Folgate St;
  - (iii) Blossom St, Fleur-de-Lis St, all of which are detailed below in the context of the above policies.

- (i) Shoreditch High Street & Norton Folgate

- 10.35 This elevation acts as the principle elevation of the site and is noted in the Elder Street Conservation Area Appraisal as having a mixed frontage which it includes modern office blocks, remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930's showroom frontage. The CAA also notes that many of these buildings do not have exceptional intrinsic value. The application proposes part retention and part redevelopment of this entire elevation.
- 10.36 No's 2-9 Shoreditch High Street are to be redeveloped to provide a medium to large block rising to 9 storeys (plus plant). The demolition of these buildings is considered acceptable as these buildings are not considered to have any intrinsic or historic value to warrant their retention. The design of the proposed replacement building blocks will be stepped and broken up into three separate volumes. This is considered to break up the bulk and mass of the development and ensure the character of the conservation area is protected. Considering the site's context next to 201 Bishopsgate tower, the redevelopment of 2-9 Shoreditch is considered to provide a proportionate transition between the historic scale of development in the conservation area to the east and City scale of development to the west. *(The height of the proposal is considered in the context of other design detail and tall buildings policies in later sections of this report).*
- 10.37 There is a distinct set back in the street between Shoreditch High Street and Norton Folgate which the application proposes to retain in the proposed building line of the development. The main pedestrian entrance through the site would be at this point. This set back aligns with the former precinct to the medieval Priory of St Mary Spital. *(Ancient monument discussed further in later sections of this report)* and this set back is considered to contribute to the character of the conservation area and is noted in the Inspector's appeal decision. The retention of this set back is supported.
- 10.38 The proposed retention of 16-19 Norton Folgate Street is welcomed and this represents a marked improvement to the previous application where their demolition was sought. The Council's previous reason for refusal and the Inspector's subsequent appeal decision focuses on the impacts surrounding the loss of these buildings which are considered to positively contribute to the conservation area through their rhythm and detailing. As such, their retention is proposed in this revised application and this accords with the above mentioned policies which encourage the reuse of historic assets. The refurbishment of the wash houses to the rear of 16-19 Norton Folgate St and the removal of some single storey extensions is also supported as this enables the opening up of the development on to Blossom Place.
- 10.39 The condition of No's 14-15 Norton Folgate are not comparable with that of No. 16-19 due to the extremely poor condition of their fabric, substantial reconstruction is necessary and proposed. Furthermore, following consultation with English Heritage and the Council, this approach was considered acceptable and the application proposes to retain the foundations (to protect archaeology), reconstruct the upper floors and retain and repair the façade.
- 10.40 The end building of this elevation (No. 13 Norton Folgate St) is to be redeveloped. This is a 1930's building of little notable value and its redevelopment is not considered to have an adverse impact on the character or appearance of the conservation area. The replacement building will maintain the scale and proportions of the adjoining properties and whilst marking a new gateway point to the conservation area on the corner of Norton Folgate and Folgate St. The architectural treatment is considered to provide an appropriate balance between the new build elements along this principle elevation and the historic properties.

(ii) Folgate Street

- 10.41 No's 5-11 and 11A Folgate Street are locally listed buildings and as such are therefore considered to be heritage assets. The application proposed to retain and refurbish these locally listed 'Arts and Crafts' buildings. This retention is supported as this will both preserve and enhance the conservation area. There will be some refurbishment work to the rear of these properties (which have been much altered previously) and this is to facilitate the adaptation of the upper floors for residential use above the public house. As set out in the Elder St Conservation Area Audit, Folgate Street is identified as being at the centre of the Conservation Area, and to include most of the surviving 18th century developments. The prevailing domestic residential character is also noted. As such, the reinstatement of the residential uses at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of No. 5-11 is also considered to contribute positively to the character of this conservation areas and this represents the property's former use historically.
- 10.42 The redevelopment of No. 13 Norton Folgate Street (corner building with Folgate St) is considered to sit comfortably in context with No. 5-11 Folgate Street. The scale, proportions and detailed design appear to respect that of the arts and craft buildings and are considered acceptable.

(iii) Blossom Street/ Fleur-de-Lis Street

- 10.43 Some of the key conservation issues to be considered in the assessment of this aspect of the site relate to works along Blossom Street and Fleur-de-Lis Street and include the demolition of the Depot site; the redevelopment of 16-17 Blossom Street and the refurbishment of the warehouses.
- 10.44 Taking each aspect in turn, the Depot building is not considered to make a positive contribution to the conservation area. As such, its redevelopment is not opposed. This was not an issue in the previous application or in the Inspector's appeal decision.
- 10.45 Similarly, number 16-17 Blossom Street is considered to be a non-descript 1950's building. Officers are satisfied with the proposed redevelopment of these two infill aspects of the proposal and their redevelopment will enhance the character of Blossom Street. In accordance with the City Fringe AAP, which seeks to ensure new buildings complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.
- 10.46 With regard to the warehouses, these are not listed buildings, however they are noted in the Elder Street Conservation Area Audit as being a series of high quality 4-storey brick warehouses dating from 1886. As such, they are considered to contribute towards the character of the Conservation area. The Elder Street Conservation Area Appraisal recommends the re-use of these buildings. The application proposes to refurbish and retain the majority of the units along the Blossom Street and where the internal fabric can not be retained, their façade is to be retained. This retention and preservation aspect of the proposal is welcomed and has been commended by number of the local conservation bodies and CABE.
- 10.47 To conclude, the revised scheme is considered to achieve an appropriate balance between conservation and redevelopment, and on a whole will provide a positive contribution to the character and appearance of the Conservation Area in line with the relevant policies detailed above.

**Design – Layout, Scale, Bulk & Height**

- 10.48 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1 sets out a number of design principles and requires developments to maximise the potential of the sites; promote high quality inclusive design; create or enhance public realm; provide a mix of uses; be accessible, usable, permeable and safe, sustainable, respect local context, natural environment, heritage.
- 10.49 Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces.
- 10.50 The approach set out in the London Plan is also reflected in the Council's saved policy DEV1 of the UDP, policies DEV2 and DEV27 of the IPG (2007) and Core Strategy Policy SP10 which seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.51 Furthermore, policy CFR12 of the IPG City Fringe AAP (2007) sets out a number of design principles for the Aldgate and Spitalfields Sub Area. These relate to the need for building heights to respect local context and strategic views (e.g St Pauls); provide public realm linkages and respect historic street pattern of the conservation areas.
- 10.52 The bulk, scale and mass of the proposal is considered to sit comfortably in the context of the site. The mid rise and taller elements of the proposal are considered to be well proportioned and provide appropriate levels of enclosure around the open space. The reduction in one storey and the reduction of approximately 3,000sqm of floorspace from the 2007 significantly reduces the scale, bulk and mass of the proposal and is considered to be a marked contrast to the previous application.
- 10.53 The layout of the proposal is considered acceptable, as it respects the existing building lines, the existing orientation of the buildings and its historic relationship with Blossom Place. The proposed enlargement and enhancement of Blossom Place and the overall enhancement of site permeability is welcomed as this will greatly enhance connectivity and permeability through the site. The overall layout and location of buildings and their relationship with pedestrian and vehicular movement is considered to be acceptable. It is also worth noting that CABI have commended the design strategy commenting in particular on how the composition of building volumes work well and that the scale and massing are considered acceptable in context.
- 10.54 The materials proposed are considered to be sympathetic to the site's context particularly in relation to the brick work which dominates much of the existing fabric in the conservation area. The design solution for the new build element appears to steer away from the expansive glass and steel design solutions of other neighbouring buildings (and indeed the previous 2007 proposal) and will be characterised rather by stone and glass, predominantly in a red sandstone/terracotta mid tone coloured stone.
- 10.55 Equally, the development of the depot site to provide a replacement 5 storey building is considered to sit comfortably in context with the adjoining properties. The scale, proportions and detailed design is considered to complement that of the adjacent property at Fleur-de-Lis Street and Blossom Street and provides an appropriate set back with vertical glass panels to provide a transition between the original brickwork on the historic neighbouring properties and the proposed stone treatment of the new build.

- 10.56 Some of the representations made (including Spitalfields Trust) have raised concerns regarding the treatment of the corner building at 13 Norton Folgate; namely that the proposed wrap around window is considered to be out of keeping with the traditional pattern of windows in the area. The applicant has taken on board the concerns of the Trust and outlined potential amendments to the treatment of this corner building in a letter dated 19 April 2010. However, officers do not feel that a traditional treatment is necessarily the best solution for No.13, as the redevelopment of this corner building is considered an opportunity to provide an important entrance to the conservation area, marking a contemporary building using traditional materials.
- 10.57 The Trust's concerns regarding the design detail of the rear wash houses being more akin to brick arches has been raised with the applicant and it the applicant has submitted amended plans showing traditional brick arches.
- 10.58 The overall design solution for the site is considered to be of a very high architectural quality that successfully marries conservation and city fringe development constraints. The proposed restoration of active street frontages along Shoreditch High Street and Norton Folgate Street will add to the vitality and vibrancy of the CAZ.
- 10.59 As such, the building height, scale, bulk and design is considered acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (2008), saved policies DEV1, and DEV2 of the Council's UDP (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's IPG (2007) and policies SP10 and SP12 of the Core Strategy (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.

#### **Height /Tall Building Aspect/ Views**

- 10.60 With regards to appropriateness of the development as a tall building, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. London Plan policies 4B.8 and 4B.9 relate to the specific design issues associated with tall buildings in line with CABE/English Heritage's Guidance on the matter and policy DEV 27 of the IPG and SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.
- 10.61 The site is located within the Aldgate and Spitalfields Market Sub Area of the City Fringe AAP and the principle of tall buildings in this area is established in both the City Fringe AAP and through the recent developments in the vicinity, notably 201 Bishopsgate Tower opposite the application site (located within the London Borough of Hackney). It is also worth noting that the Council's previous reason for refusal did not raise concerns with the height of the development and it is also worth noting that the Inspectors appeal decision acknowledges that the taller element of the proposal (10 storeys in this case) '*would not look out of place*'.
- 10.62 Notwithstanding the above, and in consideration of some local opposition, the applicant had reduced the height of the development by one storey and the application now proposes a series of low to mid rise building blocks rising to 9 storeys in height (48.40 AOD) plus plant, with the tallest element in the north west corner of the site fronting on to Shoreditch High Street.



- 10.63 The illustration below taken from the applicant's Design and Access Statement illustrates the location of the taller element of the proposals and shows how this sits with the low and mid rise properties adjacent.



View from Norton Folgate/Shoreditch High Street looking north.

- 10.64 The area is already characterised by a mix of building heights. The Elder Street CAA notes how the scale of development in the area is predominantly 3-4 storeys high with 3-storey Georgian houses in the core of the area, 5-6 storey buildings along Commercial Street, and 12 storey office development to the south as well as the 35-storey Broadgate Tower. It is considered that the group of tall buildings proposed in three volumes with various set backs, will sit comfortably within the site context and would ensure that the development of this site would make a positive contribution to the streetscape.
- 10.65 Consideration has also been given to the potential impacts of the development on surrounding local and strategic views, including views into and out of adjoining conservation areas. The site falls within the strategic linear view corridor of St. Paul's as view from Richmond Park as part of the London View Management Framework. However, the development to the west of the site (201 Bishopsgate) rises above the proposed development and therefore shields the proposal when viewed from Richmond Park.
- 10.66 In terms of local views, the application is accompanied by a number of verified views which following consideration indicates that the proposal will relate positively to the surrounding site context. The design approach for the taller element of the proposal is considered to provide a suitable transition between the historic scale of development in the conservation area to the east and City scale of development to the west, providing an effective middle ground focus of the view. Views of the proposed 9 storey element of the development will be visible from Shoreditch High Street looking south towards the City however these remain in context and 9 storeys is considered to provide an appropriate middle ground between Shoreditch and the City. Views of the taller element when viewed from Fleur-de-Lis Street and Elder Street looking west sit comfortably within the conservation area and are considered to define the boundary for the conservation area, marking the contrast between the rich historic fabric of the conservation area to the east and the expansive glass and steel design of the structures to the west, notably the 35 storey tower at 201 Bishopsgate.

The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9

and 4B.10 of the London Plan (2008) and policy SP10 of the Core Strategy (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

### **Landscaping and Open Space**

- 10.67 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), Policies DEV12 and HSG16 of the UDP (1998), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of the Core Strategy (2010), seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces.
- 10.68 More specific to the site, the City Fringe AAP (2007) seeks new developments to maximise publically accessible open space through, for example at Policy CRF5(6), the APP seeks *'small pocket parks within development proposals, particularly higher density office and residential schemes in the west of the area'*.
- 10.69 The site currently has a small courtyard accessed from Blossom Street associated with the public house along Folgate Street. The application proposes to retain, enlarge and upgraded to provide a managed public open space. It is considered that this aspect of the proposal would provide a high quality public amenity space at the heart of the scheme, as well as reinforcing an element of the site's historical identity.
- 10.70 The space (and its access links to Norton Folgate and Blossom Street) would be fully accessible to public use during the daytime with gated security at agreed night time hours with 24hour security management. Considering the sites location within the City Fringe and the commercial nature of the proposal, this is considered acceptable, however, it is recommended that the proposed gating system is conditioned appropriately, including details of the types of gates and their operation. A condition has been suggested to this effect, as detailed above in section 3.
- 10.71 In addition to the reformation of Blossom Place, the application also proposed an extension of the area of open space northwards between the east and west sections of the development. This takes the form of hard surfaced urban courtyard with seating and an amenity space for the benefit of office users. This rectangular shaped courtyard will be accessed from the central core of the commercial development, or via Blossom Place, or via the existing historic archway along Fleur-de-Lis street.
- 10.72 The development does not propose any additional public realm benefits in the wider sense and considering its context within the conservation area, and the impacts of the 17,000sqm of new commercial activity in this City Fringe site, it is considered appropriate that the application contributes towards public realm improvements within the Elder Street Conservation Area. This would be secured through the S.106 agreement. It is also considered appropriate to ensure a right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal.

### **Amenity**

#### **Daylight and Sunlight**

- 10.73 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

Policy 4B.10 of the London Plan (2008) requires that all large-scale buildings, including tall buildings, to pay particular attention in residential environments to amenity and

overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.

### Daylight

- 10.74 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 10.75 British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 10.76 The application is supported by a Daylight Report and demonstrates that an assessment of the proposed accommodation at 5-11a Folgate Street has been undertaken. Of the 25 habitable rooms tested, 23 will comply with the recommended ADF daylight standards outlined above. (This represents 92%)
- 10.77 With regard to VSC, the target design standard for low density suburban housing is 27% VSC. It is recognised that in a high density urban environments such as the City Fringe, existing VSC values may be below 27%. The loss however should be no more than 20%. The assessment concludes that the proposed massing results in no alteration in the VSC experienced by all of the windows within the surrounding properties which means these rooms will continue to receive sufficient levels of daylight.

### Sunlight

- 10.78 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees due south.
- 10.79 BRE Guidelines recommend that windows within 90 degrees of due south should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.
- 10.80 The submitted Sunlight Report indicates that the proposed development shows that the majority of the facades would achieve in excess of 25% total APSH with 5% APSH in the winter months. 46% will exceed the recommended 25% APSH recommended for suburban development, however 89% of the relevant windows assessed will achieve or exceed the recommended 21% APSH. Officers considered this to be acceptable for this urban City Fringe location. This is considered acceptable given the site's context, as the existing situation has not changed and the proposal inherits the existing façade due to the reinstatement of residential uses into the upper floors of the public house. The applicant has however located principle rooms on the southern elevation to maximise available sunlight (as recommended by BRE).
- 10.81 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of the

UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of Core Strategy (2010) with regards to sunlight and daylight, and accordingly the proposals are likely to result in an acceptable standard of living and amenity areas in this regard.

#### Wind/Microclimate

- 10.82 Policy 4B.10 of the London Plan 2008 requires all large-scale buildings including tall buildings to be sensitive to their impacts on micro-climates in terms of wind, sun, reflection and over-shadowing. Policy DEV1 of the IPG 2007 also seeks to protect the amenity ensuring that development does not adversely affect the surrounding microclimate.
- 10.83 A wind assessment was submitted by the applicant. Using the 'Lawson Comfort Criteria' the wind study determines how suitable the local building environment will be for different human activity.
- 10.84 The Council's EHO reviewed the assessment and requested additional information in relation to the baseline and proposed situation in order to enable a proper assessment of the proposed impact of the development on itself and on the surrounding buildings. Following the submission of this additional information by the applicant, the EHO confirmed his satisfaction with the application from a microclimate perspective.
- 10.85 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10, policy DEV1 of the IPG and policy SP10 of the Core Strategy (2010).

#### Privacy

- 10.86 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy.
- 10.87 In terms of the 8 new residential units proposed above the public house at 5-11 Folgate Street, the separation distances between the existing properties opposite is approximately 9m. This falls below the recommended distance of 18m between directly facing habitable room windows as set out by paragraph 4.9 (subtext to saved Policy DEV2) of the UDP (1998), however, the UDP also states that this figure will be applied 'as a guideline depending upon the design and layout concerned. The site is situated within a conservation area is characterised by narrow streets and the Arts and Crafts building within which the new residential units are proposed, were originally built with residential use in mind, prior to their gradual conversion to office uses above the public house and officers do not think this privacy distance is uncommon for an urban setting such as the City Fringe.
- 10.88 Furthermore, there have been no objections received by any of the adjoining neighbours regarding loss of privacy.

#### Noise and Vibration

- 10.89 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 10.90 Policy 4A.20 of the London Plan (2008) sets out guidance in relation to noise for new

developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.

- 10.91 In terms of noise emitted by the proposed development and its impact upon nearby residents, some concerns have been raised by the local publican regarding potential conflict between the pub use and the residential use of the upper floors. As outlined in previous paragraphs, officers do not consider this to be an incompatible use. The applicant will however be required to incorporate suitable noise insulation measures between the A4 and C3 uses following the conversion of the upper floors. It is also considered appropriate to condition the operation of the outdoor terrace area. Finally, conditions are also recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.
- 10.92 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 10.93 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 4A.20 of the London Plan (2008), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

#### **Air Quality**

- 10.94 PPS23 and Policy 4A.19 of the London Plan (2008) relate to the need to consider the impact of a development on air quality. Policies DEV2 of the UDP (1998) and Policy DEV5 of the IPG (2007) and Core Strategy Policy SP02 seek to protect the Borough from the effect of air pollution and Policy DEV11 in particular requires the submission of an air quality assessment where a development is likely to have a significant impact on air quality. Tower Hamlets Air Quality Action Plan (2003) also examines the various measures for improving air quality in the Borough.
- 10.95 The application is supported by an Air Quality Assessment which looks at the local air quality from construction activity as well as operational function of the development proposal. The report concludes that the release of dust from construction activity is likely however through proposed mitigation measures, the impact can be reduced to a negligible level. In terms of operational assessment, and the impact of traffic generation together with impact of potential exposure of future occupants to poor air quality, the study concludes that the development would cause an imperceptible increase in pollution and this is due to the car free nature of the proposal. Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the conservation and regeneration benefits that the development will bring to the area.
- 10.96 During the assessment of the application, the Air Quality EHO requested further information with regards to background concentrations, meteorological data, source of traffic data (and whether TfL factor was applied), and whether the street canyon effect has been taken into account. This information was subsequently provided by the applicant and the air quality assessment was considered comprehensive.
- 10.97 The EHO recommends that any approval is subject to the approval of a Construction Environmental Management Plan (to be conditioned prior to commencement).

- 10.98 As such, the proposal is generally in keeping with PPS23, Policy 4A.19 of the London Plan (2008), Policy DEV2 of the UDP (1998), Policies DEV5 and DEV11 of the IPG (2007), and Core Strategy SP02 (2010) and the Tower Hamlets Air Quality Action Plan (2003).

### **Transport**

- 10.99 PPG 13 and the London Plan 2008 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 10.100 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 17, DEV, 18 and DEV19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network.
- 10.101 The application site is located along the City Fringe within the Central Activities Zone and is well served by public transport with a public transport accessibility level (PTAL) of 6. The site is in close proximity to Liverpool Street underground station (500m) and Shoreditch High Street station (300m). A number of bus services which run along Norton Folgate/ Shoreditch high Street access the City, North and East London routes. As such the site is well located to support a medium to high density office development.
- 10.102 The road network around the site will remains as existing, however, the development proposes to enlarge the existing square/courtyard known as Blossom Place and bring this back into use. Two new access points are also proposed from Shoreditch High Street and 16 Blossom Street. This move is considered to greatly improve the permeability of this site and improve local connectivity in the area in line with the relevant transport and public realm policies outlined above.
- 10.103 In terms of the number of vehicular trips that the proposal will generate and the implications this may have on local network capacity, the application proposes a number of measures to minimise any potentially adverse impacts. These are discussed below as follows:

### **Servicing and Deliveries**

- 10.104 It is proposed that the majority of vehicles servicing the main site will park either at the service bay proposed within in Blossom Place or at the existing parking bay along Shoreditch High Street. All vehicles servicing the adjacent depot site will do so at the existing dropped kerb servicing area adjacent to the Depot building.
- 10.105 Service vehicles to and from Blossom Place are expected to access the site from the north along Blossom St & Fleur de Lis Street. The reason being that Blossom Street is a very narrow street and the size of vehicles that currently access it is restricted to cars and other small vehicles. There are also bollards along southern entrance to Blossom Street to its junction with Folgate Street to restrict vehicular access.
- 10.106 All large vehicles would be unable to access Blossom Place and the servicing of loads normally borne by such vehicles would be done by splitting the load into a number of smaller vehicles or by out of hours servicing along the Shoreditch High Street loading bay.

- 10.107 The Council's Highways Officer has raised some concerns regarding the proposed servicing of the Depot Site and requested further details relating to the relationship of the replacement building with the servicing bay. There are concerns over whether there will be sufficient clearances to ensure the building won't oversail the footway. Further information has been submitted by the applicant showing a set back of the ground floor plan of this building. However, as the replacement building proposes to overhang the pavement at upper levels, the Highways Officer has confirmed that the applicant may have difficulty obtaining an Highways Oversailing Licence. The applicant has been informed of this situation, however as this requirement is not detailed within development plan policies, it is not considered to warrant a reason for refusal.
- 10.108 In summary, according to the applicant's transport assessment, it is anticipated that the depot Site along Blossom Street will experience 1 x motorcycle, 2 x cars and 2 x transit vans per day and that the main site will experience approx 5 x motorcycles, 12 x cars, 14 x transits throughout the day and it is estimated that almost 50% of service vehicles will be cars or motorcycles.
- 10.109 It is also proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.

#### Refuse

- 10.110 In terms of refuse waste storage associated with the commercial aspect of the scheme, an on site waste compactor will be used and brought to ground level via a lift for collection by a refuse vehicle in Blossom Place.
- 10.111 In terms of refuse collection, due to the restricted carriageway width on Blossom Street and Fleur de Lis Street, the applicant has cited concerned that LBTH vehicles may not be able to gain access to the site. The applicant has also suggested that the City of London (who operate 7.75m refuse vehicles) may be able to extend their collection service to include this site. Consultations with Tower Hamlets Officers indicate that the Council has sufficient refuse vehicles to access the site. It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP).

#### Car Parking

- 10.112 Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 10.113 On the basis that the site has a high PTAL rating (level 6), no car parking spaces are proposed (except for the provision of 1 disabled blue badge holder space within Blossom Place). It is considered that the car free nature of the proposal will be secured through an appropriate clause in the S106 agreement ensuring a permit free development, precluding those in the development from obtaining commercial or residential parking permits.
- 10.114 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of this Plan. However, TfL have indicated that they require the submission of a Framework Travel Plan at the application stage. This has not been submitted however, following a meeting with TfL on the 28 March, the applicant confirmed their commitment towards the submission of a Framework to TfL. LBTH

officers are content with the travel plan objectives set out in the Transport Assessment and content that the Travel Plan be secured by the S106. As such, and in accordance with policy DEV 18 of the IPG 2007, this will help ensure that the development can manage the travel needs of those working and visiting and increase the range of travel options for the site.

#### Provision for Cyclists

- 10.115 To facilitate both the commercial and residential element of the development, 142 cycle parking spaces are proposed. This includes 92 x staff spaces to be located at basement level, 26 x visitor spaces along Shoreditch High Street, 10 x residential parking spaces and 14 staff and visitor spaces to facilitate the Depot site.
- 10.116 This exceeds the Council's requirement (92 spaces) and is therefore considered acceptable and in line with the relevant parking policies.

#### Inclusive Environments

- 10.117 Policies 4B.1, 4B.4, 4B.5 of the London Plan, Saved UDP Policy DEV1 and DEV3 of the IPG seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.118 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. In broad terms, the site's location within a high PTAL area, alongside the provision of step free access routes across the site, the provision of a new public open space, and the maximising of circulation space at ground floor level of the commercial uses indicates that the site is accessible, usable and permeable for all.
- 10.119 The Council's Access Officer has however raised some minor specific concerns regarding the access point to the main entrance to the commercial element along Shoreditch High Street due to the proposed provision of revolving doors which are not considered to be wholly inclusive, as they require the provision of a separate special entrance for wheelchair users via separate side pass doors. Officers consider that any approval should condition the submission of further details of all access and egress points to ensure the development does not result in undue separation. A condition has been suggested to this effect, as detailed in section 3.
- 10.120 The Council's Access Officer also recommends that all ramps within the scheme are shallow as possible (preferably 1:20) and if not, justification for an alternative gradient is needed. Officers consider it appropriate to condition such detail to ensure a wholly accessible development. As such, a condition is recommended to this effect.
- 10.121 The residential aspect of the proposal will be designed to Lifetime Homes standards, with one of the 8 units (10%) being a wheelchair accessible and easily adaptable units.

#### **Energy Efficiency**

- 10.122 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 4A.4 of the London Plan (2008) requires major developments to submit an energy assessment.
- 10.123 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:



- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 10.124 Policy 4A.7 of the London Plan (2008) sets a target reduction of 20% for carbon dioxide emissions from on-site renewable energy generation unless unfeasible.
- 10.125 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, promoting renewable technologies.
- 10.126 The application has been accompanied by an Energy Statement prepared by Hoare Lea and both the GLA and the Council's Energy Officers have found the applicant's energy statement to be broadly acceptable. The applicant proposed a CO2 reduction of 30% overall with a breakdown as follows:
- 23% CO2 reduction from energy efficiency measures
  - 7% CO2 reduction from gas fired combined heat and power
  - 1.5% CO2 reduction from photovoltaics
- 10.127 The Energy Strategy has been developed in line with the Mayor's energy hierarchy and the results are as follows:
- Be lean measures – Development is likely to achieve 2010 building regulations through energy efficient measures alone e.g. energy efficiency lighting, improved controls and high performance glazing.
  - Be clean measures – Application proposes a district heating system, a 33kW<sub>e</sub> gas fired combined heat and power unit, resulting in a reduction of CO2 by 7%, and also solar control glazing, external shading, and ventilation. The commercial element of the scheme will require active cooling via electric chillers.
  - Be green measures – 150sqm of photovoltaic (solar) panels proposed

### **Sustainability**

- 10.128 At a National level, PPS 1 sets out the national sustainability objectives and the supplement to PPS1 Planning and Climate Change, encourages the delivery of sustainable buildings and development.
- 10.129 At a strategic level Policy 4B.6 and 2A.1 of the London Plan (2008) seeks the highest standards of sustainable design and outlines sustainability criteria. Guidance on sustainability is also set out in the Mayor's SPG 'Sustainable Design and Construction'.
- 10.130 Saved Policy DEV2 of UDP (1998) and DEV5 of the IPG (2007) require all developments to incorporate the principles of sustainable development, major developments in particular.
- 10.131 The applicant has submitted a Sustainability Statement and is committed to achieving Code for Sustainable Homes Level 4 and a BREEAM target of excellent.

- 10.132 The Council's Energy Officer welcomes the applicant's commitment to sustainability, however, it is recommended that these commitments are secured through condition requiring appropriate certification.

### **Conservation Area Consent**

- 10.133 In terms of the application for Conservation Area Consent, the application seeks consent to demolish:

- No. 13 and No. 20 Norton Folgate;
- No. 2-9 Shoreditch High Street;
- No.16-17 Blossom Street;
- No.10 Blossom Street.

The application also seeks consent to partially reconstruct 14-15 Norton Folgate including façade retention and to refurbish and conserve:

- 16-19 Norton Folgate;
- 5 -11a Folgate Street;
- 12-15 Blossom Street.

- 10.134 These works are proposed are to enable the redevelopment of the site and adjoining depot site for commercially led mixed use purposes.
- 10.135 PPS5 requires Local Authorities to take account of a heritage asset's designation and expert advice from bodies such as English Heritage, and its overall value as a heritage asset. PPS5 also requires authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution of that asset.
- 10.136 There is a presumption in favour of the conservation of designated heritage assets and PSS5 advises that more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 10.137 Authorities are also advised to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 10.138 Policy DEV28 of the UDP and Policy CON2 of the IPG in particular require proposals for the demolition of buildings in conservation areas to be considered against certain criteria such as the desirability of preserving or enhancing the character or appearance of the area; the condition of the building; likely costs of the repair; the adequacy of efforts to maintain the building in use; and the suitability of any proposed replacement building.
- 10.139 In the assessment of the appropriateness of the proposed demolition, officers have had regard to the advice set out in PPS5, the saved Policies from the UDP, adopted IPG and Core Strategy Policies relating to demolition on a conservation area.
- 10.140 It is considered that there are no objections to the proposed demolition of No. 13 and No. 20 Norton Folgate; No. 2-9 Shoreditch High Street; No.16-17 Blossom Street; or No.10 Blossom Street. These properties are not statutory listed buildings and are considered to have either a neutral or negative contribution on the conservation area. They are not considered to be valuable heritage assets.

- 10.141 As outlined in previous sections of this report, there are some buildings within the application site which are considered to contribute positively to the character and appearance of the Elder Street Conservation Area, however, it is not proposed that these buildings be demolished. Therefore officers raise no objection to the demolition of the proposed buildings. It is also worth noting that English Heritage have raised no objections to extent of demolition proposed. Furthermore, CABE and the GLA raise no objection to the scheme from a conservation and design perspective.
- 10.142 The replacement buildings as described in earlier sections of this report, and are considered to be of high quality and will respect the character and appearance of the conservation area.
- 10.143 The applicant is already committed to the retention of 16-19 Norton Folgate Street, both their facade and internal layout following extensive reconstruction and refurbishment work. At pre-application stage the applicant has attempted to demonstrate that the provision of modern office premises in the CAZ and City Fringe locations requires large floor plate layouts, and were reluctant to retain these historic properties along Norton Folgate. However, in light of the Inspectors comments in relation to the previous appeal scheme and also in light of the comments made by the Council's Conservation Officer, the applicant is now committed to the retention of these buildings in their current layout.
- 10.144 Officers consider the proposed scheme to represent a balanced, coherent and sustainable approach to the redevelopment of the site from a conservation perspective. The extent of preservation, repair and refurbishment of the historic fabric together with the quality of the replacement infill buildings is considered to outweigh the impacts of the proposed demolition. As such, officers raise no objection to the proposed works seeking conservation area consent. It is also recommended that the issuing of Conservation Area Consent be subject to the imposition of a Grampian condition precluding any demolition until the details of the construction contract relating to the planning permission is being submitted and agreed by the Local Planning Authority.

#### **Scheduled Ancient Monument/ Archaeology Issues**

- 10.145 Saved Policy DEV42 of the UDP (1996) and CON4 of the IPG (2007) seek to resist development which would adversely affect on archeologically remains including Scheduled Ancient Monuments, require communication with English Heritage and also require the submission of archaeological assessments.
- 10.146 The site falls within the designation of the Scheduled Ancient Monument (SAM) of the medieval Priory and Hospital of St Mary Spital. A SAM is a monument which has been scheduled for protection against disturbance. The monument extends south of Fleur de Lis Street to Spital square. The application site lies over the northern extent of the SAM where elements of the Priory and Hospital of St Mary Spital once stood. The application site is seen to occupy the area where the kitchen garden and orchard area once stood. Many of the existing walls within the site are unusually thick and may contain fragments of earlier walls.
- 10.147 The applicant has submitted an application for Scheduled Monument Consent to the Secretary of State for Culture, Media and Sport in parallel with this planning application. SAM Consent is required before any work can be carried out which might affect a monument either above or below ground level. The proposed development would require excavation at lower ground floor level.

With regard to the any associated archaeological implications, the planning application is accompanied with an Archaeological Evaluation Report.

- 10.148 Following the recommendations of English Heritage, eight evaluation trenches were excavated on the site by the Museum of London Archaeological Services (MOLAS) and their report confirms that no activity relating to the medieval Priory and Hospital of St Mary was found. The report concludes that the development proposals will not be detrimental to the Scheduled Ancient Monument.
- 10.149 However, at the pre-application stage, investigation was carried out at No. 14 Norton Folgate Street, to assess the merit of the internal fabric to clarify the extent of refurbishment needed. The investigation and final report concluded that no elements of its content could be dated to the lifetime of the medieval Priory and Hospital of St Mary Spital. However, some large timbers were found partially exposed. The application is also accompanied by a Timber Report which concludes that these timbers probably dated from 18th century, therefore no element could be dated to the lifetime of the medieval priory and hospital of St Marys Spital.
- 10.150 Regardless, the exposed timber work is considered to have some historic merit and English Heritage consider the timber and other elements of this structure to be worthy of recording. As such, they have recommended that a programme of historic building recording and analysis be conditioned. Furthermore, it is also considered appropriate display and interpret some of the archaeological finds in a publicly accessible location such as Blossom Place for information/ education/ historic purposes. This could be secured in the S106 agreement as an obligation.
- 10.151 This aspect of the proposal accords with PPS5 which notes the importance of documentary recording as a valuable tool in retaining the heritage asset.
- 10.152 As such, the scheme is considered to accord with Saved Policy DEV42 of the UDP (1996) and CON4 of the IPG (2007) which seek to resist development which would adversely affect on archeologically remains including Scheduled Ancient Monuments.

### **Planning obligations/S106**

- 10.153 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development;
  - and
  - (v) Reasonable in all other respects.
- 10.154 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 10.155 Policies 6A.5 of the London Plan (2008), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

10.156 LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Financial Obligations:

- Contribution of £108,840 towards Enterprise and Employment;
- Contribution of £270,000 towards Environmental Improvements and Public Art in Elder Street Conservation Area;
- Contributions of £300,000 towards Public Realm/Street Scene Improvements for Pedestrians and Cyclists;
- Contribution of £1,425,887 towards Crossrail.

Non-Financial Obligations:

- Display and interpretation of archaeological finds in a publicly accessible location within the site;
- Right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal;
- Travel plan preparation and implementation;
- Travel plan co-ordinator for implementation and monitoring;
- Car free agreement;
- Skillmatch

Employment, Training and Enterprise

10.157 As set out in the Council's Annual Monitoring Report 2010, Tower Hamlets has one of the lowest employment rates in the country at 59.6% compared to the national average of 70.7%. The number of Jobseekers Allowance claimants has also increased (from 9,880 in April 2009 to 10,365 in March 2010) with the majority of claimants seeking employment in sales and customer service, elementary, administrative & secretarial and skilled trades occupations.

10.158 This highlights the issue of unemployment in the Borough and the need for new development to undertake reasonable endeavours to employing local people at the pre and post development phases.

10.159 With this in mind, this development has the potential to mitigate against the problem of unemployment in the Borough. As such, a sum of £108,840 was considered and agreed by the Council's Planning Contributions Overview Panel (PCOP) towards the training and development of unemployed residents in the Borough. Officers in Enterprise and Employment considered this to be appropriate.

10.160 This calculation is based on a pro-rata approach and based on similar developments where a standard practice of £10/sqm was calculated based on the uplift of net commercial floor space.

10.161 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure that:

- 20% of the construction phase workforce will be local residents of Tower Hamlets through the Council's Skillmatch Construction Service.
- 20% of goods/services procured during the construction of the development, be achieved by businesses in Tower Hamlets to ensure that small and medium local

businesses in this area and across the Borough, benefit from this development.

#### Environmental Improvements and Public Art in Elder Street Conservation Area

- 10.162 The development is considered to have an impact on the heritage assets found within and around the Elder Street Conservation Area. The potential impact of the redevelopment of the Nicholls and Clarke site in particular is referred to specifically in the Elder Street Conservation Area Character Appraisal and Management Plan and it sets out a number of priorities for the area, one of which includes the undertaking of a public realm study and the implementation of improvements to historic streetscape.
- 10.163 Objective 3.2 of the Council's Conservation Strategy, approved by Members in October 2010 in particular seeks to increase the resources available for the Borough's heritage in terms of both management and financial support. This includes opportunities for increased contributions from the commercial sector through CIL and S106 agreements.

*Key actions for 2011-2012 arising from the Council's Conservation Strategy are to:*

- Complete and maintain a Heritage at Risk register and work with register to remove buildings at risk.*
- Develop and maintain an integrated accessible electronic database of heritage information for the Borough.*
- Develop and implement an updated database of locally important buildings.*

- 10.164 The site's location within in the City Fringe as well as the Elder Street Conservation Area, brings with it many pressures on the character and appearance of the conservation area. Therefore a contribution both towards heritage conservation work generally and specific environmental improvement works within the conservation area are sought.
- 10.165 A contribution towards the provision of public art is also considered appropriate to enhance the adjoining streetscape, however, and in this instance it is considered appropriate to link the provision of public art to the conservation area enhancements.
- 10.166 The development of the nearby Bishop's Square included a planning contribution of £4.3m towards conservation area improvements and public art within the overall package of £8.5m. Taking a pro-rata approach based on floor space uplift a contribution of £270,000 towards environmental improvements and public art within Elder Street Conservation Area is sought. This will be spent on on-going work regarding an updated database of locally important buildings; the establishment of a 'Heritage at Risk' register, improvements to buildings at risk in the Elder Street Conservation Area, street improvements, historic signage within the proposed public square 'Blossom Place' and general enhancement works to the conservation area.

#### Public Realm/Street Scene Improvements for Pedestrians and Cyclists

- 10.168 Given the provision of over 17,000sqm of new office floorspace and the car free/permit free nature of the development, a high footfall along the Norton Folgate and Bishopsgate is anticipated. It is considered that the majority of the impacts will be felt on the footways and the pedestrian environment between the near by stations (Shoreditch High Street and Liverpool Street) and the application site. Therefore it is considered appropriate to seek contributions towards public realm and highway improvements in order to mitigate the increased trip generation via pedestrian footfall and cycling generated by the proposed development.

- 10.169 Furthermore, the Spitalfields and Banglatown ward is also noted as having the highest reported crime rate in the Borough and the quality of the public realm has been identified as one of the factors contributing to crime hot spots.
- 10.170 Improvements to the public realm are considered necessary to provide a safe pedestrian route between the application site and the main transport interchange at Shoreditch High Street. The current route is undesirable and unsafe due to its condition, and therefore it is necessary to bring the pedestrian route to an appropriate standard for the increased pedestrian footfall generated by the proposed development.
- 10.171 Contributions would be used to improve footways, highway surfaces, street lighting, pedestrian crossing facilities, way finding schemes to signpost pedestrians and visitors to surrounding destinations and also be used for a contribution towards cycle route and infrastructure provision as identified within Tower Hamlets Cycle Strategy: Cycling Connections.
- 10.172 A sum of £300k was considered and agreed by the Council's Planning Contributions Overview Panel (PCOP) late last year taking a pro-rata approach to similar developments in the area (such as Suttons Wharf South, 41-59 Three Colts Lane, Block C Trumans Brewery).
- 10.173 This figure relates to the scale and nature of the proposed and is based on the expected number of trips generated by this development using an approximate figure of £95 per one way daily trip.
- 10.174 Based on the 923 office employees expected to arise from this development, this will result in 1,722 one-way trips and a total trip generation of 3,444. Therefore by applying the average cost of one trip (£95) x the total number of trips (3,444) = a contribution of £327,180 would be required to mitigate the impact of this development. However, a sum of £300k is considered reasonable in light of the fact that officers and PCOP having previously agreed this sum with the applicant at the pre-application stage.

#### Travel Plan monitoring

- 10.175 Travel plans are considered to be a key tool to ensure developments minimise any adverse environmental impacts of the travel demand that it generates. Development of the nature and scale proposed at the Nicholls and Clarke site will generate additional travel demands over and above the existing use considering its relevant redundant nature at present, and as such, a Travel Plan will be required. The agreement will also seek to secure a travel plan co-ordinator to ensure implementation of the travel plan and on going monitoring;
- 10.176 A standard contribution of £3,000 is also requested towards the Council's costs of monitoring the implementation of the travel plan over a five year period.

#### Crossrail

- 10.177 In addition to contributions requested by Tower Hamlets, TfL have requested a contribution of £1,415,591 towards Crossrail in accordance with Policy 3C.12A of the London Plan (2008) which seek contributions from developments likely to add to or create congestion on London's rail network that Crossrail is intended to mitigate
- 10.178 According to the Mayor's SPG on 'The Use of Planning Obligations in the Funding of Crossrail', a tariff approach is used based on the location of the development, the nature of the uses proposed and the amount of increased floor space.

10.179 During both the pre-application stage and application stage, the applicant has raised concerns regarding the cost of the Crossrail contribution and what impacts this contribution will have on the viability of the scheme. A viability assessment was produced by the applicant in support of their position and submitted to the Council and TfL under separate confidential cover. This was discussed at a meeting between TfL, LBTH officers and the applicant's viability assessors on 28 March 2011 and TfL subsequently appointed an external consultant to carry out an independent assessment. A number of queries were raised regarding the content of the assessment; however no response was received from the applicant. TfL concluded that they did not accept the applicant's case that the scheme was not able to contribute towards Crossrail as a result of viability. This is because the viability assessment does not demonstrate that the Crossrail contribution alone makes the development unviable, rather the scheme appears to be unviable regardless of the Crossrail contribution.

However, following further consideration, the City of London confirmed on 27<sup>th</sup> April that they accepted the Crossrail contribution, acknowledging that commercial rents in the City Fringe may increase in the future therefore making the scheme more viable. This agreement was on the assumption that the applicant could have on-going dialogue with TfL, during the drafting of the S106 Agreement to secure an acceptable payment plan.

10.180 Therefore, the overall contribution package, including Crossrail, is considered sufficient to mitigate against the impacts of the development in line with Policy 6A.5 of the London Plan, Policy DEV4 in the UDP, Policy IMP1 of the IPG (2007) and Policy SO3 and SP13 of the Core Strategy (2010).

## **11 CONCLUSION**

11.1 It is considered that this application represents a marked improvement to the previously refused scheme. On balance, it is considered that this application will bring a number of regenerative benefits to the immediate area and the wider Borough through the provision of new office floor space in this prime City fringe location. The application is also considered to find a successful balance between the provision of new large floor plate office space appropriate for designated Preferred Office Locations, and the national, regional and local requirements to preserve and enhance heritage assets such as that of the Elder Street Conservation Area.

11.2 Whilst respecting the designation of this site as a preferred office location within the Central Activities Zone, the scheme introduces an acceptable mix of uses, including residential and retail space which is considered will deliver a more sustainable community in this location.

11.3 The proposed demolition of buildings which are considered to detract from the conservation area, along side the retention and refurbishment of others properties which are considered to contribute more positively, are considered acceptable and in accordance with the objectives of PPS5 and the relevant UDP, IPG and Core Strategy Policies outlined above.

11.4 The development is considered to form a positive addition to London's skyline, without causing any detriment to local or long distant views. Furthermore, the height, scale, bulk and over all design approach for the scheme is considered to be of high quality and considered to provide a successful balance between respecting the character and appearance of the Elder Street Conservation Area, and the commercial character of this City fringe location and therefore accords with the relevant design policies outlined above.

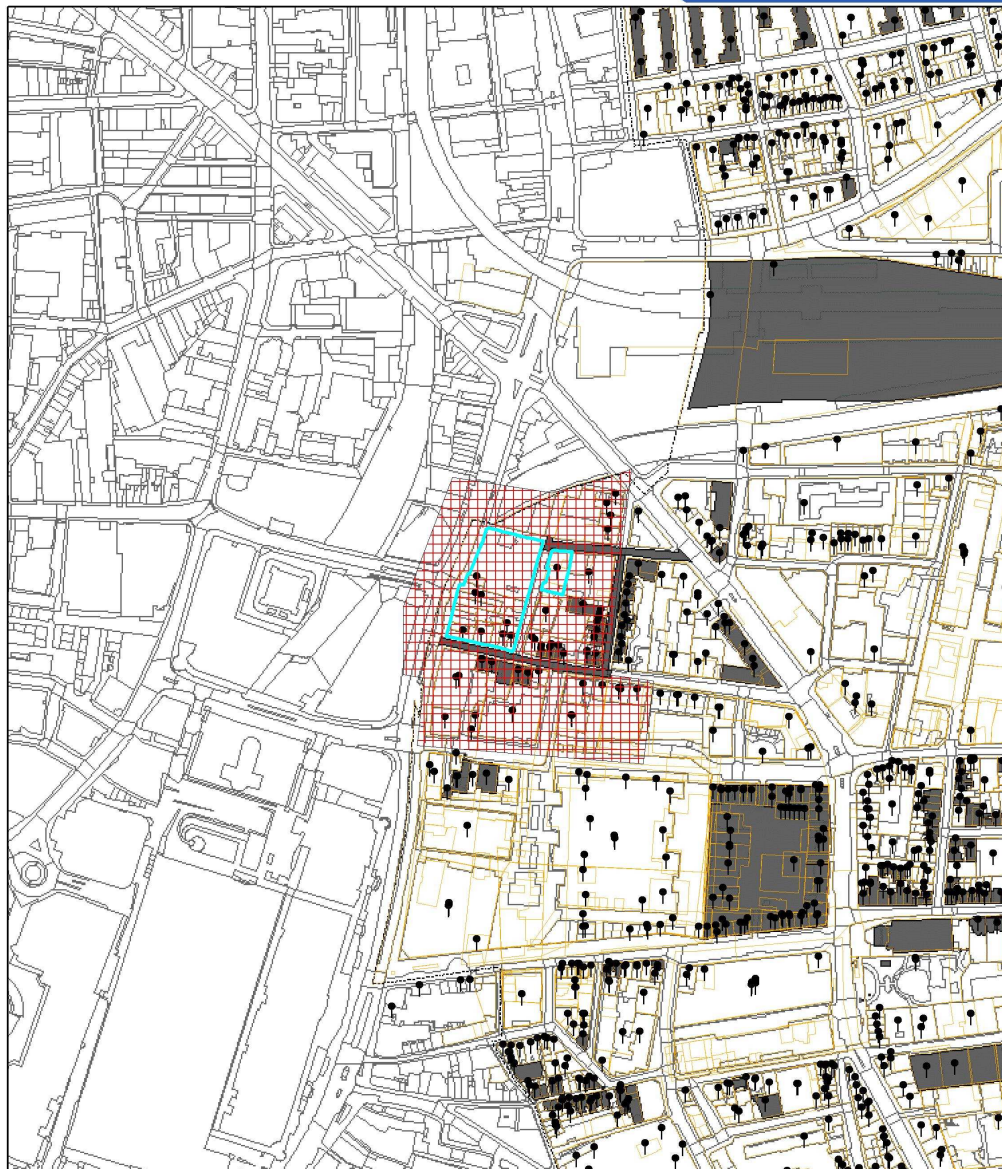



- 11.5 The development will provide an acceptable standard of accommodation for urban type living, including acceptable internal space standards and layout, with a private amenity provision which exceeds strategic and local standards. Furthermore, it is not considered that the development will result in any significant adverse impacts to local residential amenity in terms of loss of privacy, daylight, sunlight, noise or microclimate conditions.
- 11.6 Through the provision of renewable technologies and a number of sustainable development practices, the development will maximise the energy efficiency of this development and through a commitment towards a permit free/car free agreement, and a service and delivery management plan, the scheme will minimise parking and promote sustainable transport options for future users of the site.

## **12 CONCLUSION**

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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