

DEVELOPMENT COMMITTEE

Wednesday, 18 April 2018 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor John Pierce
Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Chris Chapman and Councillor Sabina Akhtar

Substitutes:

Councillor Danny Hassell, Councillor Ayas Miah, Councillor Clare Harrisson, Councillor
Peter Golds, Councillor Julia Dockerill, Councillor Md. Maium Miah and Councillor
Mohammed Mufti Miah

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 16 April 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 17 April
2018**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

Attendance at meetings.

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Access information for the Town Hall, Mulberry Place.



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Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 7th February 2018

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

To RESOLVE that:

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

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None.

- | | | | |
|-------------|--|-----------------|---------------------|
| 5. | PLANNING APPLICATIONS FOR DECISION | 17 - 18 | |
| 5 .1 | Entrance To Claire Place Between 46 and 48, Tiller Road, London (PA/17/02781) | 19 - 36 | Canary Wharf |
| | <p>Proposal:</p> <p>Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place</p> <p>Recommendation:</p> <p>That the Committee resolve to REFUSE planning permission for the reasons set out in the Committee report.</p> | | |
| 5 .2 | Bishops Square, Market Street and Lamb Street, London E1 6AD - PA/17/02470 and PA/17/02471 | 37 - 102 | Whitechapel |
| | <p>Proposal:</p> <p>The removal of the canopy on Market Street; physical alterations to the existing retail units on the northern side of Market Street, including new shopfronts and extensions to the front and rear of the units, involving the change of use of part of the ground floor from Class B1 to Class A1; the change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, together with new shopfronts; the construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission and listed building consent subject to, the prior completion of a Section 106 legal agreement and the conditions and informatives in relation to the matters set out in the Committee report.</p> | | |
| 6. | OTHER PLANNING MATTERS | | |

None

Next Meeting of the Development Committee
 Wednesday 20th June 2018

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 7 FEBRUARY 2018

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Marc Francis (Chair)
Councillor John Pierce
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman
Councillor Sabina Akhtar
Councillor Danny Hassell (Substitute for Councillor Helal Uddin)

Other Councillors Present:

None

Apologies:

Councillor Helal Uddin

Officers Present:

Nasser Farooq	(Team Leader, Planning Services, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Jane Jin	(Team Leader, Planning Services, Place)
Julian Buckle	(Planning Officer, Place)
Angelina Eke	(Planning Officer, Place)
Zoe Folley	(Committee Officer, Governance)

The Chair agreed to change the order of business to consider item 5.2 before item 5.1 as this would help the consideration of the application. For ease of reference, the items are set out in the order they are listed on the agenda

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 8th January 2018 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 1 Capstan Square, London E14 (PA/17/01251)

Nasser Farooq (Planning Services) introduced the report for a two storey extension to the existing house.

Angelina Eke (Planning Services) presented the report describing the site location and the nature of the surrounding area. Consultation had been carried out resulting in: one letter of objection, a petition in objection (with 24 signatures) and 11 letters in support. All of the representations were addressed in the Committee report and mainly related to the future use of the property as a House in Multiple Occupancy, the impact from car parking, a land dispute (that was not a planning issue), design and appearance and increased rubbish on the Square. Officers considered that the proposal was acceptable in terms of these issues.

There were no land use issues as the proposal would remain a single use residential property. The concerns around the creation of a HMO could only be considered as speculative at this stage. Any further change of use would be an enforcement matter.

It was also considered that the proposed extension was acceptable in terms of its bulk, mass, scale and design. The extension would relate well and be subservient to the existing building. The proposed layout would be acceptable and it would not result in a material change to neighbouring amenity.

The loss of the garage space to enlarge the property complied with policy. Highway Services had requested that there should be a car free agreement and this would address the concerns raised by objectors. The cycle spaces within the existing garage space would also be relocated.

Officers were recommending that the application was granted permission.

The Committee asked questions about increased on street parking from the proposal, given the increase in size of the property and also the loss of the garage. Officers advised that the impact on parking and the highway should be minimal in view of the proposed car free agreement and also that the property had a driveway.

The Committee also asked questions about the conversion of the loft space into a habitable room and it was noted that this would require a new planning permission.

The Committee also asked questions about the land dispute and it was confirmed that this was a civil matter.

On a vote of 6 in favour and 1 against the Committee **RESOLVED:**

1. That the planning permission be **GRANTED** at 1 Capstan Square, London E14 for the erection of a two storey side extension to the existing house (PA/17/01251)
2. That the Corporate Director of Place is given delegated authority to impose the conditions set out in the Committee report (or add or remove conditions acting within normal delegated authority) in relation to the planning permission

5.2 43 Capstan Square (PA/17/02793)

Nasser Farooq (Planning Services) introduced the report for a 3 storey extension with minor alterations.

Julian Buckle (Planning Services) presented the application explaining the location of the property at the end of the terrace, the nature of the surrounding area and the most recent planning history. It was noted that in November 2016, plans for a four storey, four bedroom dwelling in the land adjacent to 43 Capstan Square and external alterations to 43 Capstan Square extension was

approved. It was also reported that in 2017, a proposed four storey side extension to the property was withdrawn due to concerns about the scale of the proposal in relation to the existing building.

The Committee were advised of the key features of the application including the proposed floor plans and the outcome of the consultation. In response to which, one petition (with 21 signatures) and a representation in objection was received. The concerns raised were addressed in the report and related to the creation of a Home in Multiple Occupancy (HMO), increased rubbish from the proposal and car parking stress.

There were no land use issues as the property would remain a single use residential property. Any further changes to create a HMO would require a separate planning permission. A self-contained unit was not the proposal being presented.

The proposed design of the extension was considered to be acceptable in terms of scale, mass, and form. The extension would be subservient to the original dwelling and integrate well with the host dwelling and its surroundings. The proposal would not adversely impact on the amenity of any adjoining occupiers or that of the public realm and was therefore acceptable in amenity terms.

In view of this, Officers considered that the application should be granted planning permission.

The Committee asked questions about the height of the extension compared to the previously withdrawn 2017 application. In response Officers explained in further detail their concerns with that proposal. Officers considered that the change in height would ensure that the extension would be subservient to the original dwelling.

Regarding the use of the property as a HMO, it was noted that the Council could take enforcement action if there was a breach of the planning permission. The proposal would create a five bedroom single use property and the issue around the use of a HMO could be considered as speculative.

The Committee asked questions about increased car parking stress from the proposal. It was questioned whether the proposal would add to the existing problems and whether steps could be taken to mitigate this.

It was reported that the impact on the highway should be minimal given the property had a garage and a driveway. There was no evidence to suggest that there would be an increase in parking from the proposal. It was also noted that any additional condition would need to meet the necessary planning tests in policy. In view of this advice, Councillor Marc Francis moved and Councillor Chris Chapman seconded an additional condition that the garage space only be used for the storage of vehicles and no other purposes. On a unanimous vote, this additional condition was agreed.

On a unanimous vote the Committee **RESOLVED:**

1. That the planning permission be **GRANTED** at 43 Capstan Square for a 3 storey side extension with minor alterations (PA/17/02793)
2. That the Corporate Director of Place is given delegated authority to impose the conditions set out in the Committee report (or add or remove conditions acting within normal delegated authority) in relation to planning permission and the following additional condition:
3. That the garage space only be used for the storage of vehicles and no other purposes

6. OTHER PLANNING MATTERS

None

The meeting ended at 7.50 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

Agenda Item 5

Committee: Development	Date: 18 th April 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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 HEAD OF 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 London Plan 2016
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and the Planning Practice Guidance.
- 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

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: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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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 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Development Committee	Date: 18 th April 2018	Classification: Unrestricted
Report of: Director of Place	Title: Applications for Planning Permission	
Case Officer: Hoa Vong	Ref No: PA/17/02781	
		Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location:	Entrance To Claire Place Between 46 and 48, Tiller Road, London
Proposal:	Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place
Drawings and documents:	Planning, Design and Access Statement; Transport Note; Teleguard door entry system specification; Site Plan; Gate Design; RJK-DWG-CPG-04 2017-MH Rev 1.
Ownership/applicant:	Claire Place & Tiller Road Residents Association
Historic Building:	No listed buildings on site.
Conservation Area:	Not in a conservation area.

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations and has found that:
- 2.2 The main material planning considerations for members to consider are; whether the proposed security gate would restrict the movement of people on and off site resulting in a gated community; and whether the proposal would be an unsightly addition to the public realm and detract from the character and appearance of the area.
- 2.3 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels on site, however it is considered that erecting gates and creating a segregated community does not in itself prevent anti-social behaviour.
- 2.4 In addition to this, the gates are not sufficiently set back from the back edge of the footway on Tiller Road and as a result the refuge area would be insufficient to prevent vehicles queuing onto Tiller Road, should more than one vehicle seek

simultaneous access to the site. Further, the scale, finish and design of the gates is considered to be highly imposing and would thus dominate Claire Place and Tiller Road.

- 2.5 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below.

4.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

a) The proposed gates and fixed means of enclosure by virtue of their height, scale and siting would appear visually intrusive and fail to retain a permeable environment, by reason of creating a physical barrier resulting in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

b) The proposed security gate due to its location adjacent to the adopted highway would have an unacceptable impact on the capacity and safety of the adjacent public highway. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2016), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013). These policies require that development does not have any adverse impact on the capacity and safety of the transport network.

c) The proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2016), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site comprises a residential development consisting of 79 properties - 1-51 Claire Place and 20-74 (evens) Tiller Road, constructed in the 1980's. All properties, including those with Tiller Road addresses, have their garages and parking areas accessed via Claire Place. Some of the Tiller Road dwellings also have their entrance doors onto Claire Place. The following shows the applicants site plan.



Plan 1. Site Map

- 4.2. The site is located on the southern side of Tiller Road opposite its junction with Alpha Grove. Tiller Road sets the northern boundary for the site; Millwall Dock Road sets the western boundary; the eastern boundary is established by Tiller Leisure Centre; to the south of the site is Westferry printworks recently approved for a 722 unit residential lead mixed use scheme.
- 4.3. The following photograph shows the entrance to Claire Place where the proposed gates are to be erected.



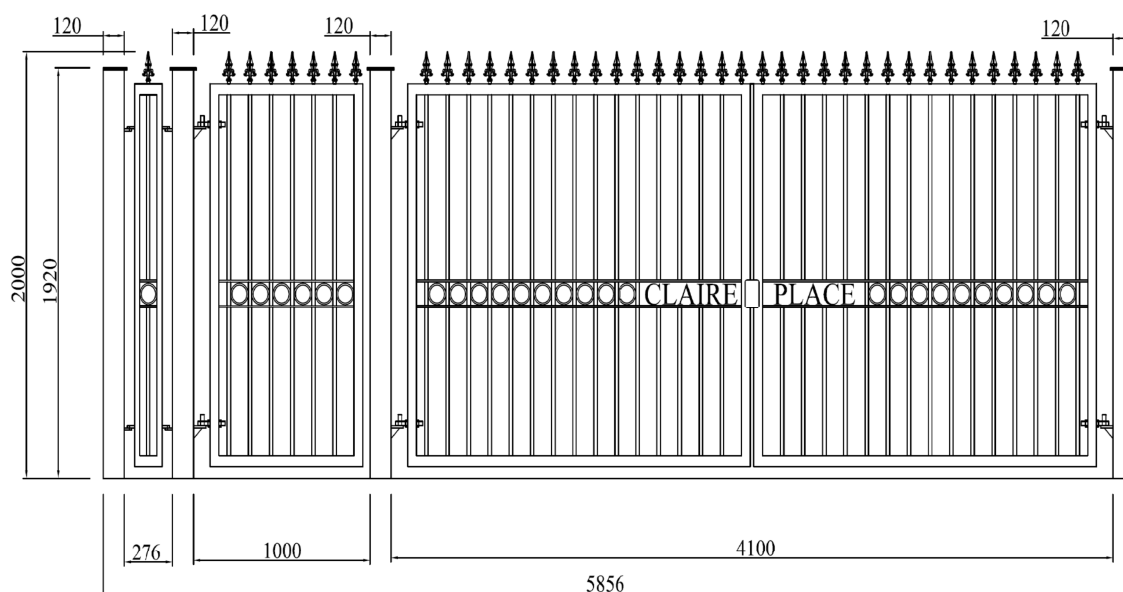
Photo 1. Entrance to Claire

- 4.4. With the exception of the entrance to the Claire Place roadway, the site is completely enclosed either by brick walls or black wrought iron railings – the walls and railings being to a height of approximately 1.8m. There are a number of pedestrian only entrances into the development – 4 from Tiller Road and 1 from Millwall Dock Road. At each of these entrance points are wrought iron railings and gates of approximately 1.8m in height.
- 4.5. There are 2 vehicular entrances to the development – the main entrance being the roadway from Tiller Road – Claire Place itself. The secondary vehicular entrance is from Millwall Dock Road where there is a gated vehicular entrance to a garage court.

Proposal

- 4.6. The proposed development is for double inward opening vehicular entrance gates with a combined width of 5856mm and a separate pedestrian gate with a width of 910mm to be set back 7m from the front edge of the footway. The gates would be positioned between freestanding columns. The height of the columns would be 1.92m; the gates would be 2m in height. Both the vehicular and pedestrian gates would open swinging inwards. The gates/railings will be constructed of wrought black iron with brick and the words “Claire Place” within the design. As shown in the following plan.

- 4.7.



Plan 2. Design of Proposed Gates

- 4.8. The gates will be automated with vehicular access via hand held remote controlled radio transmitters with automatic exit. Access for non-residents (personal visitors, trades people etc) will be via an entry-phone system. The gates will include a fireman's drop key switch device to enable emergency access.

Relevant Planning History

- 4.9. Two previous applications have been received for gates at this site in 2007 and 2010, both applications were refused under delegated authority and are listed below.
- 4.10. PA/07/02668- Installation of automated electric entrance gates (3350mm wide x 2300mm high and 900mm wide x 2300mm high) to Claire Place. (Permission Refused 17/11/2007). The reasons for refusal were as follows:
1. The proposed gate by reason of its height, design and location would create a 'gated community' by providing a physical and visual barrier to Claire Place from Tiller Road. This would result in an unacceptable form of development that would fail to achieve an inclusive and permeable environment. As such, the proposal is contrary to Supplementary Planning Guidance: 'Designing Out Crime' as referred to in Policy DEV1 in the Tower Hamlets Unitary Development Plan (1998) and Policies CP4, DEV2 and DEV3 of the Council's Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), Policies 4B.1 and 4B.5 of the London Plan (2004) and PPS1 (Delivering sustainable Development) which seeks to resist 'gated communities' and preserve and enhance inclusive environments.
 2. The proposed gate by reason of its design and proximity to Tiller Road would result in a potential and unacceptable disruption to the free flow of traffic along Tiller Road. As such, the proposal is considered to be detrimental to vehicle and pedestrian safety along this part of Tiller Road is contrary to Policies T16 and T18 of the Tower Hamlets Unitary Development Plan (1998) which seeks to safeguard pedestrians and other road users.
- 4.11. PA/10/02743- Installation of a vehicle gate to the entrance to Claire Place between 46 and 48, Tiller Road. (Permission Refused 03/02/2011). The reasons for refusal are as follows:
1. The proposed gates would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment and would create an unacceptable level of segregation. The proposal is therefore contrary to adopted policies SP09 and SP10 of the Core Strategy (2010), saved policy DEV1 in the Unitary Development Plan 1998, Policies DEV2 and DEV3 in the Interim Planning Guidance (2007) and policy 4B.1 of the London Plan consolidated with alterations since 2004 which states that developments should promote high quality inclusive design, be accessible, usable and permeable for all users.
 2. The proposed gates by virtue of their position and design would appear visually intrusive and would result in an inappropriate form of development that would create a 'gated' community and would therefore fail to contribute to the permeability of the urban environment. The proposal is therefore contrary to adopted Core Strategy policies SP09(2C) and SP10, saved policy DEV1 in the Unitary Development Plan 1998, Policies DEV2 and DEV3 in the Interim Planning Guidance: (2007) and Policy 4B.5 of the London plan which states that developments should be convenient and welcoming with no disabling

barriers, so everyone can use them independently without undue effort, separation or special treatment.

5.0 POLICY FRAMEWORK

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

5.2. Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.3. London Plan 2016

- 2.9 - Inner London
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture

5.4. Core Strategy 2010

- SP02 - Urban living for everyone
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

5.5. Managing Development Document 2013

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 – Amenity

5.6. Supplementary Planning Documents

N/A

5.7. Tower Hamlets Community Plan objectives

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

5.8. Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the

London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.

5.9. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.

5.10. The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

Metropolitan Police

6.3 The height of the gate is stated as 2.0m. Invariably we would prefer gates to a height of 2.4m installed.

6.4 The construction and installation of the gates should be in such a manner as not to be used as a climbing aid or have the ability to be by-passed. Furthermore there should be minimal clearance under the gate so as not to allow a person to gain entry from below.

6.5 Both the pedestrian and vehicle gate should be certificated to a minimum standard of LPS 1175 SR1 or an equivalent standard. Where the design of the gate is fixed, I would recommend that the centres be no more than 50mm so as not to be used as a climbing aid.

6.6 A suitable electronically controlled locking mechanism with fob access control should be incorporated with a self-closing mechanism for both gates. This will also include a suitable audio/video system to control access for visitors.

Internal Consultees

Highways

- 6.7 Transport and Highways cannot support the proposed entrance gates. The gate should be set back 6m from the back of the footway and not from the edge of the carriageway or front edge of the footway. 6m waiting spaces have to be within the private land and should not include any public highway.

7.0 LOCAL REPRESENTATION

Statutory Consultees

- 7.1 94 Letters were sent to neighbouring properties including all those within Claire Place and those adjacent on Tiller Road. A site notice was also displayed outside the application site. The following responses were received in relation to that scheme.

No of individual responses:	Objecting: 0
support from a local ward Councillor)	Supporting: 41 (including a letter of

No of petitions received:	0
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- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Design

- 7.3 There is precedence for gates in the area.
- 7.4 Claire Place is a private road and does not lead to other routes.
- 7.5 The gates are of a high quality and in keeping with the area.
- 7.6 There are no green spaces within Claire Place.

Crime related

- 7.7 Anti- social behaviour, particularly with other developments in the area coming forward.
- 7.8 Vandalism.
- 7.9 Lack of CCTV in the area.
- 7.10 Theft.
- 7.11 Violence.
- 7.12 Illegal parking within Claire Place.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Design
2. Transportation
3. Other Matters
4. Conclusion

Policy Context

- 8.2 Paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Paragraph 69 of the NPPF states the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.3 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.4 Policy 7.3 of the Adopted London Plan (2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.5 Policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.6 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore, policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.

Assessment

- 8.7 The proposed development is for double inward opening vehicular entrance gates with a combined width of 5856mm and a separate pedestrian gate with a width of 910mm to be set back 7m from the front edge of the footway. The gates would be positioned between freestanding columns. The height of the columns would be 1.92m; the gates would be 2m in height. Both the vehicular and pedestrian gates would open swinging inwards. The gates/railings will be constructed of wrought black

iron with brick and the words “Claire Place” within the design. An elevational drawing of the gates is shown below.

8.8 The following is a plan showing the location of the gates relative to Tiller Road.



Plan showing gates set back 7000mm from Tiller Road.

- 8.9 The proposed security gate is free standing and measures 5.8m in width and 1.92m-2m in height and is to be made from galvanized steel and finished in black. Due to its overall scale and finish, along with its design which features posts, it is considered that such an addition into the streetscape would be highly imposing and would thus unnecessary dominate the streetscene.
- 8.10 The gates in such close proximity to 2 storey dwellings would also appear out of scale with the surrounding townscape resulting in an incongruous addition to the streetscene.
- 8.11 Security gates such as that proposed are therefore considered to be a unsightly addition to the public realm and would not enhance the character and setting of the area. This is a view shared by the Councils Urban Design officer who has also objected to the proposal.

Accessibility/Permeability

- 8.12 This proposal would result in a structure which would be intended to be a barrier to movement, controlling pedestrian and vehicular movement within Claire Place.
- 8.13 It is noted that Claire Place does not lead to any public routes, however both national and local planning policies put an emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged.

- 8.14 However, the proposal would result in a 'gated' community which would be physically and visually impermeable for non-residents which is against the general planning principle of inclusive communities. NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and DM23 of Managing Development Document resist the creation of gated communities. Specifically, the Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007, which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, reduced fears of crime social cohesion, and improved health and well-being. The erection of the proposed gates therefore fails to accord with the above mentioned policies.

Secure by Design

- 8.15 The application has been submitted to address concerns raised by residents who consider that the unrestricted access results anti-social behaviour and incidents of crime at the application site. This is the overwhelming reason behind the letters of support for this application. It is also noted that the local ward Councillor has also raised this as a particular concern within the area and there is support from the Metropolitan Police's Crime Prevention Officer following consultation of the application.
- 8.16 In order to understand crime related issues and take them into account to ascertain whether the application site can be considered as an exception as a material planning consideration that outweighs the Council's adopted planning policy a comparative study of crime was undertaken by officers.
- 8.17 The study analysed all of the crime experienced both on the application site and in the Canary Wharf ward which involved taking data available from the Metropolitan Police website (See Figure 1 for the boundary area). It should be noted that the below statistics are a summary of all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.18 The boundary area has a total of 6,166 households (according to the Tower Hamlets Canary Ward Wharf profile May 2014), whilst Claire Place has a total of 51 households (according to the original planning application). It can thus be derived from these figures that Claire Place represents 0.8% of the total households within Canary Wharf Ward. Although this figure does not reflect the large number of developments approved, implemented and built out since the profile in 2014. The comparative study has been undertaken by using crime statistics from the Metropolitan Police (website) for both the boundary area (see Fig.1 and Fig.3) and Claire Place (see Fig.2 and Fig.3) over the past year (January 2017 – December 2017) which represent the most recent crime statistics currently available (February 2018).
- 8.19 Fig.3 illustrates (on a month by month basis) the total crime rate for the boundary area along with the average crime rate per property within the boundary area and the total crime rate for Claire Place along with the average crime rate per property within Claire Place. In addition to this Fig.3 also gives the breakdown (by type) of crimes reported in Claire Place and then illustrates whether the average crime rate per property within Claire Place was either above or below the average crime rate per property within the boundary area.

8.20 It should be noted that the crime statistics website details crime at or near Claire Place, including those crimes which have taken place on the adjacent roads on Tiller Road and Millwall Dock Road, which the application documents do not differentiate between. For the purposes of the application which relates to Claire Place only, crimes taking place on Tiller Road and Millwall Dock Road will not form part of the assessment.

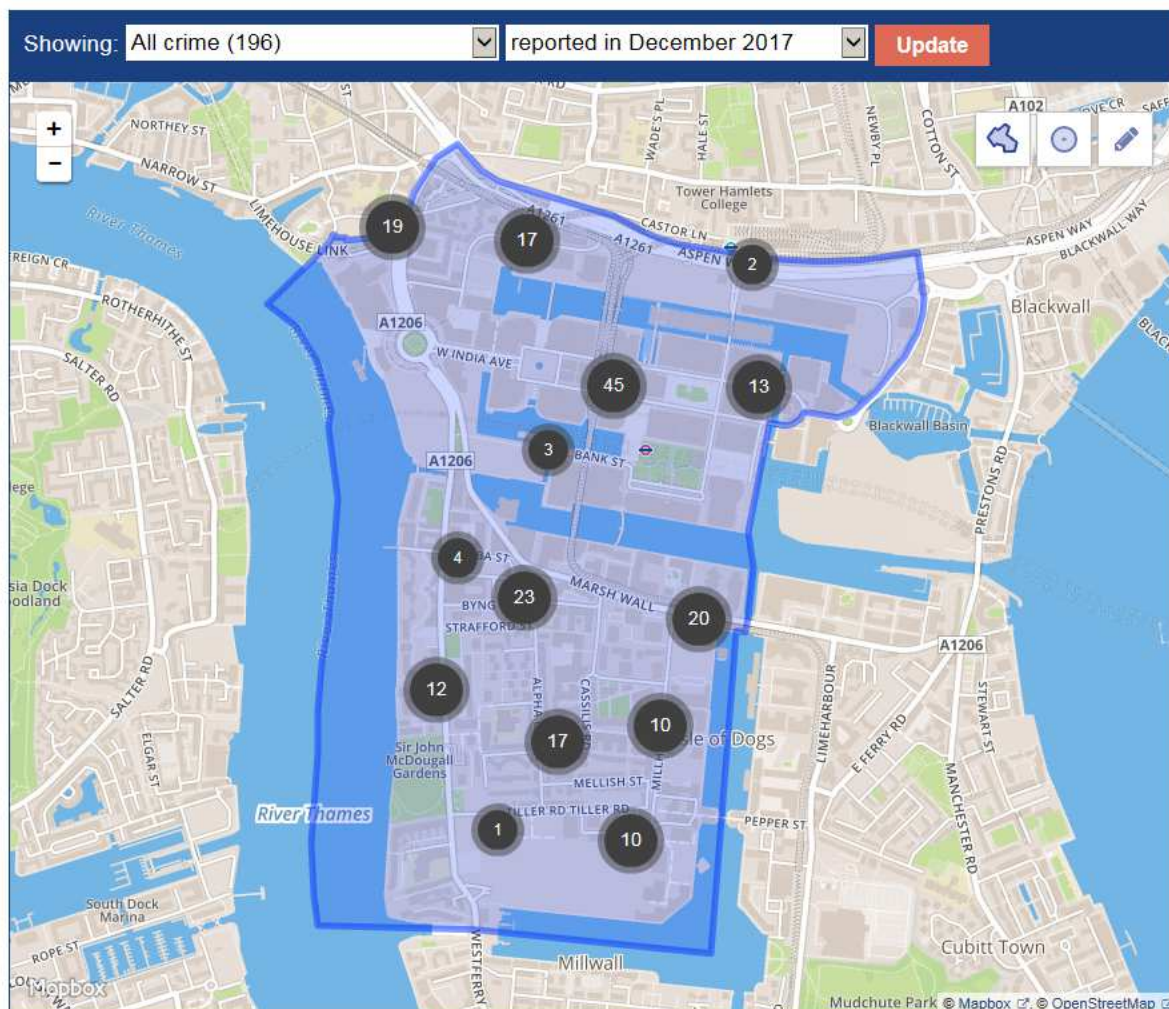


Fig. 1- Crime Map of the Canary Wharf ward boundary area (www.police.uk)

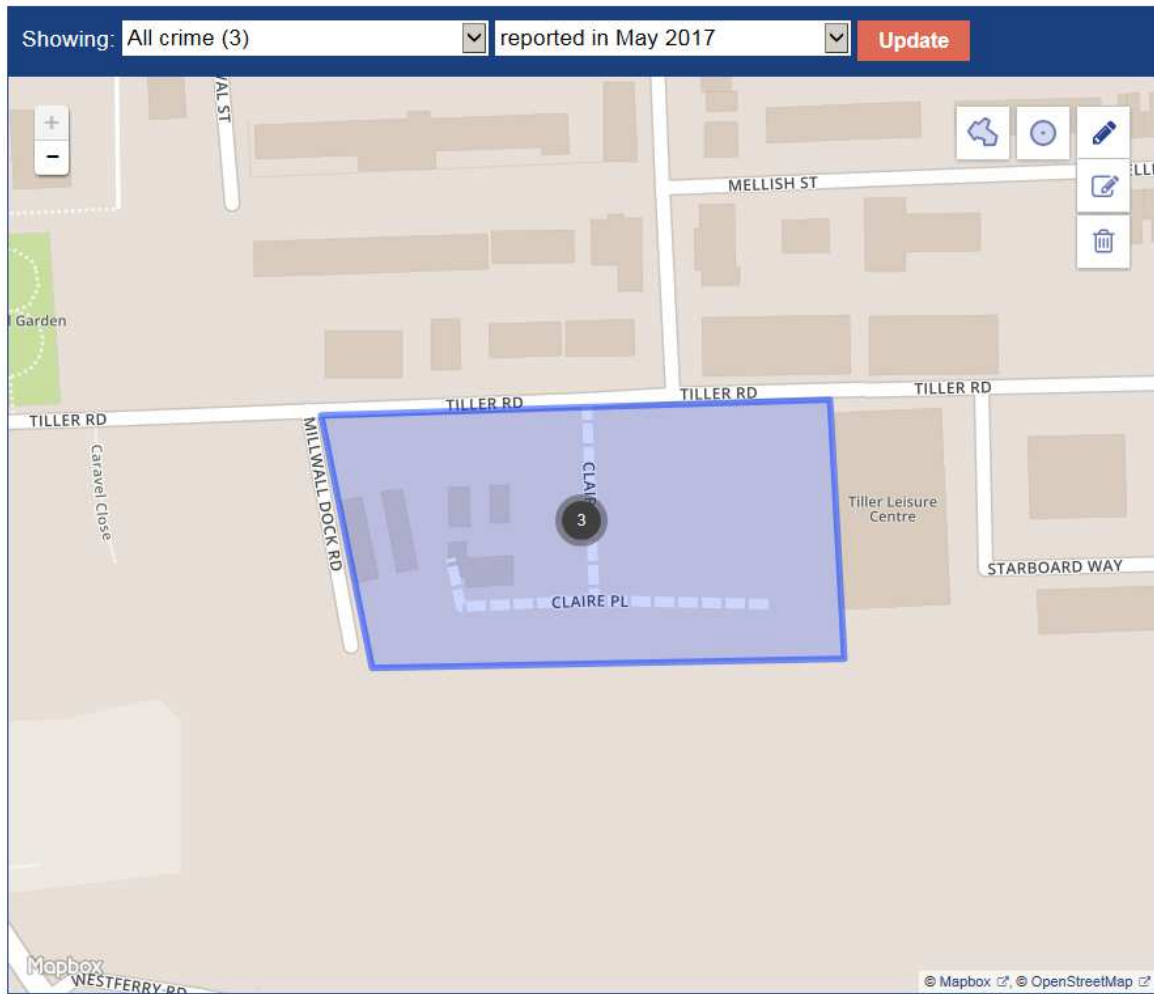


Fig 2. Crime map of Claire Place (www.police.uk)

Time Period	Boundary Area (No. of households – 6,166)		Claire Place (No. of households – 51)		Breakdown of crimes at Claire Place	Average
	Total Crime	Crime per property	Total Crime	Crime per property		
Jan 2017	198	0.032	0	0	N/A	Below
Feb 2017	199	0.032	0	0	N/A	Below
Mar 2017	167	0.027	0	0	N/A	Below
April 2017	153	0.024	2	0.039	Vehicle Crime (1), Violence and sexual offences (1)	Above
May 2017	185	0.030	3	0.058	Anti- social behaviour (1), Drugs (1), Violence and sexual offences (1)	Above
June 2017	193	0.031	0	0	N/A	Below
July 2017	193	0.031	0	0	N/A	Below
Aug 2017	204	0.033	2	0.039	Anti- social behaviour (1), public order (1)	Above
Sept 2017	202	0.032	0	0	N/A	Below
Oct 2017	195	0.031	1	0.016	Vehicle Crime (1)	Below
Nov 2017	175	0.028	0	0	N/A	Below
Dec 2017	196	0.031	0	0	N/A	Below

Fig. 3 – Crime statistics (taken from www.police.uk)

- 8.21 Fig.3 clearly illustrates that the crime rate experienced on Claire Place is below the average crime rate when compared with the context of the boundary area. Whilst officers observe that crime has occurred within Claire Place (most notably anti-social behaviour, the above evidence it cannot be considered that the crime rate experienced at Claire Place is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.22 The applicant has submitted additional information detailing 8 additional crimes which have taken place in 2018, 2017, 2016 and 2011 together with a list of crimes that could have been prevented from 2011, 2012 and 2013. The metropolitan police website has not been collated for 2018 and so a complete assessment cannot take place. Nevertheless and in light of this information it is acknowledged that the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, however, there is insufficient evidence to suggest that crime and antisocial behaviour levels are such that greater weight should be given to this argument in planning terms to override the Councils adopted policies.
- 8.23 In addition it should also be considered that the applicant has not demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities far outweigh the perceived benefits of providing a gated entrance Claire Place.

Conclusions

- 8.24 Overall, it is considered, the proposed gates and fixed means of enclosure by virtue of their height, scale and siting would appear visually intrusive and fail to retain a permeable environment, by reason of creating a physical barrier resulting in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.
- 8.25 Furthermore, it is concluded the proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2016), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

Transportation

- 8.26 Paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.27 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.28 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.29 Policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network. Policy DM23 seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.30 The proposed gate is sited on the boundary where the public highway intersects with the private highway. LBTH Highways and Transportation department have objected to the proposal on the grounds that they are concerned that the proposal will have an

unacceptable impact on the adjacent public highway network. In order for the scheme to be acceptable in Highways terms, the applicant would need to revise the proposal and set the gate back 6m from the back edge of the footway so that vehicles can wait within the boundary of the private road before entering the development. The applicant has confirmed that the footway is 2.5m wide and that the gates would be setback 7m from the front of the footway. The proposed gates would therefore only be setback 4.5m from the back of the footway which cannot be accepted in terms of highways impacts.

- 8.31 The Council's policies (see Core Strategy SP09 and Managing Development Document DM20) cite that development should not have an unacceptable impact on the capacity and safety of the transport network, and due to the fact that the installation of a gate in its current location would cause vehicles to wait on the public highway, it is considered that the proposal in its current state discords with policy on both safety and capacity grounds in this instance.

Other Matters

- 8.32 A number of appeal decisions have been brought to the Councils attention in relation to gates on the Isle of Dogs which have allowed gates, officers are also aware of appeal decisions which dismissed gates. These have been considered by officers in the assessment of the application. However, each site is assessed on its own planning merits and therefore cannot be taken as precedence in support of the current application.

Conclusion

- 8.33 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, has an unacceptable impact on the public highway, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

9.0 Human Rights Considerations

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8);and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.3 This report has outlined the consultation that has been undertaken on the planning Application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

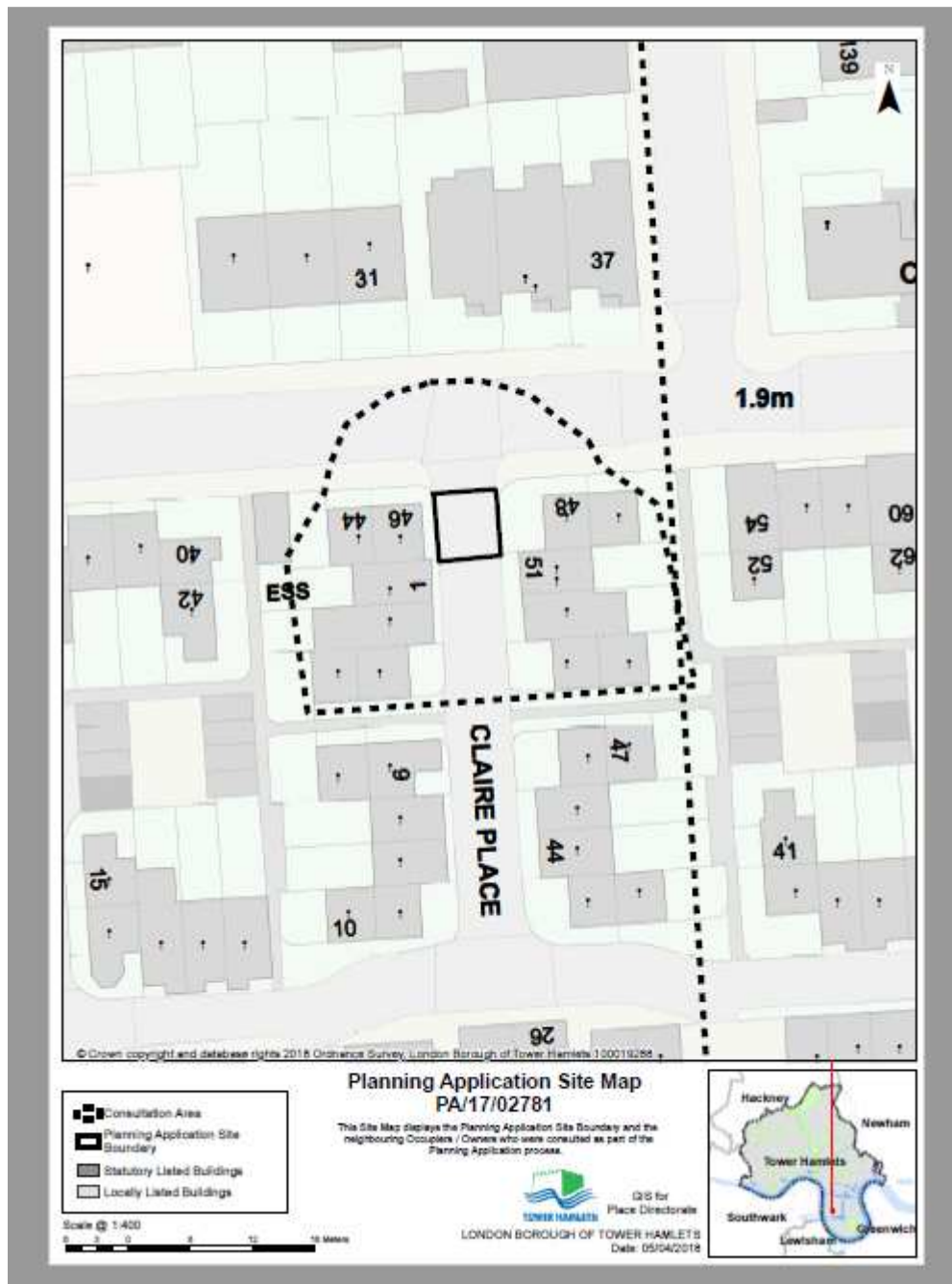
- 10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 CONCLUSION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report

Appendix 1 SITE MAP



Agenda Item 5.2

Committee: Development	Date: 18 April 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission and Listed Building Consent
Case Officer: Elizabeth Donnelly	Ref No: PA/17/02470 - Full Planning Permission PA/17/02471 – Listed Building Consent
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Bishops Square, Market Street and Lamb Street, London E1 6AD

Existing Use: Mixed use: retail, restaurants and offices

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

Drawing and documents: See Appendix one

Applicant: Bishops Square Sarl

Ownership: Various

Historic Building: Grade II listed building – Horner Market Buildings

Scheduled Ancient Monument – the Priory and Hospital of St Mary Spital

Conservation Area: Elder Street Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant material considerations.
- 2.2. The proposed development is for a retail led development, together with flexible A1/A3 and A1/D2 (gym) floorspace. In addition to the change of use of existing office floorspace, the proposal seeks the introduction of a two storey retail building on Lamb Street (which is an extension to the existing structure housing the access ramp to the underground car park), an extension to existing retail units, and public realm works which include the narrowing of both Market Street and Lamb Street.
- 2.3. From a land use perspective, officers have considered the acceptability of the loss of office floorspace in the context of the Preferred Office Location (POL) designation and in this instance, for the reasons set out in the report, consider it to be justified. The proposed uses are considered to be compatible and would support the function of the Central Activity Zone (CAZ), the POL and Spitalfields as an office and retail destination.
- 2.4. It is envisaged that the proposed uses, together with the public realm works, would enhance the vibrancy of the area and contribute to its character. The proposed Lamb Street building is considered to introduce some identity, activity and vibrancy to Lamb Street. The proposals are considered to enhance the quality of the public realm, and improve the pedestrian and retail experience for residents and visitors alike. The narrowing of the streets, together with the extension of the retail units, is considered to result in a public realm that, due to its human scale, enhances the relationship between people and place.
- 2.5. The proposal does not however come without objection; residents have raised considerable concerns regarding its use, scale and massing, architecture and relationship with existing surrounding residential development and Elder Gardens.
- 2.6. Officers consider that the appearance of the building, in the context of its function, is acceptable and do not feel that it gives rise to unacceptable impact upon the character and appearance of the surrounding area, including the conservation area and listed buildings. Amendments to reduce the scale and massing at the eastern end of the proposed building and the design approach for the rear elevation have been secured. Officers are satisfied that the amendments adequately address the concerns raised and would result in a high quality scheme.
- 2.7. Concerns surrounding the amenity impacts of the proposals, including daylight and sunlight and noise impacts, are also prevalent throughout the objections. The daylight and sunlight report that was amended in line with the aforementioned design amendments is however considered to demonstrate that the proposal would not result in an unacceptable impact upon neighbouring windows, but would have a moderate impact on the sunlight received by Elder Gardens. Giving consideration to the dense urban nature of the surrounding environment and the overall benefits of the scheme, officers do not consider that this impact is significant enough to warrant a refusal. Further consideration has also been given to the impacts of the proposals upon the visual amenities of neighbouring occupiers; it has been concluded that the detailed design of the proposed building, including the revised

scale and massing, rear elevation and privacy screening, mitigate any further unacceptable impact.

- 2.8. Officers have also had regard to the noise impacts of the proposal. This has been considered in relation to the Noise Assessment submitted by the applicant. It is considered that through securing the noise mitigation measures and management plans proposed (including delivery and servicing and outdoor seating), the proposal would not give rise to an unacceptable noise impact upon neighbouring occupiers.
- 2.9. Officers have also had careful regard to the highways and transport impacts of the proposal, including the implications upon the movement of pedestrians and cyclists resulting from the narrowing of Lamb Street and Market Street. Officers are satisfied that the proposed amendments to the Lamb Street proposals, which includes the removal of street furniture, would maximise the space available for safe movement whilst achieving a public realm that is comprehensible at a human scale.
- 2.10. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the notable improvements that the applicant has made to the scheme throughout the pre-application and planning application process.
- 2.11. For the reasons set out above and the detailed further within the report, officers feel that the proposed development offers several benefits to the borough particularly through contributing to the delivery of good placemaking for Spitalfields, without significantly compromising the residential amenity of neighbouring properties.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission and listed building consent subject to:

The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Contributions

- a) A contribution of £10,896 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £48,665.27 towards employment skills and training to access employment in the commercial uses within the final development (end use phase);
- c) A contribution of £12,240 towards carbon off-set initiatives
- d) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£71,801.27** + monitoring contribution

Non-financial contributions

- a) A commitment to secure at least 20% local employment during the construction

- and operational phases
 - b) A commitment to secure at least 20% of procurement from local business during the construction phase
 - c) Apprenticeships during construction and end user phases (2 at NVQ Level 2)
 - d) A commitment to comply with the Council's code of construction practice.
- 3.2. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director for Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Compliance conditions

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

Prior to commencement conditions

10. Construction Logistics Plan;
11. Materials (samples), including shopfronts
12. Piling Method Statement
13. Details of cycle parking

Prior to completion of superstructure works conditions

14. Details of green roof

Prior to occupation conditions

15. Delivery of energy strategy and Co2 savings
16. BREEAM final certificates

Informatives

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

4. SITE DESCRIPTION AND PROPOSAL

- 4.1. The applicant is seeking planning permission for the demolition of the existing canopy on Market Street and the following proposed works:

Summary of proposed works

Market Street:

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

Lamb Street:

- The change of use of part of the Bishops Square building (southern side of Lamb Street) at ground floor level from Class BA to Class A1/A3, together with new shopfronts;
- The construction of a new two storey building (flexible Class A1/D1 gym) over the existing vehicle ramp on the northern side of Lamb street;
- New hard and soft landscaping.

4.2. Officers will have regard to the proposals in greater detail below.

Market Street proposals in detail

4.3. The proposed development would involve the removal of the existing canopy on Market Street. An image of the existing canopy is below:



Figure 1.1: Existing Market Street with canopy.

4.4. The proposal also seeks the extension of the shop units on the northern side of Market Street. The shopfronts would be brought in line with the existing pillars

(approximately). They would also be extended to the rear, resulting in the change of use of 339sqm of office floorspace to retail floorspace.

- 4.5. As a result of the proposal, the width of Market Street would be reduced to 5.6m. Associated outdoor seating is also proposed. The plans show that with the outdoor seating in place on either side, a 'clear route' of 4m would remain.
- 4.6. For ease of reference, the existing Market Street is 7.1m wide, or 9.4m if including the section of street beneath the Bishops Square office building overhang.
- 4.7. The ground floor plan below shows the extension of the existing retail units, the new retail unit on the corner of Bishops Square and Market Street and the reduced street width.

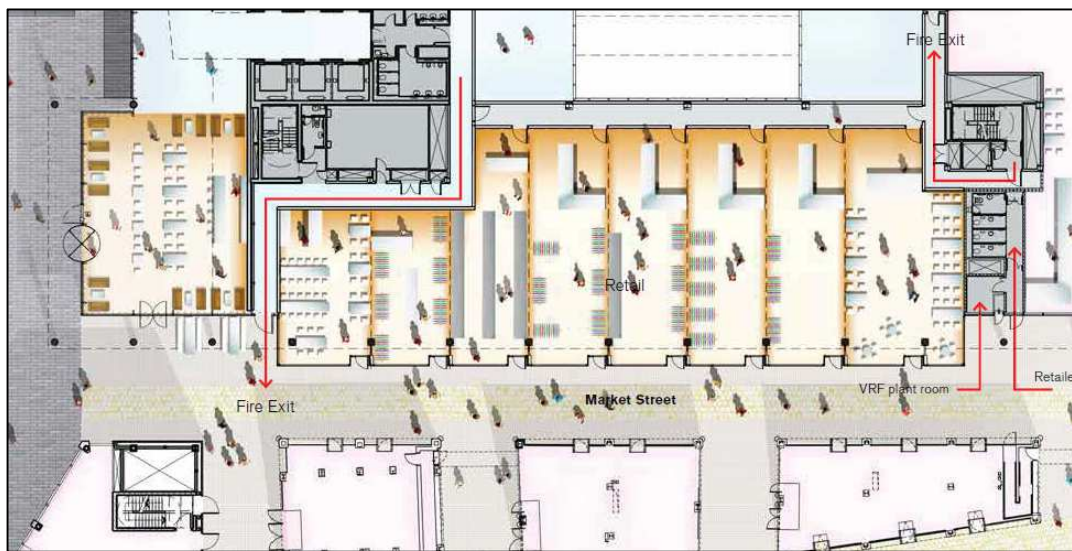


Figure 1.2: Ground floor plan showing Market Street proposals

- 4.8. The proposal includes shopfront designs in respect of the extended units. Four shopfronts have been detailed; it is proposed that the retailers that occupy the new units would choose between one of the shopfront designs.
- 4.9. The below image shows the Market Street proposals in CGI form:



Figure 1.3: Market Street CGI – proposed

Lamb Street proposals in detail

- Southern side of Lamb Street

- 4.10. The proposals seek the change of use of the 408sqm of ancillary office space on the northern side of the Bishops Square office building. It is proposed that this is flexible A1 (retail)/A3 (restaurant) use. An image of the existing elevation is below:



Figure 1.4: Existing Lamb Street (south)

- Northern side of Lamb Street

- 4.11. The proposal seeks the extension of the existing single storey ramp on the northern side of Lamb Street, resulting in a two storey building. Access to the basement carpark would not be affected by the proposals. The existing ramp can be seen in the image below:



Figure 1.5: Existing Lamb Street (north) with ramp

4.12. The proposed building would comprise 9 retail units (kiosks) at ground floor and flexible A1 (retail)/ D2 (gym) at first floor. The first floor would be accessed via a double height entrance at the western end of the building. The building can be accessed via a ramp and there is a lift at ground floor. A section through the proposed building is below:

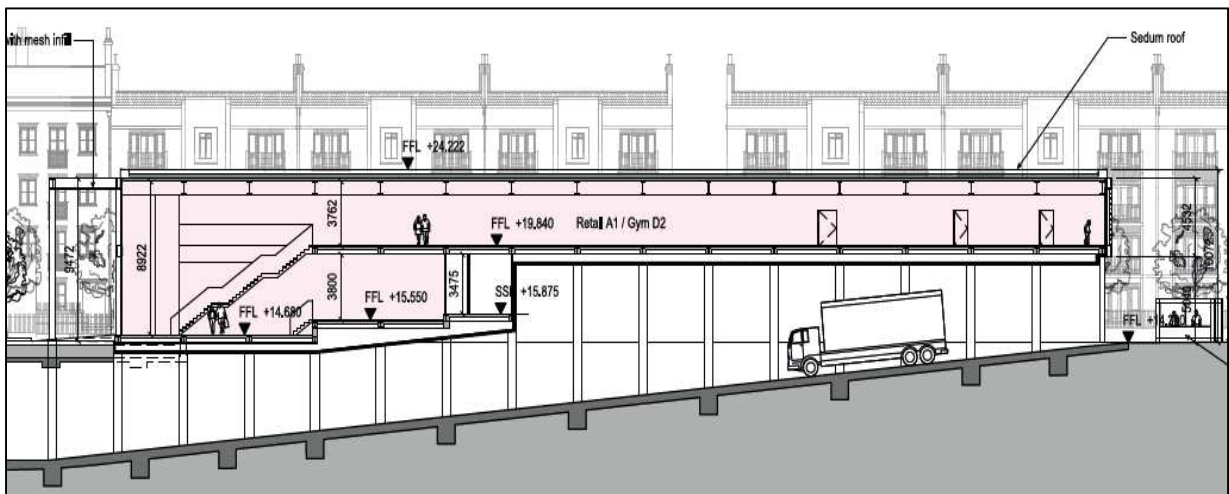


Figure 1.6: Section through the proposed Lamb Street building

4.13. In terms of dimensions, the proposed building would be 10m in height, 13.9m deep and 67.7m in length. There would be a separation distance of approximately 1.3m between the rear elevation of the proposed building and the boundary railings of Elder Gardens.

4.14. For ease of reference, officers have also measured the dimensions of the existing ramp structure. It is 3.9m in height, 8.7m deep and 54.3m in length. There is an existing separation distance of 1.8m between the rear elevation of the ramp and the boundary railings of Elder Gardens.

4.15. The proposal also includes a small security kiosk to the east of the proposed Lamb Street building. This would be approximately 2.4m in height and 4.5m in length.

- 4.16. As a result of the proposed building, the proposals would also result in the narrowing of Lamb Street to 6m in width, when measured to the edge of the Bishops Square office building canopy. If measured to the ground floor elevation of this building, Lamb Street would be 12.5m in width.
- 4.17. The existing Lamb Street is 11m when measured to the edge of the canopy and 16m when measuring the full width.
- 4.18. The proposed street width is shown below:

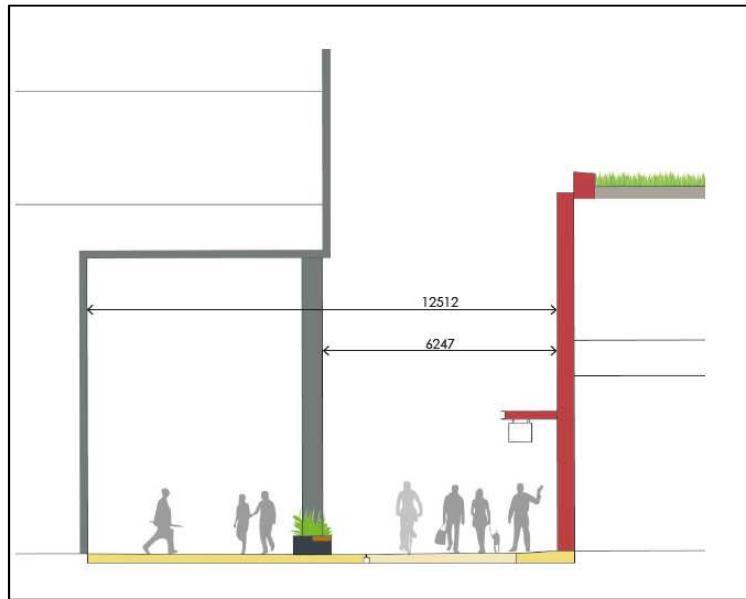


Figure 1.7: Lamb Street – proposed street width

- 4.19. The ground floor plan below shows the proposed arrangement on Lamb Street:

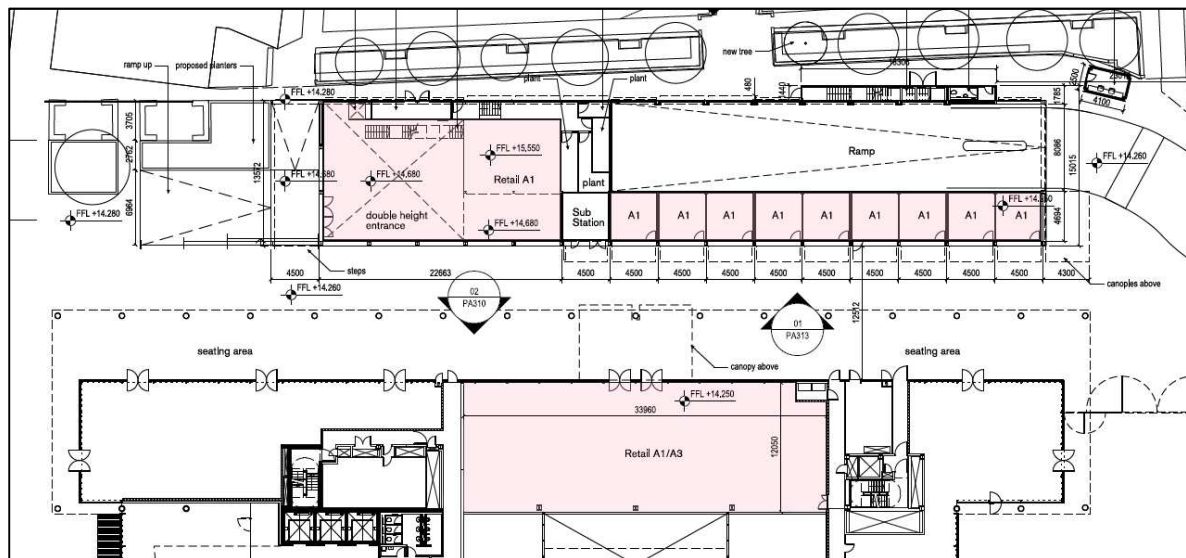


Figure 1.8: Lamb Street proposals

- 4.20. In terms of detailed design and materiality, the proposed building would comprise a structural frame, in red micaceous iron oxide, that would be infilled by glazing, canopies and partitions.

- 4.21. For the rear elevation of the proposed building, a further variation of materials is proposed. This includes continuous aluminium solid panel at ground level and at both levels at the eastern end of the elevation, open louvres, weather louvres, aluminium privacy screen and projected bay windows with laminated depth.
- 4.22. The below images include a CGI of the proposed Lamb Street streetscene and the rear elevation of the proposed building.



Figure 1.9: Lamb Street CGI – proposed



Figure 2.0: Lamb Street building – proposed rear elevation

- Landscaping

- 4.23. To Market Street, the hard surfacing comprises yorkstone paving connecting to Brushfield Street. A green roof, to include sedum, wildflower and plug planting is also proposed for the roof of the extended shop units.
- 4.24. To Lamb Street, the hard surfaces would also be yorkstone paving. The entrance to the proposed Lamb Street building would include a slope, steps, ramp and handrails as required. The Lamb Street paving also includes a rumble strip (yorkstone sett banding) to slow down cyclists.
- 4.25. In terms of planting and trees, the proposal would give rise to the loss of two existing trees on Lamb Street, close to the western entrance of Elder Gardens.
- 4.26. The proposal includes the planting of two additional trees in Elder Gardens, comprising a London Plane and a Prunus Kanzan.

- Cycle Parking

- 4.27. The proposals seek 14 long stay spaces and 41 short stay spaces. The short stay spaces would be provided in the form of Sheffield stands and would be located in Spital Square. The long stay spaces would be provided within the existing Underground Service Area by introducing a further two tier cycle rack.

5.0 Site and Surroundings

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



Figure 2.1: Satellite image of the application site and surrounding area.

- 5.3 Market Street is to the south of the Bishops Square and is fronted by retail units on both sides. The street is pedestrianised and covered by a canopy that extends from Bishops Square to the Grade II listed Horner Market buildings. As existing, there is also street furniture and artist's stalls present at various points along Market Street. Refer to Appendix 2 for site photographs.
- 5.4 The Grade II listed Horner Buildings enclose the Old Spitalfields Market and wrap from the eastern end of Lamb Street along Commercial Street and around to Market Street.
- 5.5 Lamb Street is to the north of the Bishops Square building and connects Spital Square (in the west) to Commercial Street (in the east). It is a pedestrianised street which is also heavily used by cyclists.
- 5.6 The Bishops Square building overhangs the southern side of Lamb Street and comprises a restaurant towards the eastern end and a retail unit towards to western end. There is a single storey timber and metal framed structure on the northern side of Lamb Street that encloses a vehicle ramp that allows access to the basement of the Bishops Square building. To the immediate east of the ramp enclosure is a single storey security kiosk.
- 5.7 To the north of Lamb Street, there is a residential development which includes the following building addresses:
- 26-27 Spital Square
 - Priory House
 - Vanburgh House
 - Linnell House
 - Dandridge House
- 5.8 The built form comprises a horse shoe arrangement around Elder Gardens, a publicly accessible green space. Elder Gardens can be accessed via the entrance gates which are located at the eastern end of Lamb Street, at the western end of Lamb Street and off Folgate Street.

- 5.9 There is also a space between the ramp enclosure and the boundary railings of Elder Gardens which is used by pedestrians as a path/ access route.
- 5.10 Lamb Street is also currently used by temporary food vendors at varying times during the week.
- Site/ policy designations
- 5.11 The eastern part of the site lies within the Brick Lane/Fournier Street Conservation Area and as referred to above, is adjacent Horner Market buildings are Grade II listed.
- 5.12 The site is within an Archaeological Priority Area. The Scheduled Monument of the Priory and Hospital of St Mary Spital is also within the vicinity.
- 5.13 Part of the site falls within the Preferred Office Location (POL) designation. It is also located within the Central Activity zone (CAZ) and within the core growth area of the City Fringe Opportunity Area.
- 5.14 In terms of public transport and accessibility, the site has a PTAL rating of 6b.

6.0 Relevant Planning History

Bishops Square

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

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

Lamb Street

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

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

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

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

Pre-application

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

- Full justification surrounding loss of existing office use (within POL) required.
- Scale and massing of the proposed Lamb Street building at its eastern end.
- Design of the rear elevation of the proposed Lamb Street building.

7.0 POLICY FRAMEWORK

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

Planning (Listed Building and conservation Areas) Act 1990

7.2 Government Planning Policy Guidance/Statements

National Planning Policy Framework (2012) (NPPF)
National Planning Guidance Framework (2014) (NPPG)

7.3 London Plan (MALP) (2016)

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land

- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.26 Blue Ribbon network and freight
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.4 **Core Strategy (2010)**

- 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
- 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
- SP13 Planning Obligations

Annex 9: Delivering Placemaking

7.5 **Managing Development Document (2013)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM6 Student accommodation
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM16 Office Locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight

DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM26 Building heights
DM27 Heritage and the historic environments
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land
Annex 2 Standards: Parking

7.6 **Emerging Planning Policy**

7.7 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.

7.8 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

7.9 **Supplementary Planning Documents include**

LBTH Elder Street Conservation Area Character Appraisal and Management (2007)

LBTH Planning Obligations SPD (2016)

Mayor of London's SPG: Planning for Equality and Diversity in London (2007)

Mayor of London's SPG: Accessible London: Achieving an Inclusive Environment (2004)

Mayor of London's City Fringe / Tech City Opportunity Area Framework (2015)

8.0 **CONSULTATION RESPONSE**

8.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The responses of both internal and external consultees are set out below:

Internal Responses

LBTH Design and Conservation

- 8.3 The alterations to shopfronts and the building line at ground floor on Market Street are considered to be acceptable in principle.
- 8.4 The proposed glazed balustrades above the shopfronts on Market Street are unacceptable and should be removed from the proposals.
- 8.5 The removal of the canopy is considered to be acceptable, but more information is required in relation to its impact on the listed fabric.
- 8.6 The proposed use of red for the Lamb Street (North) building is considered to be harmful to the setting of the listed buildings and character and appearance of the conservation area.
- 8.7 The design and materiality of the rear elevation of the two storey building on Lamb Street is unacceptable. It does not provide sufficient visual interest or successfully break up the two storey blank façade. This has been treated as the rear elevation of the building, but as the rear fronts Elder Gardens and is also viewed from within Priory House and Vanburgh House greater consideration should be given to this element so it doesn't appear to have been forgotten about, as is currently proposed.

LBTH Environmental Health – Contaminated Land

- 8.8 No response received.

LBTH Biodiversity

- 8.9 The existing landscaping of Bishops Square includes a water feature which is likely to be of some biodiversity value. The rest of the soft landscaping in the area comprises mown grass and mostly non-native trees and is of very limited biodiversity value.
- 8.10 The proposed planters on Lamb Street could benefit bees and other pollinating insects if they contain a good range of nectar-rich flowers, chosen to provide nectar for as much of the year as possible. This would contribute to a LBAP target.
- 8.11 A condition should be added in respect of the proposed green roof and any other biodiversity enhancements. Best practice guidance on biodiverse roofs has been published by Buglife and should be referred to when the detailed design of the green roof is drawn up.

LBTH Enterprise and Employment

- Employment/enterprise contributions at construction phase
- 8.12 The developer should provide two construction phase apprenticeships to a minimum specific of NVQ Level 2.
- 8.13 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The

Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service (Construction).

- 8.14 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.
- 8.15 The Council will seek to secure a financial contribution of £10,896.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- Proposed employment/enterprise contributions at end-use phase:
- 8.16 The council seeks a monetary contribution of £48,665.27 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the uses A1, A3 of the development
 - ii) jobs or training within employment sectors relating to the final development
- 8.17 Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

LBTH Energy and Sustainability

- 8.18 The submitted Energy and Sustainability report demonstrates that the design has followed the principles of the Mayor's energy hierarchy, and seeks to reduce energy demand through energy efficiency measures and use of air source heat pumps. The proposals are a mix of refurbishment, change of use and new build development. The proposed design is anticipated to achieve a 33% in CO2 emissions. Whilst this is below the policy target of 45% the applicant is proposing to fulfil the shortfall through a carbon offsetting contribution.
- 8.19 The CO2 figures are:
- Baseline – 56.8 Tonnes/CO2/yr
 - Proposed Design – 38.0 Tonnes/CO2/yr
 - Policy Target – 31.24 Tonnes/CO2/yr
 - Carbon offsetting payment to DM29 policy requirement – 6.8 (Tonnes/CO2/yr) x £1,800 = £12,240
- 8.20 The proposal for the scheme is to achieve a BREEAM Very Good rating which in this instance is considered acceptable given the type of scheme and constraints of utilising the existing structure. The delivery of BREEAM Very Good is supported and should be secured via condition.
- 8.21 The current proposals have sought to implement energy efficiency measures to deliver a 33% reduction in CO2 emission reductions. Whilst this is below the policy target, a carbon offset contribution should be secured to deliver additional CO2 reductions across the Borough.

- 8.22 It is recommended that the proposals are secured through appropriate conditions to deliver:
- Delivery of Energy Strategy and CO2 savings to at least 33% and submission of as built calculations to demonstrate delivery of the energy efficiency measures
 - Carbon offsetting payment of £12,240
 - Submission of the Final BREEAM certificate to demonstrate scheme delivered to a BREEAM Very Good standard

LBTH Waste Policy and Development

- 8.23 No objections

LBTH Transportation and Highways

- 8.24 No objections to Market Street proposals.

- 8.25 Concerns were however raised in relation to the Lamb Street proposals as Lamb Street is a connector of main roads – Bishopsgate and Commercial Street – and is used by both pedestrians and cyclists as a link between these roads and the public transport infrastructure.

- 8.26 Objections were raised on the basis that the proposals to narrow this section of Lamb Street would prevent cyclists from accessing the area, or increase the chances of pedestrian/cyclist collision.

- 8.27 Following amendments to the scheme, which included the removal of street furniture and hardscaping measures to mitigate conflict between cyclists and pedestrians, highways are satisfied that the proposals would provide a decent environment for both pedestrians and cyclists.

Sustainable Urban Drainage (SUDS) officer

- 8.28 A condition requiring the submission of a surface water drainage scheme should be added to the permission. This should be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

External responses

Transport for London

- 8.29 The comments below provide a record of TfL's initial comments to the scheme. The applicant has responded to TfL's comments and TfL have confirmed that they are satisfied and do not have further concerns. A note of this response is set out in the addendum to the Transport Assessment.

- Public realm

- 8.30 No concerns over changes to public realm and street/footpath widths

- Car parking

- 8.31 Car-free nature of proposal supported given PTAL of 6b.

- Cycle parking
- 8.32 The applicant should provide a breakdown of the cycle parking provision.
- 8.33 The Transport Assessment has not assessed demand at the local cycle docking stations. The applicant should assess increased demand on docking stations.
- Servicing and delivery
- 8.34 Vehicles associated with the development must only park/stop at permitted locations/time periods.
- Construction
- 8.35 Footway and carriageway on Commercial Street and Bishopsgate must not be blocked during construction. Temporary obstructions must be kept to minimum.
- 8.36 No skips or construction materials shall be kept on carriageway/footway of the TLRN.
- 8.37 Licences should be obtained from TfL in respect of scaffolding/ hoarding on the footway.
- 8.38 The applicant should submit a Construction Logistics Plan (CLP).

Historic England (Archaeology)

- 8.39 The proposed scheme will impact upon the Scheduled Monument of the Priory and Hospital of St Mary Spital. Scheduled Monument consent will therefore be required.
- 8.40 Proposed works however seem to be located in areas that have previously been partly or fully excavated, so whilst consent is required, this should not place onerous condition upon the scheme.
- 8.41 With regards to the Archaeological Assessment submitted, Historic England is content that the groundworks impact areas in the application have been previously archaeologically excavated. It is therefore concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are considered necessary.

Historic England

- 8.42 No objections.

Crime Prevention (Metropolitan Police)

- 8.43 The design out crime team have a number of site specific concerns as outlined below, but considered that a condition requiring the developer to engage with both the police and local authority to achieve 'Secured by Design' accreditation/ status would reassure the Police and mitigate many of these concerns.
- External seating

- 8.44 The capacity of the proposed seating should be proportionate and preferably grouped in smaller hubs, restricting larger groups being able to form.
- 8.45 External furniture such as benches and planters should be of robust vandal and graffiti resistant design. It should be fixed to ground to prevent it being stolen/ mis-used. Wherever external seating is placed, it will encourage customers to congregate with potential for noise nuisance to neighbouring residents of park users.
- Landscaping
- 8.46 Planters should be sympathetically designed to inhibit planting of weapons. Defensive planting should be considered. Planting should also not impede the opportunity for natural surveillance.
- 8.47 New trees should not reduce light from lamps or provide climbing aids.
- Signage
- 8.48 Signage should be clear and legible.
- Emergency vehicle bays and cycle
- 8.49 Where possible design in emergency vehicle bays in to the more isolated aspects of the traffic management design.
- 8.50 Exterior visitor cycle stands should be located as close as possible to these core entrances to avoid them being isolated and not used.
- Buildings
- 8.51 Blank facades should be limited and should minimise the opportunity for hiding and climbing up into windows/ onto roofs.
- Lighting
- 8.52 Traditional (lamp post) street lighting is preferred over bollard lighting, ideally fitted with Aux power points to power microwave CCTV cameras if needed.
- Floor treatment
- 8.53 The floor treatment should change when entering the covered (managed environment) to reinforce the change of environment.
- Doors and windows
- 8.54 Recommended use of LPS 1175 SR2 rated doors for all communal 'back of house' entrance doors that are open to air or contained within loading bays or car parks. Fire exits must discharge at ground level and not allow access in to internal staff only stair cores above ground floor.
- 8.55 Where possible, double-leaf communal doors should be designed out, as single doors (ensure DDA compliant) are more robust and preferable.

- 8.56 All new internal doors of the building envelope that will be secured by the access control fob system will be to an acceptable security certification.
BS PAS 24-2012
LPS 1175 sr 2+
STS 201
STS 202 BR2
- 8.57 All new opening and accessible windows will be to a security certification as above with laminated glass to P2a standard. (PAS 24-2012).

Thames Water Utilities Ltd.

- 8.58 Surface water drainage is the responsibility of the developer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 8.59 Thames Water has set out the requirement for a condition requesting the submission of a Piling Method Statement prior to the commencement of works. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 8.60 There are public sewers crossing or close to the development; in order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.
- 8.61 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling has been carried out.
- 8.62 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 8.63 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Crossrail Ltd

- 8.64 The site of this planning application is identified within the limits of land subject to consultation under the Safeguarding Direction. The implications of the Crossrail proposals for the application have been considered and it is confirmed that Crossrail Ltd do not wish to make any comments on this application as submitted.

9.0 LOCAL REPRESENTATION

9.1 A total of 402 neighbouring properties were notified about the application and invited to comment. Site notices were also displayed close to and within the site. This is illustrated on the map appended to this report. The application has also been publicised on site, by way of a site notice and advertised in the local press. The following amenity societies/ residents groups were also consulted:

- Save Spitalfields Campaign
- Spitalfields Community Association
- Spitalfields Joint Planning Group
- Spitalfields Old Market Tenants and Residents
- St Georges Residents' Association
- Stepney Street traders Association

9.2 Four letters have been received in support of the proposal. A further twenty-six letters of objection have been received, including one from St Georges Residents' Association.

9.3 The issues raised in the representations received are summarised below:

Support

Land use

- The proposals will generate footfall at a time when it is of most value and causes least disturbance to local residents.
- Additional retail will add to the existing retail mix Spitalfields has to offer.

Design, heritage and local character

- The removal of the canopy will allow for great view of Christ Church.
- Colour and design of the proposed structure is interesting; its vibrant appearance will attract pedestrians to an area that is currently dull and un-welcoming

Public realm and access

- Wheelchair friendly access across the development.
- The proposals will enliven the surroundings for shoppers and visitors to market.
- The proposals will ensure the quality of the retail experience

Employment

- Employment opportunities for locals

Objections

Land use

- The proposals are of a different nature to the previously approved scheme in Lamb Street; the new application jams more commercial space into a residential area.

- Creeping commercialisation.
- Over-densification of use.
- The balance between residents and visitors has become unmanageable.
- Objection to change of use from B1 to A3/A4; the provision for another restaurant would add to all the existing delivery nuisances.
- Would the addition of so much retail create an imbalance between residential and commercial.
- The area does not need more shops and quick serve food offers.
- The submission does not guarantee that there will be a prohibition on alternative Use classes being sought for the retail stores in the future; for example, A3 would generation further impact.
- The removal of the canopy on Market Street would reduce its flexibility as a market area.

Design, heritage and local character

Lamb Street

- The proposed red structure is garish and out of keeping with the local area.
- The proposed retail building is brutally industrial in appearance and clashes with other buildings.
- No attempt to lessen impact of proposed retail building; rather, it is the reverse and makes a statement, in brightest colour possible.
- The giant steel structures are on a massive scale and far from pleasing; it would be more in keeping at a container port than alongside a public garden close to a conservation area.
- Is there a balance being struck between progress and preserving the historically important integrity of the building.
- The building is at odds with the historic area and traditional feel of Spitalfields.
- The proposed building would contribute to loss of Spitalfields' character and identity.
- The proposals fail to preserve and enhance the historic streetscape of Lamb Street.
- The existing sense of openness would be replaced with views of a bland and imposing façade.
- Dense penetration of building in a narrow area of space.

- Hides Elder Gardens – makes it less visible and accessible.

Market Street

- The benefit of a better view of Christ Church spire is offset by the reduction in protection against adverse weather.

Amenity

Daylight and sunlight impacts

- The Lamb Street building would overshadow and deprive light from Elder Gardens (one of the precious and few green spaces in the area); the building would increase the struggle of plantings on the north side of the garden.
- Loss of light/ overshadowing to Lamb Street.
- Loss of daylight and sunlight for the residents of 40 Folgate Street.
- It would completely block the sun in November and February.
- The statistics provided states that only a small percentage of flats would be impacted by a loss of light due to the Lamb Street building; this is misleading to the point of dishonesty – at least 6 out of the 8 flats in our block are directly impacted.
- The proposed structure would obstruct more of the light from the market.
- All of the photographs included within the application submission were taken over the summer months when the sun is at its highest point. Even in these photos, only half of the pavement is out of the shadows of the ramp which is 1/3 of the height of the proposed wall.

Privacy, sense of enclosure

- Privacy would be reduced where people on the roof terrace of the proposed building would be able to look into the flats of residents on the lower floors around Elder Gardens.
- Unacceptable sense of enclosure for residents of 40 Folgate Street.
- Residents would feel claustrophobic when looking out of balconies/ windows; the view of the sky would be lost.
- The overhanging, bulky structure closes up the open air and light coming from the south-east entrance area of Elder Gardens.
- Western canopy is very close to the residences in Spital Square and would cause major loss of visual amenity to many residences.
- The proposal would enclose Elder Gardens and make area claustrophobic.
- Eastern elevation of Lamb Street building would be directly and closely overlooked.

Noise, disturbance and odours

- The details in the Noise Impact Assessment are difficult for the average person to comprehend.
- It appears that no assessment of the noise impact of vehicles traveling to and from Bishops Square and the Commercial Street/Lamb Street junction.
- There is little information within the application submission surrounding odour mitigation or extraction.
- Concerns surrounding smells associated with A3/A4/A5 uses.
- The proposed gym opening hours until 11pm is too late as it would cause noise and disturbance.
- The operating areas of the gym should be Monday- Friday 8am-5pm.
- By suggesting that the building would need to have extra noise insulation when constructed proves the point that this is an unsuitable location for a gym.
- Concerns surrounding drinking establishments and associated anti-social behaviour including smoking outside and loud noise.
- Increased footfall will bring noise to relatively quiet zone of Spitalfields Market.
- Noise and disturbance resulting from delivery vehicles and rubbish collection is already causing disturbance.
- The location of bin area between the new structure and Elder Gardens is unacceptable as the path is narrow. It would result in smells, cleanliness issues, noise. It should be positioned away from residential area.
- No regard has been had to the management of outdoor seating areas.
- The bin area and air conditioning units should be repositioned away from residential area.
- The canopy area adds nothing to retail space or architecture, but would result in more people gathering and associated disturbance and less privacy, including 27 Spital Square
- Increased air pollution associated with servicing and delivery and additional retail units.
- The construction phase would impact on amenity.
- Construction hours must be limited by planning conditions.
- Generator room vents on the rear elevation would cause noise.

Highways

Pedestrian and cyclist movement

- Pedestrian area will be squeezed and the passageway would be greatly restricted in Lamb Street and Market Street.

- The narrowing of Lamb Street would reduce flow of pedestrians, wheelchair users and cyclists.
- There would not be adequate space for pedestrians and cyclists.
- Lamb Street is heavily used by cyclists; reduction of space guarantees that a pedestrian would be hit by a cyclist and significant risk of dangerous accident.
- Food couriers park and loiter in the area waiting for delivery work; blocking pathways and benches.
- Narrowing path between Elder Gardens and the proposed building would make access harder and cause congestion.
- Bin store at the back of the development, together with narrowing of path, will render the walkway almost unusable.

Delivery and servicing

- The existing deliveries already arrive outside the correct time limits and create excessive noise; it is estimated that the number of delivery vehicles would increase by 50%.
- Significant increase in deliveries early in the morning and late at night; resulting in increased traffic congestion and risk of collision with cyclists and pedestrians.
- Inadequacy of parking/loading/turning associated with the servicing of the units.
- The predicted additional 3-4 deliveries for 10 retail kiosks at street level and D1 above is unrealistic.
- The Statement in para 3.2.2 stating that the vehicle movements in Lamb Street are currently around 7 per day, with an additional 3-4 associated with the proposal is the most unbelievable part of the assessment.

Crime and security

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

Process

- The planning application is misleading as it joins two proposals that have substantially different impact on the surrounding areas. There should be two distinct applications. Joining them constitutes a denial of a due process for those impacted and substantially limits the opportunity for a fair public hearing of grievances from the impacted by the Lamb Street portion of the applications. The applications are deliberately confusing members of the Planning Committee.

Other

- Rodent problem increased massively in recent years in line with growth of number of food outlets in the area.
- Additional park space/ public open space should be provided as a priority as part of this application.
- Every time a new planning application is filed, it moves farther and farther from the original plan for the use of the space (the original Master Plan).
- Is there not an opportunity to include toilets (payable), other than those only available to restaurant customers?

St Georges Residents' Association

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

- The assertion made within the application submission that the appearance of the ramp building picks up on other buildings in the locality is farfetched.
- Concerns surrounding the amenity impacts arising from congestions at the eastern and western ends of the proposed Lamb Street building, near 26/27 Spital Square and near 31 Lamb Street.
- Loss of light
- The proposals would cause congestion for pedestrians; causing more difficulty for people with pushchairs, wheelchairs, walking frames, and family groups to be able to walk without the battle of negotiating between market stalls and restaurant seating.
- Elder Gardens will be much affected by overshadowing and planting struggles
- The aboricultural report refers to a single storey structure- its validity is therefore questioned.
- Delivery drivers currently disregard agreed delivery times.
- There are noise impacts on Dandridge House associated with deliveries/ queuing of vehicles; the noise assessment does not consider the cumulative impact of more than one vehicle queuing at a time.
- Cannot see how it is possible for deliveries to be unloaded on Lamb Street given the width of the street, which is also a popular pedestrian and cycle route.
- Increased exposure to noise from people, traffic, handling of bins
- Object to another restaurant/ bar on Lamb Street – the existing units so not stick to delivery rules

- The estimated additional 3-4 deliveries a day is unrealistic
- An increase in noise associated with the proposed gym is unacceptable, too close to people's homes.
- Location of bin stores to the rear of the Lamb Street building would result in noise impact for residents
- No public toilets provided.
- The narrowing of Market Street will cause increased pedestrian congestion.
- The narrow passage to the rear of the Lamb Street building will feel less safe for pedestrians.

10.0 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Land use
- Design and heritage
- Neighbouring amenity
- Highways and transportation
- Energy and sustainability
- Biodiversity
- Archaeology
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

General Principles

- 10.2 At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The proposal seeks the introduction of additional commercial floorspace to the application site, including A1, A3 and D2 (gym) uses. The proposals would give rise to the loss of B1 (a) floorspace.
- 10.4 The site falls within the Bishopsgate Road Corridor 'Preferred Office Location' (POL). Here, major office development is the focus, with supporting uses such as

gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.

- 10.5 The application site is also within the core growth area of the City Fringe Opportunity Area which is identified by the London Plan as containing a significant development potential.
- 10.6 Annex 9 of the Core Strategy 'Delivering placemaking' sets out a vision for Spitalfields. The vision is "a historic gateway to the vibrancy of Spitalfields Market, Trumans Brewery and Brick Lane". It further states that:

"Spitalfields will continue to be a vibrant, diverse and mixed use area. It will continue to be a vibrant, diverse and mixed use area...Development in Spitalfields will be sensitive and responsive to the mixed use, fine urban grain character that defined the places in the city fringe. It will conserve the historic fabric and enable the integration of new development to reinforce this unique townscape."

Loss of the existing use

- 10.7 As previously stated, the site is located within a POL. Policy DM16 'Office locations' of the Managing Development Document (MDD) (2013) states that development resulting in the net loss of office floorspace in POLs will not be supported.
- 10.8 The proposals would give rise to the loss of 747sqm of floorspace ancillary to the B1a office floorspace within the Bishops Square building. The application submission explains that this floorspace is either circulation space or back-of-house ancillary space to the office use of the building. This includes part of an over-sized reception, a toilet, a prayer room, security room and a mailroom.
- 10.9 The application submission has confirmed that the prayer room would be relocated within the music room. It has also confirmed that the floorspace lost would not influence or impact upon the quantum of employment on the premises.
- 10.10 On this basis, officers are satisfied that the proposals would not be to the detriment of the office and employment function of the Bishops Square building, nor the wider POL.
- 10.11 Officers are further satisfied that the proposed uses would be compatible with, and contribute to, the sustainability of the major office environment. This is reflected in the supporting text of Policy DM16 which states that supporting uses such as gyms, hotels, restaurants and retail help to achieve a sustainable office environment.
- 10.12 The proposal would also give rise to the loss of the existing food vans on Lamb Street. The applicant has provided further information in this regard and has outlined that the existing food vans on Lamb Street were introduced as a temporary solution to bring greater activity and animation to Lamb Street. It is further outlined that the intention has always been that the food vans would make way once a permanent proposal to improve Lamb Street came forward. The applicant considers that the proposal would continue to achieve the objectives to improve the appearance and function of Lamb Street. It is also noted that there will remain opportunities for temporary stalls /vans to be located from time to time

elsewhere around Bishops Square to enrich the overall variety of offering the locality makes.

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

Proposed uses

- 10.15 Table 1.1 below sets out the proposed floorspace by location and land use. Regard is had to the principle of each land use below.

	Use Class	GIA (sqm)
Market Street	A1 retail	998
Lamb Street (south)	Flexible A1/A3	408
Lamb Street (north) ground floor	A1 retail	553
Lamb Street (north) first floor	Flexible A1/D2 (gym)	748

Table 1.1: Proposed land uses

- 10.16 In the objections, concerns have been raised in relation to the intensification of retail and restaurant development in the locality. It is considered that this is imbalanced with residential uses.
- 10.17 However, having regard to the town centre hierarchy, the application site is at the top of the hierarchy and located within the Central Activities Zone (CAZ).
- 10.18 In addition to a requirement to support and enhance the retail offer of the CAZ for residents, workers and visitors, Policy 2.10 ‘CAZ – Strategic priorities’ of the London Plan (2016) requires boroughs to:

“enhance and promote the unique international, national and London wide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses...”
- 10.19 The proposed mix of land uses is therefore considered to be compatible with the strategic priorities and character of the CAZ.
- 10.20 As set out in paragraph 10.11, officers also consider the proposed land uses to be compatible with the major office function of the locality.

- 10.21 Further to this, the proposed land uses are considered conducive to the placemaking vision for Spitalfields, a priority of which is *“to promote mixed-use development which adds to the vibrancy, economy and character of the area, while ensuring the management of any negative impacts”*.
- 10.22 This is considered to be particularly positive in the context of introducing vibrancy to Lamb Street, currently a relatively inactive thoroughfare.
- 10.23 In light of this, officers raise no objections to the principle of the proposed land uses.
- 10.24 The flexible nature of some of the proposed floorspace is also unobjectionable from a land use perspective. Officers will have regard to the impacts of each specific use within the relevant sections of this report.

Design and heritage

- 10.25 The discussion surrounding the design and heritage impacts of the proposals will be broken down into the following sections:
- Removal of the canopy in Market Street
 - Shopfronts
 - New two storey building
 - Public realm and landscaping
- 10.26 Chapter 7 ‘Requiring good design’ of the NPPF (2012) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.27 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.28 Furthermore, London Plan Policy 7.4 ‘Local Character’ seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 ‘Architecture’ seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 10.29 London Plan Policy 7.8 ‘Heritage assets and archaeology’ states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details.

- 10.30 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to protect and enhance the Borough's conservation areas and their settings. It also seeks 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. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.31 Policy DM24 'Place-sensitive design' of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development. Policy DM26 'Tall buildings' requires that building height and scale is considered in relation to the town centre hierarchy and is sensitive to the context of its surroundings.
- 10.32 Policy DM27 'Heritage and the historic environment' requires development to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive places.

Removal of the canopy in Market Street

- 10.33 Officers raise no objections to the principal of the removal of the canopy above Market Street and consider that it would improve views of the Grade I listed Christ Church located to the east on Commercial Street. On this basis, it is considered that this element of the scheme would enhance the character and appearance of local area.
- 10.34 Officers have however had regard to the impact of removing the canopy upon the listed Horner Building to which it is currently attached. The application submission provides detailed plans that demonstrate the method of removal. Officers are satisfied that the canopy removal would not harm the listed building.
- 10.35 It is however considered appropriate to attach a condition to ensure that, where necessary, the listed building is 'made good' in materials that match the existing original work adjacent. It is also proposed that the method details are secured.

Shopfronts in Market Street

- 10.36 The extension to the existing Market Street retail units gives rise to new shopfronts on the northern side of Market Street.
- 10.37 The application submission sets out a shopfront design strategy which provides four shopfront scenarios/ designs, including a consistent signage zone and awning positioning. The intention of the four varying scenarios is to provide retailers with flexibility and use the shopfront design most suited to their needs.
- 10.38 As part of the evolution of the shopfront design strategy, the applicant has identified and drawn upon examples of existing high quality shop fronts in the local surrounding area. The character and appearance of these high quality examples has provided design cues for the proposed shopfront designs.
- 10.39 Officers are satisfied that each of the proposed shopfronts would be high quality, relate positively to the character and appearance of the local area and sit comfortably alongside each other. Officers are also satisfied that there is a

sufficient level of consistency between the four shopfront designs to achieve the appropriate level of uniformity.

- 10.40 It is proposed that the shopfront details for all four shopfronts are secured by condition. Further details relating to their materiality will also be secured by condition.
- 10.41 The extension of the shop units beyond the existing pillars is also considered to increase the prominence of the retail units in Market Street. This, together with the narrowing of the street which is discussed later, is considered to result in a greater level of integration between the shops, the public realm and passers by and thus, contribute to the retail character of the street.

New two storey building on Lamb Street (northern side)

- 10.42 The proposal seeks a new two storey building on the northern side of Lamb Street (an extension to existing ramp structure). Further details surrounding the scale, positioning and materiality of the proposed building are set out in paragraph 4.13 above.
- Height, bulk and massing
- 10.43 The proposed building would replace and extend the existing ramp enclosure to introduce retail floorspace at ground floor and flexible retail/gym (B1/D2) at the upper floor.
- 10.44 The proposed building would mark an increase in scale when compared to the existing structure. The building scale has however been reduced since originally submitted. This addressed officer and neighbours' concerns regarding the impacts of the cantilever/over hanging section of building at the eastern end of the building. The concerns related to the overbearing impact and sense of enclosure upon the entrance to Elder Gardens. The openness and spaciousness of this entrance area is considered key to ensuring that Elder Gardens, which contributes to the borough's network of green spaces, remains physically and perceptively accessible to the public. Concerns were also raised in relation to the impact of this section of the building upon residential amenity; this will be discussed at the relevant section of this report.
- 10.45 The plans were amended to remove the cantilever/ over hanging section of building at the eastern end of the building. Officers consider that this helps to consolidate the overall scale and massing of the building and relieve the overbearing impact upon the entrance to Elder Gardens.
- 10.46 In terms of its relationship with the surrounding scale of development, the Bishops Square office building, which is located to the immediate south of the proposed building, is 8 storeys on Lamb Street, with an overall maximum height of 13 storeys. The residential buildings that are arranged around Elder Gardens to the rear of the site range between 4 and 7 storeys. The Horner buildings that form part of the Old Spitalfields market to the east of the site range between 3 and 4 storeys in height.
- 10.47 It is also not considered that the proposed building would impact upon the character and appearance of the listed Horner buildings to the east. Due to their separation distance and positioning on opposite sides of the street, there are

limited viewpoints at which the two buildings would be viewed together. On this basis, officers raise no objections in this regard.

- 10.48 The proposed two storey building is therefore considered to be compatible with the surrounding building heights. Officers have also had regard to the impact of the proposed scale and massing upon Elder Gardens to the rear.
- 10.49 It is recognised, as referred to within the objections, that the proposed building would reduce the sense of spaciousness currently experienced from within Elder Gardens and its visibility from Lamb Street.
- 10.50 As a result, officers sought amendments to the rear elevation of the proposed building. Officers were not satisfied that the elevation, as originally submitted, was sufficiently broken up, nor that it provided the visual interest necessary to mitigate the impact of the new building upon Elder Gardens.
- 10.51 The revised elevation introduces a variation of materiality which is considered to break up the perceived bulk of the new building when viewed from Elder Gardens, as well as introducing a sense of permeability that is considered to reduce its impact.
- 10.52 Officers acknowledge that the proposed building would result in reduced openness on the boundary between Elder Gardens and Lamb Street that could give rise to an increased sense of enclosure. However, in light of the amended rear elevation, it is not considered that the proposed building would alter the character of Elder Gardens to an unacceptable degree.
- 10.53 To summarise the above, the proposed building is considered to be acceptable in terms of its scale.
- Detailed design
- 10.54 The ground floor of the proposed building would comprise 9 small retail (A1) kiosks and an electrical substation. The western end unit would be larger with double height space which connects to the first floor. The first floor would be in flexible A1/D2 use.
- 10.55 The building has been approached architecturally as a standalone building that seeks to establish an industrial aesthetic. The application submission refers to existing examples of the industrial aesthetic in the local area, including the Truman Brewery, the TEA building, Box Park and Spitalfields Market. The applicant has also drawn upon the 'building grid' expressed on the Bishops Square office building, but scaled it down to a pedestrian scale suitable for the proposed building.
- 10.56 The building would comprise a structural frame, in red micaceous iron oxide, that would be infilled by glazing, canopies and partitions.
- 10.57 In addition to some support, concerns relating to the proposed red colour and the industrial aesthetic are expressed throughout many of the objections. Residents express concern that the proposed design conflicts with the character and appearance of the surrounding existing built form, including the conservation area.

- 10.58 Officers note that the proposed building adopts a contemporary design style, more akin to the Bishops Square office building than the surrounding residential buildings and listed Horner market buildings. It is also noted that there are other examples of contemporary architecture in the immediate locality, including the Patisserie Valerie building on Brushfield Street which sits immediately adjacent to the listed Horner buildings on the southern side of the Market.
- 10.59 Officers raise no objections to the proposed contemporary approach, but acknowledge that the new building would mark a bold addition to Lamb Street. The proposed red colour would present a contrast to the existing grey palette that currently dominates the Lamb Street streetscene.
- 10.60 The overall proposal does however seek to extend and build upon the immediate vicinity as a retail and leisure destination that supports the office function of the area and attracts residents and visitors. The bold design of the building is considered to be compatible with the character of the area, and the overarching objectives of the proposal, in that respect.
- 10.61 Further to this, and as set out previously, officers do not consider that the proposed building would impact upon the setting of the listed buildings to the east of Lamb Street. Officers therefore raise no objections to a bold addition to the street; it is considered that, along with the mix of land uses proposed, the building would enhance the vibrancy of Lamb Street and the wider area.
- 10.62 The proposed canopies and shopfronts are considered to provide a good level of activity and human-scale interaction with pedestrians and public realm.
- 10.63 To ensure that the building is delivered to a high quality, it is proposed that a condition is attached requiring samples of the materials proposed.

Public realm and landscaping

- 10.64 Policy 7.5 'Public realm' of the London Plan (2016) states that development should make the public realm comprehensible at a human scale. It also suggests that landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose and should contribute to the easy movement of people through the space.
- 10.65 In the supporting text (paragraph 7.17), it also states:
- "the public realm should be seen as a series of connected spaces that help to define the character of a place. Places should be distinctive, attractive, vital and of the highest quality, allowing people to meet, congregate and socialise, as well as providing opportunity for quiet enjoyment"*
- Street narrowing
- 10.66 The proposals would result in the narrowing of both Market Street and Lamb Street.
- 10.67 The Market Street proposals would result in a street width of 5.6m (reduced from 7.1m). The Lamb Street proposals would result in a street width of 6m (reduced from 11m) when measured from the proposed building to the edge of the Bishops Square office building overhang. When measured from the ground floor elevations of the Bishops Square office building, the street would be 12.5m wide.

- 10.68 The application submission has regard to the rationale for the proposed street narrowing: as well as enabling the extension of the retail units, the narrowing of the street is considered to create an optimum street width for pedestrians in a retail environment and contribute to a balanced public realm.
- 10.69 Officers consider that the proposed street widths would lend themselves to the retail character, help define the spaces as retail destinations and encourage people to linger. This is considered to be a particular enhancement to Lamb Street that is currently mainly used as a thorough route with limited congregation of people. The proposed street narrowing is therefore supported on this basis.
- 10.70 The objections have raised concerns in relation to the potential conflict between cyclists and pedestrians, especially in Lamb Street, as a result of the street narrowing. This will be discussed in greater depth in the highways and transport section of this report, but it has resulted in various amendments to the Lamb Street public realm. This includes the removal of more extensive street furniture and amendments to the paving.
- Street furniture
- 10.71 The revised proposals also include street furniture in Market Street. Whilst this would result in a further narrowing of Market Street, it would provide opportunity to sit and enjoy the space. A clear zone has been secured in relation to the proposed Market Street to ensure that street furniture does not further impinge on movement space.
- 10.72 This is considered to be a good solution to achieve some seating without further narrowing the street.
- Landscaping
- 10.73 The proposals seek to introduce yorkstone paving throughout Market Street and Lamb Street. This would result in a unified approach with the surrounding streets. The appropriate yorkstone paving slab size has been selected to ensure matching with adjoining streets.
- 10.74 The Lamb Street proposals include textured yorkstone setts to create a rumble strip as a signal to cyclists that they are entering a shared space.
- 10.75 The proposals would not result in the loss of trees within, or on the boundary between Elder Gardens and Lamb Street. It would however result in the loss of two existing trees on Lamb Street, close to the western entrance of Elder Gardens.
- 10.76 As a result, the proposal includes the planting of two additional trees within Elder Gardens. The proposed trees are a London Plane and a Prunus Kanzan.
- 10.77 It is also proposed that the roof of the extended shop units on Market Street have a green roof. The details of this are further discussed in the biodiversity section of this report.
- Design out crime

- 10.78 Crime Prevention officers at the Metropolitan Police have made several recommendations surrounding design measures regarding crime.
- 10.79 Both at pre-application and planning application stage, officers have worked with the applicant to ensure that crime prevention and resident and pedestrian safety is considered. It is however also recognised that the proposed development sits within an existing and functional development of a similar nature. It is therefore considered too onerous to require the proposed development to deliver each of the proposed measures.
- 10.80 However, officers and residents were concerned that the proposed building on Lamb Street would give rise to an increased narrowing and obscuring of the space between the rear elevation of the building/ramp and the Elder Gardens boundary railings. To address concerns relating to pedestrian safety, especially at night, the scheme was amended to include human height and is considered to address officers concerns in this regard.
- 10.81 Officers also had regard to safety concerns surrounding the existing ATM on Market Street in the context of the proposed projection of the retail units. In response to this, the applicant demonstrated, as part of the planning application submission, that the front and side elevations of the proposal would both be glazed and therefore the ATM would not be obscured from view.
- 10.82 In light of the above, officers are satisfied that the proposal is acceptable in this regard.
- Summary
- 10.83 In summary, the proposed public realm and landscaping works are considered to enhance the quality of the local area from a placemaking perspective and make the public realm more comprehensible at a human scale.
- 10.84 It is considered that the proposals work to further define both Market Street and Lamb Street as retail streets and thus, further define the character of the wider Spitalfields Market/ Bishops gate area as a vibrant mixed use locality.

Neighbouring Amenity

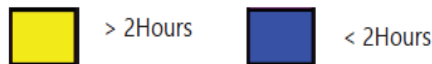
- 10.85 Core Strategy Policy SP10 'Creating distinct and durable places' and Policy DM25 'Amenity' of the Managing Development Document seek to protect residential amenity. These policies work to ensure that new development does not result in an unacceptable loss of outlook or privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure. Further to this, it is outlined that development should not result in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings, schools, community uses and offices.
- 10.86 Several objections raised concerns in relation to the amenity impacts to nearby residential properties and Elder Gardens as a result of the proposed building on the northern side of Lamb Street. Specifically, the concerns relate to daylight and sunlight impacts of the proposal upon the market, Lamb Street itself, Elder Gardens, and some of the residential windows to the north. The objections also refer to impacts relating to overlooking, loss of privacy, increased sense of enclosure, noise, disturbance and odours.

- 10.87 During the planning application process, officers also raised concerns in relation to the amenity impacts of the proposal, mainly with regard to the overhanging section of building that was originally proposed at the eastern end of the building and the treatment of the rear elevation. In response to this, and the objections, the proposals were amended to remove the overhanging section (cantilever) at the eastern end of the building and revise the treatment of the rear elevation. The removal of the overhang/ cantilever results in a separation distance of 18.5m between the residential building (Dandridge House) and first floor side elevation. It would also result in a distance of approximately 11m between the entrance of Elder Gardens and the proposed building.
- 10.88 It was previously recognised in the design section of this report that the proposal would give rise to a loss of openness on the boundary between Elder Gardens and Lamb Street, but following the amendments, officers are satisfied that it would not result in an unacceptable sense of enclosure. Similarly, it is acknowledged that the proposed building would change the view experienced from the adjacent residential windows. However, the two storey scale of the building, the separation distance and the trees, together with the revised rear elevation are considered to mitigate any unacceptable impact.
- 10.89 Officers are therefore satisfied that the proposal would not result in an unacceptable impact upon the visual amenities of the surrounding residential properties, by way of unacceptable sense of enclosure and loss of outlook. Regard is had to the daylight and sunlight impacts of the proposal below.
- Daylight and sunlight
- 10.90 The application submission is inclusive of a daylight and sunlight assessment. An amended daylight and sunlight report (prepared by eb7, dated 29 March 2018) has been submitted and considered following the amendment of the proposed scale and massing of the Lamb Street building. The findings outlined below reflect the amended report.
- 10.91 The following neighbouring buildings were assessed:
- 25, 26-27 Spital Square
 - 26-28 Folgate Street
 - Priory House, 32 Folgate Street
 - Vanburgh House, 40 Folgate Street
 - Linnell House, 50 Folgate Street
 - Dandridge House, 31 Lamb Street
- 10.92 The residential windows have been tested using the Vertical Sky Component (VSC) test which measures the amount of sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. BRE have determined that in existing buildings, daylight levels can be reduced by approximately 20% of their original value before the loss is materially noticeable. It is for this reason that they consider that a 20% reduction is permissible in circumstances where the existing VSC value is below the 27% threshold.
- 10.93 None of the tested windows would experience a loss of daylight, greater than a 20% reduction. Therefore, all windows tested would meet the BRE guidelines in respect of VSC.

- 10.94 To provide further comfort, the daylight impact of the proposal was also tested using a different methodology. The No Sky-Line (NSL) test calculates the distribution of daylight within rooms. BRE considers a reduction of 20% to be permissible.
- 10.95 All windows tested using this methodology would meet the BRE guidelines in respect of NSL.
- 10.96 The assessment of sunlight has been undertaken using the Annual Probable Sunlight House (APSH) test which calculates the percentage of probable hours of sunlight received by a window or room over the course of a year. In assessing the sunlight effects to existing properties, only windows orientated within 90 degrees due south and which overlook the site require assessment. The testing has shown that all windows tested would meet the BRE guidelines with regards to sunlight.
- 10.97 In conclusion, the proposal would give rise to very little or no change in the existing levels of light in respect of the tested windows.
- 10.98 In relation to Elder Gardens, the overshadowing impact of the proposal has been tested using the 'two hours sun contour' test which compares the proportion of an amenity area receiving at least 2 hours of sun on the 21st March in the existing and proposed condition. According to the BRE guidelines, at least 50% of amenity area should receive 2 hours of sunlight.
- 10.99 The results of the assessment show that the sunlight levels to Elder Gardens would result in reduced sunlight levels that would fall below the BRE target. On the 21st March, as existing, at least 57% of Elder Gardens would receive 2 or more hours of sun. As proposed, a lesser 41% of Elder Gardens would receive 2 or more hours of sun, 0.72 its former value. This represents a moderate failure during the spring equinox. This is set out in the table and model diagrams below. Both have been taken from the applicant's Daylight and Sunlight Report:

Date	Total area (sqm)	Existing >2hr (sqm)	Existing % >2hr	Proposed >2hrs (sqm)	Proposed % >2hr	Retained (Pr/Ex)
21 st March	1438.01	818.57	57%	586.14	41%	0.72
21 st June	1438.01	1438.01	100%	1438.01	100%	1.00
21 st Dec	1438.01	0.00	0%	0.00	0%	1.00

Table 1.2: APSH results in respect of Elder Gardens



- 10.100 In respect of this deviation, the applicant's daylight and sunlight consultants state that *"this is not surprising as the site is quite tightly constrained by surrounding obstructions, particularly to the immediate south, which makes it more sensitive to changes in massing in the southeast corner"* (para 6.24).
- 10.101 The assessment has had further regard to the sunlight situation throughout the year, testing the 24th March as a scenario. This shows that 3 days later, 50% of Elder Gardens would receive the BRE sunlight target (compared to 69% as existing). It also shows that on the 21st June, the longest day of the year, and 21st December, the shortest day, the sunlight levels would remain unchanged between the existing and proposed scenarios.
- 10.102 It is therefore acknowledged that the proposed building would give rise to an increased overshadowing impact upon Elder Gardens. The figures in relation to the existing situation also demonstrate that the sunlight is already compromised as a result of the existing built form adjacent to the site. For example, in December, when shadow impact is expected to be greater, Elder Gardens receives no sunlight currently.
- 10.103 The BRE guidance acknowledges that for an urban context, its numerical guidelines should be interpreted flexibly since natural light is only one of many factors in site layout design. Whilst officers note that the numerical targets set out by the BRE guidance are a useful tool in the assessment of the daylight and sunlight impacts of a proposal, it is considered that the mechanistic application of the guidelines, in a dense urban environment, has the potential to limit opportunities to optimise the development of sites.
- 10.104 In this case, the application site is located within the CAZ and the core growth area of the City Fringe Opportunity Area. Planning policy highlights such locations as having significant capacity to accommodate new housing and commercial development.

- 10.105 With paragraph 10.104 in mind and taking into account the dense urban environment that exists throughout the borough, officers do not consider that the overshadowing impacts warrant a reason for refusal in this instance.
- Overlooking and loss of privacy
- 10.106 The objections also raise concerns in relation to the overlooking impact resulting from the proposed Lamb Street building. Reference has also been made to impacts arising from 'the roof terrace of the proposed building'. It should be noted that the proposal does not include a roof terrace.
- 10.107 Officers have had regard to the overlooking impacts of the proposal and any resultant loss of privacy to surrounding residential properties.
- 10.108 The revised rear elevation design has sought to strike a balance between achieving a visually interesting and semi-permeable elevational treatment, whilst mitigating any unacceptable overlooking impact associated with an active first floor level.
- 10.109 Officers consider that the proposed materials, which include laminated mesh, aluminium privacy screens, weather louvres together with areas of solid aluminium panelling, would ensure that the proposed building would not give rise to increased overlooking upon the surrounding residential windows. The last bay at the western end of the building would not be privacy screened as it is a double height entrance space, with no first floor. Officers are therefore satisfied that there would not be an unacceptable loss of privacy resulting from the rear elevation of the building.
- 10.110 Officers have also had regard to any impacts arising from the side elevation at the eastern end of the proposed building. It is proposed that the part of this elevation that is adjacent to the residential building (Dandridge House) would be screened to match the rear elevation. The rest of the elevation would be glazed. Officers consider that the separation distance is sufficient enough to avoid any unacceptable privacy impacts resulting from diagonal views.
- 10.111 It is proposed that the privacy screening is secured by condition.
- Noise, disturbance and odours
- 10.112 The objections raise concerns relating to the noise impacts of the proposal. This includes impact arising from deliveries and servicing, the proposed gym, increased footfall, outdoor seating areas, gathering at entrance of proposed building and the generator room.
- 10.113 The application submission includes a Noise Impact Assessment. The report includes the findings of a baseline survey that has been undertaken to inform the assessment.
- 10.114 Noise impacts resulting from the following areas have been considered:
- Plant noise emissions
 - Activity noise break-out from proposed gym
 - Delivery noise – vehicle movements, idling and activity noise/ unloading
 - Façade and ventilation strategy of the new building.

- 10.115 The report concludes that mitigation measures would be required to ensure that the plant noise emission limits are met. It is recommended that this is achieved through selection of appropriate acoustic louvres and/or enclosures for the plant items. It is considered that by incorporating the mitigation strategies, the operational noise significance of impact would be negligible.
- 10.116 The report has also has regard to activity noise break-out from the first floor, should it be occupied by a D2 (gym) user. It concludes that the façade requires sound insulation to minimise the impact upon the residential receptors. It is considered that this mitigation would sufficiently attenuate both noise ingress and egress. It is however noted that impulsive noises, for example, from the dropping of weights, may require additional mitigation in the form of resilient mats/specialist floating flooring system
- 10.117 Further to this, the report has assessed the noise impact associated with vehicle movements, delivery truck idling and noise from unloading against the baseline noise levels recorded on Lamb Street. The report concludes that the noise levels resulting from the proposed vehicle movements would be significantly lower than the existing ambient and background noise climate from all existing sources.
- 10.118 The noise levels associated with idling trucks at the nearest noise receptors has also been calculated to be lower than existing background noise levels. Similarly, the maximum instantaneous noise levels from delivery unloading are calculated to be lower than existing maximum noise levels as the nearest noise sensitive receptors. The noise sources associated with deliveries are therefore not considered to be significant when considered in relation to the existing background noise levels.
- 10.119 The submitted Noise Impact Assessment has not had regard to noise generation associated with increased footfall and the gathering of people at the entrance of the proposed Lamb Street building and the seating areas across the development.
- 10.120 Officers see this very much as a continuation of existing activities. As demonstrated within the Transport Statement (section 4.3), a substantial amount of people move along Lamb Street throughout the day as existing. Officers have also witnessed many people dwelling in Elder Gardens and utilising other nearby seating opportunities at varying points of the day, in addition to utilising the food stalls that are regularly located on Lamb Street.
- 10.121 There is a however an 'Outdoor Seating Management Plan' appended to the Design and Access Statement (appendix, page 155) which sets time restrictions in relation to the use of the outdoor seating. This includes:
- 09.00 – 23.00 Monday to Saturday
09.00 – 22.30 Sundays and Public holidays
- It is proposed that this management plan is secured by condition.
- 10.122 Concerns were also raised by objectors in respect of the noise, disturbance and odours associated with the originally proposed refuse store to the rear part of the proposed Lamb Street building. This has now been removed from the proposals to address this concerns.

10.123 Officers are therefore satisfied that the proposals would not give rise to unacceptable noise and disturbance impacts. In relation to plant noise and the gym, this is subject to the incorporation of the recommended mitigation measures; it is proposed that these are secured by condition.

Highways and Transportation

10.124 The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

10.125 Core Strategy policies SP08 'Making connected places' and SP09 'Creating attractive and safe streets and spaces', together with Policy DM 20 'Supporting a sustainable transport network' of the Managing Development Document seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. The policies also require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

10.126 Further to this, policy 6.13 'Car parking' of the London Plan and Policy DM 22 'Parking' of the Managing Development Document seek to deliver development that relies on non-car modes of transport and limits car use through the restriction of new car parking provision.

10.127 Policy 6.9 'Cycling' of the London Plan sets out the requirement for the delivery of cycle parking with new development, seeking the provision of secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. Appendix 2 of the Managing Development Document also sets out minimum cycle parking standards for new development. It should be noted that the local requirements for cycle parking associated with student accommodation are more onerous than the London Plan.

10.128 The Council's Highways officer and TfL have had regard to the following issues; their consultation responses are incorporated into the assessment set out in the paragraphs below.

- Car parking (and Blue Badge parking)

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

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

10.131 In terms of disabled parking, the proposed development does not seek to provide on-site spaces for visitors. It is accepted that due to the pedestrianised nature of the surrounding area, it is not realistic to provide on-site disabled parking. It is however noted that there are parking opportunities for blue badge holders in the

surrounding area. These are set out within the submitted Transport Assessment (prepared by Ramboll, dated 05/09/2017):

“Blue badge holders may park for up to three hours on single or double yellow lines, provided a loading ban (yellow kerb blips) is not in place. Badge holders also may park without payment or time limit in any parking bay that is not reserved for a specific class of users”.

Officers are satisfied that this is an acceptable solution.

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

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

- Cycling

10.134 Officers are satisfied that the proposed development provides a policy compliant quantum of cycle parking (14 long stay spaces and 41 short stay spaces). The application submission sets out a breakdown of the proposed cycle parking. This exceeds the London Plan policy requirements and is therefore considered to be acceptable.

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

10.136 It is proposed that further details of the long stay cycle parking provision are secured by condition.

10.137 TfL, in their initial comments, refer to the absence of an assessment of the level of existing demand at the TfL cycle hire docking stations in close vicinity of the site within the Transport Assessment. TfL requested that the applicant considers the further demand upon the docking station as a result of the proposal.

10.138 The applicant's response to TfL on this matter drew attention to the London Plan (paragraph 6.36) that states that TfL docking stations should not be considered a substitute for on-site cycle parking facilities and on this basis, an assessment was not made. However, as the development is not expected to generate a significant number of new trips and the proposed cycle parking provision exceeds London Plan requirements, it is not considered to be necessary to assess the local TfL stations.

10.139 On this basis, officers are satisfied that the proposed cycle provision is policy compliant and raise no objections in this regard.

- Pedestrian and cyclist movement

- 10.140 Many of the objections received raised concern relating to the transport and highways impacts resulting from the narrowing of the street. This includes conflict between wheelchair, pedestrian and cyclist movement as a result of the narrowing of the thoroughfare. The objections in this regard relate mainly to Lamb Street, where cyclists are more prevalent, but concerns relating to Market Street have also been noted.
- 10.141 The Council's highways team also raised concerns relating to the impact of the street narrowing on Lamb Street on the basis that the proposal would prevent cyclists from using this route and that it would increase likelihood of cyclist/pedestrian collision.
- 10.142 The findings of the Transport Assessment submitted demonstrate that there is a large flow of both pedestrians and cyclists on Lamb Street, particularly during the morning and afternoon rush hours.
- 10.143 In response to these concerns, the Lamb Street proposal was amended to remove the street furniture, planters and introduce hard landscaping measures to encourage a positive relationship between cyclists and pedestrians. The hard landscaping measures include the use of textured paving (rumble strip) to signal to cyclists that they are entering a 'shared space' and to slow down. The amended ground floor plan delineates a seating area on the southern side of Lamb Street (under the canopy), leaving 6m clear for pedestrian and cyclist movement.
- 10.144 Officers are satisfied that the addition of a rumble strip, together with the removal of street furniture and planters maximise the width available for safe pedestrian and cyclist movement would minimise the likelihood the collisions. Highways officers also considered that the amended scheme represents a good solution and have removed their objection.
- 10.145 In relation to Market Street, it is noted that the street would be narrower than existing, restricting the flows of pedestrians to an extent. As previously outlined, this is considered to be compatible with the character and nature of the street and wider area and is supported on that basis. The amended ground floor plan also delineates a 4m wide 'clear route' on Market Street to allow for unobstructed movement, without the placement of street furniture.
- 10.146 On this basis, it is also considered that wheelchair users and pushchairs can achieve unobstructed movement through Market Street and Lamb Street. This is in addition to full wheelchair access to the proposed Lamb Street building which comprises access ramps and a lift at ground floor.
- 10.147 Officers are satisfied that this is acceptable and propose that the street furniture 'zones' throughout Lamb Street and Market Street are restricted by planning condition.

- Delivery, servicing and waste collection

- 10.148 The application submission sets out a Delivery and Servicing Plan in Appendix 2 of the Transport Assessment. The plan has been designed to accord with the established and permitted operational arrangement and procedures of the Spitalfields Estate which includes:

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

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

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

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

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

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

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

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

10.155 As per the existing arrangements, it is proposed that the storage of waste will be the responsibility of the occupant of each unit to store waste within their demise ensuring that any food waste, glass and mixed recyclables are segregated. Estate cleaning operatives would then undertake collections directly from these units three times a day and transport the waste directly down to the basement where it

will be collected by a refuse vehicle in accordance with the existing arrangement. Officers raise no concerns in this regard.

- Summary

- 10.156 The proposed delivery and servicing arrangements mark an extension of existing arrangements to accommodate the servicing of the proposed additional retail units.
- 10.157 Officers have had regard to the estimated number of additional deliveries resulting from the development and consider that the proposal would not give rise to an unacceptable cumulative impact in the context of the retail character of the area.
- 10.158 The most notable increase of delivery and servicing activity would take place on Lamb Street.
- 10.159 Officers consider that the proposed time restrictions on the servicing of Lamb Street are sufficient to mitigate the impact of this.
- 10.160 It is proposed that the delivery and servicing arrangements, including the delivery hours are secured in line with the existing arrangements. This is with exception to the additional restrictions outlined above.

- Construction

- 10.161 The application submission does not include a Construction Logistics Plan (CLP). In their consultation response, TfL sought the submission of a CLP as the proposed development exceeds 1000sqm.
- 10.162 Officers are satisfied that this can be dealt with sufficiently by planning condition. It is therefore proposed that the requirement for a CLP to be submitted before the commencement of works.

Energy & Sustainability

- 10.163 Policy 5.1 'Climate change mitigation' of the London Plan (2016) deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025.
- 10.164 Policy 5.2 'Minimising carbon dioxide emissions' sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.165 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

10.166 Policy 5.2 of the London Plan requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

10.167 Policy DM29 of the Managing Development Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G (36) (2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

- Proposed carbon emission reduction

10.168 The submitted Energy and Sustainability report demonstrates that the design has followed the principles of the Mayor's energy hierarchy, and seeks to reduce energy demand through energy efficiency measures and use of air source heat pumps. The proposals are a mix of refurbishment, change of use and new build development. The proposed design is anticipated to achieve a 33% in CO2 emissions. Whilst this is below the policy target of 45%, the applicant is proposing to fulfil the shortfall through a carbon offsetting contribution.

10.169 The CO2 figures are:

Baseline:	56.8 Tonnes/CO2/yr
Proposed Design:	38.0 Tonnes/Co2/yr
Policy Target:	31.24 Tonnes/CO2/yr

Carbon offsetting payment:

6.8 (Tonnes/CO2/yr) x £1,800 = £12,240

10.170 It is proposed that the above carbon offsetting financial contribution is secured via Section 106 legal agreement. It is also proposed that the delivery of the Energy Strategy, at least 33% carbon savings and a requirement to submit 'of as built' calculations to demonstrate the delivery of the energy efficiency measures are secured by planning condition

- Sustainability

10.171 The application submission demonstrates that the proposed development is capable of achieving a BREEAM Very Good rating. This is considered to be acceptable given the nature of the scheme and the constraints associated with utilising the existing structure.

10.172 It is proposed that the delivery of BREEAM Very Good is secured by planning condition.

Biodiversity

10.173 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.

10.174 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.

- Existing biodiversity value

10.175 The Council's biodiversity officer considered that the existing landscaping of Bishops Square, which includes a water feature containing aquatic invertebrates, gives rise to likely biodiversity value. However, as the proposals seek to retain this feature, officers are satisfied that there would be no impact on biodiversity in this regard.

- Proposed green roof

10.176 As set out above, Policy DM11 requires development to provide net gains for biodiversity. The proposals include green roofs, to be composed of sedum with wildflowers. It is considered that the biodiversity value of the proposed green roof could be enhanced through the delivery of a reasonably high proportion and good diversity of wildflowers. Its biodiversity value would also be increased in additional habitats, such as piles of stones or logs are provided.

10.177 It is proposed that the submission of details relating to the detailed design of the green roof is secured by condition and in accordance with the best practise guidance on biodiverse green roofs (published by Buglife).

10.178 The originally proposed planters on Lamb Street were recognised as a biodiversity enhancement. However due to highways concerns, these have been removed from the proposal.

10.179 It is noted that this gives rise to the loss of an opportunity to enhance biodiversity at the application site. However, when considered in the context of the wider scheme, this is considered to be acceptable on balance.

10.180 The proposed green roof does however offer an enhancement. Best practice guidance on biodiverse green roofs has been published by Buglife, and should be referred to when the detailed design of the green roof is drawn up.

- Trees

10.181 The proposals would give rise to the loss of two existing red oak trees that are located towards the entrance to Elder Gardens at the western end of Lamb Street.

10.182 The proposals seek to provide two new trees to mitigate the above loss. The proposed trees are a London Plane and a Prunus Kanzan.

10.183 The Council's tree officer raises no objections in this regard.

10.184 The objection from the residents association questions the validity of the submitted Arboricultural Report on the basis that it refers to the proposed development on Lamb Street being a single storey structure. Officers have had regard to this statement in paragraph 1.2 of the Report and are satisfied that it

reflects the proposed scheme. It refers to an additional single storey, on top of the existing ramp.

- 10.185 Subject to the submission of further details by condition, officers are satisfied that the proposals are acceptable from a biodiversity and tree perspective.

Archaeology

- 10.186 The application is located within an archaeological priority zone. The application submission includes an Archaeology Assessment.
- 10.187 Historic England have had regard to this and raise no objections as the groundworks impact areas have been previously archaeologically excavated, as concluded in the submitted archaeological study.
- 10.188 Historic England has also had regard to the impact of the proposal upon the Scheduled Monument of the Priory and Hospital of St Mary Spital. Whilst Scheduled Monument Consent is required, it is not considered that onerous conditions should be placed on the scheme.
- 10.189 In light of the above, it is proposed that a planning condition is attached to the decision, restricting the commencement of works before the necessary consent has been obtained.

Other issues

- 10.190 This section seeks to respond any objections that have not been addressed elsewhere in the report.
- Nature of planning application/ process
- 10.191 The objections also raised concerns in relation to the “misleading nature of the planning application as it is considered to join two proposals that have substantially different impact on the surrounding areas”.
- 10.192 Officers have had regard to this concern and feel that they have been able to fully and properly consider all elements of the proposal as part of one planning application. There has also been significant opportunity throughout the planning application process to seek further clarification from officers.
- 10.193 Concerns are also raised that the proposals are not in line with the original plan for the use of the space (the original Master Plan). The proposal has been considered on its own merits and it is considered to be policy compliant and compatible with the character of the area. Officers therefore raise no concerns in this regard.
- Rodents
- 10.194 Concerns have been raised in relation to a problem with rodents due to number of food outlets within the area. It is noted that the proposal seeks to introduce additional floorspace that has the potential to serve food, however, the objection is concerning with an existing problem that is not a planning consideration.
- Obligations/ local infrastructure

- 10.195 Some of the representations received suggest that the proposal should make additional improvements to the local area. This includes uplighting to the spire of Christ Church, the provision of payable public toilets and additional park space/public open space.
- 10.196 Planning obligations are sought in line with the relevant legislation; any obligation captured should meet the relevant tests, including being necessary to mitigate the impact of the proposed development. Officers do not consider the aforementioned suggestions to meet these tests.

Health Considerations

- 10.197 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 10.198 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 10.199 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 10.200 As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Human Rights Considerations

- 10.201 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.202 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes

property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

10.203 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

10.204 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

10.205 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.206 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.207 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.208 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

10.209 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,

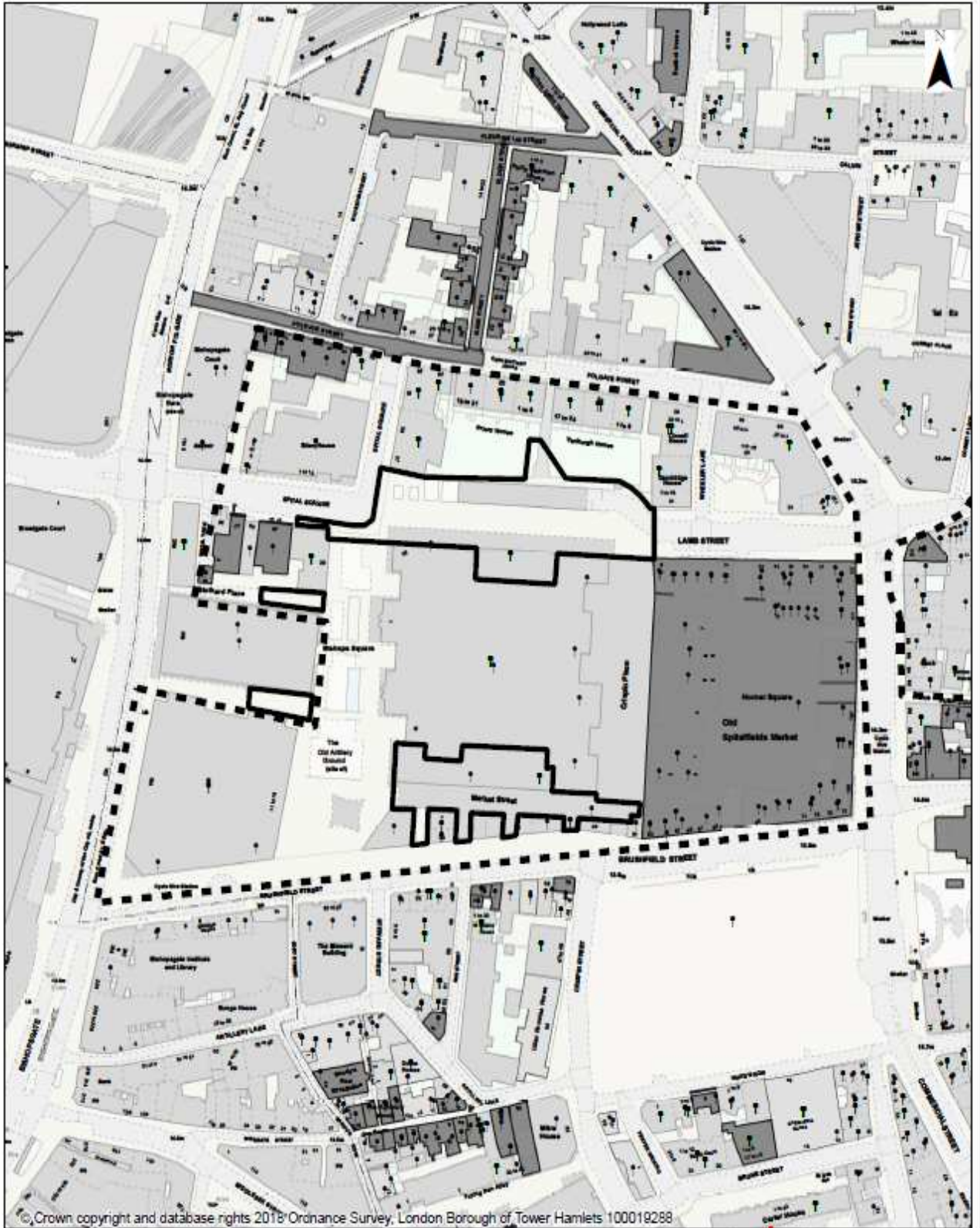
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.210 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.

10.211 It is also noted that an objection received raises concerns relating to wheelchair accessibility throughout the proposed development. This has been addressed within the report; it is however to be further noted that the proposed development is considered to be full wheelchair accessible. This includes the proposed public realm, extended shop units and the proposed Lamb Street building.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed building consent should be **GRANTED** for the reasons set out in the report, subject to conditions and the section 106 agreement.

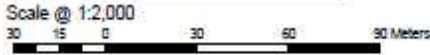


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Planning Application Site Map PA/17/02470

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings



GIS for Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 08/04/2018



APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

PA101	0	General Arrangement Plan, Ground Floor, Existing
PA102	0	General Arrangement Plan, Level 1, Existing
PA103	0	General Arrangement Plan, Roof, Existing
PA110	0	General Arrangement South, North, Brushfield Street North, Existing
PA111	0	General Arrangement West And East, Existing
PA112	0	General Arrangement Elevations, Lamb Street North And South Existing
PA120	0	General Arrangement, Section A, Existing
PA700	0	Canopy Removal, Existing

PROPOSED DRAWINGS

PA301	2	General Arrangement Plan, Ground Floor, Proposed
PA302	1	General Arrangement Plan, Level 1, Proposed
PA303	1	General Arrangement Plan, Roof, Proposed
PA310	0	General Arrangement South, North Elevations, Brushfield Street North Elevation, Proposed
PA311	1	General Arrangement West And East Elevations, Proposed
PA312	1	General Arrangement, Lamb Street North And South Proposed
PA320	0	General Arrangement, Section A,B Proposed
PA321	1	General Arrangement, Section C,D Proposed
PA500	1	Market Street Facades
PA501	1	Lamb Street Facades
PA710	0	Canopy Removal, Proposed
L01	B	Site Landscape General Arrangement
L02	G	Materials General Arrangement
L03	C	Trees Retained / Removed

DOCUMENTS

Design and Access Statement dated September 2017 prepared by Fosters and Partners

Design and Access Statement Appendix 1 (Planning application substitution Revision 1) dated 19th March 2018 prepared by Fosters and Partners.

Daylight and Sunlight Report dated 29th March 2018 prepared by eb7

Transport Assessment dated 5th September 2017 prepared by Ramboll

Transport Assessment Addendum dated 9th April 2018 prepared by Ramboll

Planning Statement dated September 2017 prepared by Montague Evans

Archaeology Report prepared by MOLA

Energy Assessment dated 6th September 2017 prepared by Ramboll

Noise Impact Assessment dated 6th September 2017 prepared by Ramboll

Statement of Community Involvement dated September 2017 prepared by Montague Evans

BREEAM Pre-Assessment dated September 2017 prepared by Ramboll

APPENDIX 2

Site photos



Image 1 - Market Street as existing



Image 2 – Lamb Street (looking east)



Image 3 - Lamb Street as existing (looking west)



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



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



Image 6 - Lamb Street as existing (looking north-west from Crispin Place)



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



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



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