

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 27 August 2015 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 Danny Hassell
Councillor Helal Uddin, Councillor Asma Begum, Councillor Andrew Cregan, Councillor Muhammad Ansar Mustaqim, Councillor Shahed Ali, Councillor Gulam Robbani and Councillor Julia Dockerill

Deputies:

Councillor Khales Uddin Ahmed, Councillor John Pierce, Councillor Denise Jones, Councillor Oliur Rahman, Councillor Md. Maium Miah and Councillor Suluk Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 25 August 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 26 August 2015**

Contact for further enquiries:

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

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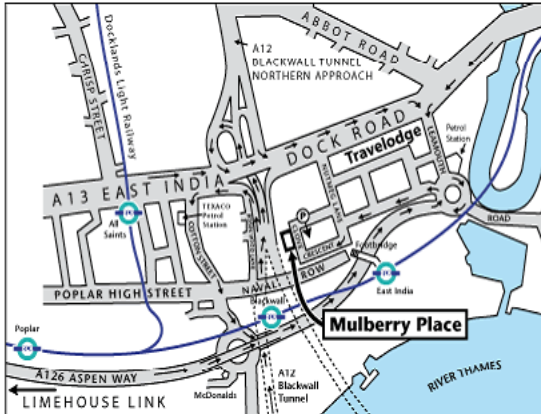
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

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 5 - 16)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 21st July 2015

3. RECOMMENDATIONS

To RESOLVE that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS	19 - 20	
5.1 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.(PA/14/03548& PA/14/03618)	21 - 110	Spitalfields & Banglatown

Application for planning permission (PA/14/03548)

Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

Application for listed building consent (PA/14/03618)

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

Recommendations:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a legal agreement to secure planning obligations, conditions and informatives.

That the Committee resolves to GRANT listed building consent subject to conditions

6.	PLANNING APPLICATIONS FOR DECISION	111 - 112	
6 .1	Land at 160-166 Chrisp Street (PA/15/00039)	113 - 150	Lansbury
	Proposal:		
	Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure planning obligations and conditions and informatives.		
6 .2	Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP (PA/15/01209)	151 - 204	Whitechapel

Proposal:

Demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a legal agreement to secure planning obligations and conditions and informatives.

Next Meeting of the Strategic Development Committee

Thursday, 8 October 2015 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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 STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 21 JULY 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Helal Uddin
Councillor Andrew Cregan
Councillor Danny Hassell
Councillor Muhammad Ansar Mustaquim (items 8.1-8.2)
Councillor Shahed Ali
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Asma Begum)
Councillor Md. Maium Miah (Substitute for Councillor Muhammad Ansar Mustaquim for 7.1 only)

Other Councillors Present:

None.

Apologies:

Councillor Asma Begum

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Pat Watson	– (Head of Building Development, Childrens and Adults Resources)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. ELECTION OF VICE CHAIR FOR THE MEETING

It was proposed by Councillor Helal Uddin and, seconded by Councillor John Pierce and **RESOLVED**

That Councillor Danny Hassell be elected Vice-Chair of the Strategic Development Committee for the remainder of the Municipal Year 2015/2016

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 4th June 2015 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

The Committee **RESOLVED**

That the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings be noted as set out in Appendices 1, 2 and 3 to the report.

7. DEFERRED ITEMS

7.1 Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195)

Councillor Danny Hassell (Chair)

Update Report Tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item reminding Members that the application was initially considered at the 4th June 2015 meeting of the Committee where it was resolved that it should be deferred for a site visit (held on 13th July) and to address four issues as set out in the Committee report.

Jerry Bell (Applications Team Leader, Development and Renewal) presented the report, addressing the four areas in further detail. He reminded Members of the site location, the existing site use and the proximity to the major developments nearby. He also described the key features and the layout of the proposal showing visual images of the various plans. In terms of the child play space, it was confirmed that the level proposed exceeded policy requirements by 564sqm and was of good quality, including a destination playground. Most of which would be located at ground floor level. There were also generous levels of community space including new parks.

In terms of the affordable housing, it was confirmed that the proposed rent levels complied with the Greater London Authority (GLA) affordability criteria at the upper levels

It was also confirmed that the servicing route was of sufficient width to allow two vehicles to pass (as shown by the highway assessment). Furthermore, whilst not a planning matter, that there had been meetings between Lanterns and the developer over the re-provision of the Lanterns facilities in the development. Whilst they continued to meet, no agreement had yet been reached. The latest position on this matter was set out in the update report.

In summary in view of the merits of the scheme and the above advice, Officers remained of the view that the scheme should be granted planning permission.

In response, Members expressed concern at the affordability of the three bed intermediate units given their removal from the 2 Millharbour scheme due to lack of affordability. Members doubted that they were genuinely affordable and questioned the evidence showing that they were.

Concern was also expressed at the overall level of the affordable housing (taking into account the proposed contributions, the new school and the Community Infrastructure Levy (CIL) relief). In view of these concerns, Members questioned the viability assessment and asked that it be explained in further detail, especially the factors taken into account and the scope for capturing further profit from the scheme should the market conditions improve. For example in the form of an overage clause.

Members also asked if a condition could be added to safeguard the D1 community use in the scheme, the discussions with Lanterns, the density of the scheme per hectare given the Public Transport Accessibility Level rating (PTAL) and the level of mitigation for this.

Questions were also asked about the quality of the new school, the standards applied, the number of car parking spaces available for the family sized units. It was asked whether a condition could be added to secure a proportion of car parking spaces for these units.

In response to these questions, Officers referred to the proposed rent levels for the intermediate family units and the market value of these properties based on information provided on the nearby Indecon development. Members were reassured that the units were genuinely affordable taking into account this research (along with the increase in property prices since the 2 Millharbour decision and the recent changes in to the GLA criteria). Any attempts to push down the rent levels further could require a change in policy.

It would be possible to impose a condition requiring that any proposals to change the use of the D1 community facility be brought back to the Committee. However a criteria for this would need to be worked out to ensure that the condition was reasonable. Whilst the Council could secure that the D1 community space be used for such purposes, it could not as a Planning Authority, require that it be allocated to a specific end user.

The viability of the scheme had been robustly scrutinised by Officers and independent consultants. The factors taken into account here were explained (such as building costs, the land value based on current use of the site, profit margins, financial contributions, the new school and the level of affordable housing). The assessment showed that the optimum level of affordable housing, that could reasonable be requested, had been secured. In addition, there was an obligation in the legal agreement requiring that a viability appraisal be carried out, providing an opportunity to capture further contributions from the scheme should profit margins increase in the future. Whilst the scheme would be delivered in phases, no formal phasing plan had been submitted. An 'overage clause' could only be applied to phased schemes.

Consideration could be given to dedicating parking spaces for the family sized units under delegated authority. A car parking management plan would need to be submitted for this.

In response to further questions, Officers explained the costs of delivering the new school, the merits of the phased approach to delivering the facility, allowing the Council more control over the finish. The school would be built out in as if it was a Council school. They also explained the level of contributions, the CIL ask, that the levels of open space exceeded policy and would be open to the public and that the scheme mitigated against its own impacts. Therefore, the proposed density could be supported.

On a vote of 0 in favour of the Officer recommendation to grant planning permission and 5 against, the Committee did not accept the recommendation.

Accordingly, Councillor John Pierce seconded by Councillor Maium Miah proposed that the recommendation to grant permission be not accepted (for the reasons set out below) and on a vote of 5 in favour of this recommendation and 0 against, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195) for

- The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. (PA/14/03195)

Members were minded to refuse the scheme in view of concerns over:

- Insufficient provision of affordable housing and the affordability of the family sized intermediate units.
- Lack of supporting infrastructure to accommodate the density of the scheme in particularly the additional car parking and servicing from the development.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

8. PLANNING APPLICATIONS FOR DECISION

8.1 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 (PA/14/03548& PA/14/03618)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update report

The Chair then invited registered speakers to address the Committee.

Oliver Leigh-wood (Spitalfields Trust) and Alex Foreshaw spoke in objection to the scheme. They objected to the impact of the scheme on the Conservation Area given the proposed demolition of valued buildings, the height, scale and bulk of the replacement buildings out of keeping with the area and the uncertainty around reuse of materials. The impact of the scheme, especially the s1 plot would be far worse than the consented 2011 scheme, contrary to the Historic England report that underestimated the impact of the proposal and the damage to buildings. They also expressed concern at the affordability of the business units, displacement of businesses due to this and the lack of affordable residential properties.

The scheme had attracted over 500 objections many of which came from outside the Borough. The area was world known. There were only seven representations in support. Furthermore, the proposals only involved part of the site so it was likely that if approved the applicant would propose further development.

The current building could be easily converted and refurbished, given the standard of the buildings, with lower rentals due to the reduced costs of refurbishment with a lot less harm to buildings. The Trust had a successful track record with preserving historic buildings and the character of the areas and improving plans. However, the Applicant in this case had failed to consult.

In response to questions, it was noted that the national groups (such as Historic England) were generally supportive of the scheme whereas the local groups placed more emphasis on the importance of the buildings possibly due to greater local awareness and knowledge. Whilst they might lack original features, the buildings identified for demolition were generally in a good condition. In response to further questions, they expressed concern at the plans for the 1927 warehouse, recognised as a building of some merit in the Council's Conservation Area policy. They also clarified their concerns about the scale of the development representing excessive development in a Conservation Area, low rise in nature.

Mike Wiseman and Ben Davies spoke in support of the scheme for the applicant. The plans would bring back into use a disused site, whilst recognising and preserving the historic buildings and the special character of the area. The measures to ensure this were explained including the delivery of high quality replacement buildings. The historic groups were supportive of the proposal such as CABB, Historic England and the LBTH Conservation experts.

Turning to other issues, the scheme would deliver much needed commercial space for start-up businesses and grow on units, lacking in the tech city area

and would generate many new jobs.

In response to questions, the speakers explained in further detail their employment and training strategy with particular focus on creating opportunities for local residents.

They also answered questions about their business retention strategy with particular focus on the start - up business. There was a good chance that business would naturally want to stay in the development given the environment. They also answered questions about the scale of the development, the consequences of reducing the height of the scheme in terms of viability, the restoration plans and the reuse of materials. It was emphasised that the warehouse facades would be retained and the listed buildings refurbished. As stated by the heritage experts, the buildings to be demolished were of limited worth.

Beth Eite, (Deputy Team Leader, Development and Renewal) gave a detailed presentation on the application explaining the application site within the City Fringe Opportunity Area and the Tech - City Cluster. She also explained the extant 2011 scheme and the outcome of the consultation and the main issues raised.

She explained the plans for each plot (s1a,b,c s2 and s3) including the height and scale of the proposed buildings, the nature of the demolition work, the restoration and retention strategy and the design measures to protect valuable buildings and the provision of SME units. Overall, it was considered that whilst there would be some heritage impacts, that they were less than substantial, and the public benefits of the scheme (including the creation of many new jobs and the reactivation of the area) outweighed these. Therefore, Officers were satisfied with the scheme on heritage grounds.

Turning to housing, it was considered that the housing offer was acceptable, in terms of overall supply and quantum of affordable housing: given the heritage constraints, the quality of the units, the amount of family sized affordable units amongst other issues. The impact on amenity was also acceptable

Ms Eite also explained: the car parking plans, the servicing and refuse plans and the highway issues, the s106 contributions and the CIL contribution.

Overall given the benefits of the scheme, Officers were recommending that the planning permission and the listed building consent be granted permission.

In response Members asked questions about:

- The Historic England appraisal. It was questioned whether the scheme complied with the principles set out in this statement given the height and scale of some of the new buildings

- The need for better visuals of the proposals including views of inside the warehouse, the height, scale and massing of the proposal compared to the extant scheme.
- Concerns about the lack of affordable housing in the scheme. It was questioned whether more could have been done to increase the offer
- Nature of the objections
- Loss of light to neighbouring properties.
- Servicing and waste management plans.
- Impact on infrastructure and the dental surgery.
- Car parking for the scheme

In response, Officers referred to the extant 2011 scheme covering part of the application site. It was explained that this was a material planning consideration only where there were common characteristics between the two schemes. Therefore, it should be given some weight where relevant. Most of the objections related to the heritage impacts rather than personal amenity impacts. It was also explained that the Council had a statutory duty to consult neighbouring Boroughs however it was only necessary for the Council to assess the plans in accordance with their own Conservation Area policy not theirs. No comments had been received from neighbouring Boroughs. Right to light issues were not a planning consideration.

An Environmental Statement had been submitted and reviewed by an independent expert who was present to explain the findings. He reported that whilst there were a number of failings in relation to the BRE guidance, most were minor in nature and a minor contributor to the cumulative impact on light from surrounding properties.

The meeting also heard from the Director of Historic England. He explained that the plans were in line with their Conservation Area Appraisal and also national policy. Of the buildings to be demolished, the majority had either a neutral or negative impact on the setting of the Conservation Area. The proposal would only affect part of the Elder Street Conservation Area i.e – two thirds of part of the Conservation Area not two thirds of the whole Conservation Area.

The scheme should have little impact on community infrastructure given the nature of the scheme.

In response to further questions, Officers clarified the car parking proposals, within the maximum standard in policy, the servicing and waste management plans and the status of the local heritage group in terms of the consultation. They also answered questions about the transport assessment, the need for growth on business space in the area to facilitate small business growth and the loss of the private dental clinic given the availability of NHS dental surgeries in the vicinity of the site.

Planning Permission (PA/14/03548)

On a vote of 0 in favour of the Officer recommendation to grant planning permission 4 against and 4 abstentions, the Committee did not agree the Officer recommendation to grant planning permission

Accordingly, Councillor John Pierce proposed and Councillor Danny Hassell seconded a motion that the recommendation to grant planning permission be not accepted (for the reasons set out below) and on vote of 4 in favour, 0 against and 4 abstentions, it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 for

- Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

The Committee were minded to refuse the scheme due to concerns over:

- Insufficient provision of housing within the scheme and the proportion of affordable housing is too low
- Impact of the scale and massing of the proposal on the setting of the Elder Street Conservation Area both in terms of the overall scheme and the S1 plot.

Listed Building Consent (PA/14/03618)

On a vote of 1 in favour of the Officer recommendation to grant listed building consent 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant consent

Accordingly, on vote of 6 in favour, 0 against and 2 abstentions, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent be **NOT ACCEPTED** at Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 for

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation

of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

The Committee were minded to refuse the listed building consent due to concerns over the impact of the scheme on the setting of the Elder Street Conservation Area.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

Councillor Andrew Cregan did not vote on the listed building consent as he was not present during the vote on this part of the scheme.

8.2 **Thirty-Eighth Floor, 1 Canada Square, London, E14 5AA (PA/15/01229)**

Update report tabled.

Christopher Stacey – Kinchin (Planning Officer, Development and Renewal) presented the report explaining the site location and the existing site use. The proposal was for the change of use of Level 38, One Canada Square from class B1 office space to class D1 (non residential institution). It was explained that whilst the proposed net loss of B1 Office space was not usually supported, it was considered that in this specific instance, there were reasonable grounds to support this given the very small loss of such space, the similarities between the B1 office space and the proposed D1 use and that the scheme would introduce a world class research and innovation centre that would support rather than undermine the Canary Wharf Preferred Office Location.

No objections had been received, the site had excellent transport links and there would be no adverse impact on amenity.

Given these issues, Officers were recommending that the planning permission be granted.

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

1. That planning permission be **GRANTED** at Thirty-Eighth Floor, 1 Canada Square, London, E14 5AA for the change of use of Level 38, One Canada Square from Class B1 (Offices) to Class D1 (Non-Residential Institution)(PA/15/01229) subject to
2. Any direction by The Mayor of London
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report.

Councillors Muhammad Ansar Mustaquim and Gulam Robbani were not present for this item.

8.3 Land at 160-166 Chrisp Street (PA/15/00039)

Application not considered due to lack of time.

8.4 Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP (PA/15/01209)

Application not considered due to lack of time.

The meeting ended at 10.15 p.m.

Chair, Councillor Marc Francis
Strategic 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: Strategic Development	Date: 27 August 2015	Classification: Unrestricted	Agenda Item No: 5
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
21 July 2015	<u>Planning Permission (PA/14/03548)</u> <u>Listed Building Consent (PA/14/03618)</u>	Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1	Planning Permission Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.	Insufficient provision of housing within the scheme and the proportion of affordable housing is too low Impact of the scale and massing of the proposal on the setting of the Elder Street Conservation Area both in terms of the overall scheme and the S1 plot.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

			<u>Listed Building Consent</u> Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.	Impact of the scheme on the setting of the Elder Street Conservation Area.
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3. CONSIDERATION OF DEFERRED ITEMS

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

5.1 PA/14/03548 and PA/14/03618 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Strategic Development	Date: 27 th August 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent.
Case Officer: Beth Eite	Ref No: PA/14/03548 (Full Planning Application) Ref No. PA/14/3618 (Listed Building Consent)
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

Existing Use: Retail (A1), Public House (A4), Office (B1), Storage and Distribution (B8) and Non-Residential Institutions (D1).

Proposal: Application for planning permission (PA/14/03548)

Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

The application is accompanied by an Environmental Statement, Addendum and other environmental information. The Council shall not grant planning permission unless they have taken the environmental information into consideration.

Application for listed building consent (PA/14/03618)

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

2. BACKGROUND

- 2.1 This application for planning permission was considered by the Strategic Development Committee on 21th July 2015. A copy of the original report is appended.
- 2.2 The application was recommended for approval, however members voted to refuse planning permission and listed building consent based on the loss of heritage and subsequent harm to the conservation area as well as the lack of housing within the scheme, combined with the lack of affordable housing as a proportion of the housing

3.0 PROPOSED REASONS FOR REFUSAL

FULL PLANNING PERMISSION

- 1) The development would result in the total and partial loss of, and unsympathetic alteration, to a significant number of heritage assets which make a positive contribution to the character and appearance of the conservation area. Their replacements, by reason of the scale, mass and design would be harmful to the character and appearance of the conservation area. As a result, the proposal would cause 'less than substantial' harm to the Elder Street Conservation Area and the Brick Lane and Fournier Street Conservation Area. The public benefits associated with the proposal, including but not limited to additional employment floorspace, additional housing and bringing back vacant buildings into active use would not overcome the identified harm to the conservation area.

As a result the proposal is not considered to be sustainable development in accordance with paragraph 14 of the NPPF and is contrary to Development Plan policies SP10 of the Core Strategy 2010 and DM24 and DM27 of the Managing Development Document 2013 as well as having regard to the Elder Street Conservation Area Character Appraisal and the Historic England: Good Practice Advice 3.

- 2) The proposal by reason of the low proportion of housing compared to employment floorspace within the scheme fails to adequately address the borough's housing needs in accordance with strategic objective 7 within the Core Strategy which requires the delivery of housing to meet the objectives set out in the London Plan. This, combined with the low percentage of affordable housing would fail to ensure the development contributes to the creation of socially balanced and inclusive communities.

As a result the proposal is contrary to paragraph 47 of the NPPF which requires housing supply to be boosted significantly, policy SP02 (1) of the Core Strategy 2010 and policy 3.3 of the London Plan 2015 which requires Tower Hamlets to deliver 3,931 new homes a year. The proposal is also contrary to policy SP02 (3) which requires housing development to provide 35%-50% affordable housing on all sites providing 10 or more residential units.

LISTED BUILDING CONSENT

- 1) The proposed works to the grade II listed carriageway on Fleur de Lis Street, without any associated planning permission for redevelopment represents an unwelcome and unnecessary intrusion into the historic fabric of the street, causing less than substantial harm to this heritage asset. With no redevelopment proposals in place this harm is not outweighed by any public benefits and is therefore contrary to Development Plan policies SP10 of the Core Strategy 2010 and DM24 and DM27 of the Managing Development Document 2013 as well as having regard to the Elder Street Conservation Area Character Appraisal and the Historic England: Good Practice Advice 3.

4.0 CONSIDERATION

- 4.1 It is the professional view of officers that the above reasons for refusal could be defended at appeal, however the likelihood of success may be limited, particularly with regard to the low proportion of housing within the scheme. The reasons for this are set out below:

4.2 General proportion of housing

Tower Hamlets Core Strategy and Managing Development Document identify that there is a need for both employment floorspace and new housing within the borough. Other than within employment areas such as Preferred Office Locations and Local Office Locations it does not identify which use should be promoted over another. Clearly Tower Hamlets has challenging housing targets but it also has a policy which supports the growth of employment floorspace.

- 4.3 Strategic Objective 7 within the Core Strategy identifies that within the plan period the Council will seek to “deliver housing growth to meet general and specialist housing demand in line with London Plan targets”. Equally Strategic objectives 15 and 16 seek to achieve successful employment hubs through “supporting the thriving and accessible global economic centres of canary Wharf and the City Fringe which benefit from the regional and local economies” and “to support the growth of existing and future business in accessible and appropriate locations.
- 4.4 The annual monitoring report for 2012-2013 states that 37,028sqm of office floorspace has been lost over this period, predominantly for replacement with residential uses.
- 4.5 In summary the Local Plan provides support for both employment and residential uses, as such there is no obligation for the developer to provide housing within this scheme. It is intentionally employment-led in order to meet the aspirations of the GLA and the emerging ‘tech-city’ sector.
- 4.6 Where the Local Plan places no emphasis on residential over employment floorspace the draft Opportunity Area Planning Framework identifies a need for between 288,000sqm and 385,000sqm additional employment floorspace up to 2033 with the strength of demand within the ‘inner core area’ of the OPAF boundary (which this site falls within). Within the inner core emphasis is placed on the importance of new office floorspace and ‘Strategy 3 – Striking the balance between employment and residential’ states the following: “New build employment floorspace will be encouraged and supported. Strong consideration should be given to developing employment-led schemes and to the opportunity to provide an overall uplift in

employment floorspace”

- 4.7 It should also be noted that there was no residential floorspace provided within the extant scheme.

4.8 **Affordable Housing**

Comments were also raised by members with regard to the lack of affordable housing within the scheme. Policy SP02 of the Core Strategy requires developments to provide 35-50% affordable housing, however this is subject to viability and whether the scheme can afford that percentage of affordable housing.

- 4.9 In this case the applicant initially submitted the scheme with 27% affordable housing, through negotiation and robust interrogation of their viability assessment it was found that an extra 3% could viably be provided, as a result the developer converted a 2-bed private unit into a 3 bed affordable rented unit which then means the scheme provides 30% affordable housing. This is the maximum affordable housing that the scheme can provide and as such a refusal reason based upon the low proportion of affordable housing within the scheme would be challenging to successfully argue on appeal.

5.0 IMPLICATIONS OF THE DECISIONS

- 5.1 Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):

1. The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

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

2. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)
3. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents. Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which could potentially result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

- 5.2 Whatever the outcome, your officers would seek to robustly defend any appeal.

6 RECOMMENDATION

- 6.1 Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION and LISTED BUILDING CONSENT**, subject to conditions and the completion of a s106 legal agreement.

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Committee: Strategic Development	Date: 21 st July 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent.
Case Officer: Adam Hussain	Ref No: PA/14/03548 (Full Planning Application) Ref No. PA/14/3618 (Listed Building Consent)
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

Existing Use: Retail (A1), Public House (A4), Office (B1), Storage and Distribution (B8) and Non-Residential Institutions (D1).

Proposal: Application for planning permission (PA/14/03548)

Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

The application is accompanied by an Environmental Statement, Addendum and other environmental information. The Council shall not grant planning permission unless they have taken the environmental information into consideration.

Application for listed building consent (PA/14/03618)

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

Drawings and documents: List of Plans:

Application for planning permission (PA/14/03548)

<i>Existing:</i>	<i>Proposed</i>
12055_P_(00)_001	
12055_P_(00)_002	12055_P_(00)_004
12055_P_(00)_003	
	12055_P_(00)_119
12055_P_(00)_019	12055_P_(00)_120
12055_P_(00)_020	12055_P_(00)_121
12055_P_(00)_021	12055_P_(00)_122
12055_P_(00)_022	12055_P_(00)_123
12055_P_(00)_023	12055_P_(00)_124
12055_P_(00)_024	12055_P_(00)_125
	12055_P_(00)_126
12055_P_(00)_200	12055_P_(00)_127
12055_P_(00)_201	12055_P_(00)_128
12055_P_(00)_202	12055_P_(00)_129
12055_P_(00)_203	12055_P_(00)_130
	12055_P_(00)_131
<i>Demolition</i>	12055_P_(00)_132
	12055_P_(00)_133
12055_P_(00)_019	12055_P_(00)_134
12055_P_(00)_020	
12055_P_(00)_021	12055_P_(00)_151
12055_P_(00)_022	12055_P_(00)_152
12055_P_(00)_023	12055_P_(00)_153
12055_P_(00)_024	12055_P_(00)_154
	12055_P_(00)_220
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	12055_A_(00)_417

Application for listed building consent (PA/14/03618)

Location Plan (AHMM)

Landscape Plan (EAST)

Documents:

- Design and Access Statement
- Addendum Design and Access Statement March 2015
- Planning Statement
- Addendum Environmental Statement I March 2015
- Addendum Environmental Statement II March 2015
- Environmental Statement Volume 1 (URS)
- Environmental Statement Volume 2: Townscape & Visual Impact Assessment (Miller Hare & Peter Stewart Consultancy)
- Environmental Statement Volume 3: Appendices (URS)
- Environmental Statement Volume 4: Non-technical Summary (URS)
- Heritage Appraisal Volumes I and II (KM Heritage)
- Heritage Appraisal Addendum
- Archaeology Assessment (MOLA)
- Regeneration Statement (Quod)
- Energy Statement (ARUP)
- Sustainability Statement (Atelier 10)
- Transport Assessment, Travel Plan, Delivery and Servicing Management Plan & Waste Management Strategy (ARUP) (Amended by letter dated 31/03/15)
- Statement of Community Involvement (Hard Hat)
- Blossom Street Retention and Re-Use Strategy

Applicant:

British Land Property Management Ltd.

Ownership:

The Mayor, Commonality & Citizens of the City of

London; The Spitalfields Bars Company Ltd.; London Borough of Tower Hamlets & Transport for London.

Historic assets:

Site is within:

- Elder Street Conservation Area

Site includes:

- Scheduled Ancient Monument of St. Mary Spital.
- Grade II listed carriageway of Fleur de Lis Street.
- Locally listed buildings Nos. 5-11a Folgate Street & 4-8 Elder Street.
- No statutorily listed buildings.

Surrounding and adjoining the site:

- Boundary of Scheduled Ancient Monument of St. Mary Spital extends to Elder Street to the east and beyond Folgate Street to the south.
- Grade II listed buildings Nos. 1-23 & 24-36 Elder Street; Nos. 6-18, 17-21 & 27 Folgate Street; Nos. 135-145 Commercial Street; No. 142 Commercial Street (Commercial Tavern) and Bedford House, Wheler Street.
- Grade II listed carriageways of Folgate Street & Elder Street.
- Locally listed buildings Nos. 144-146 Commercial Street.

2. EXECUTIVE SUMMARY

2.1 Officers have considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan 2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and have concluded:

2.2 The scheme would provide an employment led mixed use development appropriate in this City Fringe location which has been identified as part of the 'Tech-City' cluster. The scheme provides over 30,000 sq. m. of B1 (Office) space suitable for SME's which accords with the Tech City aspirations and supported by both the London Plan and Local Plan policies.

2.3 The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the predominantly vacant and underutilised buildings which currently occupy the site.

2.4 The applications have been subject to extensive consultation with local residents and interested groups. The approach to heritage and design is supported by Tower Hamlets Officers, Historic England, CABE and the Council's Conservation Design Advisory Panel as it is considered to represent a combination of sensitive restoration and retention of heritage assets whilst incorporating high quality new buildings that

would preserve and enhance the character and appearance of the Elder Street Conservation Area. Where harm to designated heritage assets is identified this is less than substantial and outweighed by the public benefits of the scheme which are explained in detail in this report.

- 2.5 The development would provide a suitable mix of housing types and tenure including a maximum acceptable provision of affordable housing given the viability constraints of the site.
- 2.6 The housing would be of suitably high quality, providing a good standard of amenity for the future residents in accordance with housing standards. Subject to conditions, there would be no significant impact upon the amenities of neighbouring residents.
- 2.7 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.8 A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.9 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATIONS

- 3.1 1. That the Development Committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

B. The prior completion of a **legal agreement** to secure the following obligations:

- 3.2 Financial Obligations:

- (a) A contribution of £428,097 towards providing employment & training skills for local residents.
- (b) A contribution of £4,374,570 towards Crossrail.
- (c) £20,000 towards cycle improvements along Commercial Street
- (d) A £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £4,825,667

- 3.3 Non-Financial Obligations:

- (a) 30.4% affordable housing by habitable room (11 units) comprising:
 - 74% affordable rent by habitable room, at Borough rent levels for E1. (7 units).
 - 26% intermediate by habitable rooms. (4 units).
- (b) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction).
- (c) On-street parking permit free development.
- (d) Travel Plan

- (f) Public access to be secured beneath the colonnade along Norton Folgate through Blossom Yard and Elder Court.
- (e) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS

Compliance conditions

- 1) Time limit
- 2) Compliance with plans
- 3) No demolition prior to contract for construction
- 4) Hours of construction
- 5) Hours of piling
- 6) Hours of operation for outdoor seating areas
- 7) Hours of operation for A3 units
- 8) No external music to be played from commercial units
- 9) Cycle parking to be provided prior to occupation
- 10) Refuse stores to be provided prior to occupation
- 11) Secured by Design standard
- 12) Wheelchair unit within the rented tenure to be provided as wheelchair accessible
- 13) Development to meet 35dBA in relation to ground-borne rail vibration
- 14) To be carried out in accordance with the energy strategy
- 15) Petrol oil interceptors to be fitted to parking and servicing bays
- 16) Car lift within Plot S3 to default to street level unless called to the basement
- 17) No A1 / A3 units to be amalgamated
- 18) All the large buildings (i.e. >500 m2) including all new builds and refurbished offices shall achieve BREEAM 'Excellent' and the smaller retail units (i.e. <500 m2) shall achieve BREEAM 'Very Good'

Pre-commencement

- 1) Phasing Plan
- 2) Demolition Management Plan
- 3) Construction Management Plan
- 4) Contaminated Land
- 5) Archaeology assessment
- 6) Survey of London Underground Limited structures
- 7) Schedule of works detailing the extent of material to be retained and re-used during strip out of Nos. 12-13 Blossom Street
- 8) Site investigation into whether a temporary cofferdam is required within the basement of Plots S1 and S1c

Pre-superstructure works

- 1) Samples and details of all facing materials including windows, shop fronts, signage zones, balustrades and screening

- 2) Landscaping – Hard and soft landscaping for areas of public realm, roof level terraces and the residential courtyard to include measures of biodiversity and ecology enhancement
- 3) Details of treatment of land adjacent to Network Rail land for Plot S2 to include drainage / boundary treatments / lighting and landscaping
- 4) Details of wind mitigation for Nichols and Clarke Yard
- 5) Details of child play space within Plot S3
- 6) Details of wheelchair units
- 7) Security strategy including lighting and CCTV
- 8) Details of flues for A3 units
- 9) Noise assessment of plant demonstrating level is below 10dB
- 10) S278 agreement
- 11) A lighting strategy for the B1 uses identifying how light spill will be kept to a minimum i.e. lights turn off automatically when not in use
- 12) Details of how air brought into building on Plot S3 will be taken in from a sufficient height to provide suitable clean air

Prior to occupation

- 1) Delivery and Serving Plan
- 2) Details of 4 visitor cycle parking within Blossom Yard (Plot S1)
- 3) Waste Management Strategy

3.7 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.8 **INFORMATIVES**

- English Heritage Archaeology
- To be read in conjunction with the s106 agreement
- To be read in conjunction with the listed building consent
- In order to comply with the Environmental Statement the maximum number of vehicles (including HGV's and cars) during the construction period should be 80.

3.9 **2.** That the Development Committee resolves to **GRANT** listed building consent subject to the following conditions:

CONDITIONS

1. Time Limit 3 years
2. Compliance with plans and documents
3. Method statement for removal / restoration / re-use of road and pavement surfaces.

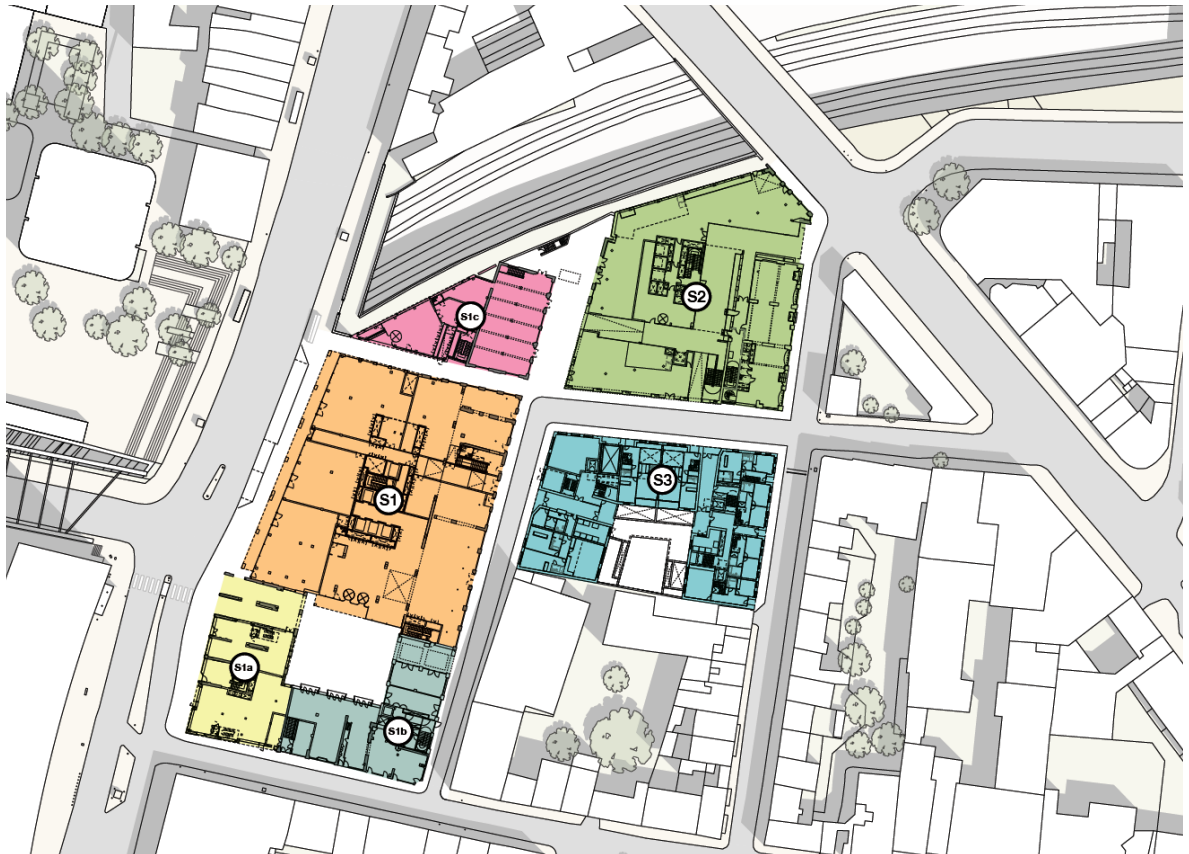
3.10 Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. SITE AND SURROUNDINGS

4.1 The application site comprises approximately 0.9 ha. It lies at the boundaries with the City of London to the south-west and the London Borough of Hackney to the north-west. It is in the vicinity of Shoreditch to the north and Spitalfields to the south east.

It is bounded by Network Rail lines to the north, Elder Street and Blossom Street to the south and Norton Folgate and Shoreditch High Street to the west.

- 4.2 To the west Norton Folgate comprises the A10, part of the Transport for London Road Network that runs into Shoreditch High Street to the north and Bishopsgate to the south. The A10 is a primary route into the City with Liverpool Street station approximately 450 m. to the south. To the east, Commercial Street comprises part of the inner London ring road also part of the TLRN leading to Aldgate.
- 4.3 The application divides the site in three plots illustrated in the plan and described below:



Plot S1 (in turn divided into four zones S1, S1a, S1b & S1c)

- 4.3 Bounded by Norton Folgate and Shoreditch High Street to the west, Folgate Street to the south, the mainline railway to Liverpool Street Station to the north and Blossom Street to the east. The pedestrian passageway, Fleur de Lis Passage, runs through the plot from east to west. This is the largest of the three plots. It consists of warehouse development to the north with buildings of a much narrower plot width, typical of the 18th century development to the south.

Plot S2

- 4.4 The north-western boundary comprises the mainline railway to Liverpool Street Station together with a short north-eastern edge that fronts Commercial Street. Elder Street comprises the eastern boundary and Fleur de Lis Street the southern boundary.

Plot S3

- 4.5 This plot forms the northern part of the block bound by Elder Street to the east, Fleur de Lis Street to the north and Blossom Street to the west.
- 4.6 The Shoreditch High Street / Norton Folgate frontage has a varied appearance. To the north it comprises the 1930s Nicholls and Clarke building Nos. 3-9 Shoreditch High Street that consisted of a new building at Nos. 3-5 Shoreditch High Street with an existing 19th century building Nos. 7-9 that had been re-fronted. These provided the existing facade. Nicholls and Clarke vacated the premises in 2003. Since then it has been either vacant or partially used as photography/exhibition space.
- 4.7 Nos. 2 Shoreditch High Street and 20 Norton Folgate date from the 1950s, erected following WW II bomb damage. Both buildings have commercial uses on the ground floor and are partially vacant on the upper floors.
- 4.8 Nos. 14-19 Folgate Street are the earliest buildings on this frontage. They are all vacant and are suffering various degrees of disrepair. Nos.16-19 Norton Folgate is a terrace of four late 19th century red brick buildings, originally including No. 20. These are typical of a Victorian/Edwardian High Street, originally built as a shopping parade with ground floor commercial use and residential accommodation above. The rear elevations, including original wash houses, are proposed to be retained. Nos. 14 & 15 Norton Folgate have 18th century Georgian origins, evident in their proportions and the composition of their street frontages. No. 15 exhibits 19th century alterations including its front. No. 14 Norton Folgate has been largely rebuilt.
- 4.9 No. 13 Norton Folgate is an office building circa 1935, with a modern shop front, lies on the corner of Norton Folgate and Folgate Street. It is occupied and in reasonable repair.
- 4.10 Turning the corner onto Folgate Street, the application site is characterised by a terrace of properties in the 'Arts and Crafts' style circa 1904. These are well maintained, good examples of this period & currently occupied. At ground floor Nos. 5-7 Folgate Street is a dental clinic. Adjacent, with frontages on both Folgate Street and Blossom Street, is the '*Water Poet*' Public House which has office accommodation above. These buildings are all locally listed.
- 4.11 Centrally located in the site is Blossom Street onto which Plots S1, S2 and S3 have frontages. The street is characterised by 19th century warehouses connected with Nicholls and Clarke's builders merchant business. Apart from a 1960s building on the southern end of the street, the western side of Blossom Street is defined by these warehouses (Nos. 12-15 Blossom Street). They have a robust appearance, with broadly standardised proportions and fenestration. The contrast of the blue and yellow brickwork and dark framed glazing contributes to their character. The buildings have undergone some alteration at roof level, with the third storey of No. 13 missing and the third storey of those adjacent reduced in height by approximately half a storey.
- 4.12 The eastern side of Blossom Street comprises modern development. The southern part, occupied by a four-storey hotel, lies outside the application site. The northern part forms part of Plot S3. This is the corner with Fleur de Lis Street currently occupied by a utilitarian depot circa 1950 bearing little relationship with surrounding buildings.

- 4.13 Fleur de Lis Street and Passage cross the site from east to west. The frontages form part of Plot S1c to the north and Plot S3 to the south. Plot S2 has a fragmented layout. The two existing buildings on Plot S2 are a stand-alone warehouse circa 1927. On S1c the 1887 building is directly to the north of the Blossom Street warehouses adjacent to Fleur de Lis Passage. It is largely intact and of a similar design and materials to the Blossom Street warehouses. The 1927 warehouse is sited perpendicular to the 1887 building and is a rebuilding of an earlier warehouse on this site. This is evident from the facade of the earlier building that was retained as part of the structure forming its western elevation. The frontage to the north of Fleur de Lis Street is defined by a car park and steel boundary fence. The north corner is a frontage of No. 8 Elder Street.
- 4.14 South of Fleur de Lis Street the site includes the depot building, described above. Adjacent to this and defining the corner of Fleur de Lis and Elder Street is a four-storey office building circa 1973 in a 'mock-Georgian' design, predominantly red brick with a stucco rendered ground floor frontage. It is in good repair and used as offices.
- 4.15 The eastern side of Plot S2 fronts Elder Street and is characterised by a row of warehouses. These are relatively complete examples in good repair. They retain original features including loading bays and large ground floor openings, and are industrial in character. Non original stucco render has been applied to the shop fronts of Nos. 4 & 8 Elder Street. These buildings are locally listed. No. 2 Elder Street, originally a two-storey mid-19th century house, is derelict consisting of three remaining brick walls. Directly adjacent to this building is a passageway, possibly historically covered, that forms an entrance to the Nicholls and Clarke site.
- 4.16 The short frontage onto Commercial Street is occupied by a mid-19th century two-storey brick building. Originally three-storey this building was erected around the time Commercial Street was laid out, evident in its distinctive alignment responding directly to the street.
- 4.17 The entire site lies within the Central Activities Zone (CAZ), the City Fringe Opportunity Area Planning Framework and the Elder Street Conservation Area. The CAZ is the 1st Tier in the Council's Town Centre Hierarchy.
- 4.18 The Brick Lane and Fournier Street Conservation Areas lie to the east and the South Shoreditch, Redchurch and Boundary Estate Conservation Areas lie to the north. Two locally listed buildings lie within the site: Nos. 4 to 8 Elder Street; Nos. 5 to 11 & 11A Folgate Street.
- 4.18 The site scores PTAL 6b (Excellent).

5.0 MATERIAL PLANNING HISTORY

- 5.1 The site has a substantial planning history. The following section identifies the most relevant points from an application dismissed on appeal in 2007 and a subsequent permission granted by the council in 2010. These schemes were not as extensive as the current proposal relating essentially to Plots S1, S1a, S1c and the western part of Plot S3 (the portion occupied by the single storey depot).

PA/06/02333 and PA/06/02334

- 5.2 Planning permission was refused on 25th June 2007 for redevelopment by the erection of buildings between 4 and 10 storeys (43 metres in height) and the

conversion of existing buildings to provide 9 residential units (1 studio, 1x 1-bed and 7 x 2-bed flats), 22,387 sq. m of B1 (Offices) of which 1,336 sq. m. was to be small/medium enterprise units, 1,674 sq. m. of A1 (Shop) and A3 (Restaurant / Café) and 595 sq. m of A4 (Public House) with open space and servicing. The Refusal Reason was:

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

5.3 A parallel application for conservation area demolition consent was also refused for the following reason:

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

5.4 Appeals against both decisions were dismissed by the Planning Inspectorate (APP/E5900/A/08/2062519) on 15th August 2008. The demolition proposed was Nos. 13-20 Norton Folgate, Nos. 2-9 Shoreditch High Street, Nos. 16-17 & 10 Blossom Street. The Inspector’s key reason was the loss of buildings that made a positive contribution to the Elder Street Conservation Area. His reasons may be summarised as follows:

- Loss of historic buildings (especially Nos. 16-19 Norton Folgate) would have an adverse impact on the conservation area;
- Lack of evidence to demonstrate that Nos. 13-19 Norton Folgate could not be repaired and retained.
- Warehouse buildings along Blossom Street contribute to the character of the conservation area.

5.5 Neutral and positive aspects noted by the Inspector were:

- Appropriateness of the 10 storey element in terms of design and context;
- Overall high quality of the scheme & careful design consideration;
- Retention of the historic kink/set back in the building line between No.1 Shoreditch High St and and No. 20 Norton Folgate marking the boundary of the former precinct to the medieval Priory of St Mary Spital;
- The quality of permeability and improved public access;
- The benefits of the proposed repair work to Blossom Street warehouses and locally listed buildings on Folgate Street;
- Compatibility between public house and residential use could be achieved by suitable conditions.

PA/10/2764 and PA/10/2765

5.6 Planning permission and conservation area consent were granted by the council on 5th October 2011 for the redevelopment of the former Nicholls and Clarke site and adjoining depot site, for mixed use purposes, comprising buildings between 4 and 9 storeys 48.40 m. AOD to provide 18,775 sq. m. of B1 (Office); 1,816 sq. m. of A1

(Retail) and A3 (Restaurant) and 663 sq. m. of A4 (Public House), together with new public space (Blossom Place), provision of new access to Blossom Place, highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

- 5.7 The demolition consent authorised the loss of Nos. 13 and 20 Norton Folgate, 14 and 15 Norton Folgate (behind retained facades) and Nos. 2-10 Shoreditch High Street (the Nichols and Clarke showroom), Nos. 16-17 Blossom Street (the infill building at the rear of the Water Poet PH) and No. 10 Blossom Street (the depot building). Façade retention was consented at Nos. 14-15 Norton Folgate.
- 5.8 The main differences between the permitted and refused schemes were:
- Substantially less demolition;
 - Increase in the number of buildings to be retained and refurbished particularly Nos. 16-19 Norton Folgate;
 - Reduction in the height of the tallest part of the development (North West corner) from 10 storeys to 9 storeys;
 - Alternative design approach to the elevations particularly along Shoreditch High Street and Norton Folgate;
 - Reduction in office floor space by approximately 3,600 sq. m.
 - Omission of 9 residential units.
- 5.9 The planning permission of 5th October 2011 has been implemented and is extant. This has been confirmed by the issue of a Certificate of lawful development (PA/14/3268).

Scheduled Ancient Monument consent

- 5.10 Parallel to the current applications for planning permission and listed building consent; on 15th June 2015, Historic England on behalf of the Secretary of State for Culture, Media & Sport granted conditional Scheduled Monument Consent in respect of proposed works at the Priory and Hospital of St Mary Spital, Spital Square, E1 concerning archaeological excavation in advance of new foundations, and the installation of foundations in selected areas of the monument.

6 PROPOSED DEVELOPMENT

Application for planning permission (PA/14/03548)

- 6.1 Application is made for full planning permission to redevelop the site to provide a mixed-use scheme comprising 34,807 sq. m. of office (Use class B1), 1,126 sq. m. of retail (Class A1), 3,566 sq. m. of restaurant/café (Class A3), 553 sq. m. of drinking establishment (Class A4) and 40 residential units of which 11 units would be affordable housing. The together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking.
- 6.2 The development combines the repair and refurbishment of existing buildings, the retention of facades, demolition and new build. The scheme has been designed by four architectural practices: Allford Hall Monaghan Morris (AHMM) (Masterplan & Plots /S1/S1c/S3), Duggan Morris (Plot S1a), DSDHA (Plot S1b) & Stanton Williams (Plot S2).

Plots S1 and S1c

- 6.3 New buildings are proposed on Plots S1 and S1c replacing the existing 1930s Nicholls and Clarke showroom on Plot S1 and recent single-storey storage unit at Plot S1c. The new development on these plots would be adjacent to retained facades and buildings on the eastern elevation. On Plot S1 the eastern part would retain and restore the 19th century warehouse facades along Blossom Street. At the northern end of Blossom Street the proposal for Plot S1c would retain the 1887 warehouse building.
- 6.4 The development on Plots S1 and S1c would include a new building incorporating Nos. 2-10 Shoreditch High Street and No. 20 Norton Folgate to form part of the western edge of the site. Fronting Shoreditch High Street, this building would be subdivided horizontally and tiered vertically to an overall height of 11-storeys or 58.4 m AOD. On its eastern edge, the building would consist of the Blossom Street warehouse facades at lower levels with new build upper floors above set back by approximately 10 m.
- 6.5 To the north a new building on Plot S1c would be 14-storeys in height (65.7m AOD) with glazed elevations including an external frame and inset ceramic panels. It would be triangular in plan, occupying the north-west corner of the site. It would be separated from Plot S1 by Fleur de Lis Passage. Internally the lower floors would combine with the retained 1887 warehouse building which forms the eastern half of Plot S1c.
- 6.6 These two plots would be predominantly office accommodation with retail use on the ground floor of Plot S1. The floor plates of S1 would be up to approximately 1,765 sq. m. and on Plot S1c up to approximately 280 sq. m. These buildings were originally proposed to be linked at upper levels by bridges over Fleur-de-Lis Passage but the bridges have been omitted from the scheme and S1 and S1c would now be independent with their own cores.

Plot S1a

- 6.7 Plots S1a lies at the southern part of the site. The application proposes redevelopment of Nos. 13 and 14 Norton Folgate by a new building at this corner and restoring Nos. 15 - 19. The upper floors would provide offices with floor plates of 209 sq. m. and 242 sq. m. The ground floor of Nos. 13 and 14 would be retail space and Nos. 16 and 17 a restaurant. The ground floor of No. 15 would accommodate the entrance to the office spaces above. At Nos. 18 & 19 Norton Folgate the ground floor would be opened to provide the double width pedestrian route into a central public space 'Blossom Yard'.

Plot S1b

- 6.8 Plot S1b is the south-east corner with Folgate Street and Blossom Street and includes an Edwardian 'Arts and Crafts' style building fronting Folgate Street Nos. 5-11a. This is locally listed with a dentist's surgery and the 'Water Poet' PH at ground floor with offices above. Turning the corner onto Blossom Street is a 1960s four-storey block which occupies Nos. 16-17. The proposal would refurbish the locally listed building including the removal of extensions and plant equipment at the rear with the reinstatement of traditional style shop fronts to Nos. 5-7. The 1960s block would be demolished and replaced with a new five-storey building. The character,

scale and appearance of this new building has been designed to reflect the adjacent Blossom Street warehouses.

- 6.9 The development would provide offices at upper floors, split into two floor plates of 152 sq. m. and 304 sq. m. accessed from a ground floor entrance on Blossom Street. As with plot S1a, part of the ground floor of the new building on Blossom Street would be opened up to provide a pedestrian route into 'Blossom Yard'. On Folgate Street the public house would be retained and extended into Nos. 5-7 replacing the dental surgery.

Plot S2

- 6.10 Proposals for Plot S2 at the north-east of the site also involve retention and refurbishment demolition and new build. The 1927 warehouse would be demolished save for its western façade. No 161 Commercial Road on to the north-east corner would also be demolished but with its street façade retained. Replacing these buildings and infilling existing gaps to the south of the plot would be a new building part 4, part 5 and part 9-storeys high. The western part of the Plot S2 would form the eastern edge of a proposed public open space 'Nicholls and Clarke Yard' that would be connected to the north-east of the site via a new pedestrian route 'Elder Passage'
- 6.11 The eastern part of Plot S2 would be defined by Nos. 4-8 Elder Street (locally listed mid-19th century warehouses) which would be retained and refurbished.
- 6.12 Plot S2 would be predominantly office accommodation with restaurant use at ground floor. The floor plates of the new building would be approximately 1,000 sq. m. and the retained warehouses at Nos. 4-8 Elder Street would be combined internally and to provide floor plates of approximately 305 sq. m.

Plot S3

- 6.13 The residential accommodation would be provided at Plot S3 currently occupied by a 1970s neo-Georgian office building and a depot. These would be demolished and replaced with a six storey building with inset 5th and 6th floors. This would complete the block fronting Elder Street, Fleur de Lis Street and Blossom Street surrounding a central communal courtyard of 160 sq. m. The four-storey element would reflect the materials, scale and proportions of the adjoining Georgian townhouses on Elder Street. The inset upper two storeys are a contemporary design of glazing and timber.
- 6.14 There would be a ground floor retail unit on the north-west corner. The remainder of the building would comprise a mix of 11 affordable units and 29 market units ranging from 1 bedroom to 3-bedrooms. 35% would be single-aspect 65% dual-aspect. There would be 3 separate residential entrances, one on each frontage, with the affordable units accessed via Elder Street. The central courtyard of approximately 160 sq. m. would be a communal garden for all residents.
- 6.15 Basement level would comprise plant, cycle parking, and 7 car parking spaces (including 2 disabled spaces), accessed via a car lift from ground floor level.
- 6.16 Highways works include creation of a one way street south from Fleur de Lis Street and Blossom Street, widening the footway on Blossom Street, installation of cycle stands in the carriageway on Fleur de Lis Street and widening the loading bay on Norton Folgate.

Application for listed building consent (PA/14/03618)

- 6.17 Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

7 LEGAL & POLICY FRAMEWORK

- 7.1 The Council in determining the planning application has the following main statutory duties to perform:-
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
 - When considering the applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
- 7.2 Considerable importance and weight should be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area, when carrying out any balancing exercise in which harm to the significance of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission or listed building consent being granted.
- 7.3 The extant planning permission (and conservation area demolition consent) granted in October 2011 (LPA references PA/10/2764 & 2765) are capable of being considered as a 'fallback' position (i.e. capable of being built out) and a material consideration to be taken into account if there is a real prospect (i.e. a greater than theoretical possibility) that the development authorised by the permission will be carried out. The weight to be given to that material consideration is a matter for the Council as decision taker. Given the works have been implemented and are subject to a Lawful development certificate, in the view of officers considerable weight should be given to the fallback position.
- 7.4 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:

The Development Plan

7.5 The London Plan 2015

- 2.10 Central Activities Zone (Strategic Priorities)
- 2.11 Central Activities Zone (Strategic Functions)
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Recreational Facilities
- 3.8 Housing Choices
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 4.5 London's Visitor Infrastructure
- 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
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.9 Heritage-led Regeneration
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes

7.6 Tower Hamlets 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
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working Towards a Zero-carbon Borough
SP13 Delivering and Implementation

7.7 Tower Hamlets Managing Development Document 2013

DM1 Development within the Town Centre Hierarchy
DM2 Local Shops
DM3 Delivering Homes
DM4 Housing Standards and Amenity Space
DM8 – Community Infrastructure
DM9 – Improving air quality
DM11 Living Buildings and Biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM20 Supporting a Sustainable Transport Network
DM21 Sustainable Transportation of Freight
DM22 Parking
DM23 Streets and Public Realm
DM24 Place-sensitive Design
DM25 Amenity
DM26 – Building Heights
DM27 Heritage and the Historic Environment
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
DM30 Contaminated Land

Other Material Considerations

7.8 Government Planning Policy

NPPF - National Planning Policy Framework
NPPG- National Planning Policy Guidance

Other Planning Guidance

- Tower Hamlets Planning Obligations SPD
- GLA City Fringe Opportunity Area Planning Framework
- Elder Street Conservation Area Character Appraisal
- Accessible London: Achieving an Inclusive Environment.
- The Control of dust and emissions during construction and demolition
- Shaping Neighbourhoods: Character and context
- Draft Social Infrastructure SPG.
- London Planning Statement
- Sustainable design and construction
- The Mayor's Housing SPG
- Shaping Neighbourhoods: Play and informal recreation
- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans 2015
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015

- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015

8.0 CONSULTATION

- 8.1 The following bodies have been consulted and representations are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report which addresses the material planning considerations but where appropriate comment is also made in response to specific issues raised as part of the consultation process.

External consultees

Mayor of London Stage 1 Response (Including TfL response):

Mix of Uses

- 8.2 The principle of a high density, mixed use commercially led development at a location of excellent public transport accessibility is consistent with the site's location within the Central Activities Zone (CAZ) and City Fringe Opportunity Area.
- 8.3 Further detail is needed on the scope of office spaces to be included as the nature and varying scale of the proposal means that a range of unit sizes and office typologies can be accommodated.
- 8.4 The slight reduction in retail floor space is acceptable given the improvement in quality of retail units and the range of sizes, to support a range of tenants.

Housing

- 8.5 Residential mix is welcome with an acceptable proportion of family units. Proposed level of affordable housing acceptable, subject to results of financial viability assessment.
- 8.6 Ground floor units accessed from street which is welcomed. Duplex units on Elder Street have ground floor bedrooms. Consideration should be given to swapping with ground floor living rooms to increase street surveillance. Child play space and amenity space provision is supported.

Urban Design

- 8.7 Proposal demonstrates a high level of site analysis, including a thorough analysis of the architectural and historic significance of a range of buildings across the site, which is welcomed and this has helped to establish a clear strategy for retention and renewal. Proposal to improve connectivity across the site, active frontages to Fleur de Lis passage, and active retail/café frontages along the western edge of the site welcomed.
- 8.8 Massing and heights strategy across the development site is broadly supported, raising no specific strategic issues.
- 8.9 Western elevation of block S1 is improved and better proportioned and is supported. Eastern elevation of S1 is less well resolved currently creating a potentially overbearing massing arrangement.

- 8.10 Corner block S1a (at corner of Norton Folgate and Folgate) is a restrained clean-lined response to its heritage-sensitive location with subtle articulation through variations in brick tones and deep set window reveals.

Heritage

- 8.11 The applicant has developed a scheme that is designed to preserve and enhance the Elder Street Conservation Area. The largest block (S1) is a substantial building but its scale has been mitigated by a well-considered and high quality design approach across the rest of the application site, through the retaining and refurbishing of important historic buildings or retaining the facades of others and integrating within larger developments behind. The development of long vacant sites and under-occupied buildings will greatly benefit this corner of the conservation area, as will the retention of the historic street pattern (and fabric) and creation of a new thoroughfare and public courtyard space between Blossom Street and Shoreditch High Street. Revisions at pre-application stage to retain no. 15 Folgate Street and the 1927 warehouse façade and greater articulation to block S1 fronting Norton Folgate, are all welcomed and represent significant improvement to the scheme as a whole. Subject to design improvements to the eastern façade of S1, the proposal accords with relevant policies and should preserve and enhance the character and appearance of the conservation area and the setting of heritage assets.

Inclusive Design

- 8.12 Proposals include a thorough public realm assessment in regards to inclusive access. Management Plan needed to address allocation of blue badges. 10% wheelchair housing provided further clarity on numbers and location required. Children's play space equipment should ensure inclusive facilities.

Energy

- 8.13 Proposals include a range of passive design and demand reduction features, including low energy lighting, solar control glazing, heat pumps and brown roofs. Additional technical information required to demonstrate policy compliance.

Transport

- 8.14 Majority of trips to and from the site will be made by public transport. Given proximity to a number of transport interchanges there are no site specific concerns about transport capacity. TfL recommends the residential part of the scheme should be 'car-free', omitting the basement car park, additional disabled parking should be provided for the commercial elements. Proposal to convert Blossom Street and Elder Street to one-way is welcomed, discouraging rat running.
- 8.15 Number of short stay cycle parking should be increased, and access to storage areas amended as wheeling ramp not acceptable for high volume use. Clarification on impact on cyclist's safety of widened footway on Shoreditch High Street.
- 8.16 Delivery and Servicing Plan, Construction Management Plan and Travel Plans to be secured.
- 8.17 Recommended that LBTH secure £3,000 contribution to wayfinding. TfL seeks contribution of £20,000 towards Commercial Street cycle lane scheme; £90,000 towards cycle hire docking station operating costs.

(Officer response: The majority of the GLA's comments are positive and provide support for the scheme. Issues raised with regard to the design of the rear of the Plot S1 building, the Energy Strategy and transport matters are addressed in detail in the 'material planning consideration' section of the reports.

TfL have requested section 106 contributions of £840,000. Officers have concerns regarding the justification for these contributions in the context of the Community Infrastructure Levy Regulations 2010 (as amended). Regulation 122 states that obligations may only be sought where they are necessary to make the development acceptable in planning terms, where the contribution is directly related to the development, and where the obligation is fairly and reasonably related in scale and kind to the development. It is not considered these test would be met in relation to the wayfinding and cycle hire docking station, as such only the cycle improvements along Commercial Street are secured within the s106. Furthermore, under Regulation 123 infrastructure already identified as deliverable through CIL may not also be funded through other obligations and the development would be liable to the Mayor's CIL)

Historic England (formerly English Heritage)

8.18 *"Whilst the proposals represent a substantial intervention to a large site within Elder Street Conservation Area and will therefore result in considerable change, we believe that all of the significant elements of the heritage have been correctly identified and appropriately treated within the submitted application. The proposed new buildings are carefully designed and of a quality that far exceeds that of the 2011 consented proposals. Our view, in summary, is that the proposals are well designed, sensitive to the heritage and offer significant public benefits that decisively outweigh any perceived harm to the historic environment. English Heritage therefore supports the proposals."*

8.19 Specifically Historic England (HE) advise:

"The warehouses differ in terms of survival of their interiors, and in our view the proposals retain the most significant parts of them. Where an entirely new structure is proposed behind the facades at Nos. 14-15, this replaces a concrete structure of no significance and replaces it with a steel and timber structure in the spirit of the original warehouses. Most important, the proposals will sensitively restore the facades of all of the warehouses. These form the most significant element of the buildings that contributes to the conservation area (the designated heritage asset), and in that regard we see this as providing a major heritage benefit."

8.20 HE comment in detail on the proposals and reach the following recommendation:

"The development site comprises a large area that retains a strong historic character and several unlisted buildings that contribute positively to the surrounding conservation area. The proposals entail significant intervention that will change the appearance of the area. In our view, when considered cumulatively, the changes will, on balance, enhance the character of the conservation area. Where harm is identified, this harm is minor, and is far outweighed by the public benefits of the scheme. These heritage benefits---i.e. the repair and restoration of all of the buildings or their most significant elements that make a positive contribution to Elder Street Conservation Area---; benefits arising from re-introducing buildings to currently empty spaces and thereby

reinforcing the historic street pattern; benefits arising from reintroducing permeability through the site; and the very obvious benefit of introducing active uses into buildings that have been empty and decaying for decades.”

The design of the new buildings is, in our view, of high quality and complementary to the established character of the conservation area.....“.....the submitted applications will enhance the historic environment in this part of Tower Hamlets, and we are fully supportive of them.”

Historic England – Archaeology

- 8.22 *“The majority of the proposed scheme overlies the Scheduled Monument of the mediaeval Priory and Hospital of St Mary Spital a designated heritage asset and the applicant will need appropriate permissions from the Inspector of Ancient Monuments for London. Impact on undesignated heritage assets above and to the north of the Scheduled area can be expected and require management through the planning process.*
- 8.23 *Affected non-designated heritage assets are likely to include Roman remains connected with funerary and industrial activity fronting the former Ermine Street, now Norton Folgate, as well as mediaeval and post-mediaeval remains from the later development of London. Many of the buildings proposed for demolition are of nineteenth and early twentieth century local heritage significance and should be recorded before demolition.*
- 8.24 *Should consent be granted, then archaeological impacts should be covered by a condition to include recording of the buildings as well as a staged programme of investigation into buried deposits.”*

(Officer response: On 15th June 2015, Historic England on behalf of the Secretary of State for Culture, Media & Sport granted conditional Scheduled Monument Consent in respect of proposed works at the Priory and Hospital of St Mary Spital. Additionally Historic England has requested a condition regarding non designated heritage assets that lie below ground.

London Fire and Emergency Planning Authority:

- 8.26 No comments received.

Metropolitan Police Crime Prevention Officer:

- 8.27 The extra footfall the proposal will bring to the area is welcomed, however there is concern that Elder Passage and Blossom Yard both lack natural surveillance which could attract anti-social behaviour. Secured by Design standards should be considered as a planning condition for the residential element.

(Officer response: Both spaces will be overlooking by offices and A3 / A4 uses, providing natural surveillance throughout the day and into the evening. A security strategy for the development, including lighting and CCTV would be secured by condition together with condition requiring Secured by Design accreditation).

Tower Hamlets Primary Care Trust

- 8.28 No comments received.

City of London Corporation

8.29 No comments received.

London Borough of Hackney

8.30 No comments received.

London Bus Services Limited

8.31 No comments received.

London Underground Limited

8.32 No objection to the planning application but recommended a condition requiring details of the layout and construction of all sub-ground works including basement and foundations.

(Officer response: Noted and condition recommended)

Council for British Archaeology

8.32 No comments received.

Ancient Monuments Society

8.33 No comments received.

Georgian Group

8.34 The Group endorses the Council's Elder Street Conservation Area Management Guidelines. The Groups remit is most concerned with Elder Street and Folgate Street where development should be carefully designed to ensure the conservation area and setting of listed buildings is preserved or enhanced by sensitively scaled development. Scale design and materials should address the historic context and preserve the maximum amount of historic fabric. In contingent areas new development should not greatly exceed the scale of existing buildings and respect the historic environment in both scale and materials.

8.35 The Group considers the proposals do not respect the scale the scale or materials of the conservation area and do not demonstrate appropriate enhancement.

The Society for the Protection of Ancient Buildings

8.36 Aware of concerns expressed by the Victorian Society and the Spitalfields Trust, who were instrumental in saving a great deal of the historic fabric of the Spitalfields area in the 1970, the report by Alec Forshaw "An Independent Appraisal of Proposals for Norton Folgate/Blossom Street, Spitalfields" which raises a number of very valid concerns about the loss of historic buildings as well as the scale and form of the proposed redevelopment and its impact on neighbouring streets.

8.37 Although there is only one listed structure within the redevelopment site, the area retains a variety of interesting and valuable buildings spanning three centuries. Whilst not listed they are of historic interest and have a considerable degree of architectural

and social significance. Many are well built and robustly detailed structures and capable of sustainable reuse. They also make a positive contribution to the Elder Street Conservation Area and should be considered non-designated heritage assets and treated as such in the light of the guidance in the NPPF.

- 8.38 Elements of the proposals retain parts of the building facades this is an unacceptable treatment of the historic buildings. SPAB has been fundamentally opposed to the idea of gutting old buildings and believe that the reduction of a building to a facade removes its character and interest and results in a new structure entirely lacking in integrity.
- 8.39 Suggest more effort should be made to retain and reuse a larger part of the existing historic fabric adding well-designed new buildings that make an appropriately scaled and honest modern contribution to the evolving streetscape.
- 8.40 SPAB firmly believes that the old buildings on the site should be treated in a much more sensitive and responsible manner. Historic buildings are an asset, forming a valuable part of the local streetscape and add to the distinct character of the local area and provide continuity with past generations of East End communities. The developers should rethink their proposals to deliver a fully heritage-led scheme that protects the special character of the Norton Folgate area rather than subsuming it within the expanding commercial architecture of the City.”

20th Century Society

- 8.41 No comments received.

Victorian Society

- 8.42 No comments received.

The Spitalfields Society

- 8.43 Concerned about potential increase of pedestrian footfall through the conservation area as a result of combined effect of Principal Place, Blossom Street and the Bishopsgate Goods Yard development. A study of impact of footfall is recommended.

(Officer response: The submitted Transport Assessment has undertaken an analysis of the predicted trips to and from the site. The additional routes through the development would assist with pedestrian movement)

- 8.44 Supports the introduction of a one-way system for traffic through the conservation area though there should be no changes to the gates on Folgate and Elder Street.

(Officer response: The gates on Elder Street and Folgate Street are outside the application site and are unaffected by the proposal).

- 8.45 Residents already suffer from light pollution which permeates the neighbourhood. The council should impose light emission rules such that it is “lights out” between 11 pm and 7 am. Operating hours no later than 11 pm should be applied to restaurants serving alcohol.
- 8.46 The Society seeks assurances that construction impacts will be minimized and asks that all retail, restaurant and residential property be constructed with the highest

specification noise proofing. The Society would support introduction of wider pavements on York flagstones.

(Officer response: A number of the above concerns would be dealt with by condition, including operating hours of the retail / restaurant uses, construction impacts and sound insulation between commercial and residential uses. Given that the site is within the CAZ and the City Fringe it is not considered reasonable to require a 'lights out' approach between the hours of 11 pm and 7 am for the office use).

Network Rail

- 8.47 Any building should be situated at least 2 m. away from Network Rail's boundary, the development should not drain onto Network Rail land, 1.8 m. high trespass fence should be erected adjacent to the railway and any lighting should not cause confusion with the signalling of the railway.
- 8.48 There is potential for noise and disturbance from the railway line to the proposed buildings and the development should be considered in the context of the potential for additional rail services / night time train running. Landscaping should be considered in the context of the railway line to ensure there is no impact on the operation of the railway.

(Officer response: Plot S2 would be constructed up to the applicant's boundary, however there is a strip of land between the boundary and Network Rail land which allows a 2 m. separation distance. Details of drainage / boundary treatments / lighting and landscaping would be secured by condition and consideration will be given to the safe operation of the railway line. The point in relation to the potential for noise and disturbance to the future occupiers of the building is noted, however B1 office uses would be located along the northern boundary and it is not considered that the relationship between the two would be unacceptable).

Crossrail Safeguarding

- 8.49 The site is outside the limits of land subject to consultation under the Safeguarding Direction.

The Spitalfields Trust

- 8.50 Objects for reasons that can be summarised as:
- Conflict with Core Strategy Objectives SO22, SO23 & Policy SP10 (Creating Distinct and Durable Places) relating to the protection and conservation of heritage assets and their context.
 - Conflict with the Elder Street Conservation Area Appraisal. The development would be detrimental to the conservation area because of the high level of demolition, particularly between Blossom Street and Norton Folgate, inappropriate scale and footprint of new buildings, damage caused by proposed tall buildings to the setting of listed buildings and historic views and the replacement of finely grained incremental development with large blocks.
 - The proposed land use is a poor balance between large floor plate office uses and smaller uses which define the character of the existing site.
 - Sustainability, failure to reuse existing buildings, high level of demolition and new build including substantial excavation.

- Balance of harm against public benefits: proposals will cause substantial harm to heritage asset, including loss of historic fabric and plan-form and substantial harm to the character and appearance of the conservation area.
- Employment would be mostly Grade A offices. The high cost of construction is unlikely to result in cheap rented accommodation for start-up business or small firms.
- Conflict with NPPF and does not deliver the '*optimum viable use*'.
- The current proposal is more damaging than the 2011 consented scheme and should be considered on its own merits.

St Georges Residents' Association (Spitalfields)

8.51 No comments received.

Spitalfields Joint Planning Group

8.52 No comments received.

Spitalfields Community Association

8.53 No comments received.

Spitalfields Community Group

8.54 Demolition of 72% of the existing buildings will cause substantial harm to the Elder Street Conservation Area and harm non listed and locally listed buildings. Buildings between 9 and 13 storeys fail to respect the predominant height of the conservation area around 3-4 storey. Fine grain of the area replaced by monolithic large floor plate structures and façade retention. Inadequate mix of use. Proportion of housing too low with insufficient affordable housing. Retail use outweighed by offices not for local people. Concerned about cumulative increased pedestrian footfall. Traffic control measures required and pavements widened. Light emission should be restricted. No alcohol sale after 11.00 pm.

Elder Street Residents' Association

8.55 No comments received.

The East End Preservation Society

8.56 Concerned that the proposals, which will cause substantial damage to the designated heritage assets within the Elder Street Conservation Area, have not been open to meaningful public scrutiny.

Natural England

8.57 Advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

The Huguenot Society

8.58 This is one of the few remaining places where Huguenot ancestry and culture is preserved. The proposal threatens to change and destroy heritage forever.

Expansion of the City has already resulted in destruction of most historic Huguenot sites.

Ministry of Start-ups (Affordable Start-up workspace)

- 8.59 Acutely aware of the lack of business space in the area with consequently rising rents. This should be balanced by increasing supply by new space or bringing redundant space back to life. Supportive of the scheme and the use of a range of local architects for the different buildings.
- 8.60 Most start-ups and small businesses are comfortable working within co-working spaces until they reach 12-15 people. It is good to see that 60% of the development would provide commercial space under 3,500 sq. ft. [325 sq. m.]
- 8.61 Facades vs complete retention. The warehouse buildings on the site are not viable as commercial spaces. Even with significant works there is nothing to be gained by retaining the internals but keeping the facades is essential. The scheme is essentially very good and preferable to the previous 'ugly' development although the preference would be to see additional commercial space.

Save Britain's Heritage

- 8.62 The plans will devastate Spitalfields an urban regeneration success story that has ensured a wide variety of people can live in the centre of the city and nurture many creative businesses. The proposals involve the almost complete loss of one third of the conservation area, preserving no more than a few facades with loss of affordable business accommodation. Proposed replacements are out of place with the character of the conservation area and the council's preservation policies. Unacceptable to replace buildings 3 and 4 storey with new ones up to 13 stories. Complete lack of affordable housing with a low percentage of housing. The essential character and amenities of the East End of London is at stake.

(Officer response: The history and heritage value of the site is considered in the 'Heritage and design' section of the report. 40 residential units are proposed including 30% affordable housing)

National Planning Casework Unit - Department for Communities and Local Government

- 8.63 No comments to make on the application.

Internal

Communities, Localities & Culture

- 8.64 Requested financial contributions based on the potential population increase impact on local services due to the number of employees generate by the development. These requests were made prior to the introduction of the Council's CIL on 1st April and are no longer relevant as they fall within the borough's Regulation 123 list.

Environmental Health – Air Quality

- 8.65 Requests £30K to maintain the Air Quality Monitoring station in Stepney.

- 8.66 The NO₂ objectives are 40µgm⁻³ at the building façade. The 60 µgm⁻³ is the relevant objective for gardens and it is assumed a balcony is being treated as a garden. However, as the balcony is on the building façade the 40µgm⁻³ limit would be exceeded at the building façade. The proposed mechanical ventilation to mitigate this would be acceptable if non opening windows were installed but by having the balconies opening in the air with this high level of pollutants renders the mechanical ventilation ineffective. Therefore excesses at the facades would not be mitigated.

(Officer response: The requested contribution fails relevant CIL tests not being necessary to make the development acceptable or directly related to the development. Comments on air quality at the residential units are provided in the Material Planning Consideration part of the report).

Environmental Health – Noise and vibration

Railway Noise

- 8.67 Tower Hamlets Rail Noise Policy Statement adopts the standard 35dBA LA_{max} (fast) upper limit for noise generated by ground-borne train vibration. The developer should provide details of how compliance with this standard would be achieved.

(Officer response: The submitted Environmental Statement demonstrates that the standard will be met. A compliance condition is recommended.)

Residential Stacking

- 8.68 Bedrooms should only be above or below bedrooms & living rooms should only be above or below living rooms.

(Officer response: This is correct for most rooms. There are however a number of bedrooms above living rooms, and vice-versa, at the lower levels and the top two floors where site constraints and the massing of the building mean that it is not possible for the bedrooms and living rooms to stack. Where this is the case an appropriate level of acoustic insulation is proposed in order to minimise the likelihood of any disturbance in between floor levels. This is not a planning policy requirement and subject to suitable noise insulation it is considered acceptable to stack living rooms above bedrooms.

Lift Shaft & Motor Room

- 8.69 The drawings do not specify the location of the lift motor room. It should be sound insulated from the floor directly below and any adjoining habitable rooms.

(Officer response: The lift motor rooms will be housed at the top of the lift shafts. The lift shafts in some locations do have a party wall condition with habitable rooms (both bedrooms and living rooms) - this is due to the constraints of the site. It would not be possible for this to be avoided. Where this occurs an appropriate level of acoustic insulation has been allowed for in the design in order to minimise disturbance within rooms adjacent to the lift shaft.

- 8.70 Noise associated with all mechanical plant and equipment from B1, A1, A3, A4 or C3 uses should meet BS 4142 and achieve a rating level 10 dB below the background noise level at sensitive facades.

(Officer response: A condition is recommended to require the developer to

demonstrate that all plant would be at least 10dB below background noise levels when measured from the nearest noise sensitive facades)

Restriction of hours of opening of A1, A3 & A4 uses

- 8.71 Such uses should not be open to customers outside 23.00 - 07.00 hours.

(Officer response: An appropriate condition is recommended)

Hours of delivery

- 8.72 Should be limited to 08.00 to 18.00 hours and not at any time on Sundays or public Holidays.

(Officer response: It is recommended that a Delivery and Servicing Plan is secured by condition which will control hours of delivery.

Odour & Smoke from A3 and A4 uses

- 8.73 Details of means of odour control should be submitted for written approval.

(Officer response: An appropriate condition is recommended)

Environmental Health – Contaminated land

- 8.74 Due former industrial uses (Chemical Manufacturing - Chuck Lockett & Co, 10 Norton Folgate & 3 Spital Square and adjoining railway tracks which contained coal yards the site could be contaminated. A site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development.

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

Transportation & Highways

- 8.75 The site scores PTAL 6 with 'Excellent' public transport accessibility. It lies within CPZ A6 which operates Monday to Sunday from 8.30 am to 10pm in residents permit holders parking bays in streets to the west of Brick Lane, otherwise restrictions apply Monday to Friday, 8.30 am to .00 7pm and Sunday 8.30 am to 2.00 pm.
- 8.76 The development adjoins the public highway on Elder Street, Blossom Street and Fleur de Lis Street, for which Tower hamlets is the highway authority and Bishopsgate part of the Transport for London Road Network. Part of the LBTH highway is Grade II listed and all the streets represent the historic layout of the area dating back to the 1700s. At an early stage it was agreed to maintain the historic street layout as much as possible.

Car Parking

- 8.77 Residential car parking comprising seven spaces including two reserved for Blue Badge holders would be located in a basement and accessed via a car lift from Fleur de Lis Street. The submitted documents quote the Tower Hamlets MDD parking standards (which represent maximum levels) and states that the parking levels are within those standards but does not mention London Plan 6.13 or Core Strategy

Policy SP09 (4), which promote car free development in areas of excellent public transport accessibility save for accessible parking for registered Blue Badge holders. The applicant justifies the provision due to there being 6 existing parking spaces on the site. Given the policy it is not accepted that general parking spaces should be provided. The car lift could also result in vehicles waiting on Fleur de Lis Street and cause obstruction to other vehicles.

- 8.78 Two existing blue badge bays operate on Bishopsgate proposed for retention. Recommends 'Permit Free' arrangements restricting all future residents except Blue Badge holders from applying for parking permits within the surrounding controlled parking zones secured via a s106 agreement.

(Officer response: The comments regarding car parking are noted and addressed within the Highways section of the report. Officers consider the inclusion of a small amount of car parking acceptable as it allows for Blue Badge parking which could otherwise not be accommodated. The amount of general parking it is within the maximum standards set out in statutory policy).

Cycle Parking

- 8.79 Storage for 522 long stay cycles is proposed in line with London Plan standards and this is welcomed. The long stay bays are located in basements and are accessed by either stairs with a gully or by utilising the goods lifts. Access to buildings S1a, S1b and S3 is by stairs with gully only. This is not an ideal solution but is considered accepted due to design considerations that limit access. Short stay cycle parking falls short of London Plan standards but is considered acceptable in order to preserve the proposals to enhance public realm.

Pedestrians

- 8.80 The development will improve pedestrian permeability whilst remaining sympathetic to the historical streets. This is welcomed. Footway widening is proposed where possible as are improvements to the surfacing of areas where there are little historical remains. The carriageway will be reinstated to match the historical material where possible. In places, particularly at the Fleur de Lis / Elder Street junction, kerb heights are high making access for mobility impaired people difficult but raising the carriageway would distract from the listed street. The proposals at this junction therefore offer no improvement in access for the mobility impaired maintaining the current situation.
- 8.81 Improved pedestrian permeability between Bishopsgate and Folgate Street and Commercial Street and the introduction of new lighting in the area is welcomed.
- 8.82 A financial contribution is recommended to further improve pedestrian and cycle permeability from Elder Street and Fleur de Lis Street and across Commercial Street to improve links to Shoreditch High Street station link with other pedestrian / cycling initiatives in the area.

Servicing

- 8.83 The constrained nature of the site is recognised and servicing within the site boundaries is not possible without adversely affecting the design of the buildings. It is proposed to utilise existing bays on Bishopsgate and Blossom Street both of which would be realigned. This is considered acceptable and a Service Management Plan should be secured by condition to any planning permission. It is recommended that

this limits the size of vehicles used for servicing the commercial elements of the development. It is proposed to make Blossom Street and part of Fleur de Lis Street one way (west to south). This is considered acceptable, subject to public consultation at the developer's cost and should reduce any vehicle conflicts and damage to street furniture.

- 8.84 There is concern regarding the servicing of the commercial units adjacent to the northern arm of Elder Street. The applicant seeks to narrow the junction of Elder Street with Commercial Street. This is supported as it will improve pedestrian and cycle safety at this junction. The applicant is advised to examine whether this would free up space for an informal servicing area in this location.

(Officer response: Elder Street is identified within the Transport Assessment as an area for informal loading / unloading area for the development).

Conditions / informatives / contributions

- 8.85 Recommends conditions & informatives and s106 Heads should permission be granted.

(Officer response. These are included in the Recommendations section above).

9. LOCAL REPRESENTATION

- 9.1 Both applications have been publicised by site notices and by advertisements in East End Life. 1,256 neighbouring properties were individually notified and invited to comment.

No of individual responses: 557 Objecting: 550 Supporting: 7
No of petitions received: 0

- 9.2 The Huguenot Society and Save Britain's Heritage also objected. The Ministry of Start-ups (Affordable Start-up workspace) support the scheme. These representations are reported in 'External consultees' above.

- 9.3 Of the representations received 218 are emails with no identified address, 265 are from outside the borough and 73 are from borough residents. One person has withdrawn initial support due to the extent of demolition.

- 9.4 Qualified by concerns about height, material grounds of support may be summarised as:

- The proposal represents a significant enhancement to the already permitted plans for the Nicholls & Clarke site creating a more harmonious relationship with surrounding buildings
- The proposal will safeguard heritage and bring back to use properties currently abandoned and in various states of disrepair and dereliction
- The proposal restores buildings to residential use with 40 new residential properties of which 25% meet the criteria for affordable housing
- The proposal addresses past concerns about the lack of facilities being provided for smaller start-up businesses
- In keeping with the desire to see more residents in the area to keep the character quiet and residential

- The proposed one way traffic flow through the conservation area is more consistent with the narrow streets and a safety enhancement for both pedestrians and cyclists alike
- The intention to create an interior courtyard and garden space is in keeping with the features of the conservation area.
- Norton Folgate is an eyesore and it feels very unsafe to walk around. No tourists come to London to see this.
- Satisfied with the manner in which British Land have conducted themselves during the consultation period.

9.5 Material grounds of objection may be summarised as:

- Loss of 75% of the Elder Street Conservation Area
- Insensitive façade retention with loss of historic interiors not sensitive repair
- New buildings too large, too tall and out of context
- Change from small scale multi-use to primarily offices not for local people
- Fundamental change to the character of a significant part of historic Spitalfields
- Proportion of housing and affordable housing too low
- Detrimental effect on tourism and local businesses
- Consultation failed to respond meaningfully to local objections

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by these two applications are:

1. Sustainable development
2. Land use
3. Heritage assets & design and appearance
4. Housing
5. Quality of accommodation
6. Microclimate
7. Impact on neighbouring amenity
8. Transport and access
9. Energy
10. Air Quality
11. Noise and Vibration
12. Contaminated Land
13. Flood Risk
14. Biodiversity and ecology
15. Community Infrastructure Levy and Planning Obligations
16. Other Local Finance Considerations
17. Human Rights
18. Equality Act

Sustainable development

10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.

- 10.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don’t mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 10.7 NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 10.8 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encourage the effective use of land by reusing land that has been previously developed;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

10.9 This is reflected in the Council’s Core Strategy 2010 at Strategic Objective SO3 ‘Achieving wider sustainability.’ This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

10.10 The proposal would result in a net increase in retail / restaurant uses (A1 & A3), residential (C3) and office (B1) floor space and a net loss of storage and distribution (B8) and non-residential institutions (D1) uses as set out in Table 1 below.

Table 1 - Existing and proposed floor space

Use Class	Existing (GIA sq. m)	Lost (GIA sq. m)	Proposed (GIA sq. m)	Net difference (GIA sq. m)
A1	1,482	398	1,084	-398
A3			3542	3542
A4	737	184	533	-184
B1	7,706	0	34,982	27,186
B8	10,821	10,821	0	0
D1	394	394	0	-394
Total	21,140	11,795	40,052	30,087

Loss of Storage and Distribution (B8)

10.11 The predominant existing land use across the application site is storage and distribution warehouses on Plots S1, S1c and S2. The site does not have any development plan designation that resists the loss of B8 uses and does not fall within a Preferred, Strategic and Local Industrial Locations identified by the London Plan 2015 or the Council’s Core Strategy 2010.

10.12 The Council’s Managing Development Document (MDD) Policy DM15 (Local Job Creation and Investment) supports the upgrading and redevelopment of employment sites. This should not result in the loss of active and viable employment uses. Much of the application site has been vacant since 2003 and the proposal would result in a substantial uplift in employment with the objectives of Policy DM15 met.

10.13 The site’s constraints, particularly the surrounding narrow streets, mean it does not easily lend itself to continued storage and distribution or alternative industrial uses.

Additionally the 2011 permission established the loss of the existing commercial uses on Plot S1.

- 10.14 In the context of relevant planning policies, site circumstances and planning history, the replacement of B8 floor space by higher density employment B1 use is considered acceptable in principle.

Loss of Non-Residential Institutions (Use Class D1)

- 10.15 The existing site includes a dental surgery and a beautician's, which would not be retained in the proposed scheme. MDD Policy DM8 (Community Infrastructure) seeks to protect health, leisure, social and community facilities where they meet an identified local need. DM8.3. states the loss of a facility will only be considered where it is demonstrated there is no local need or the facility is being re-provided elsewhere.
- 10.16 The applicants' Environmental Statement addresses the provision of primary health care facilities in the surrounding area. Figure 7.9 identifies 4 dental surgeries within approximately 600 m of the site. Other healthcare facilities within the borough within a 1 km radius of the site include 3 GP practices, 2 pharmacies and 2 opticians. There are 3 private beauticians within approximately 400 m. It is considered that an adequate range of facilities exist in the locality and there would be no conflict with MDD Policy DM8.

Provision of Offices (Use Class B1)

- 10.17 As set out above in Table 1 above, the proposal is a mixed-use office led development. This accords with Core Strategy 2010 Strategic Objective SO4 (Town Centres) to achieve a hierarchy of interconnected, vibrant and inclusive town centres that are mixed use hubs for retail, commercial, leisure, civic and residential. Core Strategy Policy SP01 'Refocusing on our town centres' identifies the First Tier the town centre hierarchy is the Central Activities Zone (CAZ) where London Plan policy is to be applied. The Council's MDD 2013 Policy DM1 (Town Centre Hierarchy) reiterates this approach.
- 10.18 Core Strategy Policy SP06 'Delivering successful employment hubs' supports the provision of a range and mix of employment uses within the borough. In particular there is an emphasis on retaining, promoting and encouraging flexible working spaces in town centres which includes the provision of units suitable for SMEs. The Core Strategy defines these spaces as being 250 sq. m. or less. 23% of the proposed floor space would fall within this definition.
- 10.19 The London Plan 2015 sets the priorities for London's economy at Policy 4.1 'Developing London's Economy' and promotes the availability of sufficient and suitable workspaces for larger employers and small and medium sized enterprises.
- 10.20 London Plan Policy 4.2 (Offices) supports the management and mixed use development of office provision. Policy 4.3 'Mixed use development and offices' requires increases in office floor space to provide a mix of uses including housing. There is emphasis on employment floor space provision within the CAZ at Policy 2.10 'CAZ – Strategic Priorities' which seeks to enhance the London-wide, national, and international function of the CAZ and ensure that the development of office provision is not strategically constrained. Policy 2.11 'CAZ – Strategic Functions' emphasises that proposals to increase office floor space within the CAZ should include a mix of uses, including housing.

- 10.21 The site sits within the City Fringe Opportunity Area designated by the London Plan. Priorities for the area are addressed in the GLA's Draft City Fringe Opportunity Area Planning Framework (OAPF) December 2014. The City Fringe is an area characterised by a mix of small and medium sized enterprises, often within the technology or cultural sectors, but increasingly an area attractive to larger 'traditional' businesses. It is also characterised by a mix of commercial, leisure and residential uses and an active night-time economy.
- 10.22 The OAPF identifies the site as located within the 'Inner Core Area' where there is the highest demand for employment floor space. This is an area where the balance between employment and residential floor space should be weighted in favour of the former. Where an end-user has not been identified, OAPF paragraph 2.17 says that employment floor space should be well designed, high quality and incorporate a range of unit sizes and types that are flexible, with good natural light, suitable for subdivision and configuration for new uses and activities. This should include units for occupation by small or independent commercial enterprises and consideration should be given to providing "grow-on" space, between 372 sq. m. and 2,787 sq. m. Paragraph. 3.9 explains that the Inner Core Area is an area '*where proposals for new build employment floor space will be encouraged and supported*'.
- 10.23 Table 2 below provides details on the breakdown of the proposed employment floor space and how it relates to the recommendations in the OAPF regarding (typology).

Table 2 - B1 (Business) Typology

Typology	Range	Floorplate		
		Count	Sq. m.	Sum %
Artist's studio	Less than 92 sq. m.	0	0	0.0%
Co-working / SME Space	92 sq. m–371 sq. m.	28	5,604	23.0%
Grow-on Space	371 sq. m– 929 sq. m.	8	3,907	16.0%
	929 sq. m–1,393 sq. m.	9	9,615	39.4%
	1,393 sq. m. – 1858 sq. m.	3	5,250	21.5%
	1,858 sq. m.–2,787 sq. m.	0	0	0.0%
Corporate Space	2787+sq. m.	0	0	0.0%
Total		48	24,376	100%

- 10.24 Objections have been raised regarding the corporate nature of the proposed office development and how this is unsuitable for the locality. Table 2 above shows that the largest floor plates within the development would be approximately 20,000 sq. ft. (1,858 sq. m.). This is lower by some 10,000 sq. ft. (929 sq. m.) than the minimum threshold for corporate office space identified by the GLA. By comparison, typical floor plates in the nearby Tea Building on the northern side of Bethnal Green Road in Hackney are approximately 23,750 sq. ft. (2,206 sq. m.) whilst floor plates at Principal Place are approximately 45,000 sq. ft. (4,180 sq. m.) larger than anything proposed in the Blossom Street proposals.

- 10.25 Some 23% of the proposed floor space could be used for co-working space and SMEs. The remainder would be '*grow-on space*' targeted at maturing businesses which have typically graduated from smaller start-up and SME space. The GLA has identified a significant need for grow-on space in the City Fringe to facilitate the growth of SMEs and address the relatively scattered and diverse provision of this type of space. The majority of the grow-on space would be at the lower end of the floor plate size to facilitate this transition for businesses.
- 10.26 Throughout the development, there would be a mix of new build and retained floor space. This would provide a mix of character and spaces contrasting with new modern office space.
- 10.27 All the buildings are designed to be sublet and floor plates can be further subdivided to provide incubator space, which would be managed by specialist providers. The applicant has relationships with a number of such specialist providers and is exploring opportunities to accommodate this type of operator within the development. The developer has engaged with a programme called 'Connecting Tech City' which aims to bring together the growing community of Digital Learning Programmes in east London, giving local young people access to the tech / digital workforce.
- 10.28 British Land has committed £50,000 sponsorship towards the 'Connecting Tech City' programme and this has been ring fenced to benefit Tower Hamlets communities. The sponsorship money goes towards:
- identifying digital learning programmes in Tower Hamlets and bringing them all onto an online learning platform which will pull together all the resources available in London
 - building up recruitment partners for the Tech City Fellowship in the borough (an educational programme offering funding for tech courses)
 - recruiting young people from Tower Hamlets into digital learning programmes, including to the Tech City Fellowship
- 10.29 This funding has already been committed and is additional to the recommended obligations regarding employment and training for local residents.
- 10.30 In summary, the Blossom Street development proposes no corporate office space, as defined by the GLA, but instead proposes a significant amount of grow-on space, as well as smaller floor plates units suitable for co-working and SMEs to help foster innovation and start-ups. The schemes is considered an important Tech City development, which would meet an identified need for a range of different types and sizes of office accommodation, focussed on growing technology and media businesses.
- 10.31 This site lies within the CAZ and the Inner Core Area of the City Fringe Opportunity Area where an office-led development would accord with London-wide and borough policy objectives and is considered policy compliant.

Provision of Shops (Use Class A1)

- 10.32 London Plan policies for the CAZ support a mix of uses. London Plan Policy 2.10 'Central Activities Zone' supports improvements to the retail offer for residents and visitors. The Draft City Fringe OAPF 2014 states that the expansion of business floor space should not be at the expense of what makes the area attractive to business in the first place; schemes should seek to provide a well-balanced mix of retail, cultural and leisure uses to support development. (Paragraph. 4.5). Tower Hamlets Core

Strategy SP01 'Refocusing on our town centres' applies London Plan policy on the CAZ.

- 10.33 The proposal would see a net decrease in A1 floor space, from 1,482 sq. m. to 1,086 sq. m. However much of the existing A1 accommodation is derelict particularly on Norton Folgate and Commercial Street. The proposals would provide an improvement on the quality of retail space and support the site's retail function within the CAZ and City Fringe Opportunity Area.

Provision of Restaurant (Use Class A3) and Public House (Use Class A4)

- 10.34 The provision of restaurant and public houses are also part of the mix of uses sought to increase vitality and viability of the CA Zone and City Fringe. The Draft City Fringe OAPF 2014 characterises the City Fringe as an area with a mix of commercial, leisure and residential uses, in particular an active night-time economy.
- 10.35 Core Strategy Policy SP01 encourages evening and night-time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of the town centre hierarchy. These should not be over concentrated in areas where they will have a detrimental impact on local people, should cater for varied needs and complement existing uses.
- 10.36 The Core Strategy priorities are to be implemented the MDD 2013 Policy DM1 'Development within the town centre hierarchy'. Restaurants and public houses are directed to the CAZ provided they do not result in an overconcentration of such uses.
- 10.37 The principle of restaurant use in this location is considered acceptable. The A3 floor space proposed amounts to 3,542 sq. m. approximately 50% of the total ground floor space (excluding courtyards and amenity areas). Policy DM1 defines an overconcentration as *'more than three of the same uses adjacent to each other'*. In this case there are three A3 uses within Plot S1 and three to the northern end of the site within Plots S1c and S2. Whilst these are in close proximity and on both sides of the roads, in both cases this would not result in more than three adjacent units in A3 use and it is not considered overconcentration would ensue when assessed against Policy DM1.
- 10.38 In the immediate area there are relatively few existing A3 uses. Given the site's location between the more active areas of Liverpool Street, Spitalfields and Shoreditch and policy compliance regarding concentration, it is considered the amount of restaurant accommodation would be satisfactory and support the strategic functions of the CAZ. Impact on the amenities of the neighbours is discussed in the 'neighbouring amenity' section of the report.
- 10.39 The public house is an existing use and its retention (albeit reduced from 737 sq. m. to 553 sq. m.) is also considered acceptable.

Residential (Use Class C3)

- 10.40 The provision of housing is a policy objective at a national, London-wide and local level. NPPF Paragraph 50 supports the delivery of a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities
- 10.41 London Plan Policy 3.3 'Increasing Housing Supply' sets out the Mayor's housing targets. The 2015 Plan has increased the annual housing target to at least 42,000

net additional homes in London. (an increase from 32,210 from the 2011 London Plan). The minimum 10 year target for Tower Hamlets was 28,850 units with an annual monitoring target of 2,885 units. This has been increased to a minimum ten year target 2015-2025 of 39,314 units with an annual monitoring target of 3,931 units.

- 10.42 The achievement of these targets is supported by Core Strategy objective SO7 which seeks to deliver housing growth to meet general and specialised housing demand in line with London Plan housing targets.
- 10.43 As explained above at paragraph employment-led developments within the CAZ should include a mix of uses, including housing. Residential development is appropriate as part of the mix of uses within the City Fringe. With regard to the amount of residential accommodation as explained within the 'Inner Core Area' a balance of uses weighted in favour of employment is considered in accordance with policy objectives for this location.
- 10.44 In conclusion, it is considered that the proposed mix of land use is compliant with development plan policy for the CAZ.

Heritage assets, design and appearance

- 10.45 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.46 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "*special regard / attention*" and therefore considerable weight and importance.
- 10.47 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment*.'
- 10.48 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Local planning authorities should have local design review arrangements in place, and applicants should evolve designs that take account of the views of the community
- 10.49 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts

should be considered, and how they should be balanced with the benefits of a scheme.

10.50 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.

10.51 Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

10.52 In this case the relevant designated heritage assets are the Elder Street Conservation Area, the grade II listed carriageway of Fleur de Lis Street and the Scheduled Ancient Monument of St. Mary Spital. The significance of those assets has been assessed in the submitted Heritage Appraisal that has been reviewed by the council's consultants who found the conclusions of the appraisal be appropriate

10.53 Paragraph 132 confirms that in 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. Any harm or loss should require clear and convincing justification.

10.54 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, the approach set out in paragraph 133 is to be followed, namely that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

10.55 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the approach set out in paragraph 134 should be followed:

“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.”

10.56 Significance (for heritage policy) is defined in Glossary 2 of the NPPF as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

10.57 The approach to be taken to non-designated heritage assets is set out at paragraph 135 of the NPPF:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

10.58 In considering whether any harm to the significance of a designated heritage asset (the conservation area or listed buildings) is substantial or less than substantial, account should be taken of the guidance given in the Planning Practice Guidance, where the following advice is given:

“How to assess if there is substantial harm?”

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

10.59 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its

significance was either vitiated altogether or very much reduced (Bedford Borough Council v.SSCLG [2013] EWHC 2847 (Admin) at paragraph 25.

- 10.60 Where a number of heritage assets are involved, and where a development has a number of elements, there may be different impacts across a site. These must be considered in forming a judgement on the acceptability of the planning application overall, in the context of relevant statutory and policy tests.
- 10.61 The National Planning Policy Guidance (NPPG) has been published following the NPPF. It provides guidance on the NPPF and is a material planning consideration and is considered in more detail below.
- 10.62 The London Plan 2015 addresses the principles of good design, in appropriate locations, preserving or enhancing heritage assets. This includes policy 7.4 'Local Character' which requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 and 7.6 emphasise the provision of high quality public realm and architecture. Policy 7.7 provides criteria for assessing tall and large scale buildings that are defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor.
- 10.63 Tall and large buildings should:
- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
 - b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
 - c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
 - d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
 - e incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
 - f have ground floor activities that provide a positive relationship to the surrounding streets*
 - g contribute to improving the permeability of the site and wider area, where possible*
 - h incorporate publicly accessible areas on the upper floors, where appropriate*
 - i make a significant contribution to local regeneration*
- 10.64 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.
- 10.65 London Plan Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale,

materials and architectural detail. Policy 7.9 refers to heritage-led regeneration and considers that schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration.

- 10.66 Relevant to the site's location within the CAZ, London Plan Policy 2.10 seeks to sustain and enhance the distinctive environment and heritage of the CAZ, recognising its strategic components and local features such as historic heritage and public realm. Policy 2.11 seeks solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design.
- 10.67 Tower Hamlets Core Strategy seeks to protect and improve access to historical and heritage assets and promotes a borough of well designed, high quality sustainable and robust buildings.
- 10.68 These principles are followed in the MDD and Policy DM24 (Place-sensitive design) requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.
- 10.69 MDD DM26 'Building Heights' identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy; achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.
- 10.70 MDD Policy DM27 deals with 'Heritage and the Historic Environment.' Policy DM27 1 provides that:
- "Development will be required to protect and enhance the borough's heritage assets, their setting and their significance"*
- 10.71 Policy DM27 2 says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset. Climate change mitigation should be maximised and for changes of use a thorough assessment should be carried out on the practicalities of retaining existing use and the wider benefits of the proposed use.
- 10.72 MDD Policy DM27.3 refers to the demolition of a designated heritage asset. The justification of this policy in paragraph 27.8 states that the demolition of a listed building would only be considered acceptable in exceptional circumstances whereas there are instances where the loss of a building within a conservation area may be considered acceptable when the public benefits of the scheme are considered.
- 10.73 The Elder Street Conservation Area was designated in 1969 and is bounded by Commercial Street to the east, Norton Folgate to the west, and Spital Square to the south. The Elder Street Conservation Area Appraisal and Management Guidelines was adopted in 2007. Different parts of the conservation area are identified with different characters but north of Norton Folgate, consisting primarily of Blossom Street, is an important surviving piece of 19th century townscape. The four-storey

warehouses to the west of Blossom Street are identified as high quality buildings, part of the industrial character of the area. The character appraisal identifies many vacant or underdeveloped sites, particularly in the north of the conservation area, which detract from the coherent building lines along most of the streets.

10.74 The Nichols and Clarke site is referred to specifically within the Appraisal:

“There is a mixed frontage to Norton Folgate which includes modern office block, the remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930’s showroom. Although many of these buildings do not have exceptional intrinsic values, together they illustrate the area’s residential and commercial history. They do front onto an ancient road where evidence of the area’s past is increasingly rare.”

The site represents a *“glimpse of the interwoven complexity often found in old London and may include walls and other structures from the former Hospital priory.”*

And,

“Overall, this is a cohesive area that has little capacity for change. Future needs should be met by the sensitive repair of the historic building stock.”

10.75 Norton Folgate is identified as an ancient road and a kink in the road at No. 20 Norton Folgate signifies the shape of Saint Mary Spital (a Scheduled Ancient Monument) now an archaeological remnant below ground). Nos. 14 and 15 Norton Folgate are the earliest remains of residential buildings in the area. It is also noted that Fleur de Lis passageway represents a fragment of the medieval network of lanes which existed prior to 18th and 19th century redevelopment.

Analysis

10.76 The development embraces different plots and analysis can be carried out plot by plot identifying the impacts on heritage, design and townscape. The effect of the development on the significance of the designated heritage assets - the Elder Street Conservation, the setting of the listed Fleur de Lis carriageway, the Scheduled Monument together with non-designated heritage assets (locally listed buildings) should be considered. Impact on the wider area also needs to be taken into account.

Plots S1 & S1C

10.77 Plots S1 and S1c are located in the northern part of the application site. Plots S1 is the largest of the application plots and consists of buildings associated with the former Nicholls and Clarke (N&C) builder’s merchants. The facades differ with the public showroom fronting Shoreditch High Street, whilst the rear of Plot S1 is characterised by late 19th century warehouses reflecting the operational part of the business. Plot S1c is characterised predominantly by the standalone ‘1887’ warehouse, with some low lying 20th century additions to the western part of the plot. These two plots are separated by Fleur de-Lis Passage.

10.78 The proposals for Plots S1 and S1c include demolition and rebuild, with an increase in scale on the Shoreditch High Street frontage. The proposals include retention and restoration of warehouse facades on Blossom Street, and the 1887 warehouse building on Plot S1c. The buildings to be demolished on Plot S1 include Nos. 3-9 Shoreditch High Street recognised by the 1930s showroom façade. This is distinct in

its appearance with a yellow faience frontage. The submitted Heritage Appraisal identifies that these buildings have some historic interest in the context of its relationship with the N&C business. In terms of architectural value whilst the building has some character and appearance associated with its period, overall it is assessed to have Low Historic and Architectural Value.

- 10.79 In determining the heritage significance of the showroom, Officers have given consideration to the submitted appraisal and consultee responses including the advice of Historic England. The applicant's heritage appraisal has also been reviewed by the Council's Environmental Impact Assessment consultants (LUC) who have found that the conclusions are appropriate.
- 10.80 The building is later in age than the other N&C buildings within the site and designed to replace an earlier building. Officers consider its demolition would not harm the character or appearance of the conservation area and can be justified subject to the provision of an acceptable replacement building that either preserves or enhances the character and appearance of the conservation area. The demolition of this building is already consented under the extant permission for redevelopment (PA/10/02764) that was implemented in August 2014.
- 10.81 The proposed development of Plots S1 and S1c involves the construction of new buildings up to 11-storeys on Plot S1 and up to 14 storeys on Plot S1c. These represent a distinct change in scale from the existing buildings on this part of the application site. In terms of the surrounding context, the buildings would sit within the wider context that varies in scale, age, design and pattern of development.
- 10.82 The Elder Street Conservation Area encompasses development to the east and south-east predominantly 3 to 4 storeys in height. To the west the site sits opposite large scale development within the City of London including Broadgate Tower (13 and 33 storeys) and Principal Place currently under construction (50 storeys). To the south development is medium rise at 13 to 14 storeys including developments at No. 280 Bishopsgate and Bishop's Square.
- 10.83 Assessment of the proposals requires appreciation of the nature of the relationship this site has with the different surrounding areas. The proposal seeks to respond to both the tall and medium-rise scale of adjoining land, and the lower rise Elder Street Conservation Area.
- 10.84 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 require respectively, that special regard be had to the desirability of preserving a listed building or its setting or any feature of special architectural or historic interest that it possesses, and that 'special attention' to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Considerable weight and importance should be given to those statutory requirements when carrying out any exercise of balancing harm to the significance of designated heritage assets and public benefit relied upon by an applicant to outweigh such harm.

Blossom Street

- 10.85 Fronting Blossom Street, the proposed development of Plots S1 and S1c involves the retention and renovation of the facades of the 19th century warehouses on Plot S1, and the retention and renovation of the '1887' warehouse on Plot S1c. The submitted Heritage Appraisal identifies that these buildings reflect the growth of N&C business. Previous alterations/remedial works are identified and it is noted that No.

13 Blossom Street has lost its top storey. These are robust buildings but in need of significant repair. The warehouses are identified as standardised warehouse architecture, functional in character and appearance and assessed as Medium High Historic and Architectural Value.

- 10.86 Officers note that these buildings are key parts of the character and fabric of Blossom Street and the wider conservation area, thus contributing positively to the designated heritage asset. The retention of the facades of these buildings and the full retention of the 1887 warehouse is welcome and will preserve the character and appearance of the conservation area. In addition, whilst the internal layout of the non-listed buildings is not protected by planning legislation, the developer has committed to investigate those elements inside the warehouses Nos. 12-13 Blossom Street that can be retained and incorporated within the development including timber joists, masonry and cast iron columns. A detailed Retention and Reuse Strategy has been provided and a condition to secure these works is recommended. This does not apply to Nos. 14 & 15 Blossom Street as they have a concrete frame. It is intended that the works to Nos. 14 & 15 would involve the replacement of the concrete frame with a steel and timber structure which would be closer to the original form of the other warehouses.
- 10.87 It is considered that the proposal would secure the long-term future of these elements that contribute to the character and appearance of the conservation area.

Shoreditch High Street

- 10.88 The proposed new buildings on Plots S1 and S1c are the tallest elements of the scheme and would result in a significant degree of change to a number of views. The buildings are however considered of a high quality design that would be visually appropriate to the varied townscape in which they would sit.
- 10.89 As set out above the buildings which currently occupy these plots are considered to be of low heritage value and therefore their loss (subject to a suitably high quality replacement) would not cause any harm to the Elder Street Conservation Area. As explained below, the design and appearance of the new buildings fronting Shoreditch High Street would be of a high quality which would preserve the character of the conservation area.
- 10.90 The façade of Plot S1 that would address Shoreditch High Street is arranged over three plains that gradually step back from street. It is also divided into three vertical elements with a narrow shadow gap between each. A variety of building heights arranged across these plains and vertical elements would create further division of the façade. This articulation would create a series of volumes that would appear similar in size and proportion to individual elements that make up the surrounding townscape, albeit with an increase in scale to the western side of Shoreditch High Street.
- 10.91 Plot S1c is expressed as a more singular volume but visually broken down by vertical emphasis created by bands of terracotta panels. Horizontal emphasis every third floor relates to the horizontal banding that defines individual storeys on a number of historic buildings within the site.
- 10.92 The facades of both buildings would have a regular, rectilinear composition with a regular pattern of openings reflecting the adjacent historic buildings. Whilst not as dominated by solid elements as their older neighbours, the proposals for Plots S1 and S1c do not feature the bold expression of structural elements more commonly associated with newer commercial buildings in the City. Consequently, it is

considered that they would strike a good balance between old and new and mediate between the City and Spitalfields Townscape Character Areas.

- 10.93 The buildings were originally to be linked by high-level walkways but the scheme has been amended to omit these allowing the structures to appear discreet from each other which is considered to benefit to their appearance.
- 10.94 The development of the design has been considered twice by the Design Council and the Council's Conservation Area Design Advisory Panel (CADAP). Both Panels expressed support for the proposals but had concern around a number of areas.
- 10.95 The initial Design Council comments note this is a challenging site to integrate new architecture into a fine historic townscape. The Council was impressed by the analysis of existing buildings, but felt more work was needed to fully assess the impact of the proposed buildings. Specifically in regards to Plots S1 and S1c the Council was satisfied with the elegance of the proposal for Plot S1c, but expressed concerns around Plot S1 considering it too corporate in appearance. It was advised that the front and rear facades required further work to provide an appropriate level of richness. It was felt the rear would have an overpowering impact on Fleur de Lis Street.
- 10.96 In response, different options for the massing, design and façade treatment of S1 were explored. This included breaking down the building with a varied tiered appearance and consideration of the layered façade. To the rear the new building was amended to set back from the warehouse façade by approximately 10 m. and the roof of the warehouses simplified. Following this design development the Design Council enthusiastically support the proposals for Plot S1 regarding them as a compelling piece of architecture, and the way they integrate with the retained Blossom Street warehouses commendable. The Design Council also advised that S1 would provide a dynamic façade towards Shoreditch High Street and relate well to other new buildings.
- 10.97 The Council's CADAP was encouraged by the level of work undertaken researching the history of the site and the detailed approach to maintaining its heritage value. The height of the two largest buildings was supported, but considered further work was required on the massing and proportions. Reviewing the revisions, CADAP subsequently advised that the architects had gone a long way to address concerns and the proposal resulted in architecture with complex, contradictory, playful qualities.
- 10.98 The scheme approved under permission PA/10/2764 arose from the Inspector's decision to refuse permission for the earlier scheme PA/06/02333. The Inspector found:
- "The 10 storey element would not be consistent with the height, materials or style of the conservation area. On the other hand, it would be appropriate from views into the area from the north and west... From within the conservation area the taller element would either be obscured, as from Elder Street, Blossom Street and Folgate Street, or be viewed against a backdrop of tall buildings within the city, such as in the view west along Fleur-de-Lis Street. I find the appearance of the 10 storey element within the scheme would not of itself harm the conservation area."*
- 10.99 The two buildings proposed for Plots S1 and S1c are the tallest elements of the scheme and would result in a significant degree of change in a number of views.

Officers consider the scale the development at Plots S1 and S1c would be appropriate within the context of the varied townscape in which they would sit.

Plot S1a

- 10.100 No. 13 Norton Folgate Street circa 1930's is considered a neutral building in terms of its impact on the character and appearance of the conservation area and its loss does not result in any harm to the conservation area.
- 10.101 No. 14 Norton Folgate represents a remnant of an historic building, with very little of the original architecture surviving. It was almost entirely rebuilt in the 20th century which means its heritage value is significantly diminished. Its loss would result in less than substantial harm to the conservation area, which therefore needs to be weighed against the public benefits of the scheme.
- 10.102 The replacement building for Nos. 13 & 14 Norton Folgate includes a carefully considered and skilfully designed exterior to Norton Folgate and Folgate Street which has been informed by careful analysis, including historic analysis, of the site.
- 10.103 The new building by Duggan Morris would occupy the corner of Norton Folgate and Folgate Street. The scale varies between 3 and 4 storeys and is considered to sit comfortably within the context of the Elder Street Conservation Area and positively define the street corner.
- 10.104 Proposed façade composition is based on architectural elements found in the surrounding area and the way these are combined and ordered to create rich and varied streetscapes. Within the facades are identifiable plot widths that respond to the surrounding Georgian context. Recessed window surrounds would create a good degree of depth to the facades and express an appropriate degree of robustness. As with other buildings in the scheme the solid-to-void ratios would strike a balance between the old and the new.
- 10.105 It is considered that the proposed use of red brick would respond well to materials elsewhere in the conservation area. Pigmented precast elements are proposed to add interest to the facades. If permission is granted the precise nature of these would need to be agreed and this would be secured by condition.
- 10.106 Given the limited heritage value of No. 14 Norton Folgate and the good quality replacement building that would occupy this corner plot, the less than substantial harm identified is outweighed by the public benefits associated with the new building and the wider regenerative benefits of the proposal.
- 10.107 Officers have stressed the historic significance of No. 15 Norton Folgate, parts of which date from around 1720 noting the Planning Inspector's comments in the Decision Notice relating to PA/06/2333 and also the comments of Historic England that welcome the decision to retain and restore this historic building. Elements of note are the stripping of the render and repair of the brick-work, replacement of windows with sash windows in the style and introduction of a new traditional shop front.
- 10.108 The retention of substantial elements of Nos. 16 – 19 Norton Folgate is welcome. The architects have responded to officer's comments regarding the importance of historic detail on the exterior of this building. The brickwork would be repaired and cleaned as would the ground floor pilasters. The chimneys and party walls which

form an important feature would also be retained. New elements include the raising of the mansard roof and replacement shop fronts in 'Queen Anne' style. The creation of a new passageway beneath Nos. 18 and 19 would open up new routes and add to the hierarchy of urban spaces within the conservation area and facilitate wider appreciation of the heritage of this part of London. The rear of the building, currently largely concealed would become a highly visible element within a public space. The proposed treatment of the rear elevation would ensure that it would still be possible to read the essential character of the building whilst acknowledging the new urban context.

Plot S1b

10.109 This plot comprises the locally listed buildings on Folgate Street and the 1960's building on the corner of Folgate Street and Blossom Street. The locally listed buildings contribute positively to the conservation area, whereas the infill building on Blossom Street detracts from it. The key significance of this block in terms of the conservation area lies in the handsome street facades and roofscape of the locally listed buildings, which will be retained, thus preserving the character and appearance of the conservation area.

10.110 The proposal includes the rebuilding of the rear elevation which has been subject to much change, so that it would better relate to the proposed public space at the rear. The proposed rear elevation is a distinctive design incorporating a rich pallet of materials; in some respects it is a contemporary counterpart to the early twentieth century facades to Folgate Street and Blossom Street. The creation of the public space to the rear would be a key public benefit.

10.111 Overall, the works to S1b would result in an enhancement to the conservation area, which is the designated heritage asset.

Plot S2

10.112 This plot is bound by the railway viaduct and Commercial Street to the north, Elder Street to the east, and Fleur-de-Lis street to the south. It includes a warehouse building in its centre and locally listed buildings on its eastern edge fronting Elder Street. To the north-east are buildings in poor repair, including No. 2 Elder Street which is largely derelict. To the south of the plot, fronting Fleur de Lis Street is a gap site used as car parking and separated from the street by a steel corrugated fence that detracts from the character and appearance of the conservation area.

10.113 In general terms, the proposals for Plot S2 involve the retention and refurbishment of buildings, façades retention, demolition and new build. Development should respond to the existing built heritage and pay special regard to the significance of the conservation area. Of the buildings on the plot only the locally listed Nos. 4-8 Elder Street are in use. The other buildings are either derelict or long-term vacant.

10.114 The proposed development of Plot S2 is focussed around a new building including a NE/SW pedestrian route. The new building would retain and incorporate facades of No. 161 Commercial Street, to the north east and the 1927 warehouse to the west. To the east of the plot, the locally listed Elder Street buildings would be refurbished and retained. In the context of the site as a whole, Plot S2 has a history of industrial and commercial use particular during the 19th century. The 1927 warehouse was used by Nicholls and Clarke. Nos. 4- 8 Elder Street contained a former Cotton Wool and Dye packing warehouse. Buildings on Commercial Street provided a retail frontage to Commercial Street when it was laid out in the mid-19th century.

- 10.115 Nos. 4-8 Elder Street have locally listed status. There are a number of areas where the buildings have been altered, however overall they are good examples of industrial architecture that contribute positively to the conservation area.
- 10.116 No. 161 Commercial Street has a direct connection with the industrial/commercial history of the locality but the building is in a markedly different condition to those on Elder Street. The façade is in a poor condition and the building has suffered severe water ingress. The adjacent building to No.2 Elder Street is a ruin and is the subject to emergency works under the London Buildings Act to remove a dangerous chimney stack. Despite the poor state of repair of No. 161, this building does still contribute to the character and appearance of the conservation area and its incorporation into the scheme will preserve the elements which are of heritage significance. The loss of no. 2 does not result in any harm to the conservation area and the replacement building on this plot is high quality, allowing pedestrian entrances routes through the site which is a public benefit. The conclusion can therefore be made that the loss of No. 2 followed by its replacement would result in an enhancement to the conservation area.
- 10.117 The 1927 warehouse is in a reasonable repair. The western elevation includes loading bays and a lifting crane that appear to be part of an earlier building more akin in architecture and design to the other Blossom Street warehouses. The warehouse lies adjacent to the car park gap site.
- 10.118 The scheme involves the partial demolition of the warehouse but retaining the detailed western elevation. Retention of the warehouse has been considered but its narrow plan form, tight layout, and low floor to ceiling heights structurally presents problems running services. Other than the western façade the warehouse contains little of heritage value. The western façade does form part of the group of warehouses along Blossom Street and when viewed from the south contributes to this group and therefore the heritage value of the conservation area.
- 10.119 The loss of the 1927 warehouse results in less than substantial harm to the conservation area. This is outweighed by the retention of the western façade, which has been carefully configured into the new building to ensure it remains a prominent feature, not subsumed within the main structure and the ability to fill in the vacant car park site and create a better street frontage along Fleur de Lis Street. The public accesses through the site are also a public benefit, which will enable a better appreciation of the retained façade. Currently the warehouse is blocked from public view by the steel corrugated fence marking the site boundary.
- 10.120 The locally listed buildings would be retained and refurbished, providing SME office accommodation. The pre-application process explored alternative roof forms for the building. In response to feedback during that process, the proposal maintains the existing roof form whilst incorporating two additional dormers. The proposal would renew the shop fronts, removing non-original stucco to reveal brickwork.
- 10.121 The Elder street warehouses would define the eastern edge of Plot S2 and the southern edge (the location of the existing gap site) would be defined by the proposed new four-storey building with a 9-storey element set back from the street. The height of the block on Fleur de Lis Street would reflect the adjacent Elder Street warehouse and the 1927 warehouse. The scale and form of the building and its detailed elevations design has gone through iterations in the pre-application stage including evaluation of retained facades and how may be integrated into the proposed building.

- 10.122 The increased massing would provide a transition between the lower elements of the application site to the east, and the taller elements towards the City. The transitions in scale across the plot are considered in the context of the main thoroughfares. The five-storey element of the Commercial Street properties responds to 5-6 storey development along that street. The scale of this element was amended at pre-application stage when a six-storey iteration was reduced to five-storeys. In addition, as the plot turns the corner onto Elder Street, the relationship with the retained Elder Street warehouses is key consideration. The roof scape of these warehouses would be retained at 4-storeys. It is considered the transition to the five-storey element at the corner of Commercial Street is appropriate with the façade of the existing Commercial Street building retained.
- 10.123 The transition between this element and the Elder Street warehouses would be mediated by the proposed entrance to the new 'Elder Passage'. This would be a suspended glazed 4-storeys element rising partly above the roofline of the Elder Street warehouses. The proposed glazing would provide a lightweight appearance and in terms of its scale should provide an acceptable balance between the Elder Street and Commercial Street elements of the proposal.
- 10.124 On the southern edge of the plot, the development would present 4-storeys on Fleur-de Lis Street. This is in the context of the taller 9-storey set back element. The 4 storey edge draws reference from the scale of the Elder warehouses and the 1927 warehouse and would be carried through to the west elevation defining the Nicholls and Clarke public space. As with the Commercial Street frontage part of the frontage onto the public space would incorporate the façade of the original building, at this location the western elevation of the 1927 warehouse. As explained this is earlier than the remainder of this warehouse which would be demolished. It is considered the retained warehouse would contribute to the character of this part of the public space. This was the subject of analysis during the pre-application and community consultation process.
- 10.125 The edges of the development would be in the context of the taller element of the plot which rises above the datum already discussed. This 9-storey element is an increase in scale over the existing situation. It is proposed as an integral part of the overall design and its positioning and elevation detail, along with the lower elements, are designed to form a comprehensive approach to the development of this plot. It is considered that it responds to the existing site circumstances, the surrounding site circumstances, and the opportunity for additional accommodation in the context of site constraints, in particular the significance of the Elder Street Conservation Area.

Summary

- 10.126 The Elder Street Conservation Area, the Grade II listed carriageway of Fleur de Lis Street and the Scheduled Ancient Monument of St. Mary Spital are designated heritage assets. The site also contains a number of locally listed buildings. The proposed development has been designed with these assets in mind. It is the view of Council officers and Historic England that the proposals would preserve and enhance the historic environment including designated and non- designated heritage assets.
- 10.127 The majority of the buildings are vacant or underused and the proposal would bring them back into active use, creating a vibrant mix of uses in a sustainable and highly accessible location in the City Fringe.
- 10.128 The historic fabric would be retained in a number of locations and only buildings identified as being of 'low' historic value would be demolished. As none of the

buildings are statutorily listed the main value is in the contribution they collectively make to the character and appearance of the conservation area and the reminder they provide of the historical activities that occurred in this location. Through a combination of restoration, façade retention and rebuild, the historic significance of this area would be preserved.

- 10.129 Some harm has been identified in terms of the loss of No. 14 Norton Folgate and the contrast of taller building on Plot S2 in relation to the façade retention of the 1927 warehouse. However heritage benefits are also identified. These include the infilling of the vacant site on Plot S2, restoring the locally listed warehouses on Elder Street, removal of unsympathetic additions to the rear of the locally listed terrace on Folgate Street, the restoration of Nos. 15-19 Norton Folgate Street including better revealing the wash-houses at the rear, repairing and restoring the Blossom Street warehouse facades and restoring the 1887 warehouse. There are also a number of public spaces and new pedestrian routes being created through the site which would enhance the pedestrian experience, inviting greater numbers of people to appreciate the heritage.
- 10.130 In addition to the heritage benefits there are also benefits associated with the provision of housing including affordable housing, a significant uplift in employment floor space and improvements to the public realm including the introduction of one-way traffic along Fleur-de-Lis Street / Blossom Street and increased wheelchair accessibility by public realm improvements.
- 10.131 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer significant public benefits that decisively outweigh any less than substantial harm to the historic environment. Securing optimum viable use is only one matter that should be taken into consideration in assessing public benefits. The extant consent for redevelopment is also a material consideration.

Housing

- 10.132 Increased housing supply is a key policy objective at local, regional and national levels. A key component of housing supply is the provision of affordable housing. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing be sought when negotiating on residential and mixed use schemes. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability.
- 10.133 Tower Hamlets Core Strategy Policy SP02 sets out the borough's affordable housing targets that 35-50% of homes should be affordable housing, subject to viability. The targeted tenure split within the affordable component is 70:30 (affordable rented: intermediate). This is reflected at Policy DM3 of the Managing Development Document 2013 which also sets out the requirement for maximising delivery of on-site affordable housing.
- 10.134 The policy aim of maximising the delivery of affordable housing is subject to financial viability. A full financial viability appraisal has been submitted with the application, prepared by the applicant's consultants FVA. This report identifies an existing use value for the site, assesses the development costs (including a developer's profit of 19.34%) and development value. The maximum level of affordable housing identified in the applicant's report is 26.8%.

- 10.135 The appraisal has been independently assessed by the Council’s viability consultants, GVA. Their assessment includes appraisal of the key assumptions which are the existing value of the site, build costs and market value of the development. GVA have carried out site visits to inspect the condition of the existing buildings, and met the applicant’s consultants. GVA conclude that the development can reasonably provide a maximum of 30% affordable housing.
- 10.136 GVA’s conclusions have been accepted by the applicants and the on-site affordable housing increased, with a ground floor 2-bedroom private unit changed to 3-bedroom affordable rent.
- 10.137 This amendment means that 28 habitable rooms are proposed within the rented tenure, 10 habitable rooms within the intermediate tenure and 87 habitable rooms of market accommodation. This totalling 30.4% affordable housing by habitable room. The rented accommodation would all be provided at borough framework Affordable Rent levels. These levels vary throughout the borough and are based on a percentage of local market rents which is considered affordable.
- 10.138 In this context the proposed affordable housing level is considered appropriate and represents the maximum viable level that can be reasonably supported by this development.
- 10.139 The tenure split within the affordable housing would be 63% affordable rent and 37% intermediate measured by unit. This falls between the Council’s Core Strategy target of 70:30 and the London Plan 2015 target of 60:40. Measured by habitable room the tenure split is a policy compliant 74:36.

Unit Mix

- 10.140 The NPPF (2012) seeks to deliver a wide choice of high quality homes, with a mix of housing based on current or future demographic trends, market trends, and the needs of different groups in the community. London Plan 2015 Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 10.141 Tower Hamlets Core Strategy states that overall 30% of all new housing should be suitable for family accommodation (3-bed plus), with 45% of rented accommodation being suitable for families. The Managing Development Document provides a detailed breakdown of size mix targets across the tenures. These targets are set out below, alongside the proposed unit mix for the development:

Table 3: Proposed Unit Mix

Unit Size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	1	14	30	2	50	25	7	24	50
2 bed	2	29	25	2	50	50	17	59	30
3 bed	4	57	30	0	0	25	5	17	20
4 bed	0	0	15	0	0	0	0	0	0
Total	7	100	100	4	100	100	29	100	100

- 10.142 The proportion of family units across all tenures would be 22.5% (9 units). This falls below the targeted 30% but is considered a reasonable proportion. Housing Strategy officers note that given the central location and limited surrounding open space this is not a location where a substantial proportion of family units should be focussed. In terms of the tenure-specific targets set out in Table 3, there would be a larger proportion (57%) of 3-bed family units in the affordable rent dwellings. This is supported by officers, and would be appropriate in addressing the high need for rented family units. 3-bedroom intermediate units have not been provided. It is acknowledged that high sales values in this area mean large intermediate units would not be appropriate. There is some variance in the proportion of 1 and 2-bedroom units, compared to the target levels. However, this is not excessive and overall the balance of 1 and 2-bedroom units is considered acceptable.
- 10.143 The proposed unit mix is considered acceptable in accordance with Core Strategy Policy SP02 and Managing Development Document Policy DM3.

Quality of Accommodation

- 10.144 London Plan 2015 Policy 3.5 requires housing developments to be of the highest quality internally and externally. Designs should take account of factors relating to ‘arrival’ at the building and the ‘home as a place of retreat’, with adequately sized rooms and convenient and efficient room layouts.
- 10.145 The Managing Development Document Policy DM25 ‘Amenity’ requires development to protect the amenity of future residents and building occupants. This includes provision of adequate levels of daylight and sunlight, outlook and privacy. There should not be unacceptable levels of noise or vibration.
- 10.146 All the units meet, and in the majority of cases exceed, minimum space standards set out in the London Plan and Policy DM3 of the Council’s MDD. 26 of the 40 units would be dual aspect, 14 would be single aspect but none north facing. The four family sized units within the affordable rented tenure would separate living spaces from the kitchens.
- 10.147 Guidance on the assessment of daylight and sunlight and overshadowing of amenity space is provided by the British Research Establishment 2011 publication. Within their Environmental Statement the applicants have provided an assessment of the daylight and sunlight levels for the proposed accommodation. This has been reviewed by the Council’s consultants.

Daylight

- 10.148 The assessment uses the Average Daylight Factor (ADF), the Daylight Distribution (DD) and the Room Depth criterion (RDC). The ADF is a calculation including the total glazed area, the area and use of a room, transmittance quality of the glazing and the reflectance within a room.
- 10.149 124 habitable rooms within the development were assessed. Of these 91 (73.4%) met or exceeded the recommended levels ADF. Of the remaining 33 windows, 14 would be combined living/kitchen/diners that meet the minimum ADF level (1.5%) for living rooms, but not the ADF level (2%) kitchens. The Council’s consultant advises and officers concur, that the most appropriate ADF level for these open plan areas is that applied to living rooms. These rooms would have good levels of daylight, and taking the above approach would meet recommended ADF levels.
- 10.150 Living / kitchen / diners on lower ground floor would have ADF levels of 0.9% and 1.0% respectively below the recommended standard (1.5%). This is a result of the large sizes of the combined use room and their lower ground floor location. The Council’s consultant has

advised that the rooms would have sky visibility to more than half their room area which will mitigate the impact to some extent. Furthermore, if considering the living areas of these L/K/D the daylight levels would be nearer compliance. These rooms would be served by large south facing windows onto a private terrace, and while the levels would be below the recommended ADF the living spaces are considered to be adequately lit considering the urban context within which this scheme is being developed.

- 10.151 The majority of the remaining habitable rooms that fall below the recommended ADF levels are on the western elevation of the building onto Blossom Street. This frontage is the most difficult in terms of daylight levels due to the width of the street and relationship between buildings on either side. Table 4 below identifies where 19 failures occur by room use and tenure.

Table 4. ADF daylight failures by room use and tenure

Market	Rented	Intermediate	Total
1 x LKD	1 x LKD	3 x LKD	5
	3 x Kitchen		3
11 x Bedroom			11
12	4	3	19

- 10.152 Where failures occur within the rented accommodation this is predominantly due to the inboard balconies within the design and the provision of this private amenity space needs to be considered within the daylight assessment of the units. The living / dining rooms of the three units that fail all comply with the required daylight levels so overall the quality of the accommodation within these units will not be significantly compromised by having reduced daylight levels into the kitchen.
- 10.153 The rented unit with the living / kitchen / dining room that fails is at lower ground floor level and is provided as a very generous living space in terms of room size. It also looks out over a private courtyard and as such it is considered that this would provide a suitable quality of accommodation for the future occupants of this unit.
- 10.154 The properties that would be single aspect west facing are within the private and intermediate tenures. Whilst they would be relatively poorly lit they would have generous internal space. The levels set out above are not uncommon in a dense urban environment. Given the inherent constraints of the units facing Blossom Street this is considered a reasonable balance albeit there is some failure to comply with the BRE guidelines that is adopted by MDD Policy DM25.

Sunlight

- 10.155 Sunlight assessment is based on Annual Probable Sunlight Hours (APSH). Only rooms within 90 degrees of due south are to be considered. As set out in the BRE guidance, *'in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of the day, but especially in the afternoon....It is viewed as less important in bedrooms and in kitchens where people prefer it in the morning rather than the afternoon.'*
- 10.156 The recommended level is for at least one window to a main living room to receive 25% of annual probable sunlight hours, including at least 5% of APSH in the winter months. The south and south-east facing dwellings would have reasonable levels of sunlight. There would be some living rooms below the recommended standards, with lower ground floor units having an APSH of 18%. This is due to their location with a lower ground floor courtyard. However, the levels are considered reasonable for this urban location.

- 10.157 There would be six living areas located behind recessed balconies with sunlight levels slightly below the recommended levels. This is a result of the provision of external amenity and is a relatively common relationship where balconies are provided. Occupants would be able to utilise the private balcony which would enjoy good levels of sunlight, and an acceptable level of sunlight overall should ensue for these units.
- 10.158 The Council's consultant advises that overall the sunlight levels to the development would be relatively good for this urban location. In this context sunlight levels are considered acceptable in compliance with MDD Policy DM25.

Privacy and outlook

- 10.159 The proposed building would have a footprint following the street layout, predominantly a U-shape. The residential accommodation would be predominantly located on upper floors where there is a separation distance from directly facing buildings of between 16 m. and 18 m. This would afford the majority of units a reasonable standard of accommodation in terms of privacy and outlook. The balconies have been designed to be inset rather than projecting from the building line in order to enable better light levels to be achieved within the properties but also to reduce the potential for overlooking. In a courtyard development such as this, projecting balconies can create overlooking across the space by bringing residents into closer proximity and also lead to the ability to look back from a balcony into a neighbouring property on the adjacent corner. The inset balconies therefore help to overcome a number of issues.
- 10.160 The treatment of ground floor accommodation has been in the context of its relationship with the street and providing an acceptable degree of protection to privacy whilst allowing for outlook. The traditional street pattern would be to have steps up to the main living room which would be in the front of the building, thus affording an element of privacy to buildings which would otherwise be situated on the pavement edge. However modern building standards promote level entrances from the street to ensure they are accessible for all. In this case whilst there would be units located at ground floor facing directly onto the street they are duplex units. The focus has been on locating bedrooms to ground floor street-facing locations, as these are least sensitive to privacy and outlook. The living rooms of the units which have bedrooms facing onto the street at ground level would be located on either the first or lower ground floors affording the main living spaces of these units good levels of privacy and outlook.

Wheelchair units

- 10.161 London Plan Policy 3.8 requires that 10% of all new housing is wheelchair accessible or easily adaptable. In this case four units would be provided as wheelchair accessible or adaptable, three in the private tenure and one affordable 2 bed rented unit. The layouts have been examined by the Council's Housing Team that advises they meet the required standard. A condition is recommended to require the rented unit to be delivered in its adapted form. The development therefore meets the requirements of London Policy 3.8.

Amenity Space

- 10.162 Amenity space to the residential block would comprise a central courtyard measuring 160 sq. m. This would provide a soft landscaped area including play equipment. The quality of the space has been assessed against BRE standards in terms of the amount of sunlight received. To provide an acceptable quality at least 50% of the amenity area should receive a minimum 2 hours of sunlight a day. The BRE standard would be exceeded.

- 10.163 MDD Policy DM4 and the Mayor's 'Housing' SPG 2012 set out amenity space requirements for development and can be split into private space, communal space and child play space. Private amenity space is required for all residential units at a rate of 5 sq. m. for 1-2 person dwellings and an extra 1 sq. m. for every additional occupant. In this case 13 units would have no private amenity space. Two would be within the affordable rented tenure, two within the intermediate tenure and nine within the market housing. Whilst this fails to meet requirements officers consider this an acceptable compromise in this instance. This is due to the location in the Elder Street Conservation Area and special attention has been paid to the design of the building to ensure it would be in keeping with its surroundings. The introduction of balconies on the outward facing elevations of the building would not be in keeping with the conservation area and would compromise its architectural success. The units which do not have a private balcony are large internally. The two rented units for example, exceed minimum internal space standards by 17 sq. m. and 32 sq. m. respectively. On balance, arrangements are considered acceptable.
- 10.164 Communal space should be provided at 50 sq. m. for the first 10 units plus 10 sq. m. for each additional unit. There is therefore a requirement for 80 sq. m. of communal space. A ground floor communal courtyard is proposed. Whilst some of this area would be needed for circulation it would provide a space of approximately 160 sq. m.
- 10.165 This space does however is also required to fulfil the role of child play space. The child yield for the development is estimated at 12 children in total - six under 5's, four 5-10 year olds and two 11-15 year olds. The GLA provides guidance on child play space and how far it is appropriate for children to travel for play areas. Given the City Fringe location, there is not a substantial amount of play spaces within the immediate proximity so the play space should be provided for the two younger age groups on site.
- 10.166 As older children can travel up to 800 m. from their home for play areas this puts Allen Gardens, Christchurch Gardens and Altab Ali Park on Whitechapel High Street all within an acceptable travelling distance. Both Allen Gardens and Altab Ali Park provide facilities for older children including kick-about areas / basketball hoops.
- 10.167 With the older children / teenagers being able to use other local parks the communal courtyard needs to provide 10 sq. m. of play space for each 0-10 year old as well as general communal amenity. In this case the child play space requirement is 100 sq. m. Therefore at around 160 sq. m the ground floor amenity space falls short by approximately 20 sq. m. This is a constrained site and there is little opportunity for increasing the amenity space within the development. Each family sized unit would have their own private amenity space and the flats are generally well proportioned internally. All tenures would have equal access to the communal courtyard. Whilst there would be minor conflict with MDD Policy DM4 and the Mayor's 'Housing' SPG 2012, on balance a shortfall of 20 sq. m. is not considered sufficient reason to refuse planning permission. Landscaping details would be reserved by condition to ensure some delineation with the space is conducive for use to both adult and child.

Microclimate

- 10.168 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose.
- 10.169 The Environmental Statement accompanying the planning application reports wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting require a low wind speed for a reasonable level of comfort whereas more for transient activities such as

walking, pedestrians can tolerate stronger winds. Three assessments were undertaken for comparison purposes; existing site conditions; the development with existing surrounding site conditions and the development with cumulative schemes. The figures derived take no account of any landscaping within the site so are 'worst-case scenarios'.

10.170 127 locations within and around the site were tested for wind impacts. The roof top amenity spaces and the courtyard spaces within the buildings have also been tested.

10.171 When compared to the existing baseline conditions there would be a minor difference in wind conditions, predominantly on Blossom Street and north between Plots S2 and S1c where a number of receptors become one or two levels windier. In almost all circumstances the wind experienced would be commensurate with activities which would occur in that location.

10.172 There are a number of areas where the lowest wind criteria would be required to create successful amenity spaces. These include Blossom Yard (between Plots S1 and S1a), the courtyard within the residential block, roof top balconies and the pedestrianized area between Plots S1c and S2 where there would be seating areas for A3 uses. As these amenity spaces are unlikely to be used during the winter months attention has been paid to environmental quality during the summer.

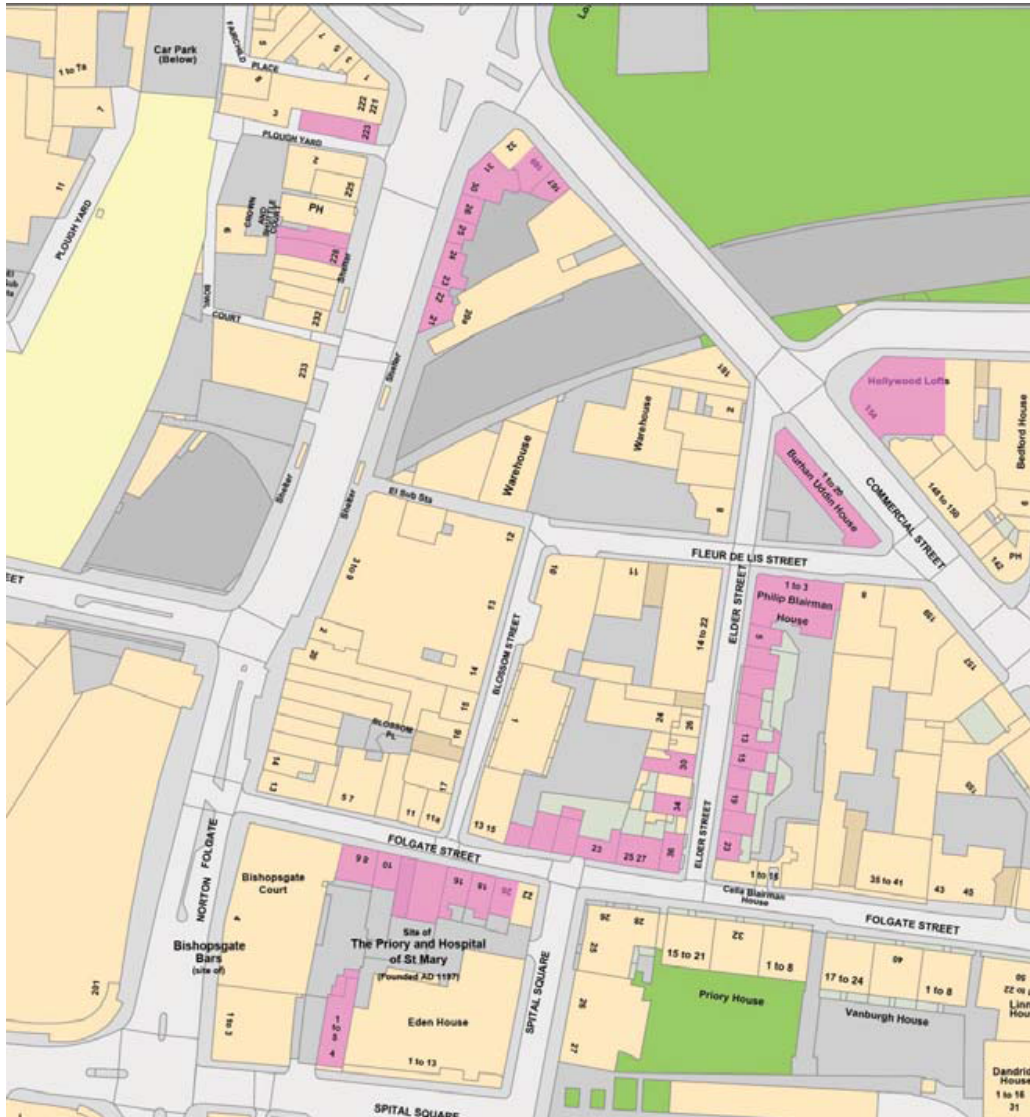
10.173 All the amenity spaces at roof level and within the courtyard of Plot S3 and Blossom Yard would be suitable for 'sitting' during the summer so no mitigation is required. There are however four positions within the northern pedestrian space (Nichols and Clarke Yard) which are only suitable for 'standing / entrance' during the summer. As the area shown on the ground floor plans is intended as spill out spaces for the ground floor cafes along this route it is assessed that mitigation will be required to ensure the space is suitable for 'sitting' during the summer months. As this is just one criteria lower on the Lawson scale, it is likely that minimal landscaping or low level screens around the seating areas will be sufficient to ensure the wind is reduced to an acceptable level. The details of this would be requested by condition. A condition could be imposed requiring details of mitigation measures to be submitted to and approved by the Council, and for the development to be carried out in accordance with the approved details.

Impact on neighbouring amenity

Daylight and sunlight

10.174 Core Strategy Policy SP10 protects residential amenity and MDD Policy DM25 requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook to adjoining property. Guidance on daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

10.175 The submitted Environmental Statement considers the impacts of the development and has been independently reviewed. The diagram below identifies the neighbouring residential properties. All of these highlighted in pink have been tested for potential loss of daylight, this equates to 32 properties or 450 windows. Those which face within 90 degrees of due south have also been tested for potential loss of sunlight.



10.176 The Environmental Statement initially identifies where properties meet both the VSC tests and the NSL tests i.e. no reduction or a less than 20% reduction of the former value. The following properties do not need to be considered further:

- 167 Commercial Street
- 169 Commercial Street
- 34 Elder Street
- 36 Elder Street
- 5 Elder Street
- 15 Elder Street
- 17 Elder Street
- 6/6A Elder Street
- 8 Folgate Street

- 10 Folgate Street
- 17/17A Folgate Street
- 19 Folgate Street
- 21 Folgate Street
- 23-27 Folgate Street
- 30 Shoreditch High Street
- 223 Shoreditch High Street
- 226 Shoreditch High Street
- 227 Shoreditch High Street
- 228 Shoreditch High Street
- 4 Spital Square

10.177 This leaves 12 properties which need consideration. Planning permission has been granted for the conversion of Nos. 24-28 Elder Street into five residential units, including a two storey mews development in the rear garden which faces towards Plot S3. This has not been implemented and so is not tested within the Environmental Statement however consideration needs to be given to the impact on the quality of accommodation for the future occupants of the development. The following section assesses the daylight impacts on each property.

Burham Uddin House

This building is located to the north east of the site and fronts Commercial Road. It contains 83 windows facing the application site. Of these 83, seven result in a reduction of VSC greater than 20%. The failures range from 25% to 35%, however the actual level of vertical sky (and therefore daylight levels) remaining to these units would be relatively good for an urban environment. For example, the greatest reduction felt by this property is 35.3% but the room would retain a VSC of 19.6%. The impact on this property is considered acceptable.

154 Commercial Street

This building is also located to the north east of the site, on the opposite side of the road to Burham Uddin House. 39 windows were tested. All passed the VSC test and one fails the NSL test with a loss of 27%. This is considered to be a negligible impact.

30 Elder Street

The rear of this property faces Plot S3 and forms part of the same urban block. The results show that the VSC levels would be maintained in accordance with the BRE guidelines and where there is one failure in NSL levels it is only by 21% (20% is not noticeable). Impact on this property would be negligible.

3 Elder Street

This property is at the junction of Elder Street and Fleur de Lis Street and faces the rear of Plots S1 and S1c, the tallest buildings within the development. 31 windows face the application site. Of these two fail the VSC test and would suffer a reduction of 25% and 22%. Three also fail the NSL test by 39%, 26% and 20.5%. All but one of these failures just exceeds the recommended 20% reduction and the one that experiences a higher reduction has a low existing daylight level where any alteration would result in a disproportionately high change. The impact on this property is therefore considered acceptable.

7 Elder Street

Located opposite the eastern elevation of Plot S3 this building has 11 windows that were tested, all pass the VSC test and one fails the NSL test with a reduction of 57%.

Whilst this seems like a substantial loss of daylight distribution within the room the VSC levels would remain at 26% which is good. On balance, the impact on this property is acceptable.

9 Elder Street

22 windows have been tested and all pass the VSC test, with three failing the NSL test. As per 7 Elder Street, the VSC level remains around 26% which is considered acceptable.

11 and 13 Elder Street

Of the 19 windows tested all meet the VSC tests and fail the NSL test on two occasions. The failures at 49.7% and 37.8% would be noticeable to the occupants of these properties, however the level of failure is predominantly a result of the already low levels in this property and any development would have an impact upon two affected rooms. As per 7 & 9 Elder Street, the VSC remains good at 26% and is therefore considered acceptable.

12 and 14 Folgate Street

These properties are opposite the Water Poet public house at the southern end of the site. 26 windows were tested, all pass the NSL test and one window fails the VSC test resulting in a reduction of 33%. However as the actual reduction is from 0.54 to 0.36 the actual difference this will make is negligible as the window is so poorly lit at present. The room in question is at basement level with the windows only partially visible above pavement level.

16 Folgate Street

12 windows were tested and all pass the NSL, as is the case with Nos.12-14 Folgate Street there is a room which suffers a significant loss of VSC (97%), going from 0.98 at present to 0.002. As this is the basement level of the building it is not considered to be an unacceptable impact.

18 Folgate Street

Only two rooms within the property fail the NSL standard experiencing reductions of 24% and 27% from existing. These rooms have low levels of existing daylight which exacerbates the percentage reduction. The development is therefore considered to have an acceptable impact upon the occupants of this property.

31 Shoreditch High Street

This building is located at the junction with Great Eastern Street north of the development. Six windows were tested and the results show a reduction in VSC of 23-26% in three of the windows but almost no loss in NSL figures. This is considered acceptable.

Rear of 21-26 Shoreditch High Street.

Eight windows were tested; two show reductions in VSC of 25.6% and 24% and minor reductions in NSL of 21.5% to two rooms. As the reductions are just over the 20% reduction permitted and the rooms will be left with daylight to more than half their area the impact on these properties is considered acceptable.

24-28 Elder Street

These properties are located closest to Plot S3. They are in office use; however have permission to be converted into five flats under PA/13/1155. 2 x two bedroom mews

houses would face the application site and three flats would be located within the main building. The rooms within the main building would be unaffected by the change in built form, however the living rooms of the mews development at the rear would see a reduction in NSL between 42% and 35%. Whilst this is a significant reduction the windows face directly towards the application site so any redevelopment of this site would affect the sky line available to this property. ADF levels would be only marginally affected so overall the level of daylight to these units would remain acceptable. Given that only two rooms would be affected and that the development has not yet been implemented, it is considered that the impact upon 24-28 Elder Street is acceptable.

Sunlight

- 10.178 All windows in existing buildings which face within 90 degrees of due south have been tested for loss of sunlight. This involves calculating the annual probable sunlight hours (APSH) and working out whether the properties received 25% of this annually and 5% in the winter. A 20% reduction in these figures is considered acceptable under the BRE guidelines.
- 10.179 All the properties tested for sunlight, with the exception of Nos. 21-26 Shoreditch High Street would meet the sunlight standard either being left with adequate levels of sunlight or experience reductions no more than 20%.
- 10.180 At Nos. 21-26 Shoreditch High Street, three windows fail the winter assessment, being left with 3% sunlight hours but all three of these will be left with very good levels of annual sunlight that is substantially above the minimum recommended level. As such, the impact upon sunlight is considered acceptable.

Cumulative effects

- 10.181 The Environmental Statement also examines the development in relation to other planned and approved developments which have the potential to cumulatively affect residential amenity. In this case, the two major additional schemes which may affect residential amenity in the vicinity are Principle Place and Bishopsgate Goodsyards. Both schemes include tall towers substantially larger than the application buildings. Principle Place has planning permission but is yet to be built and Bishopsgate Goodsyards is a current planning application being considered jointly by LB Tower Hamlets and LB Hackney.
- 10.182 Where effects on daylight and sunlight go from minor adverse to major adverse it is predominately as a result of the neighbouring developments and not from the subject application. It is therefore considered that the cumulative effects of the various developments would not be sufficient to refuse this application.

Solar Glare

- 10.183 The development has been assessed in terms of potential for solar glare which can distract road users and cause a hazard. Assessments have been made from a number of viewpoints around the site, including north and south along Shoreditch High Street, south along Great Eastern Street and west along Fleur de Lis Street. In almost all instances the solar glare would be negligible.
- 10.184 However when travelling west along Fleur de Lis Street there is the potential for solar glare between 6 am and 9 am February to October and after 6 pm April – May. The angle of the glare can be mitigated by a driver's sun visor and as the traffic is

relatively light and slow moving along Fleur de Lis Street it is not considered there would be an unacceptable impact.

Other amenity considerations

10.185 MDD Policy DM25 also requires loss of privacy, noise and disturbance and the creation of a sense of enclosure or whether a development is unduly overbearing to also form part of the consideration as to whether a development will protect neighbouring residents.

Privacy / sense of enclosure and overbearing

10.186 The diagram above identifies adjoining residential properties. The closest are on the southern side of Folgate Street and Elder Street. The main bulk of the proposed development is to the north of the site at Plots S1, S1c and S2.

10.187 The southern flank of Plot S1 would be 43 m north of the nearest properties on Folgate Street. No. 3 Elder Street and Burham Uddin House are the closest properties at the northern end being 35 m and 32 m away from the taller part of S2 (i.e. the element that projects higher than the existing Elder Street warehouses).

10.188 Where the development is in close proximity to residential properties the general scale of development does not change. Along Folgate Street the locally listed buildings within Plots S1a and S1b would not have any increase in height so would have no more impact than currently. These would be used for commercial purposes (A1/ A3 at ground floor with offices above) so there is not considered to be an unacceptable loss of privacy.

10.189 On the northern part of Elder Street, the warehouses would be converted into offices. As on Folgate Street, the height would not be increased, nor would the potential for overlooking to neighbouring properties.

10.190 Plot S3 would contain the residential accommodation. Along Elder Street the existing built form would not be exceeded. The development would also maintain the existing footprint and not create any additional sense of enclosure to residents on the western side of Elder Street. Where development on Plot S3 would front Fleur de Lis Street an additional storey is proposed which would exceed the height of the current office building. These additional fourth and fifth floors would however be set back from the front and rear facades and only exceed the existing height of the plant on the building by 1 m. There would be approximately 20 m. between the south facing habitable rooms of S3 and the boundary with No. 24 Elder Street and it is considered that no significant overlooking would ensue to neighbouring development.

10.191 Along the western side of Plot S3 the height would increase compared to the existing building, this is due to the existing buildings being 1 & 2 storeys in height. At the north west corner of S3 the height would increase from 19 m. to 34 m. The main part of the building would be consistent with the rest of S3 which is 4 storeys; however along the western edge a 2 storey roof addition would be created. This would be recessed from the front and rear elevations and would be of lightweight appearance. Immediately to the south is a hotel development which has only obscure glazed windows looking out onto the site so there would be no impact to the south. The residents of the flats would be able to look eastwards towards the existing residents of Elder Street but at over 30 m away there would be sufficient separation not to result in any significant overlooking.

10.192 A roof terrace is proposed at 4th floor level at the rear (eastern side) of Plot S1 which would look out over the residential units of Plot S3. The extent of the terrace is however restricted and would not allow office workers to stand against the edge of the building. The setback significantly reduces the ability to overlook the units within S3 to only views into the two top floor flats. As the distance between the two is approximately 18 m conditions would not be severe.

10.193 In conclusion, the majority of the proposed built form would be located away from neighbouring properties, close to the boundary with the City and the railway line. There is not considered to be any significant impact in terms of overlooking. As discussed in the design section, the height and scale of the buildings is considered acceptable. In amenity terms they are also considered acceptable and would not result in buildings that are overbearing in their immediate context and would not result in significant increase in the sense of enclosure experienced locally

Noise and disturbance / light pollution

10.194 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. The construction process would be carefully managed by the submission of a construction management plan secured through condition.

10.195 The site is located within the CAZ on the boundary with the City of London. The existing buildings have mostly been vacant for many years with a significantly lower than average level of activity than would normally be expected in such a location. As a result, redevelopment for residential, retail, restaurants and offices would result in additional pedestrian and vehicular activity in the area. This is welcomed as it would bring activity to a derelict area in the heart of London. It is not considered that a general increase in activity would have any significant unacceptable impacts on local residents. Conversely active ground floor uses, enhancements to the pedestrian environment along Blossom Street, improved pedestrian routes through the site and restrictions to the movement along Fleur de Lis and Blossom Street would provide significant enhancements.

10.196 A number of A3 (Restaurant) units are proposed on the ground floor. A condition is recommended to secure details of the means of ventilation and odour control. Limitations on opening hours are also recommended secured by condition. As a guide it is considered that the A3 uses should open until 11 pm and no later, with the outdoor area between Plots S1c and S2 being further restricted to closure at 9 pm. This would be consistent with the approach taken at Spitalfields Market. A condition is also recommended to ensure that no external music is played to further protect residential occupiers.

10.197 No details of the plant equipment required for the building have been supplied. A condition is also recommended requiring details to be submitted demonstrating that the plant equipment would not exceed 10dB below background noise levels when measured 1 m. from the façade of the nearest noise sensitive property.

10.198 There may be the potential for some light pollution to affect existing residents resulting from the office use particularly buildings on Plots S1, S1c and S2 as they would be taller than their surroundings. It is not reasonable to restrict the hours of operation of the offices in this central London location and it is not considered this would be an issue which would be significantly detrimental to neighbouring occupants as there are no properties which face directly towards these buildings, which are not otherwise

obscured by other buildings. Notwithstanding this, it is considered reasonable to impose a condition providing details of lighting strategy. This would incorporate details of both external lighting and internal lighting, including measures to ensure lights automatically turn off when not in use.

- 10.199 On balance and subject to conditions, it is considered the development would comply with Core Strategy SP10 and MDD Policy DM25 in that a satisfactory standard of amenity would ensue for both surrounding existing residents and future occupiers of the development.

Transportation and access

- 10.200 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.201 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy 2010 states that the Council seeks to: *“Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.”* Policy SP09 provides detail on how the objective is to be met.
- 10.202 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.203 The application site has excellent public transport connections with a public transport accessibility level of PTAL 6b due to its close proximity to a number of public transport interchanges. These include Shoreditch High Street Overground station, approx. 320 m. to the north-east, Liverpool Street mainline and Underground stations approx. 570 m. to the south-west, Aldgate and Aldgate East Underground stations approx. 960 m to the south-east. There are 15 London Bus routes operating from the site.

Trip rates and Impact

- 10.204 The submitted Transport Assessment estimates the development would generate 1,461 two-way person trips in the AM peak, and 1,334 in the PM peak. Of these car, trips are projected to constitute 9 and 8 trips for the AM and PM peaks respectively. This demonstrates that the development will be reliant on public transport as required by MDD Policy DM20 and the London Plan which prioritises public transport in central locations.
- 10.205 The Environmental Statement assesses projected trips generated for each mode of transport and impact on capacity.

- 10.206 The Underground the stations considered are Liverpool Street and Aldgate East. The projected generation is 386 and 357 two-way journeys in the AM and PM peaks respectively. Across the 5 lines accessible from these stations this would represent between 0.3 and 3.2 additional passengers per train. This is considered a negligible effect on capacity.
- 10.207 National Rail journeys to and from Liverpool Street are projected to generate 370 and 394 two-way journeys in the AM and PM peaks. This represents from 1.9 (AM journeys out) to 11.6 (AM journeys in) additional passengers per train. The average capacity of a commuter train is 800 and would again be a negligible impact.
- 10.208 As these assessments are carried out against a present day baseline, impacts would be expected to lessen when Crossrail stations at Liverpool Street and Moorgate open in 2018.
- 10.209 Shoreditch High Street Overground Station is located approximately 300 m. to the north-east. The development would be expected to generate from 1.8 (AM journeys out) to 12.5 (AM journeys in) additional passengers per train. This would be less than 3% of capacity and should have a negligible impact
- 10.210 The Bus network would see an increase of between 0.2 and 1.0 additional passengers per bus. Again a negligible impact.
- 10.211 In this context the proposal should not have a detrimental impact on existing public transport facilities.

Car Parking

- 10.212 Core Strategy Policy SP09 (Creating Attractive Streets and Spaces) identifies the Council's priorities of providing safe, accessible and well-designed network of streets. Policy SP09.4 promotes car-free development and those that minimise car parking provision, particularly in areas with good access to public transport. As an office-led development within the CPZ in accordance with Policy SP09 there would not be car parking provided for the office component.
- 10.213 The residential component would provide 40 units and would include the provision of 7 residential car parking spaces located at basement level. Council policy is to support car-free development. Where parking is proposed the Council has maximum car parking standards to ensure development is not detrimental to sustainable transport modes. Appendix 2 of the MDD 2013 would seek a maximum of 5 parking spaces for the residential element. The London Plan 2015 stipulates a maximum of 1 space per unit, equating to a total of 40 parking spaces but aims for significantly less.
- 10.214 The Council's Highways Department do not support the provision of any spaces for car parking. However, given the proposed provision complies with the development plan's maximum thresholds and is a smaller number than the London Plan's maximum, it is not considered this would have a significant effect on the mode of transport of occupants of the development. In addition to the 5 basement spaces, two disabled parking bays would be provided. This addresses the requirement of London Plan. Policy 6.13 and addendum that seeks a minimum of 2 disabled parking spaces where off-street parking is provided. In this context it is not considered the provision of these basement spaces would have a significant impact on transport modes and is policy compliant.

10.215 The basement car parking would be accessed via a vehicle lift from ground floor level. The operation of the lift, including a 'swept path analysis' showing the access in and out is presented in the submitted Transport Assessment. The Council's Highways Department objects to the use of a vehicle lift due to the potential for queuing on the highway. In assessing whether this is an acceptable aspect of the proposal Planning officers haven given consideration to the capacity of the car park, 7 spaces. Whilst there may be occasions where a vehicle waits to enter the lift this is likely to be uncommon due to the small number of vehicles concerned. Further, operational measures would be in place including the default position of the lift to be at ground floor level, ensuring any occurrence of waiting is for the minimum time period. A condition is recommended to ensure this. In balancing the degree of impact this represents, and the benefits of off-street parking in respect of disabled provision, this is considered acceptable.

Cycle parking

10.216 The 2015 London Plan introduced new cycle parking requirements. The Table below shows the requirement for this development based on the floor area / residential units proposed.

Table 5. Cycle parking requirements

Use	Long Stay	Short Stay
A1	4	9
A3 / A4	23	100
B1	386	16
C3	70	1
Total	480	115

10.217 Short stay cycle parking would be located at ground level on Norton Folgate and Fleur de Lis Street Four cycle stands are also identified within the Travel Plan within the S1 yard but are not shown on the application drawings. . It is recommended that these be secured by condition. The short stay spaces are all in the form of Sheffield Stands.

10.218 54 surface level short stay parking spaces are provided. This is below the 115 spaces required by the 2015 London Plan. However on balance this is considered acceptable due to the constrained nature of the site (i.e. only a small amount of public realm / narrow footways and grade II listed street) and the fact that overall, across long stay and short stay space, there is sufficient capacity for cycle storage.

10.219 Long stay cycle parking would be provided in the basement. Two stores would be provided under S1, two under S2 and two for the residential block under S3.

10.220 The residential cycle spaces would be accessed via lifts from within either the private or the affordable housing core. In total 80 cycle spaces would be provided which exceeds the residential standards.

10.221 For the development on Plots S1 and S2 there would be three separate entrances for cyclists, off Folgate Street, Blossom Street and Fleur de Lis Street. There is no lift access to the basement for cyclists but a gully would be provided adjacent to the staircase to enable cyclists to wheel their bikes down. In total 436 spaces would be provided which exceeds the long stay requirement for the commercial uses.

- 10.222 The cycle parking provision for the commercial uses would comprise Josta tiered stacks with a small number of Sheffield stands and lockers for folding bicycles. Whilst the preference is for Sheffield stands the size constraints of the basement combined with the large number of cycle spaces required means it is not feasible for all cycle parking spaces to be Sheffield stands. The Josta stackers are considered an acceptable alternative as they do not require bicycles to be lifted into position.
- 10.223 Showers, changing facilities, lockers and drying facilities are included within the proposals providing one shower for every ten long stay cycle parking spaces and one locker for every long stay cycle parking space.
- 10.224 Overall the cycling provision for the development is considered acceptable.

Pedestrian Impacts

- 10.225 MDD Policy DM20 (Sustainable Transport Network) states that delivery of transport infrastructure and/or improvements identified as necessary should be delivered. Paragraphs 20.4 and 20.5 require Transport Assessments to set out measures to address impacts on pedestrian movement.
- 10.226 The impacts of pedestrian movements are assessed within the submitted Environmental Statement. These are tested against TfL's Pedestrian Comfort Assessment which provides a comfort level for footways from A (most comfortable) D (least comfortable) based on the pedestrians per hour. The TfL guidance recommends a comfort level of B+ for all areas. The Environmental Statement identifies the peak hour for pedestrian movements is 0800 am to 0900 am, with 951 pedestrians per hour, representing comfort level A. The proposal is projected to increase movements to 1,549 representing a level of A-. The cumulative assessment of pedestrian impacts projects that during peak hours the pedestrians per hour through the site would be 2,149 representing a comfort level of B+. These conclusions are supported by the Council's consultants.
- 10.227 The proposals are considered to have an acceptable impact on pedestrian comfort in line with TfL standards. The achievement of these levels would be dependent on the improved pedestrian environment to be delivered as part of the development. This includes increasing the permeability of the site with two new pedestrian routes provided - 'Elder Passage' would be introduced at Plot S2 and between Blossom Street and Norton Folgate/Shoreditch High Street. In addition the development includes widening of footways and the western side of Blossom Street.
- 10.228 At present the site is not particularly accessible for wheelchair users due to the narrow pavement widths and the number of dropped curbs along Blossom Street and Fleur de Lis Street. The development would remove all of the obsolete dropped curbs, allowing for a more accessible and pedestrian friendly environment.
- 10.229 The footway on the Norton Folgate / Shoreditch High Street frontage would be increased from 3.1 m. to 5.1 m. This would be achieved by creation of a colonnade at ground floor level with the width of the footway increased by the set back of the ground floor of the building within the applicant's site. The width of the existing vehicle loading bay on this frontage would also be increased. The treatment of this revised loading bay, including the provision of two disabled parking spaces, would be a level surface with the footway. This would associate the bay with the footway, as opposed to the highway and, would be available for use by pedestrians when the bay is out of operation. The loading bay would be out of operation during peak times, 0700-1000 am and 1600-1900 pm.

- 10.230 The proposed colonnade would be within the applicant's ownership with public access secured within the recommended legal agreement. The changes to the loading bay, and creation of two disabled bays, lie outside the applicant's site boundary and would be part of the section 278 Highways agreement to be agreed with the LBTH Highways, and funded by the applicants.
- 10.231 These changes are considered beneficial to the use of the site by pedestrians. It is noted from the pedestrian flow analysis that there would be a notable change to pedestrian movements across the site due to the modest footfall through the site at present.
- 10.232 Overall the proposal is considered acceptable in terms of pedestrian use as required by MDD Policy DM20.

Delivery and Servicing

- 10.233 The projected delivery and loading trip generation is set out within the submitted Environmental Statement and amounts to 97 daily deliveries across the site. The bulk of this would be generated by the office accommodation (51 deliveries) and A3 uses (36 deliveries). Spread over a 13 hour period this amounts to approximately 7 deliveries an hour. The existing loading bay on Shoreditch High Street would be retained and widened to accommodate larger (7.5 tonne) vehicles, operational in off-peak hours. Smaller servicing vehicles would be accommodated on the north side Fleur-de-lis Street and at a relocated bay on the east side of Blossom Street. These would be the three primary locations for servicing and delivery supplemented by existing short stay loading bays on Elder Street and Folgate Street.
- 10.234 The continued use of the Shoreditch High Street bay is considered appropriate primarily serving the buildings fronting this street. The other two servicing locations are also considered appropriate and supported by the Council's Highways Department. The manoeuvrability of vehicles into and out of these three locations is assessed within the Transport Assessment and would adequately accommodate the proposed use and not detract from the operation of the highway. Part of the strategy around servicing provision along Fleur-de-lis and Blossom Street is related to the proposed changes to the operation of these streets from two-way traffic, to a one-way westbound. As a result of the widths of these streets the existing two-way flow contributes to congestion and disruption to the highway. The proposed change is supported by the Council's Highways Department and TfL.
- 10.235 An indicative Delivery and Servicing Plan has been submitted. It is recommended that a final document should be submitted for approval prior to occupation secured by condition.

Waste/Refuse Strategy

- 10.236 MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards. Each element of the development would be provided with waste storage areas, as well as waste holding areas for storage on collection days. These would all be in close proximity to on-street locations where refuse vehicles will arrive.

- 10.237 Commercial uses in the development would have twice weekly collections operated by a private contractor. Only the residential component of the development will be serviced by LBTH refuse trucks.
- 10.238 The capacity for waste and recyclables is in accordance with the Council's standards. Collection day storage locations would be within 10 m of refuse vehicle locations. The Council's Waste Officer is satisfied this would be an effective approach.
- 10.239 In of the highways impact from refuse vehicle movements, these involve existing routes used by refuse vehicles for existing homes and businesses. There would be an increase in movements, reflected in the reported trip generation routes but no significant impact on highways use.

Construction Impacts

- 10.240 The impacts of the construction phase of the development are set out in Vol. 3 of the Environmental Statement and the Transport Assessment. The demolition and construction phase is projected to last approximately 123 weeks, with the highest trip rates expected to be between weeks 32 and 36. During this period there would be approximately 80 HGVs arriving and leaving a week. This equates to 29 two-way movements (15 vehicles) a day or 3 two-way movements an hour.
- 10.241 The application is accompanied by a draft construction management plan setting out vehicle routes, operating hours, and noise and dust suppression measures. The proposed trip generation is considered acceptable and, subject to approval of a detailed Construction Management Plan the transport impacts during construction should not have a substantial impact on the operation of the surrounding highway.

Energy

- 10.242 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 10.243 London Plan 2015 Chapter 5 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 (Policy 5.1).
- 10.244 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.245 Policy 5.2 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 2013-2116. 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.
- 10.246 Core Strategy Strategic objective SO3 of the Tower Hamlets seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO₂ reduction targets and requires all new developments to provide a

20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 10.247 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This has been amended to mean 45% above Building Regulations 2013.
- 10.248 In March 2015 the Government withdrew the Code for Sustainable Homes and made it clear that any policy relating to energy/carbon reduction should not require anything over the equivalent of defunct CFSH level 4.
- 10.249 In April 2015, the GLA released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.250 The applicants submitted energy strategy is anticipated to deliver a carbon saving of 659 tonnes CO₂/Annum. Following the integration of energy efficiency measures and renewable energy technologies the carbon emissions of the proposals are anticipated to be 738 tonnes CO₂ per annum. Compared to the baseline of 1,379 tonnes CO₂ per annum, this represents a reduction of 47.1%.
- 10.251 This exceeds the requirements of MDD policy DM29 which is now interpreted as seeking a 45% reduction in CO₂ emissions against the 2013 Building Regulations.
- 10.252 The proposed strategy for the development incorporates waste heat recovery systems as the main heat source for hot water and space heating and a PV array. The submitted energy strategy is subject to change through the detailed design process and carries the disclaimer: '*This Energy Statement in support of planning has been generated at an early stage of design and therefore its findings are likely to change as the design progresses.*'
- 10.253 At present the scheme is compliant with both London Plan Policy 5.2 and MDD Policy DM29. However there is a concern that changes to the strategy could see the scheme fall beneath the policy. Accordingly, should permission be granted a condition is recommended that will require the implemented energy scheme to comply with the performance criteria of the submitted strategy or in default alternative details are submitted to the council for written approval.
- 10.254 The submitted Sustainability Statement identifies that the scheme is designed to achieve BREEAM 'Excellent' for all the large buildings (i.e. >500 m²) including all new builds and refurbished offices. In relation to the smaller retail units (i.e.<500 m²) the applicant is proposing to achieve BREEAM 'Very good.' This is considered acceptable due to the site constraints and re-use of buildings. It is recommended that these BREEAM ratings are secured by appropriately worded conditions.

Air quality

- 10.255 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.

- 10.256 London Plan Policy 7.14 requires development proposals to minimise exposure to poor air quality and address local problems, to promote sustainable design and construction and be at least air quality neutral. Core Strategy Spatial Policy SP03 adopts similar themes. MDD Policy DM9 requires major development proposals to submit an Air Quality Assessment demonstrating how it will prevent or reduce air pollution during construction or demolition.
- 10.257 The effect of the construction, demolition and operational phases of the proposed development on air quality has been assessed at a number of existing sensitive locations around the site and for future sensitive locations within the site. During the demolition and construction phase activities could generate dust emissions. Recommended conditions requiring the approval of Demolition and Construction Management Plans would ensure that mitigation measures are in place.
- 10.258 Environmental Protection advises that NO₂ levels at residential facades would be high. It is proposed that mechanical ventilation is employed. Whilst this would be acceptable where non opening windows are installed but when balconies are opened this would render the mechanical ventilation ineffective. Such conditions apply across much of the borough particularly in locations close to major road.
- 10.259 Once the development is operational, it would not result in any significant changes to traffic on the local road network that would give rise to any significant impacts on air quality. The transport emissions introduced by the proposed development would be below the benchmarks specified in the GLA's Sustainable Design and Construction SPG 2014 and site is considered to be Air Quality Neutral. The long term impacts of any additional emissions would be negligible and complaint with development plan policy.

Noise and vibration

- 10.260 NPPF paragraph 123 requires planning decisions to aim to avoid noise giving rise to significant adverse impacts, to mitigate and reduce to a minimum noise from new developments including through the use of conditions whilst recognising that development will often create some noise. London Plan Policy 7.15 says development proposals should seek to manage noise by avoiding significant adverse noise impacts, to mitigate and minimise existing and potential adverse impacts of noise and improve the acoustic environment. Core Strategy Policy SP03 supports healthy lifestyles including by addressing noise impact particularly by managing the night-time economy. MDD Policy DM25 says development to seek to protect and where possible improve the amenity of existing and future residents by not creating unacceptable levels of noise and vibration.
- 10.261 An assessment of likely noise and vibration was undertaken as part of the Environmental Statement resulting from demolition, construction and operational plant and road traffic associated with the development.
- 10.262 Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. These levels may be exacerbated by cumulative noise effects from surrounding development sites. Management of sensitive receptors, auger piling, barriers and other mitigation measures would reduce noise and vibration levels as much as possible. Recommended conditions requiring the approval of Demolition and Construction Management Plans would ensure that mitigation measures are in place

- 10.263 During the operation phase, impacts from traffic noise is likely to be negligible and all fixed services plant would be controlled by recommended conditions to ensure acceptable noise limits.
- 10.264 An assessment of residential amenity for future occupiers of the development has been undertaken. This concluded that with mitigation measures in place (implementation of appropriate façades and control of plant noise emissions) there would be a negligible effect arising from the development.
- 10.265 It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Contaminated land

- 10.266 Due former industrial uses (Chemical Manufacturing - Chuck Lockett & Co, 10 Norton Folgate & 3 Spital Square and adjoining railway tracks which contained coal yards the site could be contaminated. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated investigation is recommended in accordance with Policy DM30 of the Managing Development Document 2013.

Flood risk

- 10.267 The NPPF states that the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'
- 10.268 The Environment Agency Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The Environmental Statement finds that the site has a low probability of flooding from all other potential sources including groundwater and surface water. The application is not referable to the Environment Agency.
- 10.269 The National Planning Practice Guidance confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state.
- 10.270 The development is compliant with national and development plan policy concerning flood risk.

Biodiversity and ecology

- 10.271 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other

building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.

10.272 The site currently has limited ecological value. A bat survey and emerging species survey have been carried out. The results of these surveys will be used to ensure that these and other significant ecological species and features will be protected and habitat provided where appropriate. There would be no net loss in the quality and quantity of biodiversity.

10.273 A specialised and qualified ecologist would undertake a full site assessment prior to site works to identify the full ecological importance of the site. Any recommendations would be used to support the biodiversity on site and will lead to an overall net increase in species density compared to current conditions.

10.274 During the construction phase a Biodiversity Champion would be appointed to monitor and limit environmentally detrimental activities. They would also train the workforce on the project to raise their awareness of environmental impacts.

10.275 The proposed development would include soft landscaping, open spaces and green roofs and it is anticipated that the planning strategy for these spaces will enhance biodiversity consistent with the development plan.

Community Infrastructure Levy and Planning Obligations

10.276 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.277 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development

10.278 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

10.279 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.280 The introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.281 The boroughs four main priorities remain:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

10.282 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.283 The residential element of the development is predicted to have a population yield of approximately 82. Of these 12 would be aged between 0-15. This would generate a need for 5 primary school places and 2 secondary school places. The development is also predicted to generate around 2,400 jobs compared to around 200 at present. The development would therefore place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.284 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

* Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements and site specific carbon reduction measures/initiatives.

10.285 The applicant has agreed to the following financial contributions to the borough:

- (a) £428,097 towards providing employment & training skills for local residents
- (b) £3,000 towards monitoring and implementation (based on a charge of £500 per principle clause)

10.286 The applicant has also agreed 30.4% affordable housing by habitable room with a tenure split of 63/37 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently assessed tested and is considered to maximum viable affordable housing levels in accordance with relevant policy.

10.287 The applicant has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20%

end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and a travel plan.

10.288 It is considered that the proposed legal meets the CIL Regulation 122 tests for being necessary to make the developments acceptable in planning terms, directly related to the schemes, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

Section 70(2)(b) of the Town and Country Planning Act 1990

10.289 As noted above Section 70(2) of the Act provides that in dealing with a planning application a local planning authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and
- Any other material consideration.

10.290 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” include New Homes Bonus.

10.291 Local finance considerations are to be taken account when determining planning applications or planning appeals.

10.292 As regards to the Community Infrastructure Levy, the London Mayoral CIL was introduced on 1st April 2012 and is estimated at £1,342,635 for this scheme.

10.293 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” April 2013.

10.294 In this case the Crossrail contribution would be £4,374,570. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.

10.295 The New Homes Bonus (NHB) was introduced by the Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period. For the first year the NHB is expected to be in the region of £57,153 and over the six year period around £342,917.

10.296 The application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL for this development is approximately £3,989,829 of which £99,593 is likely to be the social housing relief. The resulting CIL is £3,890,236.

Human Rights Act 1998

10.297 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

10.298 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights 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".

10.299 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

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

10.301 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.302 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by virtue of any adverse impact on the amenity of homes) is in accordance with law and

necessary in a democratic society in the interests of the economic well-being of the country.

Equalities Act 2010

10.303 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.

10.304 The following issues arising from the development are relevant to equalities:

- The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities
- The proposed affordable housing would support community wellbeing and social cohesion
- The development allows for an inclusive and accessible environment for less-able and able residents, employees, visitors and workers.
- Conditions are recommended to secure disabled parking and wheelchair adaptable/accessible homes
- The public realm works and improvements to the highways & footways would improve disabled access around the site benefitting both occupants and employees of the development and the wider general public.

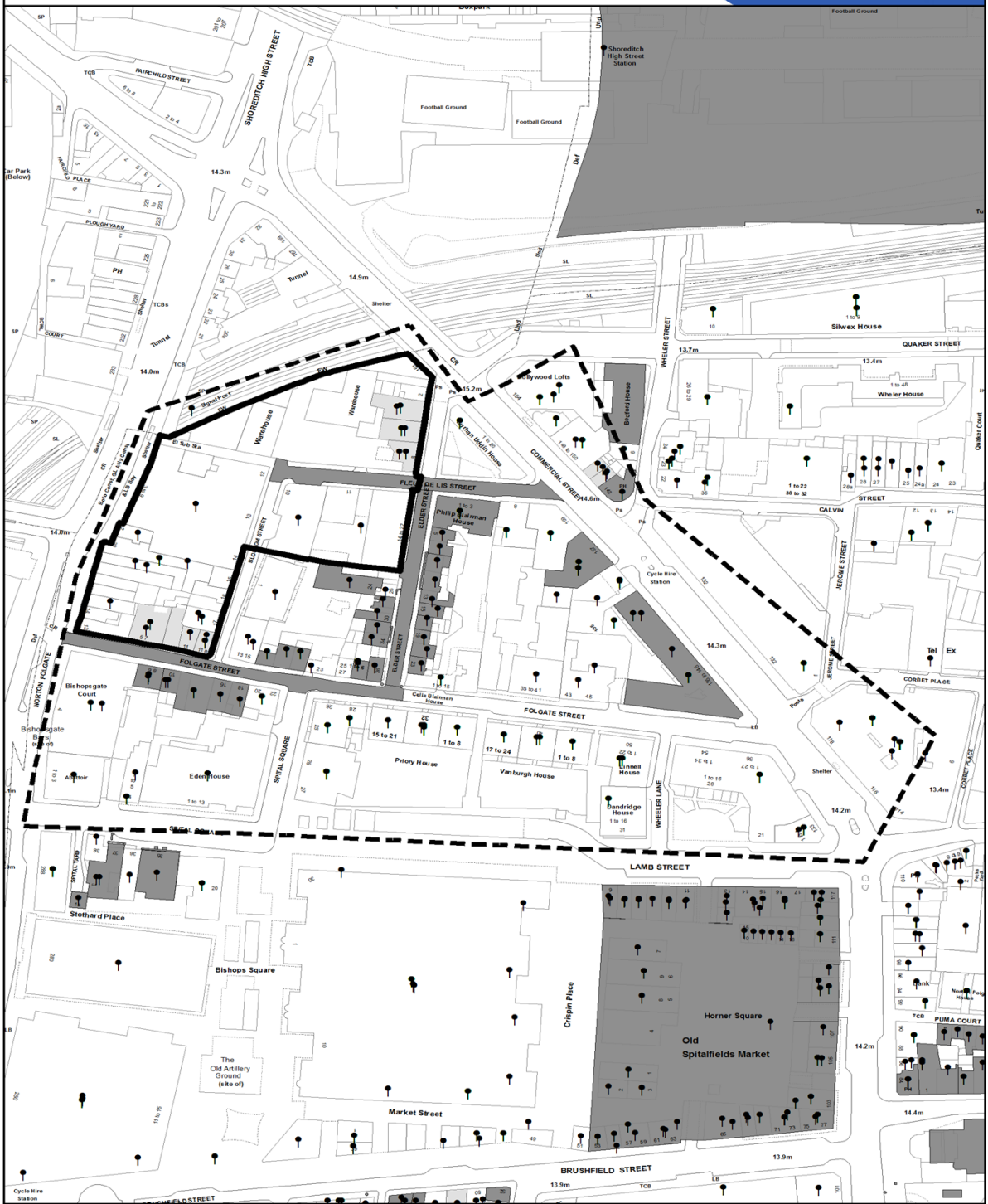
10.305 It is the view of officers that the grant of planning permission would advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.

11 Conclusion

11.1 All relevant policies and considerations have been taken into account. The scheme would amount to sustainable development as set out in the NPPF. The fabric and setting of the grade II listed Fleur de Lis Street carriageway would be preserved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The character and appearance of the Elder Street Conservation Area would be both preserved and enhanced in accordance with section 72 of the Act. Scheduled Ancient Monument has been granted by the Secretary of State. Whilst in some instances less than substantial harm to designated heritage assets has been identified this would be outweighed by the public benefits that would ensue.

- 11.2 The proposal complies with the development plan when considered as a whole. In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission and listed building consent should be granted for the reasons set out and the details of the decisions set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map
PA/14/03548



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item number:	8.1
Reference number:	PA/14/03548 and PA/14/03618
Location:	Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1
Proposal:	Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed use purposes comprising buildings of between 4 and 14 storeys to provide B1 (office), A1 (retail), A3 (restaurants and cafés), A4 (public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and all necessary ancillary and enabling works, plant and equipment.

1.0 DESCRIPTION OF DEVELOPMENT

- 1.1 The description of development should read 'comprising buildings of between 4 and 14 storeys'. The additional floor was added through the application process and was re-consulted on. The overall height does not change from the 13 storey building initially proposed.

2.0 ADDITIONAL REPRESENTATIONS

- 2.1 Since the publication of the report, further representations have been received from local residents.
- 2.2 15 objections have been received, the content of two letters relates to the harm caused to the character of the area and the lack of benefits of the scheme for local people. One letter specifically relates to the impact upon Philip Blairman House in terms of a loss of daylight and sunlight. These matters are already addressed in the committee report.
- 2.3 An additional letter has been received from the East End Preservation Society reiterating that they believe this proposal results in substantial harm to the conservation area through both the extent of demolition and the scale and design of the new buildings.
- 2.4 Five letters of support have been received, two of which are general support for the architectural design and the job creation. Of the other three, one is from a local resident who is also a member of the Spitalfields Society who endorses the scheme stating that "the pattern and form of the development at ground level is well considered, interesting and safe spaces have been created which are a marked improvement on both the current urban context and the previously permitted scheme. The massing is both interesting and does not overly dominate the skyline".
- 2.5 The second letter of support has been received from The Nichols and Clarke Group who were the original occupants of the site and have since moved to Dagenham. They support the architecture and the naming one of the open spaces 'Nichols and Clarke Yard', they also confirm that they are exploring the possibility of returning to the site once

the development is completed in order to reintroduce their presence into this part of London.

2.6 The third letter is from a local resident and business owner stating that the architectural interventions are far more appropriate than the previous scheme and that "this is an excellent example of one [development] that has been extremely well addressed and has listened to the feedback of all involved and affected. The consultation process has also been extremely well run and thought through".

2 EDUCATION, EMPLOYMENT & TRAINING STRATEGY BY BRITISH LAND

2.1 Following the publication of the report, the developer has made further commitments with regards to the training and employment strategy for the site. The report notes the financial and non-financial contributions for employment and training, the subsequent document highlights where British Land will seek to improve upon these commitments and will be secured within the legal agreement, these are as follows:

- Maximise apprentice opportunities using reasonable endeavours to provide 6 apprentice places on site during the construction phase.
- Using reasonable endeavours to provide 15 BTEC or NVQ qualifications and 30 pre-employment training places.
- 5 work experience placements for local students
- 10 adult numeracy places and
- Site tours for 50 local students
- Within the end user phase a facilities management programme is proposed which links the wider Broadgate Estates (owned by British Land). One facilities management apprentice would be created at Blossom Place and there is a 'Get into facilities management course' aimed at East London residents which increases skill levels and then identifies opportunities within Broadgate and Blossom Street developments.
- Within the end user phase the developer will fund 3 places within 2015/16 for courses aimed at getting LBTH residents into the tech city industry, for example through the 'Makers Academy'.
- Commitment to providing 100 desk spaces for start-up companies. These spaces will benefit emerging companies as they would be provided on a flexible basis (i.e. one month at a time) and includes facilities such as meeting rooms, kitchens, reception areas which they do not have to pay for within their rental fee.

The above is in addition to the £50,000 already paid by the developer to 'Connecting Tech City' which aims at connecting young people with the tech city industry. The £50,000 is ring-fenced for LBTH residents.

3. ADDITIONAL CONDITION

- 3.1 A Granplan condition requiring the highways works to be agreed before commencement of the development.
- 3.2 An additional pre-superstructure works condition requiring details of the waste heat recovery system.
- 3.3 An additional pre-superstructure works condition requiring the specification of the PV array.

4 RECOMMENDATION

- 4.1 Officers' original recommendation to **GRANT** planning permission and listed building consent for the proposal as set out in the report to the Development Committee remains unchanged.

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Agenda Item 6

Committee: Strategic Development	Date: 27 th August 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		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 2011
 - 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 planning guidance notes and circulars.
- 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 Development Plan unless material planning considerations support a different decision being taken.

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:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 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 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 4.

5. RECOMMENDATION

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

Agenda Item 6.1

Strategic Development Committee	Date: 27 August 2015	Classification: Unrestricted	
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Report of: Director of Development and Renewal	Title: Applications for Full Planning Permission
Case Officer: Shay Bugler	Ref No: PA/15/00039
	Ward: Lansbury

1. APPLICATION DETAILS

Location: Land at 160-166 Chrisp Street

Existing Use: Vacant light industrial (B8 Use)

Proposal: Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

Drawings and documents:

Drawing numbers:

1000 Rev B; 1001 Rev D; 1002 Rev B; 1110 Rev F; 1116 Rev F; 1117 Rev F; 1118 Rev F; 1119 Rev F; 1120 Rev F; 1122 Rev F; 1123 Rev F; 1201 Rev F; 11202 Rev F; 1204 Rev F; 1205 Rev F; 1206 Rev F; 1301 Rev F; 1302 Rev F; 1303 Rev F; 1304 Rev F

- Design and access statement by Brimelow McSweeney dated January 2015
- Daylight and sunlight report by eb7 dated 10 December 2014
- Transport Assessment by Mayor Brown dated December 2014
- Planning Statement prepared by Savills dated January 2015.
- Heritage Statement dated December 2014 (ref no: 105930) prepared by Wessex Archaeology
- Air Quality Assessment prepared by Breon Ltd dated September 2014
- Wind microclimate assessment by BRE dated 22 December 2014 by Savills
- Draft construction Logistics Plan by Mayor Brown dated December 2014.
- Extended ecological phase 1 Habitat Survey Report dated December 2014

- Energy Statement by Hodkinson dated December 2014
- Geotechnical and Geoenvironmental by Stats (Ref no: 36173-01)
- Noise and vibration assessment by Clarke Saunders Acoustics consultancy dated 25 November 2014
- Socio economic assessment dated 17 December 2014 by BRE
- Statement of Community Involvement dated December 2014
- Sustainability Statement dated December 2014
- Townscape and visual impact appraisal by Turley Associates dated December 2014
- Study of the wind environment around proposed development by BRE dated December 2014
- Economic Viability appraisal report dated 30 January 2015

Applicant: Bellway Homes

Ownership: Bellway Homes

Historic Building: None

Conservation Area: None

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the development plan including the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy 2010, Managing Development Document 2013, the London Plan 2011(as amended and consolidated March 2015) and national guidance (National Planning Policy Framework) (NPPF) and local guidance along with all other material considerations and has found that:
- 2.2 The loss of vacant existing industrial buildings onsite is acceptable onsite given that the surrounding area is predominantly residential in character and the site is located outside a Local Industrial Location. The proposed residential development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child playspace.
- 2.3 The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. There are 55 social rent units proposed. The 4 houses proposed form a terrace (i.e. two are semi-detached and two are terrace dwellings).

- 2.4 The report explains that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location.
- 2.5 The proposal would not give rise to any unduly detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise nuisance and other amenity impacts would also be mitigated so as not to cause unduly detrimental impacts to future residents.
- 2.6 Transport matters including parking, access and servicing area are acceptable.
- 2.7 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure 35% affordable housing by habitable rooms and a contribution towards employment during the construction phase and end use phase skills and training, and a Community Infrastructure Levy payments.

3. RECOMMENDATION

- 3.1 To **GRANT** planning permission subject to:
- 3.2 Any direction by the Mayor of London
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:
 - 35% Affordable Housing (70 'affordable target' rent units/30 intermediate units)
 - Car free agreement
 - Local training, procurement and access to employment strategy (20% local goods and services procurement)
 - 20% local employment during construction
 - Construction Phase and end user phase skills and training £17,547
- 3.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.
- 3.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents
3. Compliance with Energy and Sustainability Strategy submitted by the applicant
4. All residential accommodation to be completed to Lifetime Homes Standards
5. All amenity space including child space accessible to all future residents of the development

6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
8. Removal of tree/shrub subject to nesting bird survey.
9. All residential units shall be designed to meet noise requirement BS8333.
10. Installation of heat network compliance
11. A 'car free' agreement

Prior to demolition conditions

12. Demolition Environmental Management and Logistics Plan
13. Scaffolding details – proximity to the railway. This would include a Risk a Risk Assessment and method statement
14. Details of adequate safety measures into the construction of the development
15. Crane/lifting Management Plan
16. No vibro-compaction machinery unless details of the use machinery and method statement have been submitted to and approved by the Local Planning Authority

Prior to commencement of works (except demolition)

17. Construction Environmental Management and Logistics Plan
18. Ground contamination – investigation and remediation
19. Archaeological scheme of investigation
20. Design and construction methodology for the foundations
21. Piling Method Statement

Prior to commencement of works above ground floor slab level

22. Details and samples of all facing materials including windows, balustrades and screening;
23. Details of sound insulation measures in accordance with agreed standards;
24. Details of hard and soft landscaping, boundary treatment details and children's play equipment;
25. Details of the wheelchair housing specifications to show the three four bed family units are wheelchair adaptable;
26. Details of all Secure by Design measures/ Secure by Design Accreditation
27. Details of biodiversity enhancements;
28. Detailed specification of the proposed 96kWp photovoltaic array;
29. Radio Impact Survey;
30. Details of maintenance facades of the building facing the railway in consultation with the DLR;
31. Scheme of Highway improvement works (including stopping up details where relevant).

Prior to Occupation conditions

32. Details of car Parking Allocation Management Plan;
33. Submission of Secure by Design Certificate;
34. 20% electric vehicle provision (maximum 10% passive provision);
35. Final energy calculations to show how the scheme has delivered the carbon emission reductions;

36. Details of cycle storage;
37. Details of Servicing Management Plan.

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informative

1. Associated S106 legal agreement;
2. Compliance with Environmental Health Legislation;
3. Compliance with Building Regulations;
4. Notice period to DLR for works adjacent to the railway.

4. SITE AND SURROUNDINGS

- 4.1 The site is located in Poplar to the north of Canary Wharf and is bounded by Rifle Street to the north, Cording Street to the south, the Docklands Light Railway (DLR) line to the east and Chrisp Street to the west. The nearest part of Transport for London's road Network (TLRN) is East India Dock Road (A13) approximately 500m to the south of the site.
- 4.2 The site immediately to the south of the application site, and immediately next to Langdon Park station is recently approved 22 storey Ballymore residential scheme. Beyond the station, to the west, various residential blocks have been developed, and across the road, opposite the station there is an estate renewal taking place by Bellway. Adjacent to this redevelopment by Bellway, there are two storey, flat roofed residential terraces, which form part of an estate. The site is therefore, at present, the only area where there is an element of declining light industrial activity remaining.
- 4.3 At present, the site is vacant but was previously occupied by warehouse buildings and storage areas for a number of industries and covers an area of approximately 4,044 square metres. The existing buildings have associated areas of hardstanding used for car parking.
- 4.4 The nearest station is Langdon Park DLR, which is approximately 150 m to the south. The area is also served by 5 bus routes from nearby stops on Cordelia Street; Morris Street and East India Dock Road. This area is served by TfL's cycle hire scheme with docking stations located at Langdon Park and Chrisp Street market, within 550 m of the site.
- 4.5 The public transport accessibility level (PTAL) rating for the site ranges from 3 (average) in the north to 4 (good) in the south which means it has moderate/good access to public transport.
- 4.6 Chrisp Street also incorporates a mix of other uses including a health centre, shopping units and Chrisp Street market. The site is located 300 metres from Chrisp street District Centre. Immediately to the west of the station is a modern/contemporary youth centre called 'Spot Light' which is located in the site of Langdon Park secondary school.
- 4.6 There is a large conservation area to the east of the site across the railway tracks known as Langdon Park Conservation Area. The closest main watercourseS to the site are the Limehouse Cut Canal and Bow Creek.

5 RELEVANT PLANNING HISTORY

- 5.1 Ref no: PA/07/1966: An application was submitted on 11 December 2007, for the demolition of existing buildings and redevelopment ranging from 6 to 8 storeys to provide 276 residential units (95 x 1 bed, 120 x 2 bed, 55 x 3 bed & 6 x 4 bed), 1182sq.m of commercial (retail) floorspace at ground floor and basement parking. This was withdrawn on 21 April 2008.

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 The proposal involves the demolition of the existing buildings onsite and the construction of 6 blocks on the site (blocks A, B, C, D, E & F) to provide 272 residential units.
- 6.2 **Block A** is located in the north-eastern part of the site, fronting onto the new internal street and orientated parallel to the DLR line. The block extends to 10 storeys in height and provides 49 private residential apartments and 19 shared ownership units. The majority of the dwellings in the block are accessed from an entrance core on the new internal street. Some ground floor units are accessed directly from the new internal street. Communal amenity space is provided at roof level and private amenity space is provided for each dwelling, in the form of balconies or rear gardens to the ground floor units.
- 6.3 **Block B** is located in the south-eastern part of the site and adjoins Block A and would extend to 13 storeys in height. It provides 78 private residential apartments and 11 shared ownership units. The majority of the dwellings are accessed from a central entrance core, with some ground floor dwellings accessed directly from the internal street. Private amenity space is provided for each dwelling, in the form of balconies or rear gardens. The block also provides direct access at the tenth floor to the communal amenity space on the roof of Block A. The block includes a residents gym on the ground floor, located in the south-west corner of the block. Cycle store is provided at the ground floor. A plant room containing the proposed CHP plant is located at ground floor level which will enable the extent of flues to be taken to the highest building within the scheme.
- 6.4 **Block C** is located in the south-western part of the site, fronting Cording Street and Chrisp Street, and marks the main entrance to the scheme. The block extends to eight storeys and provides 55 private residential apartments, one shared ownership unit and one affordable rented unit, including seven maisonette units on the ground floor and first floor. These units will be accessed from Chrisp Street or Cording Street. The proposed entrance core at the junction of Chrisp Street and Cording Street would be double height and set back from the building line to provide a new area of urban landscaped space. Private amenity space is provided in the form of balconies and terraces and the communal amenity space at podium level can be accessed from the first floor. Refuse, cycle store and plant room are provided at ground floor.
- 6.5 **Block D** is located in the western part of the site fronting Chrisp Street, adjoining Block C to the south. The block extends to 6 storeys and comprises 41 affordable rented units, including 8 maisonette units on the ground and first floor which can be accessed directly from Chrisp Street and from the undercroft car park. All other apartments are accessed from a core off Chrisp

Street. Private amenity space is provided in the form of balconies and terraces. Communal amenity space is provided on the roof of Block E, with access from the fifth floor, as well as the central podium. A number of cycle stores are provided at ground floor level, each accessed from the car park.

- 6.6** **Block E** is located in the northern part of the site, fronting Rifle Street and adjoining Block D to the west. The block extends to four storeys in height with the top floor set back from the building line to reduce the visual appearance of the building along Rifle Street. The block comprises four affordable rented maisonette units at ground and first floor, which are accessed directly from Rifle Street, and 10 private residential dwellings located on the upper floors, accessed from an entrance core on Rifle Street. Refuse and cycle storage is provided at the ground floor.
- 6.7** **Block F** is located at the centre of the site and fronts the new internal street. It provides four private three storey townhouses. The dwellings can be accessed at ground floor level from the internal street and have private terraces at first floor level which open out onto the communal open space at podium level. A cycle store is provided at ground floor level.
- 6.8** The scheme makes provision for 20 number of car parking spaces and 448 number of cycle parking spaces onsite.
- 6.9** The scheme provides a new landscaped street through the site, which would run from north to south to connect Rifle Street and Cording Street.

7 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. 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:

7.2 Government Planning Policy

NPPF/ NPPG - National Planning Policy Framework/ Guidance

- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Required good design
- Chapter 8: Promoting healthy Communities
- Chapter 10: Meeting the challenges of climate change, flooding and coastal change.

7.3 Spatial Development Strategy for Greater London – (London Plan Consolidated 2015)

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 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
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.19 Sports facilities
- 4.4 Managing Industrial Land and Premises
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 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
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land

7.19 Biodiversity and Access to Nature

7.4 Tower Hamlets Adopted Core Strategy 2010

SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP05 Dealing with waste
SP06 Employment uses
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering place making
SP13 Planning Obligations

7.5 Managing Development Documents 2013

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community Infrastructure
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM17 Local Industrial 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
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012

7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

8.0 CONSULTATION RESPONSE

8.1 The following consultees were consulted with regards to the application. Responses are summarised below. Full representations are available to view in the case file. The views of Officers within the Directorate of Development and Renewal are generally expressed within Section 10 of this report which addresses the various material planning considerations but where

appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Environmental Health (noise)

8.2 The proposal is considered to be acceptable subject to the following conditions:

- (a) (i) All residential units shall be designed in accordance with BS8233 on sound insulation
(ii) A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and results submitted to the LPA

(b) Construction works to be carried out only during the following hours: 8am-6pm Monday to Friday. 8am – 1pm Saturdays. No works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed.

(OFFICER'S COMMENT: Suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Environmental Health (contamination)

8.3 A condition should be included to ensure a detailed site investigation report is submitted to identify and investigate any potential contamination prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Environment Health (air quality)

8.4 The proposed Combined Heat and Power plant must comply with the Air Quality neutral assessment and the standards set out in the GLA Sustainable Design and Construction SPG.

(OFFICERS COMMENT: This would be secured by way of condition).

LBTH Energy Efficiency Unit

8.5 The proposed Energy Strategy is acceptable subject to the following Conditions:

- A heat network supplying all spaces within the development shall be installed. It shall be operational prior to the full occupation of the development and shall thereafter serve all spaces within the development
- Full detailed specification of the proposed 96kWp photovoltaic array to be approved
- Prior to occupation, the applicant shall submit the final energy calculations

(Officers comment: The above would be secured by way of condition to ensure a reduction of carbon dioxide emissions)

- 8.14 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

LBTH Communities, Localities & Culture (Strategy)

- 8.15 There would be no financial contributions sought from this development.

LBTH Transportation & Highways

Car parking

- 8.16 The development should be subject to an s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 8.17 The provision of 20 accessible car parking spaces is welcomed onsite.

(Officers comment: The applicant would be required to enter into a 'car free' agreement).

Cycle parking

- 8.18 The proposal makes provision for 448 cycle spaces for the residential element and in accordance with policy in a safe and secure location using Sheffield Stands which is welcomed by Officers.

Servicing and Delivery

- 8.19 The proposed servicing arrangements via Rifle Street is considered acceptable. Notwithstanding, the applicant would be required to submit a servicing management plan for approval by the Local Planning Authority prior to commencement of works above ground floor slab level. This would be secured by way of condition.

Construction Management

- 8.20 A Construction Management Plan would be required as a condition to outline the effect of the construction on the public highway. A S278 agreement is required to secure the cost for any damage or changes caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the planning permission.

(OFFICER'S COMMENT: Suggested conditions and informative have been included and highway matters would be addressed in Section 10 of this report).

LBTH Enterprise & Employment

- 8.23 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets. To

ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The Council would seek to secure a Section 106 contribution of £17,547 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.

(OFFICER'S COMMENT: The planning obligations are explained in detail in Section 10 of this report)

- 8.24 The applicant has not submitted marketing evidence to demonstrate that a B1 commercial use onsite would not be viable, the applicant should provide relevant marketing evidence and/or a relocation strategy for existing businesses.

(Officers comment: Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. This is discussed further in Section 10 of the report).

LBTH Waste Management

- 8.25 Further details on the refuse and recycling storage arrangements shall be submitted to and approved by the LPA prior to occupation. This would be secured by way of condition.

LBTH Biodiversity

- 8.26 LBTH Biodiversity team do not object to the proposal subject to the following contributions:
- Full details of biodiversity enhancements shall be submitted and approved by the Local Planning Authority
 - Landscaping details should include a good diversity of nectar rich plants to provide food for bumblebees and other pollinators.

(Officers comment: The above would be secured by increase the biodiversity of the site).

External consultation responses

Metropolitan Police, Crime Prevention Officer

- 8.26 The Metropolitan Police do not raise any objections subject to the following condition: Prior to the occupation of the development, a Secure by Design Accreditation (to include details of CCTV) on site, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the particulars so approved.

(Officers comment: The applicant would be required to submit a Secure by Design Accreditation to ensure that the development is designed to maximise safety and security throughout the site. This would be secured by way of condition).

Environment Agency

- 8.27 The Environment Agency has raised no objections and has not requested to include any conditions to the consent.

(Officers comment: The applicant would be required to submit a Surface Water Management Plan for approval by the Local Planning Authority. This would be secured by way of condition).

Transport for London (TfL)

- 8.30 Transport for London (TfL) are satisfied with the proposed car park; cycle parking; access and servicing arrangements development subject to the following conditions:

- Construction Management Plan
- Travel Plan

(Officers comment: The Construction Management Plan would be secured by way of condition and the Travel Plan would be secured in the S106 Agreement).

Greater London Authority

- 8.31 The GLA are supportive of the application and have the following comments to make:

- The proposed land use is considered acceptable in strategic terms.
- Housing/affordable housing: The results of the independent assessment of affordable housing provision should be shared with GLA officers demonstrating the maximum reasonable amount of affordable housing is being secured at the site.
- Design: The noise mitigation proposed through appropriate architectural materials should be secured by condition and the playspace equipment proposed should also be secured and be useable given the implementation of PV on the roof top. Therefore the screening panels proposed should also be secured by condition. The overall approach to the layout, height and massing and the residential quality is supported.
- Inclusive access: The applicant has provided sufficient information to demonstrate that the scheme is fully accessible to all.
- Climate change/energy: The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further information is required before the final proposals can be understood. The current carbon dioxide savings exceed policy requirements and are welcomed.
- Sustainable drainage: The drainage measures proposed for the site by the applicant should be secured by the Council by way of condition.

London Fire and Emergency Authority

- 8.32 No comments received

English Heritage Archaeology

- 8.33 English Heritage (archaeology) does not object subject to a condition which requires a programme of archaeological work to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

Docklands Light Railway

- 8.34 DLR do not object subject to the proposal subject to the following conditions:
- Demolition and Construction Management Plan
 - Adequate safety measures into the construction of the development
 - Full details of the design and construction methodology for the foundations
 - Scaffolding details- proximity to railway. This would include a Risk Assessment and Method Statement
 - Radio Impact survey
 - No vibro-compaction machinery unless details of the use of such machinery and method statement have been submitted and approved
 - Maintenance or alterations to the façade of the development fronting the railway line shall be submitted.

(Officers comment: The above conditions would be secured to protect the safe and efficient use of the railway).

- 8.35 DLR also recommends that a condition should be attached to the permission which requires no balconies to the elevation facing the railway and that all windows on this eastern elevation would be fixed. This is to ensure that the safety of the DLR network is not compromised by an object falling onto the railway. The proposed balconies would be enclosed, therefore no objects would be able to fall onto the railway.

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 A total of 523 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.

- 9.2 1 petition with 30 signatures in support and 7 individual letters of objection were received from local residents.

Objections

- The scale of development is unacceptable onsite
- The proposal would result in loss of daylight and sunlight to surrounding properties.

- There will be unacceptable levels of noise and dirt which will come from this building and invasion of privacy.
- The proposal puts pressure on existing local services such as shops, schools and health services and does not make provision for any of these services.

(Officers comment: The above comments are addressed in Section 10 of the report).

9.4 Support

- The current industrial site is unsightly, unused and creates a barrier between Langdon Park and Limehouse canal.
- The design is solid with formidable massing withdrawn from the main road and a colour scheme in keeping with the two more adjacent modern buildings.

9.5 All representations are available at Committee to view upon Members request.

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design
3. Housing - density, mix and tenures
4. Impact on neighbours the amenity of existing residents
5. Transportation and Access
6. Sustainability, Energy Efficiency & Climate Change
7. Health Considerations
8. Planning Obligations & CIL
9. Conclusion

Land Use

Principle of development

10.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

10.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support

sustainable economic development through meeting the housing, business and other development needs of an area.

The loss of industrial floorspace onsite.

- 10.4 Policy 4.4 of the London Plan seeks to ensure sufficient industrial stock of land is provided and/or retained to meet the future needs of different types of industrial related uses. Policy SP06 of the Core Strategy (2010) and DM17 of the Managing Development Document (2013) requires mixed use re development of local Industrial sites to re-provide at least the same quantum of employment floorspace and also seeks to ensure that introducing that introducing residential uses does not jeopardise the function and viability of industrial B type uses, and provides flexible units including those to meet the needs for small to medium sized enterprises (SME's).
- 10.5 The site is currently used for light industrial space (B8 within the use class order). The existing warehouse provides approximately 587 sqm2 of B1 (office) use and 3457 sqm of general light industrial. The site is currently vacant and therefore there is no existing employment provided onsite.
- 10.6 DM15.1 requires evidence to be provided to demonstrate that where proposals seek to reduce the amount of existing employment floor space, the site has been actively marketed (for approximately 12 months) *or* that the site is unsuitable for continued employment use due to its location, accessibility, viability, size and condition. DM15.2 is concerned with existing businesses not being displaced by the proposal. This is not the case as the site has been vacant for some time. It is accepted that whilst the existing wholesale, storage and office space is vacant and although no evidence was submitted to suggest that any marketing has taken place to facilitate continued employment use, it is accepted that the existing floorspace currently provides relatively low quality employment floorspace and is unsuitable for continued use in this location.
- 10.7 In this instance, it is considered that the loss of the existing floor space has been justified in terms of the relevant tests in policy DM15, in that it would not result in the loss of a viable employment use and that the current premises are not suited to continued employment use given their location, size and quality.
- 10.8 There is a general decline in the demand for warehouse floorspace in this area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2010) stipulates that new development close to Langdon Park should primarily be a place for residential uses. The Core Strategy's does not promote this area for light industrial, storage or distribution uses.

- 10.9 The GLA note that *“the character of the surrounding area has changed significantly becoming almost entirely residential. Once this scheme and the neighbouring site are built out, the area will become predominantly residential in character”*. There are also a number of developments in the area which have vacant commercial units in their ground floors.

Principle of residential Development onsite

- 10.10 Delivering new residential accommodation is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 39,314 new homes over a ten year period. The Further Alterations to the London Plan sets out a minimum target of 3,931 for Tower Hamlets.
- 10.11 The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.12 Within the adopted Core Strategy (2010), the site is identified in “Poplar”. The vision set out in the Core Strategy for Poplar is to:

“regeneration the area] into a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”

One of the key principles for the vision of Poplar is to:

“focus higher density development in and around Chrisp Street and adjacent transport nodes”.

- 10.13 The site is currently an underutilised vacant site with good access to public transport facilities and local services including Chrisp Street town centre. It is considered that redeveloping this site would act as a catalyst for regeneration for the site and the Poplar area in accordance with the Core Strategy. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn’t result in overdevelopment of the site. Furthermore, this subject proposal would help address the great requirement for social rented housing which is a priority focus for the borough.

Gymnasium

- 10.14 Policy 3.19 of the London Plan (consolidated with alterations since 2011) stipulates that “development proposals that increase or enhance the provision of sports and recreation facilities will be supported”. Policy SP03 of the Core Strategy (2010) seeks to provide high quality social and community facilities in accessible locations. Policy DM8 of the Managing Development Document seeks to ensure gyms are local in nature and scale and where there is a need for such facility.
- 10.15 The proposed ancillary D2 (gym) is located to the south west of the site. The area is increasingly characterised by high density residential development. The gym is considered to be an important facility for the future residents of the

development and would serve to promote health and well being. The proposed gym would also generate employment which is supported by the Council.

DESIGN AND APPEARANCE

- 10.16 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.17 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 10.18 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 10.19 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context.
- 10.20 The application proposal includes a redevelopment proposal which would be of high quality and would enhance the surrounding area. The design of the new buildings is discussed in more detail, within this section of the report under the headings: layout; height and scale; architectural appearance; and safety and security; as considered in detail below.

Layout

- 10.21 The scheme comprises three buildings or 6 blocks which have been arranged to provide an area of open space at the centre of the site. The building line at the east of the site has been determined by the adjacent DLR and the required DLR safe guarded zone of 8 metres has been respected. The building line on Rifle Street and Chrisp Street follows the site perimeter and the building line of adjacent buildings.
- 10.22 At ground level there are 20 car parking spaces located in an undercroft car park which is accessed off the new internal street. Above the car park, at podium level is a combination of communal amenity space and child play space provision.
- 10.23 The layout of the scheme is particularly supported as it creates an active public realm, through the generous provision of ground floor entrances to all

units at street level. A new north-south pedestrianised street is proposed through the centre of the site. The new link connects Rifle Street and Cording Street and improves the permeability of the area. Blocks A & B and the town houses fronts onto the link road.

- 10.24 There is a landscaped podium courtyard space proposed which sits above and encloses the car park area and would provide valuable amenity space for residents. The buildings that enclose the courtyard space have been designed to be outward facing and provide active frontages, with a number of maisonette dwellings at ground floor level with their front doors in Chrisp Street separated by an area defensible space.

Height, bulk and scale

- 10.25 The scheme comprises of buildings ranging from 4 to 13 storeys in height. The scale, massing and height is presented with the lower elements fronting Cording Street; Rifle Street and Chrisp Street and the taller element to the east of the site fronting the DLR and Langdon Park. The taller elements are confined to the north and south east of the site. Block A extends to 10 storeys in height which is located to the northern part of the site. This block is directly adjacent to the DLR and would be prominent when viewed across Langdon Park. Block A is designed to be subservient to Block B which extends to 13 storeys. Block B is proposed to be the tallest element of the proposals located in the south east corner of the site and extends to 13 storeys in height. This is significantly lower than the site adjacent which has planning permission for 22 storeys. The GLA note that *“the buildings increases in height to complement the neighbouring proposal and drops in height towards the northern end. This approach is supported”*.
- 10.26 The proposal has been designed to reflect the height and massing of adjacent blocks. The proposed development would provide a transition in scale between the tall and large scale developments located around the edge of the Chrisp Street district town centre to the south, and the residential/commercial scale of the area to the north and west of the site. The scale, bulk and massing is therefore acceptable and in keeping with the prevailing character of the area.

Architecture appearance

- 10.27 The proposed buildings are contemporary in nature which is in keeping with the prevailing character of new residential developments within its immediate context. The materials proposed include high quality brickwork (dark brown brick; grey and yellow); contracting wall cladding; metal and glass balustrade; stainless steel flues; privacy screens to block C and powder coated aluminium window frame. Robust materials along with carefully designed details would provide a coherent high quality development to complement the existing fabric of the area. Large balconies would help articulate and give focal points to the elevations.
- 10.28 Subject to conditions to ensure high quality materials and finishes, the proposal is considered to be of high quality and adopting good design principles. The proposed materials are considered to respect the local area and uplift an otherwise neglected part of this area.

Impact on Langdon Park Conservation Area

- 10.29 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environment. Policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Managing Development Document seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough's conservation areas.
- 10.30 Core Strategy Policy SP10 aims for the protection and enhancement of heritage assets and their settings, including Conservation Areas, Statutory Listed Buildings and Locally Listed Buildings.
- 10.31 The proposed development has the potential to impact upon the Langdon Park Conservation Area that lies adjacent to the eastern boundary of the site and extends to the north of the site. This Conservation Area is focused around St Michael's Church located 195m to the east of the Site. The area also includes the locally listed buildings of 159-167 St Leonards Road, 162 St Leonards Road and St Leonards Arms Public House.
- 10.32 A townscape and visual assessment has been prepared by the applicant to examine the surrounding area and to examine the impact the proposal would have on Langdon Park Conservation Area, which comprises a varied and eclectic mix of periods and architectural styles, without one single strong building form or use of external materials. The articulation of the eastern façade has been carefully considered and Officer's believe it presents a well-proportioned view from Langdon Park.
- 10.33 The applicant has submitted a views analysis within Langdon Park, looking westwards towards 160-166 Chrisp Street. The viewpoint is some 150 metres away. It was concluded that the schemes proposal is likely to have a direct permanent moderate beneficial effect on the view.
- 10.34 The visual impact of the proposed development from Morris Road, looking southwards towards 160-166 Chrisp Street was also examined. The viewpoint is located approximately 70 metres away, on the southwest boundary of the Langdon Park Conservation Area, although no part of the Conservation Area is visible within the view. It is concluded that the scheme proposal is likely to have a direct, permanent moderate to minor beneficial effect on the view from this viewpoint.
- 10.35 In addition, the applicant submitted a view looking northwards towards 160-166 Chrisp Street. The viewpoint is approximately 350 metres away. The view falls on the eastern boundary of Lansbury Conservation Area, with the market building, public house and adjacent building all falling within the boundaries of the Conservation Area. Again, the proposal would have a permanent moderate to minor beneficial effect on the Conservation Area.
- 10.36 Further, there would be minimal impact to the Listed Buildings of Balfron Tower and Carradale House within the Balfron Conservation Area. Overall, the proposal is considered to have a negligible impact on Langdon Park Conservation Area and is therefore considered acceptable.

Safety and Security

- 10.37 The proposal has been developed in accordance with the principles of Secured by Design. Principles of design and safety have been incorporated into the design.
- 10.38 Overall, the scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design. The development proposals would improve local legibility and connectivity, and natural surveillance in the area. Notwithstanding, the applicant would be required to attain a Secure by Design Accreditation Certificate prior to occupation.
- 10.39 In terms of detailed design, materials and finishes, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.
- 10.40 The urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Housing

- 10.41 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development”. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.42 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. This section will consider the proposed housing mix and the quality of the residential units provided.

Residential density

- 10.43 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to

the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.

- 10.44 The site has a public transport accessibility level (PTAL) rating of 3 and 4 which means it has good access to public transport. Table 3.2 of the consolidated London Plan (2015) suggests a density of 200-450 habitable rooms per hectare (hrph) for sites with a PTAL range of 3 and suggests a density of 200-700 hrph for sites with a PTAL range of 4.
- 10.45 The proposed density is 1155 habitable rooms per hectare (hrph) which exceeds the target for this area. Density figures only serve as an indication of the likely impact of a development and the development does not present any serious concerns in respect of overdevelopment as considered in detail below.
- 10.46 High density schemes may exhibit symptoms of over development which relate to:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of appropriate amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 10.47 On review of the above issues later in this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable because the proposal assists in the delivery of affordable housing targets, is of a high design quality, responds appropriately to its context and is not considered to result in adverse symptoms of overdevelopment.
- 10.48 Officers consider that the proposal would provide good quality and affordable homes, including a very high proportion of family sized units in a well-designed scheme that positively responds to local context. Due to the fact that this proposal is responding to an identified housing priority which is a demand for large affordable family housing, it is not considered that this would result in an under-provision of units, it is considered that the proposal optimises the use of the site and the site would comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

Affordable housing

- 10.49 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.50 The issue of affordable housing and off-site provision is similarly dealt with in the Council's policies. Policy SP02 of the Core Strategy sets an overall target

of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

- 10.51 The applicant has submitted a viability assessment which was reviewed by an independent viability consultant appointed by the Council. The proposal makes provision for 35% affordable housing by habitable rooms which accords with Council policy. Within the affordable housing provision, 69% of the units would be affordable rent (i.e borough framework rents) and 31% would be intermediate rent. The proposed rents are in accordance with the borough rent framework levels for the E14 area. The affordable housing provision is supported by the Council's housing team. This fits with the Council's approach to prioritise the larger family homes for affordable rent tenure based on local income levels.

Addressing the over crowding problem in the Borough

- 10.52 The table below shows the level of overcrowding in Lansbury ward at 17%. This is greater than the borough average of 16%. The number of bedrooms required to overcome this overcrowding would be 2480. The introduction of 53 additional affordable rented units would help reduce overcrowding amongst households. It is not considered that this scheme would disproportionately affect the levels of social/affordable housing in the area when compared with the recent market housing that has been built. It is considered, that on balance, the scale of this development would not adversely affect the mix of the area, and would help address local problems of overcrowding.

- 10.53

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
Lansbury	1,029	19%	2,480	47%	1,750	33%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

- 10.54 The proposed habitable rooms would provide much needed additional housing stock for those on the Council's waiting list. This is therefore, a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

Housing mix and tenures

- 10.55 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation are shown in the table below.

10.56 The table below illustrates the proposed dwelling mix onsite:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bedroom	106	10	18%	30%	14	47%	25.0%	82	44%	50.0%
2 bedroom	107	20	36%	25%	9	30%	50.0%	78	42%	30.0%
3 bedroom	54	20	36%	30%	7	23%	25%	27	14%	20%
4 bedroom	0	5	0%	15%	0	0%		0	0%	
5 bedroom	0	0	0%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
TOTAL	272	55	100%	100%	30	100%	100%	187	100%	100%

10.57 Policy SP02 of the Core Strategy (2010) stipulates that new housing development should make provision for 30% family sized accommodation (three bed plus), including 45% of new affordable rented homes to be for families. Policy DM3 of the MDD seeks to secure 45% family sized units within the affordable rented tenure. The proposal makes provision for 20 x 3 beds and 5 x 4 bed units within the affordable rented tenure which accords with policy. Whilst the proposal number of one and two bed units across all units does not accord with policy; on balance it is considered acceptable as the proposal mix is viable and deliverable onsite. Further, the scheme makes provision for 35% affordable housing which helps tackle a significant shortage within the borough and go some way towards the issue of overcrowding within Lansbury ward.

Standard of accommodation

10.58 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.59 All the units proposed are in line with the above policies, are generous in size and exceed the minimum space standards as set out in policy DM4 of the Managing Development. This is set out below.

10.60 The development would provide the following:

- A minimum floor to ceiling height to 2.5m
- There are 181 dual aspect units and 91 single aspect units. There are no north facing single aspect units proposed. The single aspect units face south and west and therefore receive acceptable levels of daylight and sunlight
- All upper floor units have private amenity space in the form of balconies and terraces
- All units meet GLA minimum room size standards
- Internal layouts have been designed to maximise daylight/sunlight levels throughout the day. 89% of units pass the BRE Guidance.

- 10.61 The applicant has undertaken an analysis of daylight to test the proposed new habitable rooms to the new proposed residential accommodation. The analysis has been done on the two lowest residential floors as these rooms receive the lowest level of daylight.
- 10.62 Daylighting to new rooms can be checked using Average Daylight Factor (ADF). The minimum ADF values are given as 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.63 691 out of 775 habitable rooms tested comply with BRE guidance. Most of the rooms do not receive daylight/sunlight levels in accordance with the BRE Guidance only marginally fall short of the guidance. The units with poor results are limited to locations where sky visibility is limited by the proximity of the other blocks opposite, by balconies cutting direct visibility. Notwithstanding, given that there are so few failures and that the proposed room sizes of these two rooms are all in accordance with the London Plan policy standards, on balance the quality of the proposed residential dwellings are considered to be of a high standard.
- 10.64 Overall, the proposal would achieve good standard of residential accommodation which receive good daylight/sunlight levels, appropriate internal layouts and room sizes with good outlook. As such, it is considered that the proposal complies with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seeks to protect amenity, by ensuring new developments receive acceptable levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.65 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.66 All units are designed to meet Lifetime Homes Standards. There are 27 number of wheelchair units proposed; of which 8 would be provided within the affordable rented tenure; 8 within the intermediate tenure and 11 within the private tenure. The provision for wheelchair accessible units across the tenures is supported by the Councils Housing team.

Private amenity space

- 10.67 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.68 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. The policy requirement for private amenity space is 1360sqm and the proposed provision amounts to 1360sqm; in accordance with policy. All proposed units would have adequately sized private amenity spaces in the form of private gardens and balconies.

Communal and child playspace

- 10.69 The applicant is proposing an integrated approach to the provision of communal and child playspace onsite. The applicant has included the provision of child playspace integrated within the communal amenity area located within the central podium deck and on the terraces located on Block A and C.
- 10.70 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 322sqm is required for a development of 272 units.
- 10.71 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 10.72 For the 0-5 year age group, a total of 420sqm would be required, for 5-10 year olds 350sqm would be required, and for 11-15 year olds 220sqm is required. As such, a total of 999sqm is required.
- 10.73 Combined, the policy requirement for communal and child playspace would be approximately 1321 sqm. The proposed communal and child playspace onsite amounts to approximately 1204 sqm. As such, there is a shortfall of amenity space provided. Whilst there is a deficiency of child playspace onsite, Officers are confident that the proposed playspace would be on high design quality. Furthermore, children onsite would also be able to easily access the existing play areas at Langdon Park which is less than a 5 minute walking distance from the site.
- 10.74 The applicant would be required to provide further details of the location and form play equipment, which would be secured by way of condition.

Impact on the amenity of existing residents

- 10.75 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.76 The applicant has submitted a daylight and sunlight assessment which has been independently reviewed by an specialist consultant. It was concluded that the methodology and findings are accurate and that, on balance, the neighbouring properties would continue to receive adequate daylight and sunlight levels. This is discussed in detail in the following paragraphs.
- 10.77 The nearest residential properties that may be affected by this proposal are the following nearby properties:
- 151-161 Chrisp Street

- Ascot House
- 1-16 Gabriels Close
- 1-11 Rifle Street
- 71 Carmen Street

Daylight and sunlight

- 10.78 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'.
- 10.79 The primary method of assessment is through calculating the vertical sky component (VSC). This is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that where reductions in sun lighting occur this should be within 0.8 times its former value.
- 10.80 The No Sky Line (NSL) is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants

151-161 Chrisp Street

- 10.81 There are some windows which would not meet the VSC standard, there being reductions in VSC of 30% from existing. The levels of retained VSC are good for an urban location and there is minimal impact on the NSL results.
- 10.82 Only 2 windows tested would experience reductions in VSC of more than 20% from existing and these will experience a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

Ascot House

- 10.83 Only 2 windows tested would experience reductions in VSC of more than a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

1-16 Gabriels Close

- 10.84 2 windows out of the 67 tested do not meet the BRE standard with reductions in VSC of 30% from existing. However, the daylight is constrained by these being located below balconies and it is also relevant that there is minimal reduction in NSL.
- 10.85 There are also a number of windows that experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms would be left with sky visibility to more than 50% of the room area.

1-11 Rifle Street

- 10.86 49 of the 74 windows assessed do not meet the BRE standard with 33 experiencing reductions of up to 30% from existing and 8 experiencing reductions of more than 30%, with the worst affected window experiencing a reduction of 70% from existing. It is however relevant that the windows most affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.
- 10.87 Only 3 windows would fail the NSL standard and these are the 3 windows to the ground floor of the flats that face directly towards the taller part of the proposed development. If these are duplex units then these particular units will also experience 30% reductions in VSC to the first floor windows but no material change in NSL at that level.
- 10.88 In general, the VSC levels would be reasonably good for an urban location; there are some exceptions with windows having fairly poor levels of VSC but most of those do experience a reduction of only up to 20% anyway.

71 Carmen Street (with planning permission but not yet under construction)

- 10.89 The applicant has provided the ADF results for the rooms in 71 Carmen Street, showing the levels of internal luminance that those rooms will have once the Chrisp Street development is complete. This is on the basis that 71 Carmen Street has not yet been constructed and the appropriate assessment is whether the rooms would have sufficient light for their intended purpose, not necessarily the reduction in light that would occur if the building had already been constructed.
- 10.90 108 of the 124 rooms assessed would either have adequate ADF or, if the ADF is already below the minimum recommended level, would experience no effective change.
- 10.91 The most significant impact is to 3 studios at ground floor level. As designed, with the existing site at Chrisp Street in place, these would have ADF levels of around 1% which are already below required living room use but just adequate for bedroom use. These rooms would have ADF levels of 0.6%. These would therefore be dark rooms with the perception of poor natural daylight. However, on balance, the impact on 71 Carmen Street would not warrant a refusal.
- 10.92 Some of the rooms affected are kitchens that are small rooms of less than 13m² in area. It is recommended that these be treated as not being habitable rooms, as they are not large enough for dining use and therefore the levels of daylight that these rooms are left with can be considered to be acceptable.

Sunlight

- 10.93 The Guide recommends that windows facing within 90 degrees of south be assessed for sunlight. Where windows call to be assessed due to their orientation, the BRE Guide recommends that living rooms should have an

availability of 25% of annual probable sunlight hours and with 5% available in the winter months.

- 10.94 A sunlight assessment is only required for those properties whose affected windows face within 90° of due south. Therefore, it is not necessary for the applicant to have assessed the sunlight to 151-161 Chrisp Street, to Ascot House or to 71 Carmen Street. The results for the remaining properties can be assessed.
- 10.95 The report acknowledges that 10 of the 27 rooms assessed do not meet the BRE standard for sunlight. There would be noticeable reductions to the worst affected properties of over 30% reduction in annual sunlight to 3 of the ground floor rooms and 50% reduction in winter sunlight to 6 of the rooms. It seems likely however that the worst affected rooms are bedrooms which do have a lower requirement for sunlight.
- 10.96 In addition, some of the windows that will be left with lower levels of annual sunlight have overhanging balconies restricting sunlight availability. The scheme proposal would leave these flats with relatively good levels of annual sunlight by urban standards and, to some windows, relatively poor levels of winter sunlight. That is going to be inevitable with the windows only able to receive sunlight effectively from the southeast and with a development that is inevitably going to be of large massing located to the southeast of the block.

1-11 Rifle Street

- 10.97 There are 4 windows of the 59 tested which do not meet the BRE standard. It is relevant that the windows are affected by overhanging balconies and also that the sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.
- 10.98 There are 4 windows of the 59 tested which do not meet the BRE standard. The 4 windows that are affected by overhanging balconies. The sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.

Overlooking and privacy

- 10.99 It is widely acknowledged that a separation distance of 18 metres from habitable rooms is considered to be an accepted distance to ensure privacy of future residents is retained. The separation distance between blocks A and B (east) and blocks C and D is approximately 40 metres. The distance between D and F is approximately 12 metres. The distance between blocks F and B is approximately 12 metres and blocks E and A are 11 metres. Officers acknowledge that the relationship between blocks F and B; and E and A could reduce privacy levels to future residents occupying the flats. However, given that block F is only 3 storeys in height and therefore the number of habitable rooms affected would be low. Further, there are privacy screens proposed to the eastern elevation of block E which would reduce the impact of block A.
- 10.100 With reference to the ground floor bedrooms fronting Chrisp Street, the streetscape to Chrisp Street comprises street tree planting, which provides vertical interest and environmental benefits, as well as softening the elevation

of the building. Shrub planting to the base of the building provides privacy to these ground floor units.

10.101 It is acceptable that this development would introduce new buildings in this location. By virtue of the degree of physical separation distance between the existing and new properties and the careful layout of the blocks, Officers on balance are satisfied that the proposal would not result in an unacceptable levels of overlooking or loss of privacy.

Noise and vibration

10.102 The applicant submitted a Noise Assessment report which has been reviewed by the Council's LBTH Environmental Protection Team.

10.103 The Environmental Health (EH) Officer in particular examined the relationship between the eastern elevation of block A and B and the railway. The distance between the development and the railway line ranges from 20-25 metres. The balconies proposed to this elevation would be enclosed to ensure future residents are not exposed to undue noise disturbance. EH do not object to the scheme and are satisfied that future residents would not be exposed to undue noise disturbance. Notwithstanding, the scheme would be required to meet BS 8233 the 'good', standard in all habitable rooms and amenity spaces. This would be secured by way of condition.

Transportation and access

10.104 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

10.105 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.

10.106 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

10.107 The developments impacts of the development on the surrounding transport network; is likely to generate around 2-3 additional person movements per

minute (i.e. an arrival or a departure) per minute during the busiest weekday peak. LBTH Highways have considered their assessment and do not raise any objections.

Access and servicing arrangements

- 10.108 Access to the parking area is via Cording Street and the applicant has applied to stop up part of Cording Street which currently runs through the site. The stopping up of this section of the road is accepted in principle although the detail is still to be considered as part of the scheme of highway improvement works, which would be secured by way of condition. Although this is not a requirement; it is acknowledged that it would be beneficial to the scheme.
- 10.109 An area which allows vehicles to turn would remain public highway and the applicant would be required to show how unauthorised parking would be prevented on the access road which will be within their ownership. This should be covered in the parking management plan.
- 10.110 The new proposed vehicular access which connects Rifle Street and Cording Street facilitates refuse and other servicing, which is considered acceptable. It is proposed that collapsible bollards are installed at either end of this stretch of estate road. The applicant is required to demonstrate how, and by whom, these bollards would be controlled. This would need to form part of the parking management plan and also a service management plan (again secured via condition).

Cycle Parking

- 10.111 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.112 The proposal makes provision for 448 cycle parking spaces in total; with 418 cycle spaces for the residential development and 30 cycle spaces at entrance for visitors in accordance with the Further Alterations to London Plan policy.
- 10.113 The applicant has confirmed that Sheffield style stands would be used for the storage of the bicycles. The Council's preferred option is the 'Sheffield' type stands rather than stacker or hanging types. 'Sheffield' type stands for the visitor parking would also be welcome provided these are placed within a shelter to offer some protection from the elements.

Car parking

- 10.114 Policy DM22 of the Managing Development Document to the parking standards set out in its appendix 2.
- 10.115 Policy 6.13 of the London Plan advocates an appropriate balance between the promotion of new development and the prevention of excessive car parking provision that can undermine cycling, walking and public transport use. Maximum car parking standards are set out in Table 6.2 of the Parking Addendum to the London Plan. Policy 6.13 of the London Plan also states that 20% of all spaces must be for electric vehicles, with an additional 20% passive provision for electric vehicles in the future.

- 10.116 Policy DM22 of the Managing Development Document sets out the parking standards set out in its appendix 2. Appendix 2 of the MDD sets a maximum provision of 0.3 spaces per unit for 1 and 2 bedroom units, and 0.4 spaces per 3 or 4 bedroom unit for developments with PTAL ratings of 3. Where off-street parking is provided, two spaces or 10% of the total parking (whichever is greater) should be accessible car parking for disabled people.
- 10.117 The development proposals seek to provide 20 parking spaces located within an undercroft car park, all of which are accessed via the new internal street off Cording Street. All proposed car parking bays have been designed to accessible standards and would be allocated in the first instance to accessible units and/or blue badge holders. Should any spaces not be taken up by Blue Badge holders within a reasonable time they should be offered to residents who qualify under the Permit Transfer Scheme. A parking management plan would be required as a condition.
- 10.118 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Sustainability, energy efficiency and climate change

- 10.119 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.120 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 10.121 The Managing Development Document Policy DM29 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.
- 10.122 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
 - 2) Site wide CHP
 - 3) Communal heating and cooling.
- 10.123 The Managing Development Document Policy DM29 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.

10.124 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (5%), site wide CHP system (135kWth engine; 27%) and utilise PV's on the available roof area (96kWp; 14%). The CO2 emission reductions proposed are supported and would result in a circa 44% reduction against the Building Regulations 2013. As such, there is no requirement for a cash in lieu payment as the proposal accords with policy.

10.125 The current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. It is recommended that the proposals are secured through appropriately worded Conditions.

10.126 It is recommended that Conditions are attached to the permission to deliver:

- A heat network supplying all spaces within the development shall be installed and sized to the space heating and domestic hot water requirements of the Development, and shall be operational prior to the full occupation of the development.
- Prior to the commencement of the relevant works of the development the applicant shall submit full detailed specification of the proposed 96kWp Photovoltaic Array to be approved in writing by the local planning authority.
- Prior to the first occupation of development the applicant shall submit the final energy calculations to show the scheme has delivered the carbon emission reductions as anticipated in the submitted Energy Statement (dated December 2014). Should the scheme not deliver the anticipated carbon savings any shortfall must be met through a cash payment in accordance with the carbon offsetting arrangements.

10.127 The above conditions would ensure a reduction of carbon dioxide emissions, through the cumulative steps of the Energy Hierarchy in accordance with Policy DM29 of the London Borough of Tower Hamlets Managing Development Document 2013.

Sustainability

10.128 Policy DM 29 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 all residential development to achieve a Code for Sustainable Homes Level 4 rating.

10.129 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

Impact upon local infrastructure / facilities

10.130 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.131 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.

10.132 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

10.133 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015

10.134 The boroughs four main priorities remain:

- Affordable Housing Employment, Skills,
- Training and Enterprise;
- Community Facilities;
- Education

10.135 The Borough's other priorities include:

- Public Realm;
- Health;
- Sustainable Transport;
- Environmental Sustainability

10.136 The development would place additional pressure on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

10.125 As outlined in the following section LBTH CIL is now applicable to the development, and along with the onsite schools, the CIL will help mitigate these impacts.

10.126 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training; energy; and,
- £500 towards monitoring the above contribution.

10.127 The applicant has also offered 35% affordable housing by habitable room with a tenure split of 69/31 between affordable rented and shared ownership

housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

10.128 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

10.129 The financial contribution offered by the applicant are summarised in the following table:

Heads	s.106 financial contribution
Construction Phase and end user phase skills and training £17,547	£17,547

Local financial considerations

10.130 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

10.131 Section 70(1) of the Town and Country Planning Act 1990 (as amended) and Provides that in dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration

10.132 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

10.133 In this context “grants” might include the New Homes Bonus.

10.134 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

10.135 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

10.136 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this

development is likely to generate approximately £418,390 in the first year and a total payment of approximately £2,510,339 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

10.137 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule and Mayor of London schedule. The estimated the Mayoral CIL would be £525,455 (this figure will be subject to social housing relief of £180,326) and the LBTH CIL is £525,973 (this figure will be subject social housing relief which will reduce the amount of £180,326)

Human Rights Considerations

10.138 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.

10.139 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".

10.140 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.

10.141 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.

10.142 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.

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

10.144 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.

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

Equalities Impact Assessment

10.146 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis would be required which is proportionate to proposed projects and their potential impacts.

10.147 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

10.148 The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.149 The affordable housing supports community wellbeing and social cohesion.

10.150 The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes.

11. Conclusion

11.1 All other relevant policies and material considerations have been taken into

account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.



Agenda Item 6.2

Committee: Strategic Development Committee	Date: 27th August 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/15/01209	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP

Existing Use: Office (B1(a) Use Class)

Proposal: Demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping.

Drawing Nos: 1083-10-P-0002 Rev. P00 ,1083-10-P-0020 Rev. P00
1083-10-P-0021 Rev. P00, 1083-10-P-0050 Rev. P00
1083-10-P-0500 Rev. P00, 1083-10-P-0501 Rev. P00
1083-10-P-0998 Rev. P00, 1083-10-P-0999 Rev. P00
1083-10-P-1000 Rev. P00, 1083-10-P-1001 Rev. P00
1083-10-P-1002 Rev. P00, 1083-10-P-1010 Rev. P00
1083-10-P-1012 Rev. P00, 1083-10-P-1013 Rev. P00
1083-10-P-1015 Rev. P00, 1083-10-P-1016 1 Rev. P01
1083-10-P-1019 Rev. P01, 1083-10-P-1020 Rev. P01
1083-10-P-1030 Rev. P00, 1083-10-P-2000 Rev. P01
1083-10-P-2001 Rev. P01,1083-10-P-2200 Rev. P01
1083-10-P-2201 Rev. P01,1083-10-P-2202 Rev. P01
1083-10-P-2203 Rev. P01, 1083-10-P-3300 Rev. P01,
1083-10-P-3301 Rev. P01, 1083-10-P-3302 Rev. P01,
1083-10-P-3303 Rev. P01,1083-10-P-5100 Rev. P00,
1083-10-P-5200 Rev. P00, 1083-10-P-5300 Rev. P00,
1083-10-P-5400 Rev. P00,1083-10-P-5500 Rev. P00,
1083-10-P-5600 Rev.P00, 1083-10-P-5700 Rev. P00,
1083-10-P-5800 Rev. P00, 01083_SK-271-C.

Documents

- Design and Access Statement, dated 30th April 2015
- Planning Statement, Issue 01
- Air Quality Assessment, dated 29th April 2015
- Historic Environment Assessment; Issue 3, dated 24th April 2015
- Ground Contamination Geotechnical and Geoenvironmental Desk Study, dated 21st April 2015
- Daylight and Sunlight Assessment, dated 28th April 2015

- Overshadowing Assessment, dated 27th April 2015
- Ecological Report Rev. A, dated 30th April 2015
- Energy Statement, dated April 2015
- Sustainability Statement, dated 29th April 2015
- Transport Assessment dated 28th April 2015
- Travel Plan Framework, dated 28th April 2015
- Environmental Wind Assessment dated 29th April 2015
- Waste Management Strategy, dated 28th April 2015
- Sustainable Drainage Strategy (undated)
- Townscape and Visual Impact Assessment, Issue 2 dated April 2015
- Noise Impact Assessment Report, dated 30th April 2015
- 1083 SK-267 Rev. P01 (Massing Comparison)
- Future Provision for District Heating Connection, Technical Note dated 25th June 2015
- Note (undated) on SME Space at Beagle House
- Summary of Environmental Wind Testing (Arups) dated 29th June 2015

Applicant: Aldgate Development Ltd

Owner: Aldgate Development Ltd

Conservation Area: N/A

Historic Building: N/A

2 SUMMARY OF MATERIAL CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against its adopted planning policies as set out in the Borough's Local Plan, specifically the Core Strategy (CS), Managing Development Document (MDD), it has also assessed the application against strategic development plan policies as set out in the consolidated London Plan (March 2015) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's consultation draft *City Fringe Opportunity Area Planning Framework* (December 2014) and the Borough's interim strategic framework guidance *Aldgate Masterplan* (2007) and found that:-

- a) In land-use terms the scheme is entirely consistent with policy and strategic framework guidance documents for Aldgate and the City Fringe as a proposed predominately office-led mixed-use redevelopment on a site with an existing significant quantum of active employment space in an area designated as a Preferred Office Location within the Borough. The commercial ground floor uses are complementary to the office space set above in the context of the Central Activity Zone (CAZ).
- b) In employment terms the substantial increase in office floorspace and provision of ground floor retail commercial uses is predicted to net increase potential job opportunities by approximately 16,600. With planning obligations in place to secure skill set training and employment opportunities for local people the proposal accords with development plan.
- c) The aim to make the building's design attractive to the Technology, Media and Telecoms (TMT) sector is consistent with the strategic objectives for the City Fringe to serve as a vehicle for growth and employment within the CAZ.

The implementation of the scheme will complement and expand out the geographic extent of 'Tech City' digital businesses from its City Fringe origins in an Old Street/Shoreditch technology hub to help solidify a positive hub at Aldgate, also located in the City Fringe Opportunity Area.

- d) In terms of public realm improvements the scheme complements pre-existing public open space improvements achieved on Braham Street (in relation to an open space created on a former arterial highway) by supplementing and extending out these benefits to include an improved public realm/pedestrian environment in Half Moon Passage and Camperdown Street.
- e) In terms of local views, scale, massing, overall appearance and layout, the proposal is considered to be broadly acceptable. The scheme's design offers the opportunity of an architectural treatment to the elevations to be of a potentially high quality finish that will contribute to the architectural form and character of the Aldgate area, in a manner that is distinctive yet complimentary to the area's townscape. The ground floor layout provides tangible opportunities to enliven the Braham Street Open Space and Half Moon Passage by providing active frontages as well as more attractive and wheelchair accessible pedestrian routes through Half Moon Passage to Camperdown Street.
- f) The site falls within the backdrop to the Protected Vista obtained from location 25A looking towards the White Tower of the Tower of London World Heritage Site. In term of strategic views, the proposal is considered by officers to have significant effects to views 25A.2 and 25A.3 of the Tower of London as set out in the London View Management Framework. However with the benefit of a reduction in the storey height since submission and following the removal of letters of objection (pertaining originally to these LVMF views) from Historic Royal Palaces and Historic England it is not considered officers can sustain a reason of refusal on the impacts of the scheme to these strategic views and the associated effect on the *Outstanding Universal Values* of Tower of Hamlets World Heritage Site (WHS). Accordingly, on balance the strategic views are considered acceptable.
- g) In terms of the impact to the character and appearance of surrounding listed buildings and conservation areas, on balance no significant impacts are posed.
- (h) For the reasons set out above ((d) to (g) inclusive) the proposal is considered to broadly satisfy the criteria for consideration of tall buildings set out in the Borough's Local Plan and London Plan, which seek tall buildings to be appropriate to their context, high quality and minimise environmental impacts.
- (i) The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no undue significant adverse impacts.
- j) In respect of transportation, with the mitigation measures secured by legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Sustainable forms of transport are facilitated by this scheme including an improved pedestrian environment on Half Moon Passage and

Camperdown Street and adequate facilities for cyclists for occupants of the development will be provided.

- k) In terms of energy use, carbon reduction, enhancements to biodiversity the scheme is considered to provide a sustainable form of development.

3 RECOMMENDATION

3.1 That the Committee resolve to grant planning permission subject to:

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

Financial Obligations:

- a) A contribution of £678,979 towards end user employment, skills, training
- b) A contribution of £157,684 towards construction phase skills and training
- c) A contribution of £448,200 towards Carbon Offsetting
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions £1,284,863, plus monitoring contribution.

Non-financial contributions

- e) Public realm/shared surface treatment improvements on Camperdown Street and Half Moon Passage
- f) Provision of 1,210sq.m of flexible lease affordable rent workspace for the life of development
- g) At least 14 apprenticeships to be delivered during the construction phase of the development
- h) At least 7 apprenticeships during end-user phase to be delivered over the first 3 years of occupation
- i) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- j) 20% of goods/service during construction are procured from businesses in Tower Hamlets
- k) Permanent public access/walking route across Half Moon Passage from Camperdown Street and Braham Street
- l) License with Transport for London for oversailing highway

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

3.2 **Conditions**

Prior to Demolition

- Construction, Logistics & Environment Management Plan
- Ground contamination
- Noise Mitigation Measures
- Archaeology

Prior to Construction

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology

Prior to Construction above ground level

- Details of Materials and treatment of elevations
- Use of Cranes
- Impact of the development upon existing water supply capacity & infrastructure
- Scheme of highway works
- Details of wind mitigation measures

Prior to first occupation of building

- Landscaping incorporating details of biodiversity enhancements
- Delivery and Service Management Plan
- Secure by Design accreditation

Compliance Conditions

- Time limit for consent
- Accordance with the approved plans
- Life of development retention and maintenance of disabled car parking space
- Life of development retentions of bicycle spaces and maintenance of associated changing room & shower facilities
- Service bay door/gate/equivalent
- Transparent glazing at ground floor
- Energy measures implemented in accordance with the energy strategy
- Building achieving BREEAM excellence standards
- Capacity to energy system connect to district heat network
- For life of development roof top terraces to be readily accessible and available during daylight hours for use by users of the development
- A minimum of 60% of the glazing surface area to each of the individual ground floor retail frontages to be maintained wholly transparent and free of window transfers or other blanket obstructions
- No plant or other infrastructure above the maximum AOD height
- Retractable cleaning gantry

- **Any additional conditions as directed by the Corporate Director Development and Renewal**

3.3 **Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable

- 4) Thames Water
- 5) License for cleaning gantry

4. PROPOSAL, LOCATION DETAILS AND DESIGNATIONS



Figure1: CGI Image of scheme from Mansell Street (to west) with Braham Street Open Space in foreground

4.1 Proposal

- 4.2 The proposal would involve the comprehensive redevelopment of the application site, involving the demolition of the existing 10 storey 1960's office block and the construction of an office led mixed use block.
- 4.3 The new building would contain ground floor lobby/reception spaces plus flexible use commercial spaces (A1-A3 Use Class) and 17 storeys of office space above, plus an additional 2 storeys of enclosed plant rising to a maximum height of 88.15 AOD. The new building would also contain a double storey basement containing plant rooms, cycle storage, shower and changing room facilities.
- 4.4 The application site (red line) embraces the whole of Camperdown Street and Half Moon Passage and this provides an opportunity to deliver via legal agreement public realm landscaping improvements to these two streets. The improvements would involve soft landscaping and shared surface treatment, new pavement and carriageway, plus the removal of the stepped access link separating Braham

Street and Half Moon Passage to a graded footpath that would be consistent with ease of use by wheelchair users.

- 4.5 The single tower block in the treatment of the elevations will be articulated as four conjoined blocks with the scheme rising to ground plus 12 storeys on its south west edges (63.60m AOD), ground plus 14 storeys on its north west edges (70.90m AOD), ground plus 18 storeys on north east edges and ground plus 19 storeys (inclusive of 2 storeys of upper storey plant) on its south east edges (88.15m AOD).
- 4.6 Internally within the block are proposed a series of 'soft spot zones' that are capable of having the internal floors removed to create an atrium space at a later future date. In addition from the outset of development a small 3 storey atrium will be built within the top 3 storeys at the north east corner of the building.
- 4.7 The ground floor will contain two service delivery loading bays and a built-in disabled car parking bay. These vehicle bays will all be entered/exited from Camperdown Street. On ground floor the scheme has a series of reception and commercial spaces fronting the whole lengths of Half Moon Passage and Braham Street with the building core (lifts and stairwells) set towards the Camperdown Street frontage.
- 4.9 **Site and Surroundings**
- 4.10 The application site is located in Aldgate and excluding the public highway covers an area of approximately 0.26 hectare. The site is bound by Braham Street (to the north), Leman Street (to the east), Camperdown Street (to the south) and Half Moon Passage (to the west). The existing Beagle House is a 10 storey office block of 11,167sqm of B1(a) office space. It is let to the shipping company Maresk (hence the name change to Maresk House). There are 781 existing employees on site. Maresk Ltd have sub-let 3 floors to BskyB and 1 floor to Huddle (a 'cloud' based file sharing company).
- 4.11 The existing office block is designed by the late architect Richard Seifert, a well-regarded architect of commercial office buildings in the modernist architectural tradition (architect of Centrepont on Tottenham Court Road and Natwest Tower in the City). A number of Seifert's office buildings have been statutory listed but there is no suggestion that Beagle House merits such status.
- 4.12 The application site lies with the London Plan's Central Activities Zone (CAZ) as well as the City Fringe Opportunity Area.
- 4.13 The site falls within the designated Aldgate Preferred Office Location in the Borough's adopted Local Plan.
- 4.14 The site is in an area of archaeological importance or potential importance.
- 4.15 The proposed development plot is over-sailed by the background assessment area to strategic view 25A.1, 25A.2 and 25A.3 (at approximately 70 metres above ordnance datum), and falls within the wider setting of the Tower of London World Heritage Site.
- 4.16 The building on site is not listed nor located within a conservation area. However, there are conservation areas and listed buildings in close proximity. The nearest conservation area (CA) is Whitechapel High Street CA set less than 40 metres to

the north and east of the site, set further away to the north west is Wentworth Street CA and to the north east is Fournier Street CA. The nearest listed buildings to the site are to the south at 17-19a Alie Street and White Swan Public House PH, to the east the Dispensary and immediately to the east of that building are St George's Lutheran Church, the German & English Schools and Vestry. St Georges Lutheran Church is Grade II*.

- 4.17 Braham Street remains in its entirety adopted highway but no longer is trafficked and contains the Braham Open Space - a landscaped public space that emerged from Mayor Livingstone's 100 Open Spaces GLA project.
- 4.18 To the immediate north of the site on the opposite side of Braham Open Space is the recently completed office block known as Aldgate Tower (93m AOD) and immediately to the west of that building the 9 storey RBS building (also known as Sedgewick Centre). Standing immediately opposite the site on the east side of Lemn Street is the currently being built out Aldgate Place development (a mixed use residential led development with a significant quantum of retail/commercial space at ground floor (rising to a maximum 92.90m AOD) and 15-17 Lemn Street (88.60m AOD). Aldgate Place will act as a publicly accessible focal point at the heart of Aldgate at street level. Immediately to the south and west of the building are a set of post 1960's built office buildings (of between 7 to 9 storeys). These office buildings are undistinguished architecturally and of an era and building typology that they are liable to come forward for redevelopment in future years.

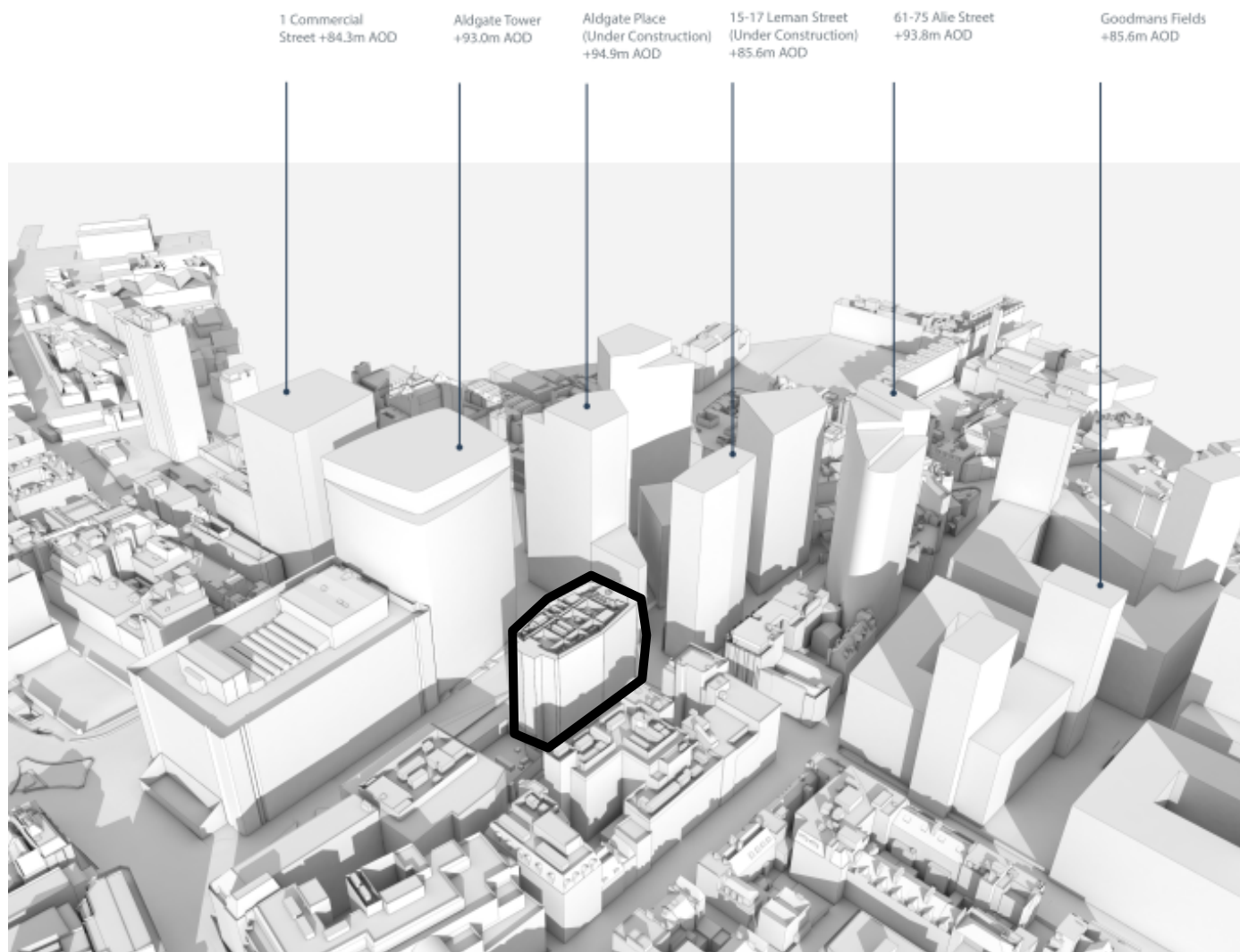


Figure 2: Development site (with existing Beagle House shown) in its emerging tall cluster context. All towers shown are built out or under construction

- 4.19 The surrounding area is very diverse in its architectural style and building scale. It covers a diverse spectrum, from small-scale commercial/residential uses in terraces of several storeys to the south along Alie Street and Buckle Street to modern commercial office towers with substantial floorplates. The character and townscape of Aldgate is changing fast with an increasing trend towards large massing including to the south and east of the site with residential led mixed use development schemes arriving in tandem with substantive improvements to the public realm.
- 4.20 The public realm improvements are many, but the most significant derives from a more “humane□/rationalised arrangement of the arterial road network flowing through the area. This has led to the closure of Braham Street (formerly part of the Aldgate gyratory system) to create Braham Street public open space; and the current wide ranging public realm/highway improvements occurring with the dismantling of the Aldgate High Street gyratory in its entirety; and the return of two way traffic to Aldgate High St, Botolph Street, Middlesex Street and Minories. These works will create a major green open public to the west of St Botolph Church and help provide much improved pedestrian links from City of London to Aldgate and beyond to the Whitechapel area.

- 4.21 The site is very well served by public transport, and registers an accessibility level of six, on a scale of one to six. Three London Underground Stations and a Docklands Light Railway Station are located within a reasonable walking distance, and the site is also well served by buses, with the nearest stops located approximately 200 metres away on Whitechapel High Street. Cycle Superhighway route 2 (Bow to Aldgate) runs along Whitechapel High Street, whilst Cycle Superhighway route 3 (Barking to Tower Gateway) is also relatively nearby, running along Royal Mint Street.

5 RELEVANT PLANNING HISTORY

- 5.1 A variety of applications including those for minor works have been submitted over the course of time. The more recent and noteworthy applications are referred to below:

On Site

- 5.2 **PA/14/00255** Planning permission refused on 9th December 2014 for demolition of existing building (Beagle House) and construction of a 25 storey mixed-use development comprising 915sq.m of retail space (Class A1 - A5) at ground floor and 1,110sq.m of office space (Class B1(a)) for occupation by small and medium enterprises (SMEs) at 1st upper floor level with residential accommodation above (on 3rd to 25th storey) rising to a height of 91.80m AOD to provide 308 flats (Class C3), two basement levels with associated car parking, landscaping, plant accommodation, access arrangements and any other works incidental to the development.
- 5.3 There were 3 reasons of refusal firstly in respect to the proposed development failing to ensure successful and sustainable local and sub-regional economies, by reason of the net loss of existing office floorspace within a designated Preferred Office Location and the scheme failing to safeguard the strategic function of the Central Activities Zone, which seeks to support the financial and business services, by displacing an existing business with no suitable replacement accommodation within the borough, resulting in the loss of jobs. Secondly on ground the proposal represents an overdevelopment of the site that provide poor quality residential accommodation which exhibits clear and demonstrable signs of overdevelopment and fails to mitigate its own impacts which include. Thirdly it was refused on grounds of a failure to secure agreed and policy compliant Affordable Housing and financial and non-financial contributions in the absence of an agreed legal agreement.
- 5.4 **PA/13/00305** On 20 January 2014 this application was finally disposed of under Article 36(13) of the then Town and Country Planning (Development Management Procedure) Order 2010. The application had been for demolition of Beagle House and construction of a 24 storey mixed-use development comprising 1,940sqm of retail/commercial space (Class A1 - A5 use) at

ground floor and 1st floor level with residential accommodation to provide 291 flats (Class C3 use) with associated car and cycle parking, landscaping, plant accommodation, access arrangements

- 5.5 **PA/09/01122** On 28 Sep 2010, planning permission was granted for demolition of the existing building and the erection of an 18 storey tower with 2 ground floor retail units (Class A1-A4) and 17 floors of office space above (Class B1) and two basement levels, rising to 83.65m (AOD).

Surrounding Sites

- 5.6 The following planning decisions on surrounding sites are noted as most salient to this application

Aldgate Place

- 5.7 PA/13/00218 Planning permission was granted on 10th October 2013 for a mixed use scheme comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. The scheme includes 463 residential units, office space (2,687sqm), hotel (7,980sqm), retail and leisure (1,334sqm) uses along with new areas of open space

Aldgate Tower and former Marsh Centre at 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street

- 5.8 PA/04/01190 On 3rd December 2004 planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building and demolition of other remaining buildings and the redevelopment of the site to provide a 16 storey office block rising to 93m (AOD).

Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street

- 5.9 PA/07/01201 On 14 March 2008 planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors).

15-17 Leman Street

- 5.10 PA/11/03693 Planning permission was granted on 14th June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- 5.11 PA/09/02430 Planning permission was refused on 11th February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Allocation was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17th December 2010

Goodman's Fields

- 5.12 PA/09/00965 On 17th February 2011 planning permission was granted for a mixed use residential led scheme involving erection of four courtyard buildings of 5-10 storeys, 6 buildings of 19-23 storeys and erection of a 4 storey terrace along Gower's Walk containing 772 residential flats, student accommodation, a hotel, a primary care health centre, retail space, commercial uses (Class A1-A4) and creation of public open spaces

1 Commercial Street /111-120 Whitechapel Road

- 5.13 PA/05/00229 On 29th August 2006 planning permission was granted on Appeal for a 23 storey (84.30m AOD) mixed use consented scheme including provision of 8,430m² of offices (Class B1) on the 2nd to 6th floors; and 217 residential units on the 7th to 22nd floors

6.0 POLICY FRAMEWORK

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

6.3 LBTH's Core Strategy (CS) adopted 2010

- Policies:
- SP01 Refocusing on our town centres
 - SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP05 Dealing with waste
 - SP06 Delivering successful employment hubs
 - SP07 Improving education and skills
 - SP08 Making connected places
 - SP09 Creating attractive and safe streets and spaces
 - SP10 Creating distinct and durable places
 - SP11 Working towards a zero-carbon borough
 - SP12 Delivering Placemaking
 - SP13 Planning Obligations

6.4 LBTH's Managing Development Document (MDD) adopted 2013

- Policies:
- DM0 Delivering Sustainable Development
 - DM1 Development within the Town Centre Hierarchy
 - DM9 Improving Air Quality
 - DM10 Delivering Open space
 - DM11 Living Buildings and Biodiversity
 - DM13 Sustainable Drainage
 - DM14 Managing Waste

- DM15 Local Job Creation and Investment
- DM16 Office Locations
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

6.5 Supplementary Planning Guidance/Documents

Revised draft *Planning Obligations Supplementary Planning Document*
 Version for public consultation April 2015.
 Aldgate Masterplan Interim Guidance (2007)
 Aldgate Connections (2015)
 Aldgate Commercial Land & Property Study, (prepared by BBP, 2007)

6.6 **Consolidated London Plan, including Further Alterations to the London Plan (March 2015)**

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 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
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land

- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 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
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (July 2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)(
 - City Fringe/Tech City Opportunity Area Planning Framework (Consultation draft. December 2014)
- Mayor's Climate Change Adaptation Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Mayor's Water Strategy;

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

6.9 **Other documents**

- Tower of London World Heritage Site Management Plan (2007)

- Tower Hamlets Local Biodiversity Action Plan (2009)
- English Heritage & CABE Guidance on Tall Buildings (2007)
- English Heritage & Design Council draft Tall Buildings guidance (2014)
- ICOMOS 'Guidance On Impacts on World Heritage Properties' (2011)

7.0 CONSULTATION RESPONSES

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2 The following were consulted and made comments regarding the application, summarised below:

Internal LBTH Consultees

Sustainability Officer

7.3 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.50%. The proposal is anticipated to deliver a 15.8% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan of 45%. To address this shortfall to meet Policy DM29 requirements a £448,200 offset payment is required to meet current policy requirements. Subject to securing the carbon offset payment via legal agreement and the stated BREEAM Excellent rating by condition no objection is raised.

(Officer Comment: Noted and planning obligations and conditions will reflect these comments)

Biodiversity Officer

7.4 No objection subject to a condition that landscaping will maximise benefit biodiversity to contribute to achieving the objectives of the Borough's Local Biodiversity Action Plan LBAP. The greater biodiversity enhancements to the scheme shall include a:

- greater expanse of bio-diverse green roofs;
- inclusion of nest boxes for swifts;
- possible inclusion of artificial nest boxes for house martin nests into the building;
- nest boxes for black redstarts associated with the green roof.

(Officer Comment: Noted and the sought planning condition will be imposed)

Urban Design Officer

7.5 There is an existing consent for an office building. The proposal follows the consented schemes approach of stepping down in scale from Lemn Street to Moonlight Passage as a series of terraces that fronts Brahms Park.

Height:

7.6 The site is located at the heart of Aldgate and is a location suitable for tall buildings. The existing consent is for 17 storeys. The recently consented Aldgate Place Scheme is for 21 storeys. The proposed 19 storeys block is located close to Lemn Street and steps down to create a more stepped terrace approach along Brahms Park. In the context of consents and built projects in the area, the proposal for a tall building at the Lemn Street side of the site is in keeping with the transforming nature of Aldgate Area, subject to its height being sensitive and responsive to the setting of the Tower of London and strategic and local view corridors.

Layout

- 7.7 The site is rectangular with clear street frontages. The proposal is organised to take advantage of the high level of pedestrian footfall to the north along Brahm's Park by locating retail and commercial frontage. This will further activate the park frontage and provide a continuous link to the consented Aldgate Place streets and squares. The retail units wrapping around the corner of Camperdown Street and Moonlight Passage further strengthens the two edges of the block activating streets and the passage.

Architecture

- 7.8 The building though is one continuous block in plan, but is broken down in volume as a series of four buildings similar in their component parts yet are slightly varied to create difference. The simplicity of the language is welcomed. The massing of the proposal is modelled to provide varying levels and ranges from 13, 15, 17 and 19 storeys adding visual interest and relief to the linear block. This approach to break down the massing enables a better transition to the neighbouring buildings to the south and to the west. Furthermore, this approach aids in the visual perception of the building within its setting from the conservation area and also in the local views.

- 7.9 In summary:

The scheme demonstrates a considered approach to local and emerging context of the area.

(Officer Comment: Noted)

Conservation Officer

- 7.10 Officers have considered the impact on local heritage assets. With respect to the closest statutory listed buildings the proposed development will be screened from the principle frontages of these Grade II listed buildings. For other designated heritage assets in the area the building will be viewed in the framework of other tall buildings (including buildings under construction) and on balance cumulatively it is considered that the impact is acceptable.

- 7.11 The proposal has some impacts on the setting of the Tower of London. It is regrettable that this scheme is 4.5m taller than the previously consented despite officers' best efforts to seek further reductions.

(Officer Comment: Noted. The impact of the height on the setting of the Tower of London is considered in more detail in section 12 of this report)

Employment & Enterprise Team

- 7.12 No objection. S106 subject to secure end user phase financial contributions toward training and a set of non-monetary obligations set out below:-

- to ensure the developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- 20% of goods/service during construction are procured from businesses in Tower Hamlets
- A minimum 14 apprenticeships are delivered during the construction phase of the development
- A minimum of 7 end-use phase apprenticeships to be delivered over the first 3 years of the development being occupied

(Officer Comment: Noted, the sought planning obligations (set out in section 15 of this report) will be imposed)

Environmental Health:

EH noise section

- 7.13 No adverse comments. Impose a condition regarding control of plant and machinery noise and informative regarding compliance with Council's Code of Construction Practice.

(Officer Comment: Noted and the sought planning condition and informative will be imposed)

EH air quality section

- 7.14 No objection. The air quality assessment submitted with the application is accepted.

(Officer Comment: Noted)

EH - land contamination section

- 7.15 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy

(Officer Comment: Noted and the sought planning condition will be imposed)

Highways & Transportation

- 7.16 Car Parking

The proposals seek to introduce a car free scheme with the exception of one on site dedicated accessible bay. The existing development has 26 parking spaces so the reduction in car parking is welcomed given the site PTAL.

The accessible space will require a reversing movement in Camperdown Street. Whilst not ideal is considered acceptable as Camperdown Street is a no through road and is comparatively lightly trafficked.

Cycle Parking

The cycle parking provision and the method of access via a ramp is considered acceptable (particularly as the applicant has indicated that cyclists may also use the goods lift to access the spaces).

Servicing

The two dedicated servicing bays within the boundary of the development is considered adequate to enable off street servicing as is the reverse movements to exit it given the street is lightly trafficked.

Walking

The improvements to the LBTH public highway. The changes to the public realm and design of the building will result in the reconfiguration of the existing on street parking arrangements. However, this is considered necessary to enable the development to take place.

Concluding remarks

No objection subject to planning conditions imposed regarding:-

- retaining accessible parking,
- maintaining cycle parking and ancillary facilities for life of the development,
- securing a full travel plan,
- A Servicing & Deliveries Management Plan,
- A Construction Management Plan
- Retractable gantry to avoid oversailing of highway.
- And a legal agreement for licenses to oversail Leman Street and Braham Open Space

(Officer Comment: Noted and the sought planning conditions and planning obligations will be imposed)

Waste & Recycling Team:

- 7.17 No objection. Following a review of the submission documentation no concerns are held in respect of the waste strategy proposed.
(Officer Comment: Noted)

Surface Water Drainage Officer

- 7.18 No objection subject as the scheme incorporates SUDS and grey water recycling measures to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policies SP04 and DM13 of the Local Plan.
(Officer Comment: Noted and the sought planning conditions will be imposed)

External Consultees

Historic England (formerly English Heritage)

- 7.19 *"The Tower of London Local Setting Study (August 2010) sets out the significance of this view from The Queens Walk. It states that "Views from this location exemplify many of the cultural qualities that give the Tower its Outstanding Universal Value, including its landmark siting on the River Thames, its role as a symbol of Norman power (represented in this view by the dominance of the White Tower), as an outstanding survival of Norman keep architecture in England and as the model example of a medieval fortress palace".*
- 7.20 *The management guidelines on p105 of the document go on to advise that "buildings behind or close to the White Tower should not detract from its silhouette or diminish its perceived scale from this vantage point." This is consistent with the guidance contained within the London View Management Framework (LVMF) Supplementary Planning Guidance (Assessment Point 25A.2, Mayor of London, March 2012).*
- 7.21 *It states on p419-422 that "elements that become visible in the backdrop of World of Heritage (site) could undermine the ability of the viewer to appreciate the World Heritage Site and its historical significance to the development of London and the nation as a whole. Any development above the Wider Setting Consultation Area in the background of the Protected Vista should preserve or enhance the viewer's ability to recognise the landmark and appreciate its Outstanding Universal Value*
- 7.22 *The identified wireframe views in the Visual Impact Study show that the development would be visible above the treeline and immediately to the west of the White Tower."*

Comments received from Historic England following receipt of amended drawings:

- 7.23 *"We welcome the positive change to the scheme which now proposes a reduction in height of the tower by one storey. I have shared the revised wireframe visualisations of the relevant LVMF views to colleagues, and we are in agreement that the scale of the proposed development is now acceptable on the*

understanding the proposed height is the absolute maximum, and no additional plant or other infrastructure would be added above the wireframe outline.”
(Officer Comment: The LVMF views are discussed within Section 12 of the report)

Historic Royal Palaces

Comments received from Historic Royal Palaces following receipt of amended drawings:

- 7.24 *“The current proposal has been reduced by one storey in height and HRP agree that this goes a long way to mitigating the adverse impact the previous scheme had on LVMF views 25A.2 and 25A.3. We endorse Historic England’s recommendation that the height now proposed is the absolute maximum and that nothing, such as plant or infrastructure, should be allowed to project above the wireframe outline.”*
(Officer Comment: The LVMF views are discussed within Section 12 of this report)

Greater London Archaeology Advisory Service (GLAAS)

- 7.25 Awaiting receipt of their comments.
(Officer Note: Any comments received from GLAAS will be reported to the Strategic Development Committee, in the Addendum report)

Metropolitan Police Designing Out Crime Officer

- 7.26 No objection, subject to a condition for the scheme to achieve Secure by Design accreditation
(Officer Comment: Noted and the sought planning conditions will be imposed)

Greater London Authority (including Transport for London’s comments)

Strategic overview:

- 7.27 *“The proposed comprehensive office renewal at this CAZ site is strongly supported in strategic planning terms. However, issues with respect to office employment, sustainable development and transport need to be addressed to ensure accordance with the London Plan.”*

Principle of development:

- 7.28 *“London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock and increases in floorspace - in order to meet the needs of a growing and changing economy. The consultation draft City Fringe OAPF recognises the particular commercial characteristics of Aldgate - noting its close functional relationship with the financial and business services district of the City, but also the potential of the area to respond to emerging demand from smaller technology firms (particularly those related to financial services)”.*

- 7.29 *“In accordance with the above context, and noting also the Local Plan designation of the site as a Preferred Office Location, GLA officers strongly support the proposed office renewal scheme in strategic planning terms.”*

Office employment:

- 7.30 *“The proposed comprehensive renewal of this CAZ office site is strongly supported in strategic planning terms. GLA officers nevertheless seek the provision of an affordable workspace package for the proposed SME space in accordance with London Plan policies 4.1, 4.2, 4.3 and the draft City Fringe OAPF”.*

Urban design:

- 7.31 *"GLA officers are satisfied that a building of this scale is acceptable in strategic planning terms, and the proposed design response is supported in accordance with London Plan policies 7.3, 7.6 and 7.7."*

Strategic views:

- 7.32 *"The proposal would preserve the viewer's ability to recognise and appreciate views of the Tower of London in accordance with London Plan Policy 7.12."*
- 7.33 *"The applicant has submitted a visual impact assessment. This includes a selection of verifiable visualisations which present the proposal (and other consented schemes) as a wire outline on the horizon."*
- 7.34 *"Based on these visualisations it is evident that the proposal would be visible, to a limited degree, in views 25A.2 and 25A.3, however, the proposal would not be visible from assessment point 25A.1 (as it would fall entirely behind the White Tower)."*
- 7.35 *"The visual analysis demonstrates that only a sliver of the roof the scheme would be perceptible above Lloyds Chamber Building (to the left of the White Tower in view 25A.2) and amongst the trees (to the right of the White Tower in view 25A.3). The cumulative views also demonstrate that the proposal would fall amongst a context of adjacent consented schemes of a similar scale. Accordingly, GLA officers conclude that the proposal would not dominate the World Heritage Site or harm the protected silhouette of the White Tower, and that the proposal would preserve the viewer's ability to recognise and appreciate the strategic landmark."*

Historic environment:

- 7.36 *"A visual impact study was submitted with the proposal that deals with the visual impact of the proposal in key LVMF views. The assessment finds that the principal effect on the World Heritage Site would be a visual change to its setting. The assessment nevertheless concludes that the impact of this on views of, in and across the World Heritage Site would be negligible. GLA officers concur with this conclusion, and are satisfied that the ability to appreciate the Outstanding Universal Value of the Tower of London World Heritage Site would be preserved"*
- 7.37 *"The proposal would not harm neighbouring heritage assets. The application therefore accords with London Plan policies 7.8 and 7.10"*

Inclusive design:

- 7.38 *"The proposed approach to access and inclusion is broadly supported in accordance with London Plan policies 4.12 and 7.2."*

Sustainable development:

- 7.39 *"Whilst the energy strategy is generally supported, in line with London Plan Policy 5.6 GLA officers seek the provision of an on-site network to allow for potential connection to a district energy network in future. The applicant is also advised to liaise with Tower Hamlets Council with a view to addressing the shortfall in carbon dioxide reductions off-site, pursuant to part E of Policy The Council is encouraged to secure detailed approval of the climate change adaptation measures by way of planning condition in line with London Plan policies 5.10, 5.11 and 5.13."*

Public Realm

- 7.40 *Various improvements are required to the public realm surrounding the site (including Braham Street Park, Camperdown Street and Half Moon Passage) in order to ensure that pedestrians, cyclists and disabled people can access the development safely and inclusively.*
- 7.41 *The proposed creation of shared space at Camperdown Street and Half Moon Passage is strongly supported, and will significantly enhance the quality of public realm and promote permeability for cyclists and pedestrians.*
- 7.42 *There is also scope to make significant improvements to the quality of Braham Park for the benefit of this scheme and Aldgate generally. In this regard TfL expects a contribution towards upgrading the landscaping of Braham Park as mitigation of the increased use of this space expected to arise as a result of the proposal. Such a contribution may be secured by way of section 106 agreement (if not already addressed under the Tower Hamlets CIL). TfL would welcome further discussion on this, and proposes that details of the upgrade should be agreed prior to occupation of the office accommodation.*

Transport:

- 7.43 *"Whilst the proposal is broadly acceptable in strategic transport terms, further clarifications and commitments are sought with respect to public transport; public realm; walking; cycling; construction management; and, Crossrail to ensure accordance with London Plan policies 6.3, 6.5 6.9, 6.10 and 6.14".*
- 7.44 *TfL requests that the applicant safeguards the necessary land as well as a makes a £200,000 contribution toward a 36 bay TfL operated bicycle docking station*
- 7.45 *With the intention of supporting improved cycle access to the site, TfL has identified a potential cycle improvement scheme for Leman Street. This scheme involves the provision of a contra-flow segregated cycle lane and dedicated cycle signals northbound on Leman Street. This would link into the upgraded CS2 route on Whitechapel Road, as well as future cycle provision on Commercial Street. TfL estimates the cost of these works to be £250,000, and would welcome further discussion with the applicant and the Council with a view to delivering the scheme*

(Officer Comment: Noted and the substantive issues raised in the GLA Stage 1 Report are dealt with individually in the relevant sub-sections of the material considerations section of this report)

Corporation of London

- 7.46 Re: Protected Views

"The whole site lies within the Wider Setting Consultation Area (Background) of the LVMF City Hall to Tower of London Protected Vista (25A.1) and is directly behind the White Tower. The maximum height of the proposed development is the same as the previous application in October 2014 (91.800m AOD) and exceeds the consultation threshold plane by up to 25.82m – a significant exceeding of this consultation threshold plane.

Revised comments received on LVMF, following receipt of amended drawings:

“Following the reduction by 1 storey, it is clear that the proposed development would make less impact on LVMF view 25A.2 (even at worst case scenario in winter) as it now sits level with existing buildings in front of it, as well as other consented schemes level with the tree line. Previously the proposed development rose above those buildings and the tree line and had a potential adverse impact on the setting and backdrop of the White Tower”.

7.47 Re City Fringe Land Use

“This latest proposal appears to have addressed many of the City Corporation’s concerns made on the previous application in October 2014. To summarise the City Corporation’s concerns from October 2014:

- Impact on development and approach of the City Fringe OAPF*
- Contrary to Tower Hamlets policy on Preferred Office Locations*
- Office Floorspace not adequately replaced*
- Contrary to Policy SP06 of Tower Hamlets’ Core Strategy*
- Significant impact on the ability of the City to attract investment and office tenants to this part of the City*
- Jeopardising opportunities in Aldgate and the Tower Hamlets fringe.”*

7.48 *“The previous proposal involved a loss of 11,167 square metres of B1 (a) office floorspace. The latest proposal adds 23,713 square metres of high quality office stock in this location and is welcomed. The fact that this proposal is office led, with no residential is supported and is in accordance with Tower Hamlets’ Local Plan”.*

7.49 *“An office led scheme in this part of Tower Hamlets will bring benefits to the City in terms of attracting investment and allowing opportunities to assist individual occupiers seeking to locate in a fringe part of the City as well as in Tower Hamlets and is therefore in accordance with Policy CS8 of the City’s Local Plan. The Planning Statement (paragraph 5.9) notes that the floorspace of this scheme is specifically designed to meet the current market demand within this part of Aldgate from the TMT sector. In addition to this, flexible commercial floorspace at ground and lower levels is supported (in line with Paragraph 16.3 of the Tower Hamlets Managing Development DPD which lists supporting uses helping to achieve a sustainable office environment) and will assist in attracting occupiers to this area of Tower Hamlets and the eastern part of the City. Finally, the latest proposal appears to be more in line with the broad principles in the City Fringe OAPF in terms of providing significant employment floorspace where proposals include the demolition of existing employment floorspace.”*

Re Braham Street Park

7.50 *“There is a need to actively manage the adjacent Braham Street Park to ensure continuity with the open space improvements being delivered by the City Corporation in Aldgate and the maintenance of a green corridor in this part of the City Fringe. This will help maximise the benefits of the work the City Corporation is doing on its side of the gyratory.”*

(Officer Comments: Braham Street Park is outside the confines of this application the Council trust TfL as landowner to the Braham Open Space and Aldgate Developments Ltd will advance their partnership working to actively manage Braham Street Open Space and invest in capital works to the Open Space)

- London Borough of Southwark**
7.51 No comments received.
- London Fire and Emergency Planning Authority (LFEPA)**
7.52 No comments received
- Thames Water (TW)**
7.53 No objection.
Thames Water requests the proposal takes appropriate measures to avoid the risk of backflow during storm conditions and seek revisions to the outlined in the Sustainable Drainage Strategy.
Conditions should be attached to any approval in respect of:
- provision of a comprehensive drainage strategy
 - impact piling and methodology statement in relation to such piling
 - study on the impact of the development upon the capacity of the existing water supply infrastructure
- (Officer Comment: Noted and the sought planning conditions will be imposed)*
- National Grid**
7.54 No objection
(Officer Comment: Noted)
- EDF Energy**
7.55 No comments received
- NATS**
7.56 No objection. The proposed development does not conflict with safeguarding criteria
(Officer Comment: Noted)
- London City Airport**
7.57 No objection
(Officer Comment: A condition will be applied in respect to use of cranes during construction)
- London Underground Infrastructure Protection**
No comment to make on the application
(Officer Comment: Noted)
- Environment Agency**
7.58 No objection. Any proposed piling methods need to avoid posing a pollution risk to controlled waters. Deep piling can also result in physical disturbance of aquifers.
(Officer Comment: Noted and the scheme will be subject to a condition requiring the submission to and agreement in writing from the local planning authority of a piling impact statement and methodology before commencement. An informative will be added in regard to aquifers and piling)
- BBC Reception Advice**
7.59 No comments received
- Crossrail Safeguarding**
7.60 Reviewed the site plan and scheme is outside safeguarding zone, so no further comment to make.
(Officer Comment: Noted)

8.0 LOCAL REPRESENTATION

8.1 818 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and benefited from the display of 3 site notices.

8.2 2 letter of objection have been received: 1 letter received from a local resident and 1 letter received from a local business (operating from the immediate neighbouring site to the west).

8.3 The letter from the local resident objects to the scheme on 2 grounds. Firstly, the daylight and sunlight assessment submitted by the applicant makes no assessment of the impact of the proposed development on the Altitude Point development. The objector appreciates there are other developments going up in Aldgate Place located between the 2 sites but understand these to be lower in height than the proposal. Based on the sunlight impacts of Aldgate Tower on Altitude the objector considers this scheme will accentuate adverse daylight/sunlight impacts on Altitude that already result from Aldgate Tower. Secondly the scheme will impact upon the 'feel' of the immediate area. The objector states the area has been subject to substantial residential development in recent years and the erection of an office tower would detract from that sense of a new residential community. The creep of high rise office buildings from the City will surround the residents that have moved into the Aldgate area and potentially create another "Canary Wharf".

(Officer Comment: The daylight/sunlight impacts of the scheme are discussed in section 13 of this report. With regard to the objection surrounding the construction of a tall office building the site is located in a designated Preferred Office Location, in this aspect the scheme is consistent with the Borough's 2007 Aldgate Masterplan, Local Plan, and the principle of a tall building was established with the extant office consent submitted in 2009).

8.4 The owner of No 6 Braham Street operating as a data centre objects to the scheme as the Construction Management Plan makes reference to road closures during construction and does not provide an assurance that access to neighbouring buildings will be retained at all times which is required for the operation of their business.

(Officer Comment: The scheme will be subject to a planning condition requiring submission and agreement in writing from the local planning authority of a full and robust Construction Management Plan that provides detail of maintaining access to neighbouring properties.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (10)
- Design (11)
- Heritage including Environment Statement implications (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)

Other Considerations including

- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Microclimate (22)
- Financial Considerations (23)
- Human Rights (24)
- Equalities (25)

10.0 Land Use

- 10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.
- 10.2 Paragraph 21 of the NPPF states *“planning policies should recognise and seek to address potential barriers to investment”* and goes on to state *“local planning authorities should:*
- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
 - *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
 - *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
 - *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
 - *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.”*
- 10.3 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy
- 10.4 London Plan Policies 2.11 and 4.3 *“encourage mixed use office and residential development in the CAZ and Isle of Dogs”*. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to this mixed use approach are *“permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity”*. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states *“policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function”*.

- 10.5 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location Policy*, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy. The Preferred Office Location policy is consistent with Chapter 1 of NPPF and objectives of Paragraph 21 of NPPF of local planning authorities:
- *supporting existing business sectors*
 - *providing a clear economic vision and strategy;*
 - *positively and proactively encourages sustainable economic growth;*
 - *identifying areas to meet economic development needs over the plan period;*
 - *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- 10.6 Within the suite of adopted Local Plan documents, Policy DM16 of the Boroughs *Managing Development Document* states “*Development resulting in the net loss of office floor space in Preferred Office Locations (POLs) will not be supported.*”
- 10.7 There are four POLs located at Canary Wharf, Bishopsgate, Aldgate and Tower Gateway with major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 10.8 Supporting paragraph 16.1 to Policy DM16 states “*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas.*”
- 10.9 Policy SP06 of the Core Strategy sets out the need for employment uses to be understood within a spatial framework to ensure successful and sustainable local and sub-regional economies. A spatial understanding enabled the Council to identify the locations of its four Preferred Office Locations (POL’s) including the Aldgate POL that arises from existing context, infrastructure, concentration of activity and high levels of accessibility.
- 10.10 The Core Strategy sets out a vision for Aldgate as “rediscovering its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. Become an important place where large-scale office uses cluster around the transport interchange at Aldgate and the new green space at Braham Street”.
- 10.11 The Core Strategy sets out four urban design principles for Aldgate:
1. *Reorganise distribution of land uses to focus offices and education uses around the public transport node at Aldgate and facilitate mixed use in other areas.*
 2. *Ensure new development contributes to animating the street level by providing active frontages.*
 3. *Promote evening and night-time uses to draw people from the City into the area and contribute to the vibrancy of Aldgate.*
 4. *New buildings should be sensitive and responsive to the setting of the Tower of London and strategic and local view corridors.*”

- 10.12 The consultation draft City Fringe Opportunity Area Planning Framework (OAPF) recognises the particular characteristics of Aldgate in terms of its role in the City Fringe. The OAPF notes that whilst Aldgate has a close functional relationship with the financial and business services district of the City it also has the potential to play an important role in responding to emerging demand from smaller technology firms - particularly those related to financial services.
- 10.13 The Aldgate Masterplan provides a comprehensive framework to guide redevelopment and regeneration and in line with the Preferred Office Location designation (that occupies only a relatively small part of Aldgate) the development site is identified as a location suitable for a commercial and office led development with an emphasis on active ground floor uses that face the street and public spaces.
- 10.14 To conclude set in the national, strategic (London) and local plan policy frameworks and informed by supplementary and interim planning guidance set out in the Mayor of London's consultation draft City Fringe OAPF and the Borough's own Aldgate Masterplan interim guidance an office led scheme is wholly consistent with relevant adopted land use planning policies as set out in London Plan Policy 2.11 and Policies DM16 and SP06 of the Local Plan for this location and designations. As is the provision on the mezzanine floor of 'incubator' type affordable work space aimed at small enterprise with space let (via a "collaborative working" operator for the life of the development at sub market rent on very flexible lease arrangements (to let open plan 'desks' or alternatively small office spaces) .
- 10.16 The provision of flexible use retail spaces (A1- A3 use class) at ground floor is welcomed as it complements the major office floorspace provided above, in addition it will activate the frontages to street/Braham Open Space that will stitch back together the long established retail/commercial ground floor frontages to streets to the east in City of London with the retail street frontages contained in the Aldgate Place development to the east.

11.0 Design

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing places should exhibit:-
- be functional;
 - support mixed uses and tenures;
 - Include successful public spaces;
 - be adaptable and resilient;
 - have a distinctive character;
 - be attractive; and
 - encourage ease of movement
- 11.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.

- 11.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 11.5 Policy DM26 of the Borough's Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
 - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
 - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
 - f. Present a human scale of development at the street level;
 - g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
 - h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
 - i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
 - j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
 - k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
 - l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.
- 11.6 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

Principle of a Tall Building

- 11.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and Aldgate as appropriate locations for tall buildings.
- 11.8 The site is located at the heart of Aldgate and immediately to the south of a location identified within the Aldgate Masterplan for new tall buildings. The Aldgate POL is identified within the Core Strategy as a location for large footplate office employment building. The extant office consent for the site is for 17 storeys rising to a maximum height of 83.6m (AOD). The Aldgate Place scheme and the neighbouring hotel (at 15-17 Leman Street) taken together consist of 4

towers rising to maximum heights of 84m, 92.90m, 96m and 85.6m (AOD) respectively. The Altitude development further to the east rises to 93.80m (AOD). To the immediate north Aldgate Tower rises to 93.0m (AOD) and to north of that scheme No. 1 Commercial Street rises to 86m (AOD).

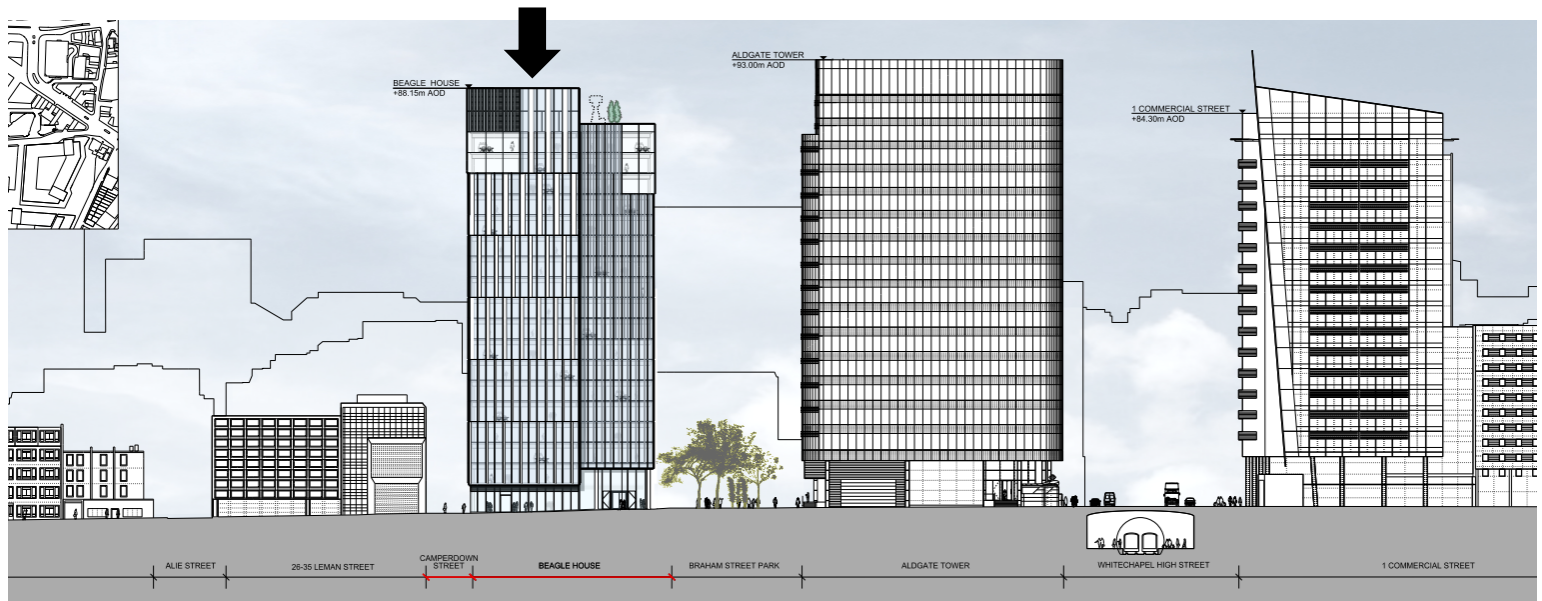


Figure 3: North/South section drawing scheme in relation to neighbouring development

- 11.9 The proposed block rises to a maximum height 88.15m (AOD) with ground floor plus 19 storeys above that (of which the top 2 storeys are plant wrapped within the vertical shell of the building). The scheme maximum height is set towards the Lemman Street edge and towards the eastern edge. The proposed single block is broken down into 4 constituent blocks with the lowest block set in the south east corner of the development. This stepped arrangement helps the scheme is intended to provide a better contextual relationship with the smaller scale building located to the south including a set of listed buildings set immediately to the south of the site on Alie Street and St Marks Street.
- 11.10 The principle of a tall building in this location is accepted, subject to the height and bulk of the scheme not having an adverse impact on local heritage assets and is sensitive and responsive to the setting of the Tower of London and strategic and local view corridors (refer to section 12).

Siting, External Layout and Appearance.

- 11.11 The site is rectangular and the scheme provides four well-defined street frontages. The ground floor layout is organised to take advantage of the high level of pedestrian footfall found on the north side alongside the Braham Open Space, by locating retail frontages on this edge and the main entrance to the offices above on this frontage. This arrangement will provide a much needed additional active edge onto Braham Street Open Space as this green space suffers from a lack of active frontages from the other buildings fronting on it. The retail units proposed to wrap around the corners of the development on the Camperdown Street and Half Moon Passage edges will also help activates these street spaces.

- 11.12 The proposed building is one continuous block in plan but is broken down in elevation to read as a set of four conjoined building blocks similar in their component parts yet slightly varied to create a greater degree of visual interest and help break up the massing and perception of its bulk. This architectural approach is broadly welcomed by the Council's Urban Design Team.
- 11.13 The scheme is larger in footprint and overall building envelope than the extant scheme without the multiple stepped form (that tapered away from the adopted highway of Braham Open Space on its northern edge or without the same degree of step back from the adopted highway of Half Moon Passage) that the consented office scheme possessed.

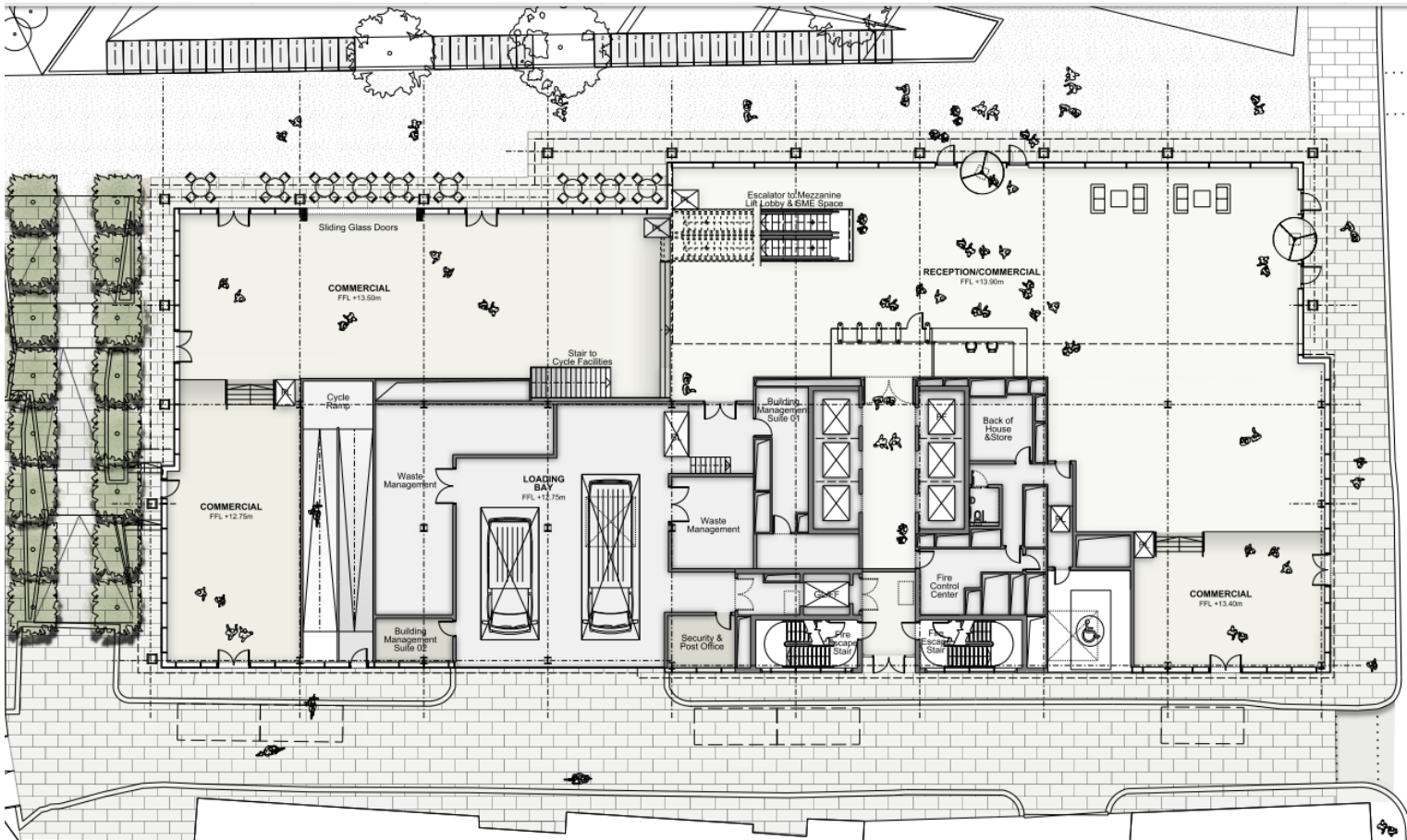


Figure 4: Ground floor including public realm works (within scheme's red line) on Camperdown Street (towards bottom edge of figure 4) and Half Moon Passage (right edge of figure 4)

- 11.14 The shell of the proposed block is treated differently at ground and 1st floor mezzanine level compared the floors above with the facade slightly recessed on the northern and western edges, containing fully glazed frameless facades and a colonnade of external pillars that taken together give added legibility to the ground floor retail spaces for people walking by that will announce these spaces can be enjoyed by the general public. These design features also reduce the visual 'weight' and bulk of the block as it hits the ground.

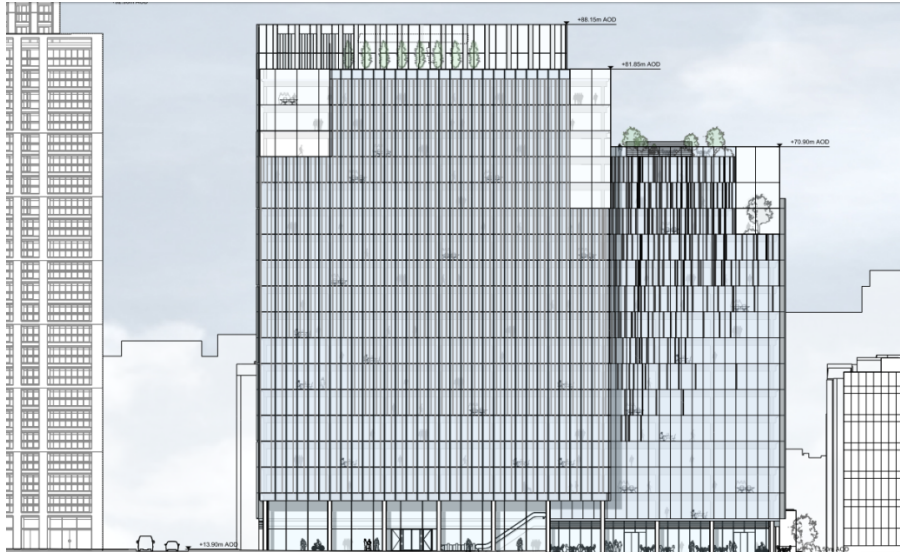


Figure 5: North facing Elevation (fronting Braham Street Open Space)

11.15 The scheme adopts other design devices to assist *breaking* up the massing including:

- lighter more transparent glazing in some sections of the elevation to upper floorspaces where the scheme is physically designed to allow floors to be 'punched out' to create multiple storey height atrium spaces, should a future tenant want such spaces.
- A triple height atrium space will be built into the upper level north west corner of the scheme to provide visual interests and create a space for a tree to be contained within the atrium space
- Each of the four constituent blocks will have slightly different character and visual appearance to the treatment of their elevations to help express them as different blocks to aid breaking up the overall massing of the scheme. Different glazing types will be used across the facades to offer differing levels of transparency and visual interest.
- The stairs and lift core as expressed on the south elevation will provide visual interest through the introduction of feature internal lighting on the 2 external dacong staircases.

11.16 The loading bay, waste collection and access to the basement cycle parking will be located on Camperdown Street. The building block on this frontage will be built virtually at the back of the pavement. To help mitigate against this convergence of 'back of house' activities and the sheer scale of building rising up from the back of the pavement the inclusion within the redline of the whole of Camperdown Street and the associated upgrade to the surface treatment of the pavement and carriageway is necessary to mitigate the scheme's impact upon this street.

12.0 Heritage

12.1 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the statutory duty. This held that where a decision maker finds that a proposed development would harm

the setting of listed buildings and/or harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh such harm.

- 12.2 Section 12 of the NPPF headed “Conserving and enhancing the historic environment” contains guidance in consideration of development proposals and their effect on the historic environment.
- 12.3 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
 - 12.3.1 the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - 12.3.2 the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
 - 12.3.3 the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.4 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset’s conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.5 Paragraph 132 provides 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. It emphasises that the weight given should be proportionate to the asset’s significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 12.6 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.7 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). The Planning Practice Guidance tells us that the test of whether a proposal causes substantial harm is very high and will often not arise. The Court has ruled in *Bedford BC v Secretary of State for Communities and Local Government* [2013] that such harm is that which would have such a serious impact that its significance was either altogether or very much reduced..
- 12.8 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 12.9 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and London World Heritage Sites SPG – Guidance on Settings (March 2012). Policies SP10 and

SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Borough's MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. In addition, the Historic Royal Palaces have produced the '*Tower of London World Heritage Site Management Plan*' which guides the consideration of development affecting the Tower of London and refers to the townscape view and Mayoral policies concerning the London View Management Framework (LVMF).

- 12.10 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Environmental Statement with technical chapters on Visual Amenity and Cultural Heritage including a visual impact study contained verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon the strategic views of the Tower of London World Heritage Site, specifically from The Queen's Walk (near City Hall) and LVMF View 25A.1, 25A.2 and 25A.3. The site falls within the backdrop to the Protected Vista obtained from location 25A looking towards the White Tower of the Tower of London World Heritage Site.
- 12.12 The extant office scheme was given a resolution to grant consent at Strategic Development Committee at a height of 92.45m (AOD). The scheme was finally granted consent 8.85m lower (at 83.65m (AOD)). This reduction followed from discussions initiated by the GLA and prior to the Stage 2 Mayor of London Report being issued to the London Borough of Tower Hamlets. The reduction in height for the consented scheme followed concerns raised by Greater London Authority and objections raised at the application stage from Historic Royal Palaces and English Heritage in regard to the impact of the scheme upon heritage assets specifically views of the Tower of London World Heritage Site and the London View City Management Framework (with regard to views then known at 25A.1 and 25A.2 from outside City Hall on the banks of the River Thames). Set within the context of this planning history the current scheme is subject of a limited in scope Environment Statement.

Impact on conservation areas and neighbouring listed buildings

- 12.13 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
 - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east;
 - The Tower conservation area, located to the south east;
- 12.14 The nearest statutory listed buildings are
- White Swan Public House (Grade II) approximately 30m located to the south and next door to this Public House two terraced (originally residential) properties at Nos. 17 and 19 Alie Street (Grade II)
 - The Dispensary (Grade II) at 19A Leman Street approximately 30m to the south east, and clustered next to that building (immediately to the east) on Alie Street - St. Georges Lutheran Church (Grade II*), St Georges German and English Schools (Grade II)

- With a set of other Grade II listed buildings located approximately 50m to the south of the site serving part of terraces at Nos 28, 30, 32, 36-44 Alie Street,
- Still further from the site and also to the south a series of originally residential buildings at No. 2 and No .8 Mark Street (approximately 70m away).

12.15 As set out in further detail earlier in this section of the report planning policy requires that new development proposals should seek to ensure they do not result in an adverse impact on the character, fabric or identity of identified designated heritage asset or their setting.

12.16 The Whitechapel High Street Conservation Area is the nearest conservation area with the nearest section of that conservation areas is located on the opposite (north) side of Braham Open Space, less than 40m away on the site of the recently completed Aldgate Tower. The height of the proposed development is considered consistent with the neighbouring development being built out on this neighbouring site to the north and with the consented tall buildings consented for Aldgate Place, on the site of former Drum Street, in line with the LBTH Aldgate Masterplan guidance on areas lending themselves for tall buildings.

12.17 With the benefit of a Visual Impact Study submitted with verified views of the scheme from Altab Ali, Leman Street, St Mark's Street, North Tenter Street, Mansell Street at junction with Braham Street, and Braham Street with Colchester Street the scheme is not considered to have any adverse impact on the aforementioned views or upon the townscape and general character of Whitechapel High Street Conservation Area, the Wentworth Street Conservation Area or the Fournier Street Conservation Area. This view is shared by the Borough Conservation Officer.



Figure 6: CGI image of scheme from junction of North Tenter Street and St Mark's Street (the convenience store in left hand side foreground forms part of a Grade II listed building)

12.18 With regard the impact of the proposed scheme upon the setting of the listed buildings the development is not considered to cause harm. It is notable both Alie Street and Lemn Street, where the closest listed buildings cluster are populated by a diverse range of buildings in terms of architecture, scale and use and this informs why this bulk, scale and height of the building is considered appropriate in heritage terms. In addition the impact and direct visual relationship between the scheme these closest listed buildings is limited (in part) by the tight street pattern and the presence of a set of taller modern buildings set between these heritage assets asset; most specifically, the undistinguished 7-9 storey commercial buildings located at No. 25 Camperdown Street immediately to the south, No 26-30 Lemn Street that occupies the street corner of Lemn Street with Camperdown Street and Frazer House that wraps around the corner of Lemn Street with Alie Street.

Strategic Views and London View Management Framework

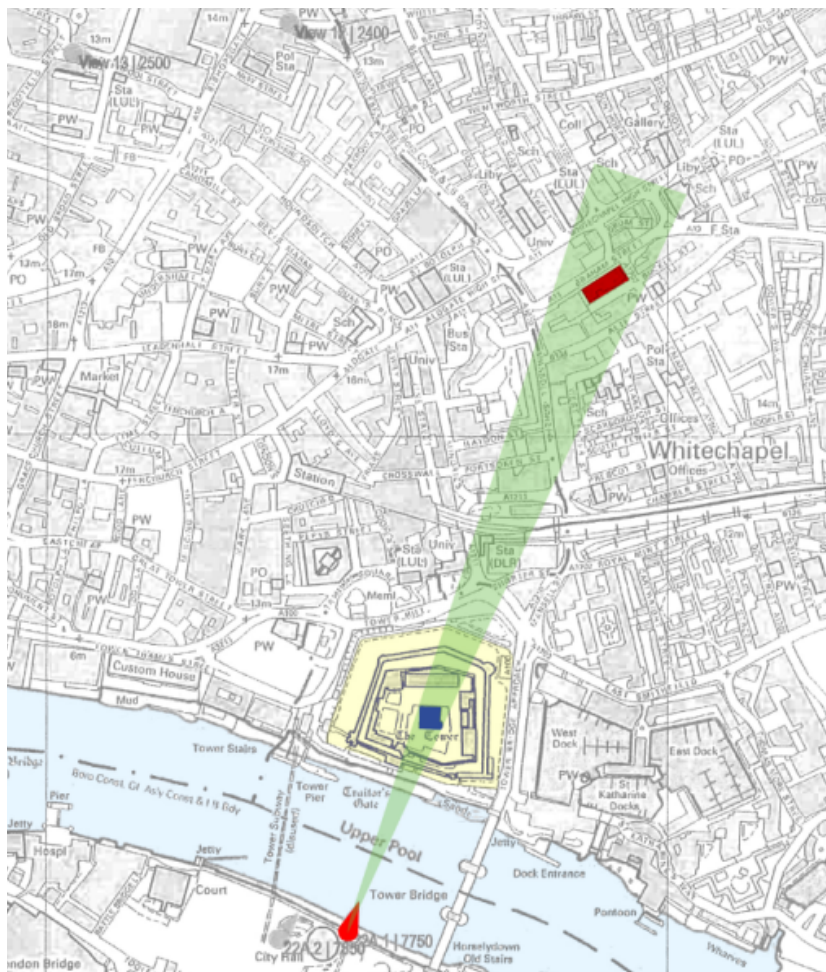


Figure 7: Site and the Protected Vista obtained from Viewing Location 25A at Queen's Walk

12.19 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. Paragraph 411 of the LVMF states that:

"The juxtaposition of the World Heritage Site with the modern city is the central characteristic of this view."

12.20 Paragraph 412 goes on to state that:

"The clear view of the sky in the backdrop of the White Tower is an important attribute, though current projects under construction will reduce it."

- 12.21 Paragraphs 418 to 421 of the LVMF advise that development in the backdrop of views towards the Tower of London should:

"...relate positively to the Tower of London, including all its constituent parts, in viewing from Viewing Location 25A. From all Assessment Points, the World Heritage Site should continue to dominate its surroundings. It is particularly important that any new development relates positively to the White Tower.

Elements that become visible in the backdrop of the World Heritage could undermine the ability of the viewer to appreciate the World Heritage Site and its historical significance to the development of London and the nation as a whole. Any development above the Wider Setting Consultation Area in the background of the Protected Vista should preserve or enhance the viewer's ability to recognise the landmark and appreciate its Outstanding Universal Value.

The Protected Silhouette should not be altered by development appearing in its background when viewed from any point between Assessment points 25A.2 and 25A.3.

New buildings in the background of the view must be subordinate to the World Heritage Site and respect its historic significance. They should not contradict the townscape ensemble of the Tower of London juxtaposed against predominantly trees in its immediate setting and buildings that tend to be horizontal in mass and scale further behind and to the sides."

- 12.21 The impact of the proposal upon these LVMF views has with been subject of considerable discussion with officers both during pre-application discussions and since submission.
- 12.22 Separate guidance produced by Mayor of London, Historic England and ICOMOS are all clear and consistent with each other that given the very high sensitivity of World Heritage Sites (WHS) even classified minor scales of change can result in medium to large degree of impact due the significance of the receptor (i.e. it being a WHS site) and similarly moderately classified scale of change can have a large to very large level of significance.

Environmental Impact Assessment - Screening

EIA Screening

- 12.23 An Environmental Impact Assessment (EIA) Screening Request (PA/15/00615) was received on 10th March 2015, in respect to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The EIA Screening Request was for a proposed office building on the site with a maximum height of 92 m (AOD).

- 12.24 A formal EIA Screening Opinion was issued by the Council on 17th April 2015. The EIA Screening Opinion concluded that the proposed development is considered an 'EIA development' as it is likely to have significant effects on the environment by virtue of factors such as nature, size or location. The Council concluded the likely significant effects were however limited to built heritage and views.
- 12.25 The Council's EIA Screening Opinion stated the proposed development appears in the background of the Tower of London WHS from LVMF 25A.2 and 25A.3. These two views do not benefit from a Protected Vista. For 25A.2 and 25A.3 the EIA Screening Opinion concluded the proposed development is considered to likely lead to significant effects on views of the White Tower and London Wall Scheduled Ancient Monument. The Screening Opinion also considered the proposed development is likely to lead to significant effect on views looking north east from within the Inner Ward and the north Wall Walk of the Tower of London.
- 12.26 No request for an EIA Scoping Opinion was submitted to the Council.

Environment Statement

- 12.27 The planning application was submitted with an Environment Statement (ES), as required by the EIA Screening Opinion. The ES submitted was scoped accordingly, with technical assessments provided on visual amenity, townscape and cultural heritage, alongside a requisite non-technical summary (NTS) of the ES.

Views

- 12.28 The ES concludes that the effect of the proposed development on LVMF views is moderate to major adverse during construction, and neutral to negligible during operation. This is considered appropriate for 25A.1, as you are not able to see the application behind the tower. However, the Council does not agree with the operational assessment of views 25A.2 and 25A.3.
- 12.29 The EIA Screening Opinion concluded that the effect on these views would likely be significant, given the high sensitivity of the receptor and the magnitude of change. This is still the opinion of the Council, and the ES is considered to downplay the effects on the proposed development on these protected views.

Built Heritage

- 12.30 The ES concludes that the effect of the proposed development on the Tower of London World Heritage Site and London Wall Schedule Ancient Monument (SAM) is neutral, based on high sensitivity and no change. The Council disagrees with the assertion that the proposed development will lead to 'no change'. The introduction of an 88.15m (previously 92 m) tower will change to the setting of these heritage assets and therefore cannot be categorised as 'no change', albeit this does not necessarily imply that the proposal will cause harm.
- 12.31 The EIA Screening Opinion stated that the effect on the World Heritage Site and SAM would likely be significant, given the high sensitivity of the receptor and the magnitude of change. This is still the opinion of the Council, and the ES is considered to downplay the effects on the proposed development on these

heritage assets. Accordingly, a full assessment of the actual impacts are summarised further from paragraph 12.32.

Consultees

- 12.32 Following submission of the planning application representations from a number of consultation bodies were received including the Corporation of London, Historic England and Historic Royal Places with comments on the effect of the scheme on heritage assets, and in particular effects on the views of the Tower of London World Heritage Site. All three aforementioned consultation bodies raised concerns regarding the adverse effects of the scheme on LVMF 25A.2 and 25A.3 and objected accordingly. Historic England also queried that there did not appear sufficient public benefits been included as part of this submission to offset (justify) this harm.
- 12.33 Following receipt of a one storey reduction and wirelines of the revised scheme, these three consultation bodies individually concluded the proposed development would reduce the adverse effect on these LVMF views, and removed their respective objections.
- 12.34 To conclude with regard to the assessment of the significance of the scheme in respect to Tower of London World Heritage Site and LVMF views of the World Heritage Site and Scheduled Ancient Monument submitted scheme and with the benefit of the information submitted in the Environment Statement and broader heritage considerations as set out in the comments received from the Borough's Conservation Officer's comments, it is considered the applicant's decision to propose a development with a maximum height set 4.5m above the height of the 2009 extant consent would cause harm upon LVMF views of the World Heritage Site. However, this harm would be minor, as demonstrated through the support of Historic Royal Palaces (HRP) and Historic England (HE). As some harm would be caused, one must consider the desirability of avoiding that harm, and the public benefits of the proposal overall. The view of the relevant statutory consultees HRP and HE, as well as the Borough's own Conservation Officer not to object to the revised proposal is notable, and demonstrates that the harm is not substantial enough to warrant a refusal of the planning application on these grounds. Furthermore, the proposal will deliver substantial benefits – much needed employment floorspace within the POL, together with public realm improvements surrounding the site. Accordingly, the proposal is considered acceptable in relation to impacts upon the LVMF views of the Tower of London.

Archaeology

- 12:35 The National Planning Policy Framework (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF sets out that applicant's should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 12:36 The formation of a double level basement (as proposed) is liable to disturb any archaeological remains/artefacts on the site. A condition would be required within any approval to agree and implement a written scheme of investigation

and methodology statement prior to commencement on site. Subject to this condition, the impact of the development on archaeology is considered acceptable.

13.0 Amenity

13.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

13.2 Future Users

The scheme is acceptable in these terms in the following ways:

- The scheme is designed with regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to all the ground floor and lifts, toilet and showering facilities services and on site disabled car parking provision
- The development has considered noise and air quality to ensure a suitable internal environment
- The development is provided with accessible outdoor roof terraces,
- The development shall remove an existing step only pedestrian connection between Braham Street and Half Moon Passage with a graded pavement with a maximum gradient that is suitable for wheelchair users;
- Provide high quality office space that benefits from good daylight and protection from solar gain

13.3 As such, a satisfactory level of amenity is achieved.

Neighbours Amenity

13.4 There are no existing residential neighbours in close proximity to the proposed building scheme (i.e. within 28m) to the development. The Aldgate Place when complete will provide the nearest residential neighbour set at a minimum 15.5m distance. This separation distance will be set across a busy arterial road and within this context it is not considered the minimum separation distance poses any unduly significant additional privacy issues to neighbouring future residents.

Effect on daylight and sunlight of neighbouring dwellings

13.5 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

13.6 The application is supported by a Daylight and Sunlight Assessment (DSA).

Impact on Residential Dwellings

- 13.7 With respect to the impact on residential units in Aldgate Place the assessment concluded the scheme would have only minor impact as assessed by BRE guidance. In Block D all living rooms would meet BRE guidelines for summer month and only just fall short of the BRE guidelines in winter. In respect to Blocks F and G the ADF alterations to daylight measured by ADF in absolute terms are generally small and therefore the impacts are considered minor and in a small number cases moderate. For sunlight there are some technical breaches for living rooms of the BRE 0.8 times former value criteria but on balance these are considered acceptable in the context of an inner London urban location and with the presence of balconies on the buildings that impact upon sunlight received to these rooms.
- 13.8 For all 3 Blocks D, E and F) the results compared to the extant consented scheme would be either no change or relatively imperceptible
- 13.9 Nos 17- 21 Alie Street which includes the (White House Public House (at No 21) which is understood to contain some residential accommodation the impact of the scheme is considered minor with only small losses as assessed against the ADF criteria .
- 13.10 The submitted daylight/sunlight assessment did not assess the impacts upon Altitude development. However the Council's own appointed daylight/sunlight consultant did review and comment on the exclusion of this development from the daylight/sunlight assessment submitted pursuant to the refused (2014) residential scheme for Beagle House (that was taller in maximum proposed height on its eastern edge). At that time the Council's daylight/sunlight consultant's (Delva Patman Redler) concluded with the applicant's experts that there would be no significant loss of light due to (i) Altitude being located some distance away, (ii) with Block D to Aldgate Place set between the development that already reduces the sky visibility to the lower windows at Altitude and (iii) the upper floors to the Altitude development retaining reasonably good levels of light. These conclusions are considered to carry over to this scheme.

To conclude, in regard to daylight/sunlight compared to the existing office consent for the site there are no significant adverse daylight/sunlight impacts to residential neighbours

Impact on Commercial Buildings

- 13.11 With respect to neighbouring commercial buildings the Daylight/Sunlight Assessment scheme were also assessed. The principle impacts are in respect to Aldgate Tower to the north of the site, to 25 Camperdown Street, No 39-47 Alie Street (Frazier House) and No 26-30 Leman to the south of the site and No. 6 Braham Street to the west.
- 13.12 With regard to Aldgate Tower there are a mix of breaches and passes of BRE daylight guidelines. However the No Sky Limit will remain good and with each floor benefiting from views to the north, south and west and a very modern office building that benefits from excellent artificial lighting it is not considered the impacts are considered unacceptable.
- 13.13 With regard to No 6 Braham Street there are notable losses to Vertical Sky Component (VSC) and No Sky Line (NSL). However there are very poor extant

light conditions and as such these losses are considered not unduly significant notably in the context of the building being used as a data centre. Compared to the consented scheme the proposed scheme generally results in a mix of gains and losses to daylight which are minor to moderate in scale.

- 13.14 With respect to Frazer House and No. 25 Camperdown Street there are breaches to BRE guidelines for VSC, ADF and NSL criteria. The VSC losses are fairly minor to moderate in absolute terms due to poor existing lighting conditions. 14 of the 19 rooms tested in Frazer Street are set to breach VSC guidelines with the proposed scheme. These results are a product of the proximity of the site. The vast majority of rooms in these two buildings currently experience very lowlight conditions of less than 2%. In No. 25 Camperdown Street 90% of the rooms currently experience less than 1% ADF value and as such would already rely on electric lighting as the main source of room lighting. For both these buildings in terms of daylight there are no material loss to VSC, ADF and NSL compared to the extant consented scheme; indeed there are gains in daylight to the majority of rooms compared to the consented scheme for Frazer House.
- 13.15 For 25 Alie Street there are predicted a few breaches of BRE criteria in regards to VSC and NSL, in absolute term these losses are considered very minor. There are no material losses to daylight compared to the consented scheme and indeed some modest gains.
- 13.16 No 26-30 Leman Street there are losses to VSC, ADF and NSL. In absolute terms these losses are considered fairly moderate. Compared to the impacts of the consented scheme in daylight terms there are some negligible losses and other rooms which would experience gains in NSL and VSC.
- 13.17 The upper floors of No 19 Leman Street/No. 24- 26 Buckle Street are understood to be serviced apartments. There would be failures against BRE residential guidelines for daylight. However in the context of the accommodation being short term let use accommodation as opposed to C3 residential accommodation it is not considered these impacts are unduly significant. There are few isolated breaches in BRE daylight guidance for the hotel (assessed against BRE residential standards) being currently built at 15-17 Leman Street but these considered not unduly significant as they are hotel rooms where electric lighting source is acceptable.

To conclude, with respect to neighbouring commercial buildings the impact in absolute terms are considered in general to be no more than moderate and when compared against the impacts of the extant consented office scheme minor in significance. The daylight/sunlight results are considered appropriate for buildings of this type in a dense urban location.

Effect on sunlight/overshadowing of Braham Open Space

- 13.20 An overshadowing assessment was submitted for the public open space. The BRE guidance *recommended that for an outdoor amenity space to appear adequately sunlit throughout the year, at least the amenity area should receive at least two hours of sunlight on 21 March*. The assessment submitted records on 21st March 56.5% of the area of Braham Open Space will receive 2 hours of direct sunlight (compared to 74.6 with the consented office scheme). For 24th June the sun exposure will be significantly greater with less than 10% of the area receiving less than 2 hours. On that basis, notwithstanding the reduction in

sunlight compared to the extant consented office scheme, the scheme would meet BRE guidelines and is acceptable.

14.0 Highways and Transportation

- 14.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 14.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 14.3 The applicant has submitted a Transport Statement that contains details of servicing, a waste strategy, a draft travel plan and a draft construction management plan.

Servicing, Deliveries, Disabled Car parking and Secure Cycle Parking Provision

- 14.4 The vehicular access to the development for servicing and waste collection will be from Camperdown Street and this street also provides the access to the disabled car parking bay that is built into the shell of the building. A dedicated ramped entry/exit to the basement bicycle parking spaces will be accessed from Camperdown Street. Greater pedestrian footfall is anticipated on Camperdown Street in part a product of the presence of two retail units at ground floor bookending the Camperdown Street ground floor frontage at Half Moon Passage and Leman Street respectively, but also resulting from the provision of non-stepped access between Half Moon Passage and Braham Street.
- 14.5 Set within the above development proposal context and with the scale of building that is to be built at the back of the pavement on Camperdown Street it is considered appropriate the scheme improves the overall quality of the public realm on this street with a comprehensive new treatment to the pavement and highway including measures to calm traffic.
- 14.6 The scheme will provide 461 secure cycle stands in the basement and the provision of 39 short stay cycle stands within Braham Street Open Space opposite the main entrance. The scheme will also provide staff shower and changing room facilities in the basement to meet the demand of cyclists. The cycle provision complies with London Plan (2015) cycle standards.
- 14.7 The scheme complies with relevant Chapter 6 (Transport) London Plan policies and policies SP08, SP09 and DM20 of the Local Plan.
- 14.8 Planning conditions will be imposed to secure production of detailed construction & environment management plan, an end-user servicing and delivery management plan, and a travel plan to ensure the scheme encourages use of

sustainable modes of transportation and to safeguard that both construction phase and end-user servicing requirements minimise their impacts upon neighbours, the surroundings road network and safeguards pedestrian and other road users safety.

15. Planning Obligations

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Are fairly and reasonably related in scale and kind to the development.
- 15.2 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 15.3 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 15.4 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.
- 15.5 The SPD was approved for public consultation by Cabinet on the 8th of April 2015.

The Boroughs four main priorities remain:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 15.6 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 15.7 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts.

- 15.8 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
 - Energy; and
 - a monitoring contribution.
- 15.9 The applicant has also agreed to mitigate the site specific impacts of the development including an upgrade to the public realm on Half Moon Passage and Camperdown Street
- 15.10 The developer has agreed to provide 14 construction phase and 7 end phase apprenticeships.
- 15.11 To provide market discounted affordable rent incubator space for small enterprises, delivered by an affordable workspace with individual office/desk space let on a flexible letting basis including very short term contractual lets.
- 15.12 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.
- 15.13 Transport for London (TfL) has identified cycle improvement works on Lemn Street and is seeking a £250,000 contribution to deliver these improvements that would link to the Super Cycle Highway improvement on Whitechapel High Street and a further £200,000 contribution towards provision of a new 36 point cycle hire station, whilst TfL acknowledge cycle facilities are quite good in the Aldgate area.
- 15.14 Tower Hamlets Community Infrastructure Levy (CIL) has been adopted and strategic transport facilities and indeed public realm works are listed in the Council's CIL Regulation 123 list (the list of matters that CIL may assist in funding). The Council have received formal legal advice from Counsel that the transport facility improvement facilities and the monies sought from the financial obligation sought to improve Braham Street Open Space (outside the red line) falls under the CIL heading of "infrastructure" and therefore this matter is to be dealt with by LBTH CIL and is not appropriate for inclusion as a Section 106 contribution since CIL Regulation 123(2) prohibits a local planning authority from requiring an obligation where the Regulation 123 list provides for funding of the same infrastructure as applies to this application.
- 15.15 The financial contributions agreed applicant are summarised in the following table:

Heads of Terms	s.106 financial contribution
Employment, Skills, Construction Phase Skills and Training	£157,684
End User Skills and Training	£678,979
Carbon off-setting	£411,133
Monitoring	Exact monetary value to be confirmed but shall be met in full by applicant
Public Realm Improvements to Half Moon Passage and Moon Passage and Camperdown Street	Exact monetary value to be confirmed but shall

- 15.16 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

OTHER MATERIAL CONSIDERATIONS

16.0 Noise and Dust

- 16.1 A Noise Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition of the existing building and construction will result in negative impacts during these two phases. A set of mitigation measures are proposed and all construction and demolition works shall be carried out to provide the best practical means of noise control and in accordance with relevant British Standards.

- 16.2 Measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

- 16.3 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

17.0 Contaminated Land

- 17.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.

- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

18. Flood Risk & Water Resources

- 18.1 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

19 Energy and Sustainability

- 19.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 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. The Managing Development Document Policy DM29 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.
- 19.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.50%. The proposal is anticipated to deliver a 15.8% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan. To address this shortfall to meet Policy DM29 requirements a £448,200 offset payment is required to meet current policy requirements.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) of the ability of the development to connect to any future planned district heating network (with the necessary plant room left free to allow that); (iii) an ability for all use class spaces within the development to connect to a common CHP system; (iv) a commitment from the applicant to meet necessary financial contribution towards carbon offset being secured by s106, were planning permission to be granted for the scheme.

20 Biodiversity

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

21 Waste

- 21.1 A Waste Management Strategy is submitted with the application. Two waste management rooms will be provided at ground floor level next to the service bays. Collection will be collected very two days. Waste/recycling collections will be made by a private contractor and accessed through the service bay facilities.
- 21.2 The Waste Management Strategy has been reviewed by the Borough's Waste Team and is considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

22 Microclimate

- 22.1 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 22.2 A wind assessment study was submitted with the scheme and further wind tunnelling modelling has been undertaken subsequently, although the full analysis has not been shared the local planning authority to date. The localised wind impacts have been assessed against the Lawson Comfort Criteria.
- 22.3 This preliminary assessment indicates there are no areas liable to exceed the pedestrian safety criteria although there will be adverse impacts compared to the consented scheme around Half Moon Passage and around the foot of both the south west and north west corners of the building block.
- 22.4 Mitigation measures are proposed including a canopy of trees flanking either side of Half Moon Passage. Further more detailed mitigation measures will be required as part of a planning condition, informed by the detailed results of the wind tunnelling modelling of the scheme and a comprehensive set of mitigation measures need to be set out to the local planning authority and included in the finalised design details of the scheme in terms of treatment of the elevations, landscaping and detailing of the roof terraces.

23 Financial considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

- 23.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 23.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 23.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated to be around £2,312,360 (Crossrail minus Mayoral CIL)
- 23.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals.
- 23.5 In this case when considering the existing B1 floorspace to be loss 11,167sq.m which is replaced with 33,459sq.m B1 and commercial floorspace, there is a net increase in commercial floorspace of 22,292 and as such the Crossrail top up is ££3,301,780
- 23.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £2,259,350

24.0 Human Rights

- 24.1 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:-
- 24.2 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".

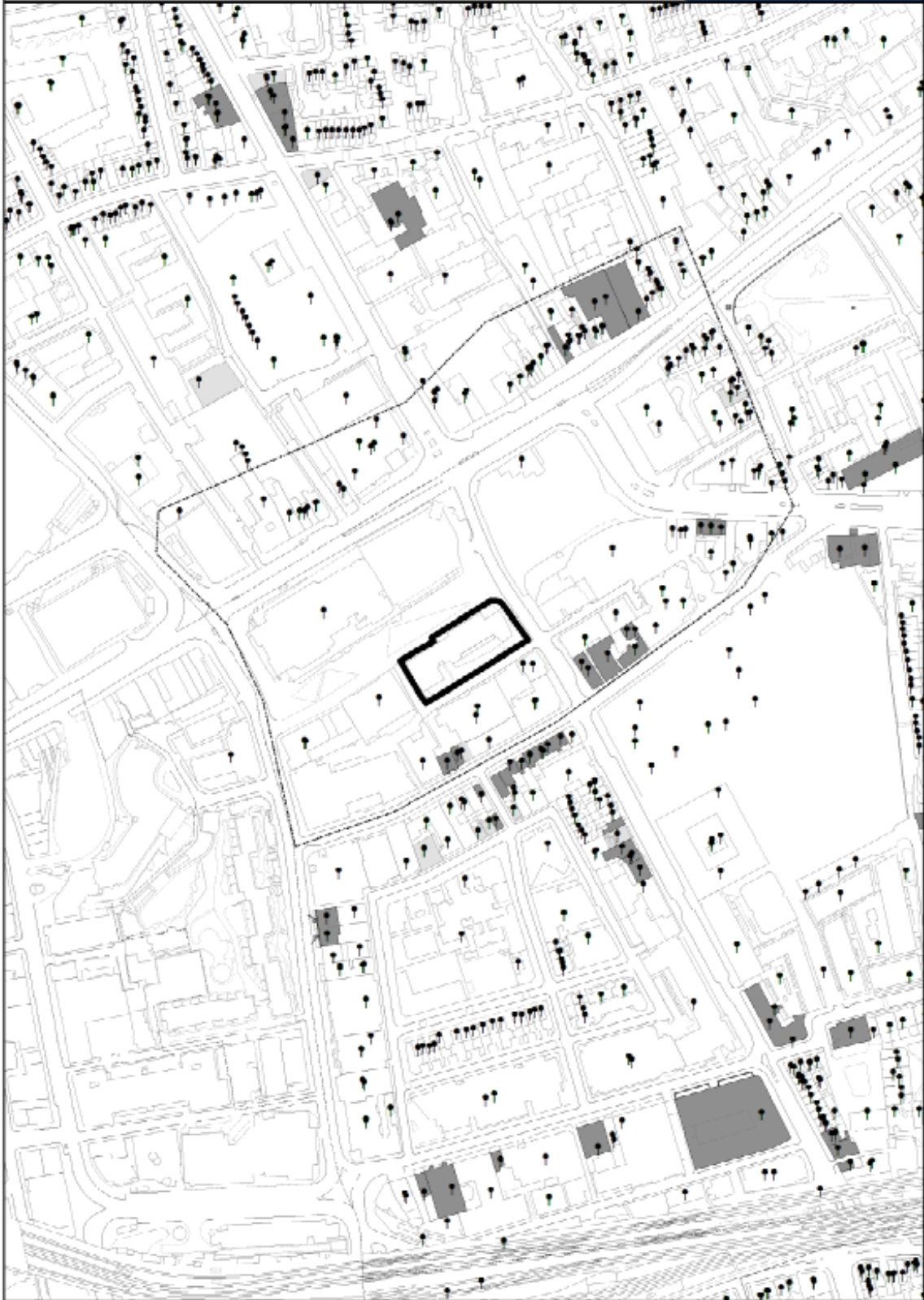
- 24.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 24.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 24.5 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.
- 24.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 24.7 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.




25. Equality

- 25.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.
- 25.2 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.
- 25.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.
- 25.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

26 Conclusion

- 26.1 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:3,500
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item number:	8.4
Reference number:	PA/15/01208
Location:	Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP
Proposal:	Demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping

1. CLARIFICATIONS

- 1.1 In Paragraph 2.1(a) typing error "The potential new job opportunities should read approximately 1,660 and not 16,660 as stated.

Daylight/sunlight Impacts on Commercial Building

- 1.2 Amend paragraph 13.14 to read as follows "In No. 25 Camperdown Street 90% of the rooms currently experience less than 2% ADF value and as such would already rely on electric lighting as the main source of room lighting" rather than stating the ADF as less than 1%

Effect on sunlight/overshadowing of Braham Open Space

- 1.3 Amend paragraph 13.20 to read: *The BRE guidance recommended that for an outdoor amenity space to appear adequately sunlit throughout the year, at least half the amenity area should receive at least two hours of sunlight on 21 March.* The word "half" was missing from this sentence.

Planning Obligations

- 1.4 Amend paragraph 15.15 to state £448,133 rather than £411,133.

Mayoral and LBTH Community Infrastructure Levy

- 1.5 Within Section 23 of the Committee Report (Financial Considerations) the amended amount payable to the Mayor of London CIL is £3,843,860 (consisting of £2,713,065.50 Crossrail SPG Charge Payable and £1,130,793.50 London Mayor's CIL). The LBTH CIL is £2,510,836.75

2.0 LOCAL REPRESENTATIONS

- 2.1 A further objection was received last week from the owners of No 25 Camperdown Street. This identified errors in the submitted Daylight/Sunlight Report, namely:
- Incorrectly labelled appendices to the daylight and sunlight study what should have been labelled "Existing and Proposed" was in fact labelled *Consented V Proposed*.
 - *The objection raised the following issue in light of this "The error led to the officer report understating the existing levels of daylight as assessed in terms of Vertical Sky Component (the objector considers the existing accommodation to benefit*

from 15% VSC) and therefore the losses are significant against existing and the No Sky Limit reduction should be considered severe”.

2.2 *A further error was noted by the objector that pointed contained in Committee Report stating that in No 25 Camperdown Street 90% of the rooms [currently] experience less than 1% ADF value and as such they would already rely on electric lighting as the main source of lighting” The report should have stated experience less than 2% ADF.*

2.3 *The acknowledged errors in the submitted daylight/sunlight report and in respect of the Committee Report are corrected above.*

(Officer Comment: These errors are acknowledged however they do not raise any new material planning consideration and when corrected do not alter the officer conclusions that the scheme has no material loss on daylight on No 25 Camperdown Street compared to the consented scheme when assessed against BRE’s ADF calibration with 90% of the rooms currently experience less than 2% ADF value and as such would reasonably be expected to rely on electric lighting as set out in British Standard BS8206.

In terms of existing vs proposed daylight conditions affecting 25 Camperdown Street, it is worth noting that when considering VSC (daylight distribution) the existing office accommodation can reasonably be expected to rely on artificial lighting at the moment given its dense urban location and as office accommodation typically has deep open plan layouts therefore more of the room is set some distance from the windows and liable to rely on artificial lighting).

3. RECOMMENDATION

2.2 The Officer’ recommendation remains unchanged.