

DEVELOPMENT COMMITTEE

Wednesday, 8 June 2016 at 5.30 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 Sabina Akhtar, Councillor Andrew Cregan, Councillor John Pierce, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury and Councillor Chris Chapman

Substitutes:

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 6 June 2016**

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

The deadline for submitting material for the update report is **Noon Tuesday, 7 June 2016**

Contact for further enquiries:

Zoe Folley, Democratic Services,

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

Tel: 020 7364 4877

E-mail: zoe.folley@towerhamlets.gov.uk

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

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Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page

Mobile telephones

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Access information for the Town Hall, Mulberry Place.



Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

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

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf .

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

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Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.

Fire alarm

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Electronic agendas reports and minutes.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. ELECTION OF VICE CHAIR OF THE COMMITTEE FOR 2016/17

To elect a Vice-Chair for the Committee for 2016/17 Municipal year.

2. 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.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 27th April 2016.

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

6. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, MEMBERSHIP AND MEETING DATES (Pages 15 - 24)

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

7. DEFERRED ITEMS

None.

8. PLANNING APPLICATIONS FOR DECISION

25 - 26

8.1 216 - 218 Mile End Road, London, E1 4LJ (PA/15/01526)

27 - 42

St Dunstan's

Proposal:

1. Application for variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floors into 2 x 2 bedroom flats, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1."
2. Variation of condition 5 is to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries to take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays.
3. Variation of conditions 8 and 10 is to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to carry over all of the obligations attached to the original planning permission, taking account of the revised conditions, conditions and informatives on the planning permission as set out in the Committee report.

- | | | | |
|-------------|---|-----------------|--|
| 8 .2 | 188 Westferry Road, London, E14 3RY (PA/15/03392) | 43 - 56 | Island
Gardens |
| | Proposal: | | |
| | Construction of new entranceway and balcony | | |
| | Recommendation: | | |
| | That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out in the Committee report. | | |
| 8 .3 | 188 Westferry Road, London, E14 3RY (PA/15/03393) | 57 - 68 | Island
Gardens |
| | Proposal: | | |
| | Installation of 5 fascia signs:
Front gate (0.4 x 1.4 metres);
Internal gate (1.7 x 0.7 metres);
3x Rear elevation by helipad (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres). | | |
| | Recommendation: | | |
| | That the Committee resolve to GRANT advertisement consent subject to conditions and informatives as set out in the Committee report. | | |
| 8 .4 | 34-41 Folgate Street, London, E1 6BX (PA/16/00065) | 69 - 108 | Spitalfields
&
Banglatown |
| | Proposal: | | |
| | Refurbishment and reconfiguration of existing use B1(a) Office, with rear extension to provide additional office floorspace, new roof to refurbished courtyard and formation of new use class A1 unit, fronting Folgate Street alterations to elevations. | | |
| | Recommendation: | | |
| | That the Committee resolve to GRANT planning permission subject the prior completion of a legal agreement to secure planning obligations, conditions and informatives as set out in the Committee report. | | |

9. OTHER PLANNING MATTERS

No items.

Next Meeting of the Development Committee

Wednesday, 6 July 2016 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

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:-

Melanie Clay Corporate Director of Law Probitiy and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 27 APRIL 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Andrew Cregan (Substitute for Councillor Shiria Khatun)
Councillor Julia Dockerill (Substitute for Councillor Chris Chapman)

Other Councillors Present:

None

Apologies:

Councillor Shiria Khatun
Councillor Chris Chapman

Officers Present:

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)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 5.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489) as he had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6th April 2016 be agreed as a correct record and signed by the Chair subject to the deletion of Councillor Sabina Akhtar from the list of Members present at the meeting.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

5.1 Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the change of use of the public house (A4) to a mixed public house / hotel use (sui generis) with the erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms.

It was noted that the Committee previously considered the application on 6th April 2016 with an Officer recommendation to approve the application. Nevertheless, Members resolved not to accept the application for the following four reasons:

- The potential loss of the public house as a result of a change to a sui generis use.
- Lack of wheelchair accessible bedrooms.
- Insufficient information on the servicing requirements of the scheme and the potential detrimental impact this will have on the surrounding street network.

- Impact to the character and appearance of the building and surrounding conservation area resulting from the construction of the proposed extension and resultant loss of the roof terrace.

Officers had since assessed these reasons and their findings were set out in the Committee report.

Beth Eite, (Planning Services Development and Renewal) presented the detailed report reminding Members of the site location showing images of the site. Since the last meeting, Officer had drafted three detailed reasons for refusal (based around the first three concerns detailed above). However, in relation to the fourth reason, Officer had not prepared a reason for this as Officers did not consider that it could be defended at appeal given the modest nature of the external changes amongst other matters.

The Officers recommendation remained to grant the application. However if Members were minded to refuse the application, the three reasons in the Committee report were recommended.

In response, a Member asked about the reason for excluding the fourth reason put forward by the Committee (at the last meeting). The Member remained concerned that the alterations could harm the character and the appearance of the building and the area. In responding, Officers confirmed that they did not consider that the impact would be that significant given as mentioned above, the modest nature of the plans (that would be subject to a condition requiring that the materials match the existing building), and that the terrace was a of little heritage value.

Members also asked if the building could be listed to preserve the character of the building, given the Committee's concerns around this issue. Officers, in response, reminded Members that whilst it was not a listed building, it was an Asset of Community Value offering the building a degree of protection. Members could request, under a separate process, that the building was listed and the process for adding the building to the list of locally listed buildings and that for statutory listed buildings was explained.

Members also sought assurances about the quality of the proposed hotel accommodation, in particularly whether the rooms would be large enough. Officers replied that whilst they were relatively small, they were no restrictions in policy on hotel room size. Therefore a reason based on this issue would be very difficult to defend at appeal.

In summary, it was noted that there had been a lengthy discussion on the application at the last meeting. At which Members voiced a number of concerns that would have provided the applicant with a good understanding of their issues with the scheme. The Chair also added that whilst the plans were an improvement on the previous application, Members remained concerned about the potential loss of the public house from the application. The Chair also commented that he supported the omission of the fourth suggested reason (regarding the impact of the external alternations) for the reasons set out in the 27th April Committee report.

On a vote of 0 in favour of the Officer recommendation and 4 against the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reasons set out in the 27th April 2016 Committee report and on a vote of 4 in favour and 0 against, it was **RESOLVED**:

1. That planning permission at Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE be **REFUSED** for the change of use from public house (A4) to a mixed public house / hotel use (sui generis). Erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms (PA/15/02489) for the following reasons as set out in the Committee report.

Loss of the public house

2. As a result of the potential for noise and disturbance to the occupiers of the hotel the proposed inclusion of 11 hotel bedrooms above the public house would threaten the vitality and viability of the existing Duke of Wellington Pub which therefore fails to protect its function as community infrastructure. As such the proposal would be contrary to policy SP01 of the Core Strategy 2010, and policies DM2 and DM8 of the Managing Development Document (2013), policy 3.1(b) of the London Plan 2015, National Planning Policy Framework (2010) and the National Planning Policy Guidance.

Servicing

3. Insufficient information has been provided with the application to demonstrate that the development would not have a detrimental impact upon the surrounding street network through the servicing requirements generated by the proposal, contrary to policies SP09 of the Core Strategy 2010 and DM20 of the Managing Development Document 2013 which seeks to ensure that new development does not have an adverse impact upon the safety and capacity of the road network.

Wheelchair accessible rooms

4. The application fails to provide any wheelchair accessible bedrooms contrary to policy 4.5 of the London Plan 2015 which seeks to ensure that developments contribute to providing a suitable choice and range of accommodation for all visitors to London by including a minimum of 10% of new hotel rooms as wheelchair accessible.

5.2 42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435)

Paul Buckenham presented the two linked applications for retrospective planning permission/ advertisement consent for the retention of an ATM

(Cash Machine) with illuminated features. The Committee previously considered the application at its last meeting on 6th April 2016, resolving not to accept the Officer recommendation to grant the application due to concerns regarding:

- Impact of the scheme on residential amenity in terms of noise and disturbance from use of the cash machine and the illuminated sign.
- That the proposal would increase anti-social behaviour in the area.
- The safety and security of the cash machine users.

Whilst Officers considered that the impact of the application would be negligible, Officers had prepared three detailed reasons for refusal – consisting of two reasons for the planning permission and one reason for the advertisement consent. In relation to the latter, it was noted that the Council, were restricted to considering the effects on amenity and public safety only. The proposed reasons were set out in the latest Committee report.

The Officer recommendation remained to grant the application. However, should the Committee decide to refuse the scheme, the suggested reasons for refusal in the Committee report were recommended

On a vote of 0 favour of the Officer recommendation, 3 against and 1 abstention, the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reasons set out in the 27th April 2016 Committee report and on a vote of 3 in favour, 0 against and 1 abstention, it was **RESOLVED**:

1. That planning permission and advertisement consent be **REFUSED** at 42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435), for:
 - PA/15/03434
Retrospective planning application for the retention of an ATM (Cash Machine).
 - PA/15/03435
Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

For the following reasons as set out in the Committee report:

Planning Permission.

2. Residential Amenity Implications

The retention of the ATM, by reasons of its luminance and noise generated by its users, would unacceptably impact upon the amenity of surrounding residents and building occupiers. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013), which

seek to ensure that development safeguards the amenity of surrounding existing and future residents and building occupiers.

3. Anti-Social Behaviour and Safety and Security of Users

The retention of the ATM, by reasons of its siting and lack of coverage by CCTV, would result in a development which could compromise its user's safety and security and lead to an increase in anti-social behaviour. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM23 in the Managing Development Document (2013), which seek to ensure that development improves and safeguards safety and security.

4. Advertisement consent.

The retention of the advertisement associated with the ATM, by reason of its luminance during the hours of darkness, would unacceptably impact upon the amenities of the surrounding residents contrary to policy DM23 of the Managing Development Document 2013.

6. PLANNING APPLICATIONS FOR DECISION

6.1 42B Kenilworth Road, E3 5RJ (PA/15/03217)

Application withdrawn from the agenda by the applicant.

6.2 Phoenix School, 49 Bow Road, London E3 2AD PA/16/00161

Paul Buckenham introduced the listed building application for the conversion of two existing non-original bin stores into use as a Food Technology Classroom with support kitchen area. The Committee were reminded that the Council's scheme of delegation required that, where the Council was applying for works to a listed building that it owns, the application must be brought before the Committee for determination.

It was also noted that the majority of the proposed works had previously been considered acceptable within a Listed Building Consent application approved by the Committee on 16 December 2015 (PA/15/02445). This application proposed a slightly different internal layout and would be considered in conjunction with the application received for non material amendments to the planning application granted in December 2015 that was pending determination.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the detailed report. He explained the proposed floor plans, the parts of the site that would be affected by the application involving the conversion of the bin stores that were a modern addition to the building. It was emphasised that no historic features would be affected by the proposal. Historic England and the

Borough's Listed Building Officer had raised no objections. No representations in objection had been received.

In response to a Member, it was explained that the plans had been carefully designed to ensure that they would not adversely affect the school's activities.

On a unanimous vote, it was **RESOLVED**:

That Listed Building Consent be **GRANTED** at Phoenix School, 49 Bow Road, London E3 2AD for the Conversion of two existing non-original bin stores into use as a Food Technology Classroom with support kitchen area. Works include; removal of existing timber panels and double doors, removal of a non-original non load bearing blockwork wall, new vent openings through retained side doors, fitting new external windows and doors within existing structural openings, alterations to the existing drainage to suit kitchen requirements, new internal plasterboard partition wall, new wall, floor and ceiling finishes, new light fittings and extract ventilation (PA/16/00161) subject to the conditions set out on the Committee report.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 7.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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


How can I find out about a decision?

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

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

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

Agenda Item 6

Non-Executive Report of the: Development Committee 8 th June 2016	 TOWER HAMLETS
Report of: Democratic Services	Classification: [Unrestricted]
Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings	

Originating Officer(s)	
Wards affected	[All wards]

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2016/17 for the information of members of the Committee.

Recommendations:

The Committee is recommended to:

To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.

3.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 18 May 2016.

3.4 In accordance with the programme, meetings are scheduled to take place at 7.00pm with the exception of the meeting in June which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 18 May 2016.

5. LEGAL COMMENTS

The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 18 May 2016

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value implications arising from this noting report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific SAGE implications arising from the recommendations in the report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10. There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 - Development Committee Terms of Reference and Quorum

Appendix 2 - Development Committee Membership 2016/2017

Appendix 3 - Development Committee Meeting Dates 2016/2017

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

- [N/A]

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EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.4 Development Committee

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Function
<p>1. Planning Applications</p> <p>a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p>i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p>iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p>iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Development and Renewal considers that these objections cannot be addressed by amending the development, by</p>	<p>The Corporate Director, Development and Renewal (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>imposing conditions and/or by completing a legal agreement.</p> <p>b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.</p> <p>c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.</p> <p>(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)</p> <p>2. Observations</p> <p>d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues</p> <p>3. General</p> <p>e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p>	
<p>Quorum Three Members of the Committee</p>	

DEVELOPMENT COMMITTEE
(Seven members of the Council)

<i>Labour Group (4)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>
<p>Councillor Sabina Akhtar Councillor Andrew Cregan Councillor Marc Francis Councillor John Pierce</p> <p>Substitutes:-</p> <p><i>Councillor Denise Jones</i> <i>Councillor Helal Uddin</i> <i>Councillor Candida Ronald</i></p>	<p>Councillor Suluk Ahmed Councillor Gulam Kibria Choudhury</p> <p>Substitutes:-</p> <p><i>Councillor Mahbub Alam</i> <i>Councillor Harun Miah</i></p>	<p>Councillor Chris Chapman</p> <p>Substitutes:-</p> <p><i>Councillor Julia Dockerill</i> <i>Councillor Andrew Wood</i></p>

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APPENDIX 3

SCHEDULE OF DATES 2016/17

DEVELOPMENT COMMITTEE

- Wednesday, 8th June, 2016 (5.30pm)
 - Wednesday, 6th July, 2016
 - Wednesday, 3rd August, 2016
 - Wednesday, 31st August, 2016
- Wednesday, 28th September, 2016
- Wednesday, 26th October, 2016
- Wednesday, 23rd November, 2016
- Thursday, 15th December, 2016
- Wednesday, 11th January, 2017
- Wednesday, 8th February, 2017
 - Wednesday, 8th March, 2017
 - Wednesday, 5th April, 2017
 - Wednesday, 10th May, 2017

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 8th June which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 8

Committee: Development	Date: 8 th June 2016	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

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

Brief Description of background papers: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 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 the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 8.1

Committee: Development	Date: 8 June 2016	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/15/01526
	Ward: St Dunstons

1.0 APPLICATION DETAILS

Location: 216 - 218 Mile End Road, London, E1 4LJ

Existing Use: Retail

Proposal: Application for variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floors into 2 x 2 bedroom flats, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1."

Variation of condition 5 is to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries to take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays.

Variation of conditions 8 and 10 is to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays.

Drawings and documents: Cover letter by Rahims, dated 28/04/2015; Site Location Plan; and Transport Statement by Royal HaskoningDHV, ref 9Y0528, dated January 2015, incorporating drawing ref 9Y0528-P-01 rev P2.

Applicant and owner: Rahim Brothers Ltd

Historic Building: None

Conservation Area: Stepney Green

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for variation of conditions relating to the operation of a medium sized retail shop located within the Stepney Green Neighbourhood Centre. The variation of conditions would allow longer operating hours during the week, as well as Sunday opening and provision of customer car parking at rear. Officers recommend approval of planning permission.
- 2.2 The main planning issue raised by this application that the Committee must consider is whether the proposed extension of opening hours and customer use of the rear yard for car parking would result in an increase in disturbance and whether this would have an unacceptable impact on the amenity of local residents. The second significant issue is the transportation and highways impact of the proposal. In reaching a decision Members should balance any possible adverse amenity & highway impacts arising from the proposal against benefits which the proposal could bring to the local economy and the viability and vitality of the Stepney Green Neighbourhood Centre.
- 2.3 Whilst the proposed extension of hours and use of the rear yard for parking could result in increased disturbance to adjoining residents, Officers consider that an appropriate balance would be struck between safeguarding residential amenity and economic & town centre benefits which the proposal can bring. The policy objectives of promoting sustainable transport modes would not be significantly prejudiced.
- 2.4 Overall, subject to recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and be in accordance with the provisions of the Development Plan. There are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement to carry over all of the obligations attached to the original planning permission, taking account of the revised conditions.
- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 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:
- 3.6 Conditions:
- a) The rear yard to be laid out in accordance with drawing 9Y0528-P-01 rev P2. Delivery & servicing and waste store areas to be retained in perpetuity. No vehicles shall be parked within the access tunnel to Beaumont Grove or within any circulation or delivery & servicing areas.
- b) Hours of operation of 9:00 - 21:00 Mondays to Sundays.

- c) Deliveries & servicing to take place between 10:00 – 18:00 Mondays to Saturdays. No deliveries & servicing on Sundays. No use of fork lift trucks on Sundays.
- d) Rear yard to be used 9:00 – 21:00 Mondays to Saturdays and 9:00 – 16:00 on Sundays.
- e) Rear yard not to contain more than 8 parked cars at any time.
- f) Restriction on use of the rear yard warehouse either independently or semi independently as a cash and carry warehouse.
- g) Any other conditions considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application relates to medium sized retail unit located on the southern side of Mile End Road. The site consists of a retail shop fronting onto Mile End Road, located within the Stepney Green Neighbourhood Town Centre, and a rear yard and warehouse located further south and accessed through a long and narrow undercroft/tunnel off Beaumont Grove.
- 4.2 The site is located within the Stepney Green Conservation Area but is not listed. The nearest listed buildings are the Grade II listed terraces on the southern side of Louisa Street and the northern side of Maria Terrace, as well as at 26 Beaumont Grove and at 133-139 Mile End Road.
- 4.3 Mile End Road is a busy thoroughfare forming part of the Transport of London Road Network while Beaumont Road is a local LBTH adopted highway. Cycle Superhighway 2 as well as a number of bus routes run along Mile End Road. The Stepney Green London Underground Station is within 100m walking distance.
- 4.4 The nearest residential properties are located within the upper floors of the terraces on the southern side of Mile End Road, within terraces on both sides of Louisa Street and Louisa Garden - to the south of the site, as well as on both sides of Beaumont Grove - to the east.
- 4.5 There is a large number of retail, restaurant and hot-food take-away establishments within the shopping parade on the southern side of Mile End Road as well as further to the east, on the northern side of Mile End Road. To the south east, on the western side of Beaumont Grove are the Alice Model Nursery School and the Stepney Community Centre.

Proposal & Background

- 4.6 The application seeks variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998.
- 4.7 Variation of condition 5 is to extend the hours of operation of the shop from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries would

take place between 10:00 - 18:00 Mondays to Saturdays. No deliveries would take place on Sundays.

- 4.8 Variation of conditions 8 and 10 is to allow the rear yard to be used as a customer car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible. Vehicles would be able to enter and exit the site in forward gear.
- 4.9 The applicant argues that it is necessary to provide customer car parking as the shop sells bulky foodstuffs which, due to their size, must be transported in a car or van i.e. 20 litre drums of oil, 27kg boxes of meat and 25kg bags of onions.
- 4.10 In 2010, the applicant (Rahim Brothers) acquired premises at Atlas Wharf, Berkshire Road in Hackney allowing the company to relocate the warehousing and delivery element out of the Mile End Road site. According to the applicant, large goods vehicles are no longer used to supply the Mile End Road premises, with deliveries carried out by small vans. According to the applicant, this has also resulted in a decrease in traffic movements associated with the premises.
- 4.11 Contrary to planning conditions, the premises have, for a number of years, already been operating 7 days a week, between 9am and 9pm, and with a customer car park at rear with six marked up spaces and up to 12 parked vehicles, depending on delivery activity. This planning application seeks to regularise these breaches of planning control.

Planning History

- 4.12 Planning permission, ref ST/96/00059, **granted** 04/02/1998, for:

Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floors into 2 x 2 bedroom flats, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1.

- 4.13 Permission was granted subject to conditions and a s106 agreement. The conditions relevant to this application are outlined below:
- Condition 5 restricts the hours of operation of all the retail and warehouse uses in the buildings and the rear yard to 8.00am to 8.00pm Monday to Saturdays and at no other time.
 - Condition 6 requires retention of residential car parking spaces.
 - Condition 8 prohibits the use of the rear yard by customers of the retail and ancillary warehouse uses.
 - Condition 9 prohibits the use of the rear yard either independently or semi-independents as a cash and carry warehouse.
 - Condition 10 restricts the use of the rear yard area for circulation space and parking space for the owner and his employees (save as required by con. 6).

- Condition 12 prohibits the parking of vehicles within the access tunnel/undercroft to Beaumont Grove.
 - Condition 13 required approval of details of vehicle sizes using the access tunnel in Beaumont Grove.
- 4.14 Conditions 5, 8, 9 and 13 were imposed to safeguard the amenities of adjacent residents, whilst conditions 9, 10 and 13 were also imposed to prevent obstruction of adjoining streets and to ensure adequate manoeuvring space was provided.
- 4.15 The S106 agreement reiterates the requirements of the conditions while adding a restriction on the expansion and change of use of any retail, ancillary or rear yard areas. The agreement also includes a prohibition on change of use from retail to a cash and carry warehouse.
- 4.16 S73 variation of condition application, ref PA/03/0003, **refused** on 12/06/2003, for:
- Amendment of planning permission dated 4th February 1998, reference TH12674/ST/96/59 to enable business to operate on Sundays between 10.00 am and 6.00 pm and to allow customer parking at rear of premises.*
- 4.17 The application was refused for the following reason:
- 1) *The proposed variation to allow extended opening hours seven days a week, would adversely impact upon and affect the amenity of nearby residents, by reason of noise, additional traffic movements and congestion, contrary to UDP policies ST6, DEV 1 and DEV 2.*
- 2) *The proposed variation would lead to intensification in the use of the site and additional noise generation which is likely to adversely affect local resident's amenities, contrary to UDP policies DEV50 and HSG15.*
- 4.18 An appeal against the refusal of the application was dismissed by the Planning Inspectorate.
- Other historical planning applications:
- 4.19 Planning application, ref PA/08/00916, **refused** on 08/07/2008, for:
- Erection of mansard roof to existing 3 storey property fronting Mile End Road and erection of single storey rear extension at first floor level. Creation of 8 new housing units.*
- 4.20 Planning application, ref PA/08/00917, **refused** on 08/07/2008, for:
- Construction of part four, part five storey block to provide 13 x 2 bedroom flats and 1 x 3 bedroom flat with parking.
Refused on 08/07/2008*
- Planning Enforcement
- 4.21 Planning enforcement investigations ref ENF/09/00394 and ENF/16/00086
- Breach of condition 5 (opening hours) of planning permission ST/96/00059 and noncompliance with Breach of Condition Notice dated 07/01/1999 and Section 106.*

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan 2015

- 2.15 - Town Centres
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 6.3 - Assessing effects of development on transport capacity
- 6.13 - Parking
- 7.15 - Reducing noise and enhancing soundscapes

5.4 Core Strategy 2010

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places

5.5 Managing Development Document 2013

- DM0 - Delivering sustainable development
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM25 - Amenity

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application. The responses are summarised below.

Transport for London

6.3 No objection.

LBTH – Transportation & Highways

6.4 No objection.

LBTH Environmental Health – Noise & Vibration

6.5 No objection in principle but recommends that the opening hours on Sunday start from 10am or 11am and restricted to 5 or 6pm.

7.0 LOCAL REPRESENTATION

Public consultation

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 215 letters sent to occupiers of neighbouring properties, a press advert published in East End Life and site notices displayed outside the application site.
- 7.2 78 responses were received, 32 in objection and 46 in support or raising no objection.
- 7.3 The objectors have raised the following issues:
- Retail customers and delivery vehicles parking on adjoining highways, often in breach of highway restrictions; blocking vehicular access to adjoining properties and blocking residential on-street parking bays & ambulance bays outside Stepney Community Centre.
 - Traffic congestion & hazard to vehicles, cyclists and pedestrians caused by unauthorised parking & loading/unloading from adjoining highways and use of forklift on adjoining highways.
 - Use of the undercroft/access tunnel by vehicles posing a safety hazard, in particular due to lack of adequate visibility splays.
 - The unit being used as a wholesale cash and carry warehouse rather than as retail, contrary to planning conditions and S106 agreement.
 - Lack of need & demand for extended opening hours.
 - Inadequacy of the submitted Transport Statement.
 - Increase in litter.
 - Damage to road surface of adjoining streets caused by vehicles.
 - Changes would result in intensification and enlargement of the business.
 - Increased noise disturbance from the use of the rear yard and in general from deliveries and servicing.
 - Increased air pollution resulting from traffic increases, in particular affecting children.
 - Increased traffic resulting from creation of customer car parking spaces and from increase to opening hours.
 - Currently used forklift being noisy and posing a threat to pedestrians.
 - Past history of ineffectual enforcement of parking restriction and planning conditions at the site.

- 7.4 A number of objectors have also provided photographic and video evidence of vehicles blocking access to the adjoining estate, parked or loading in breach of highway restrictions and of a forklift being used on Beaumont Grove.
- 7.5 The issues raised in support include:
- Proposals being positive for the local area.
 - Provision of convenient parking for customers.
 - Reduced demand for on-street car parking, freeing up parking for residents.
 - Sunday opening would allow shopping when customers are off work.
 - Trading hours would be more in line with those in the locality.

Applicant's consultation

- 7.6 Together with the application documents, the applicant has also submitted a petition in support with 267 signatures as well as letters from Mayor John Biggs, Cllr Mahbub Alam and Cllr Ayas Miah.
- 7.7 The letter from Mayor Biggs, issued at the time when Mr Biggs was a London Assembly Member, states that the proposal is a sensitive issue for local residents because of the amount of on-street car parking and fears of noise nuisance. Mayor Biggs considers that the main nuisance is caused by people consuming meals in their cars, often with engines running and then discarding waste onto the pavement and that this is predominantly not a problem attributable to the applicants; before they moved their wholesale operation elsewhere there was also a problem with bulk deliveries and commercial customers but this has largely ended now.
- 7.8 The letter from Mayor Biggs shows qualified support, stating that the proposal should be subject to public consultation but that it is a reasonable idea provided that:
- Car parking would be for customer cars only
 - Customers would arrive and depart quietly
 - Engines would be switched off
 - The yard would not be used for retail
 - There would be no deliveries on Sundays
 - Car park should be used on Sundays from, say, 10am until say 5pm
- 7.9 Cllr Alam writes in support, stating that the management of Rahim's have taken measures to reduce the impact of the store, that most families who visit the store do their shopping on weekend and that residential amenity must be balanced with the fact that local businesses also require support, especially during difficult trading periods. Cllr Alam suggest that this could be on a trial basis initially, made permanent with the improvement of relations with local residents.
- 7.10 Cllr Miah writes in support of use of the rear yard for customer parking on Sundays, stating that the car park is already used from Monday to Saturday and that local customers would be benefited by the parking facility. Cllr Miah also states that local residents would not be affected if the car park is restricted to day time only.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for an application to be made to develop land without compliance with conditions previously attached or to grant planning permission subject to conditions that differ from those previously imposed. S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted and that the effect of granting an application under S73 is a new planning permission. As such, in determination of a S73 application, the principle of the development is not revisited and the only consideration is the impact of the proposed changes.
- 8.2 In accordance with the tests set out within paragraph 206 of the National Planning Framework, planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.3 The proposal is to extend the hours of operation of the retail unit from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries would take place between 10:00 - 18:00 Mondays to Saturdays; there would be no deliveries on Sundays. The rear yard would be used as a customer car park rather than as an employees' and residents' car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible.
- 8.4 The main planning issue raised by this application that the Committee must consider is whether the proposed extension of opening hours and customer use of the rear yard for car parking would result in an increase in disturbance and whether this would have an unacceptable impact on the amenity of local residents. The second significant issue is the transportation and highways impact of the proposal. In reaching a decision Members should balance any possible adverse amenity & highway impacts arising from the proposal against benefits which the proposal could bring to the local economy and the viability and vitality of the Stepney Green Neighbourhood Centre.
- 8.5 The National Planning Policy Framework (the NPPF) 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, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.

Economy and Town Centre Issues

- 8.6 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support growth. The NPPF also recognises the importance of town centres and requires local planning authorities to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality, promoting competitive town centres that provide customer choice and a diverse retail offer.
- 8.7 The London Plan and the Council's Core Strategy strategic objective S016 and policy SP06 seek to support the growth of existing and future businesses in accessible and

appropriate locations. Policy SP06 seeks to maximise and deliver investment and job creation in the borough by ensuring that job opportunities are provided in each place in, and at the edge of, town centres.

- 8.8 In line with the London Plan town centre policies, policy SP01 and strategic objective S04 of the Core Strategy seek to create a hierarchy of interconnected, vibrant and inclusive town centres serving as mixed use hubs for retail, commercial, leisure, civic and residential. Policy SP01 seeks to maintain, focus and increase the supply of town centre activity and floorspace across the borough to meet identified demand and to support town centres as vibrant economic hubs.
- 8.9 The proposal relates to a medium sized store within the Stepney Green Neighbourhood Town Centre. While it is not possible to quantify the economic and employment benefits of the proposed variation of opening hours and the introduction of customer parking, it is considered likely that the proposed changes would lead to an increase in the turnover of the business and thus could result in increased local employment. Additional staff could also be hired to allow the store to operate on Sundays. This would result in economic benefits.
- 8.10 The retail parade within which the store is sited contains a variety of retail, restaurant and take-away units. A Co-operative Supermarket and further retail, restaurant and take-away units are located further east, on the opposite side of Mile End Road, within the town centre. Most of the nearby commercial units are open until late during the week and on Sundays. For instance, the Co-operative Supermarket, which is of a similar size, is open 6am to 11pm, 7 days a week. The proposed opening hours would be more closely aligned with the opening hours of other commercial premises within the town centre, making the retail unit more competitive and contributing to the viability and vitality of the Neighbourhood Centre by increasing and improving the retail offer.
- 8.11 The provision of car parking for customers would also increase the attractiveness of the retail unit and the town centre as a shopping destination and could facilitate linked shopping trips to other businesses within the town centre.
- 8.12 Overall, the proposed changes are considered likely to result in economic benefits, including larger turnover, increased employment and increased viability and vitality of the Stepney Green Neighbourhood Centre, in line with the aforementioned policies.

Amenity

- 8.13 According to paragraph 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution which could adversely affect surrounding existing development. Of particular relevance is paragraph 123 of the NPPF which specifies that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
 - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established.

- 8.14 Policy 7.15 of the London Plan acknowledges that reducing noise pollution and protecting good soundscape quality contributes to improving quality of life, and consequently requires development proposals to seek to reduce noise by minimising the existing and potential adverse impact of noise. The Core Strategy policy SP03 seeks to address the impact of noise pollution in the Borough while policy DM25 of the Managing Development Document specifies that development should not create unacceptable levels of noise.
- 8.15 The nearest residential properties are located within the upper floors of the terraces on the southern side of Mile End Road, within terraces on both sides of Louisa Street and Louisa Garden -to the south of the site, as well as on both sides of Beaumont Grove - to the east.
- 8.16 There are a large number of retail, restaurant and hot-food take-away establishments within the shopping parade on the southern side of Mile End Road as well as further to the east, on the northern side of Mile End Road. To the south east, on the western side of Beaumont Grove are the Alice Model Nursery School and the Stepney Community Centre.
- 8.17 The store's current opening hours, as specified by planning conditions and the S106 agreement, are 8:00 to 20:00 Mondays to Saturdays with no opening on Sundays.
- 8.18 The applicant has previously sought to extend the opening hours to 8:00 to 22:00 Mondays to Saturdays and 09:00 to 21:00 on Sundays, however planning permission ref PA/03/00003 has been refused by the Council on amenity grounds with an appeal subsequently dismissed by the Planning Inspector on 23/10/2003. The Inspector noted that the extension of trading hours would include activities in the rear service yard such as the movement of delivery vehicles, use of fork lift trucks and work by employees unloading and moving goods - these activities would be likely to generate noise and disturbance. The Inspector also noted that the impact associated with the premises would be particularly significant because the service yard would be likely to be in regular use and because the houses in Louisa Street are generally sheltered from the traffic noise of Mile End Road.
- 8.19 The current proposal takes account of the Council's and the Planning Inspector's concern about the noise generated by the rear yard activities and proposes to restrict such activities. The application proposes to extend the hours of operation of the retail unit from 8:00 - 20:00 Mondays to Saturdays to 9:00 to 21:00 Mondays to Sundays. Deliveries would take place between 10:00 - 18:00 Mondays to Saturdays; no deliveries would take place on Sundays. The rear yard would be used as a customer car park rather than as an employees' and residents' car park. The rear yard would be in use 9:00 - 21:00 Mondays to Saturdays and 9:00 - 16:00 on Sundays. The rear yard would house 8 car parking spaces, including 1 wheelchair accessible.
- 8.20 The proposed hours of operation of the retail unit of 9:00 to 21:00 Mondays to Sundays would not be out of place in the Stepney Green Neighbourhood Centre, a busy local town centre located along a major thoroughfare. Nonetheless, as the Planning Inspector noted, the soundscape of the rear yard is sheltered from the traffic noise of Mile End Road – there is also limited noise audible from the other commercial premises on the southern side of Mile End Road making the residents more sensitive to further noise disturbance. While offering some respite in the morning, with operations starting 1 hour later, the extension by 1 hour in the evening would cause some disturbance to adjoining residential occupiers, however, this would not be significant Monday to Saturday and generally acceptable for a town centre

location. Opening until 21:00 would not infringe significantly onto residents' expectation of quieter and more peaceful evenings.

- 8.21 On Sundays, the potential for disturbance would be much more significant, given that no operations are currently allowed. The opening of the retail unit fronting onto Mile End Road between 9:00 and 21:00 does not raise concern as the activity would be focused in the Mile End Frontage, within the town centre. The opening hours would be in line with those of other businesses in the centre and would not give rise to undue adverse amenity impact. Nonetheless, the increased opening hours would also lead to an increase in activity within the rear yard which has potential to give rise to unacceptable disturbance. The applicant proposes to address this additional disturbance by restricting the hours of use of the rear yard to 9:00 - 16:00 on Sundays and by ensuring that no deliveries & servicing would take place on Sundays. Officers also consider it necessary to prohibit the use of fork lift trucks on Sundays.
- 8.22 The proposed restrictions would limit the noisy activities within the rear yard reducing the potential for disturbance. While local residents have legitimate expectations of enjoying quieter periods and a more peaceful living environment on Sundays, the proposed restrictions are considered to strike an appropriate balance in limiting the extent of adverse amenity impact while contributing to economic and town centre benefits.
- 8.23 The change in use of the rear yard from employees' & residents' car parking and a delivery & servicing area to a customer car park and a delivery & servicing area would result in an increase in the use of the rear yard, with additional activities such as loading of shopping into cars but also a likely significant increase in the number of vehicular movements. This would result in an increase in the disturbance to the adjoining residential occupiers, however, subject to the restrictions in the use of the rear yard on Sundays, the proposed changes are considered to be acceptable on balance.
- 8.24 Overall, on balance, the proposed variations to the conditions are considered to be acceptable and in accordance with the aforementioned planning policies. While the changes would give rise to additional disturbance during the day and introduce further disturbance on Sundays, the restrictions placed on the use of the rear yard would reduce the amenity impact to an acceptable level. The proposed operating hours would not be out of place in a town centre location and the changes overall would contribute to the local economy, employment and vitality & viability of the Stepney Green Neighbourhood Centre.

Transportation & Highways

- 8.25 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. Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development Document. Furthermore, policy 6.13 of the London Plan and policy DM22 of the Managing Development Document set car parking standards for residential and retail uses. In accordance with the Planning and Compulsory Purchase Act 2004, the London Plan standards take precedence as they have been adopted more recently than the standards set out in the Managing Development Document. Policy 6.13 states that the Mayor of London wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

- 8.26 In addition, paragraph 40 of the NPPF stipulates that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.
- 8.27 The application site includes a rear yard the use of which is currently restricted to car parking for residents & employees and as a delivery & servicing area. However, for a number of years, in breach of conditions, this yard has also been used for customer parking with 6 marked bays and up to 12 vehicles parked within the yard, subject to delivery & servicing activity.
- 8.28 The rear yard is accessed through a narrow undercroft/tunnel from Beaumont Grove. The tunnel's width does not allow vehicles to pass in both directions often leading to vehicles backing up on Beaumont Grove or having to reverse if another vehicle is already in the tunnel. There are also limited visibility splays where the tunnel meets the footway of Beaumont Grove, meaning that vehicles exiting the site have limited visibility of pedestrians. Nonetheless, vehicular access through the tunnel is historic with planning permission for servicing, deliveries and resident and employee parking. Customer parking also took place over a number of years, although this has been unauthorised.
- 8.29 The current parking standard for locations with good public transport accessibility (PTAL 4) is less than 1 space per residential unit and 1 space for 20-30sqm of gross floorspace in food stores of up to 2500sqm. The site houses 4 residential units and a retail store of approximately 580sqm gross floorspace. No residential parking spaces would be provided with 8 spaces for customers and space for deliveries by a 4.6t light van. The 8 spaces amount to 1 space per 72.5sqm which is significantly less than the maximum specified by London Plan standards.
- 8.30 The applicant argues that the parking spaces would be used mostly for collection of bulky goods from the store and not for parking per se. This has potential to result in a more intensive use of the spaces and an increased number of journeys compared to regular parking spaces.
- 8.31 A basic Transport Statement has been submitted by the applicant, arguing that the level of vehicular traffic generated by the site has decreased following the opening of the Hackney Wick store, however, only limited traffic surveys have been carried out to demonstrate this. A tracking diagram has also been provided showing a van using the rear loading area, entering and leaving the site in forward gear.
- 8.32 The Council's Highways & Transportation Section raises no objection to the proposals. Transport for London also raises no objection.
- 8.33 A significant number of objectors to the application have raised the issue of traffic congestion & hazard to vehicles, cyclists and pedestrians caused by unauthorised parking & loading/unloading from adjoining highways and use of forklift on adjoining highways. These issues are predominantly parking & highway enforcement issues and are not likely to be amplified by the proposal. It should be noted that TFL have installed a 24m long parking bay and a 33m long loading bay on Mile End Road, in front of the Mile End Road entrance to the store. This may lead to a reduction in unauthorised parking & loading from LBTH highways of Beaumont Grove and Louisa Street. The provision for customer parking on site may also lead to an overall reduction in parking stress in the vicinity, although it is not possible to estimate how much of the current stress results from operation of the store.

- 8.34 While the proposal would result in an increase in car journeys because residential and employee spaces generate fewer journeys than retail car parking spaces, given that no new land would be allocated to car parking, that the store is within a town centre, and that the number of spaces would be limited and within London Plan parking standard, the proposed changes to the use of the rear yard parking area are considered to be acceptable from the highways and transportation perspective and would not significantly prejudice the policy aims of promoting sustainable modes of transport. While the visibility is limited, the use of the tunnel by an increased number of vehicles would not pose an unacceptable risk to highway & pedestrian safety. Overall, the proposal is considered to comply with the aforementioned planning policies.

Human Rights Considerations

- 8.35 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- 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".

- 8.36 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 a local planning authority.

- 8.37 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the 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.

Equalities Act Considerations

- 8.38 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. 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.

Other

8.39 The proposed changes would have no effect on the character & appearance of the Stepney Green Conservation Area.

8.40 The setting of the nearby listed building would not be affected.

8.41 The increase in vehicle movements is unlikely to materially impact local air pollution.

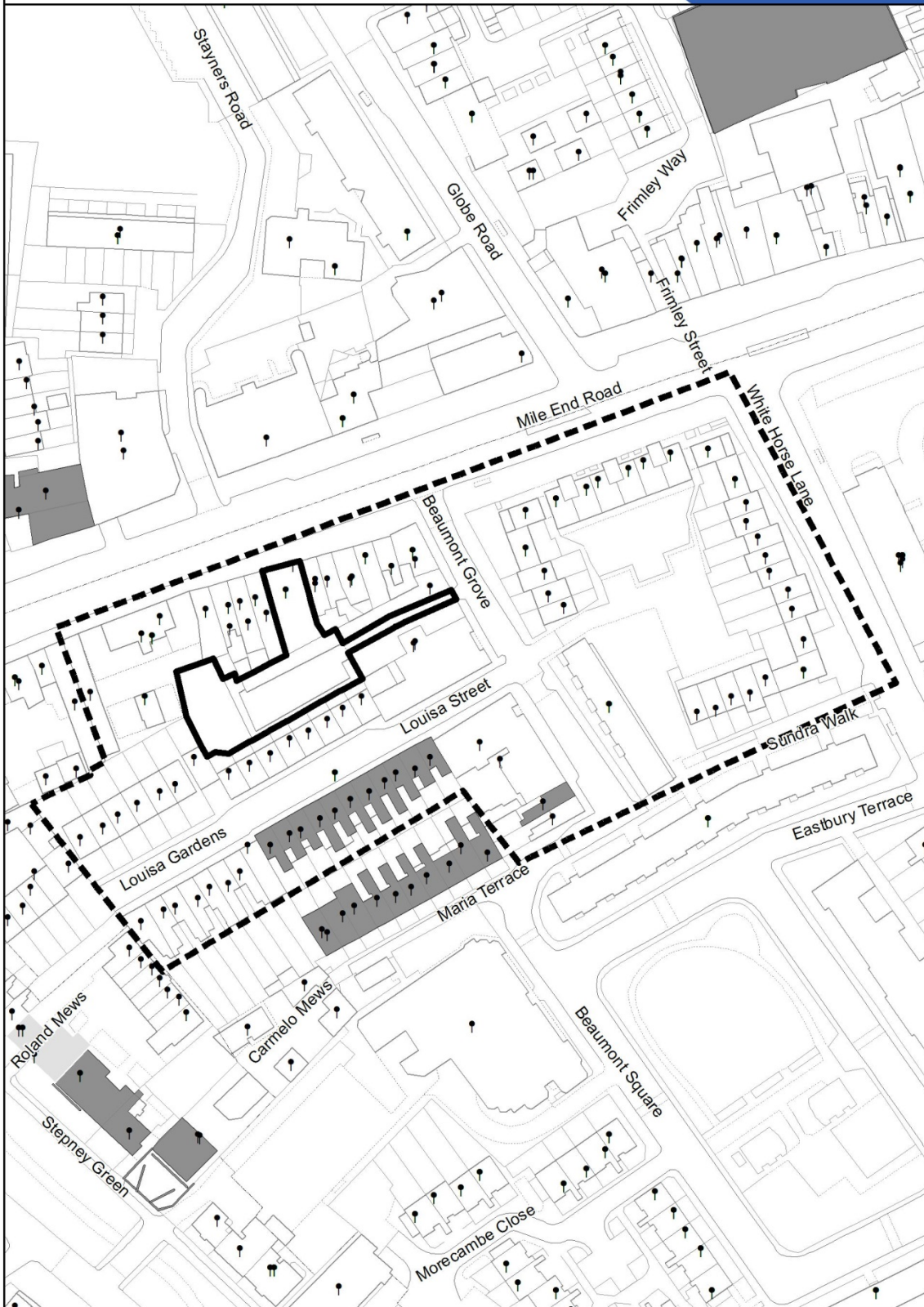
9.0 CONCLUSION







9.1 All other relevant policies and considerations have been taken into account. It is recommended that permission should be GRANTED.

10.0 SITE MAP

10.1 Please refer to the next page of this report.

Planning Application Site Map
PA/15/01526



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0  40 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 8.2

Committee: Development Committee	Date: 8 June 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Hannah Murphy	Ref No: PA/15/03392
	Ward: Island Gardens

1. APPLICATION DETAILS

Location:	188 Westferry Road, London, E14 3RY
Existing Use:	The two large warehouse buildings are used as a self-storage facility with a reception area. The courtyard towards the rear of the site is used as a helipad.
Proposal:	Construction of new entranceway and balcony.
Drawing and documents:	L01192/001A; L01192/002; L01192/003A; L01192/5; L01192/006; L01192/007.
Applicant:	Falcon Heliport
Ownership:	Vanguard Holdings
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for a new entranceway and ramp to serve the Falcon Heliport reception area.
- 2.2. A total of 43 representations were received in objection to this proposal. The objections can be summarised as concerns over a potential increase in helicopter movements, noise, public safety, traffic, air pollutants, dirt and grit and potential contamination.
- 2.3. Officers believe that the proposal is acceptable as the new entranceway is suitably designed and located fronting the helipad landing area and provision has been made for disabled access through the creation of an entrance ramp.
- 2.4. Whilst a number of objections have been raised in relation to potential increase in helicopter movements, unless it can be established that the proposal facilitates the intensification of the use, these objections carry little weight in the determination of the application, as the proposal is not explicitly seeking to increase the capacity of the helipad. It is clear from the information provided and Council records that the use of the site as a helipad is established and exceeds 10 years continued use.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3. **Conditions**
 1. Three year time limit
 2. Development to be built in accordance with approved plans
 3. If contamination is found to be present, works will cease until written approval to continue is obtained for the Local Planning Authority.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site is located on the south western tip of the Isle of Dogs and is bounded by River Thames to the west and Westferry Road to the east.
- 4.2. The site is surrounded by residential developments including Ferguson Wharf Estate, located directly south of the site, and Cyclops Wharf, located directly north of the site, comprises of 180 apartments and 24 mews style houses.
- 4.3. The application site contains two large warehouses used as a self-storage facility and reception area. Towards the rear of the site, adjacent to Thames River is a helipad with two landing spaces.

- 4.4. A hardstanding area capable of accommodating four parking spaces, is located towards the south-west of the site. This area adjoins Ferguson Wharf Estate to the south and east and River Thames to the west.
- 4.5. The site is not listed and does not fall within a conservation area.
- 4.6. The site does not have any site allocations, however falls within the Flood Risk Zone 3 and is identified as an area of Potential Contamination.

Proposal

- 4.7. The proposal involves the construction of a new entranceway, with double doors leading onto a new raised balcony with stairs, a ramp and a balustrade. The works are located to the rear of the site facing the river and helipad. The works are shown below with Figure 1 showing the existing situation and Figure 2 which shows the proposal.
- 4.8. New markings are proposed for both the car-park towards the south-west of the site and also the two helicopter landing spaces. Planning permission is not required for these new markings.



Figure 1 Existing Rear Elevation

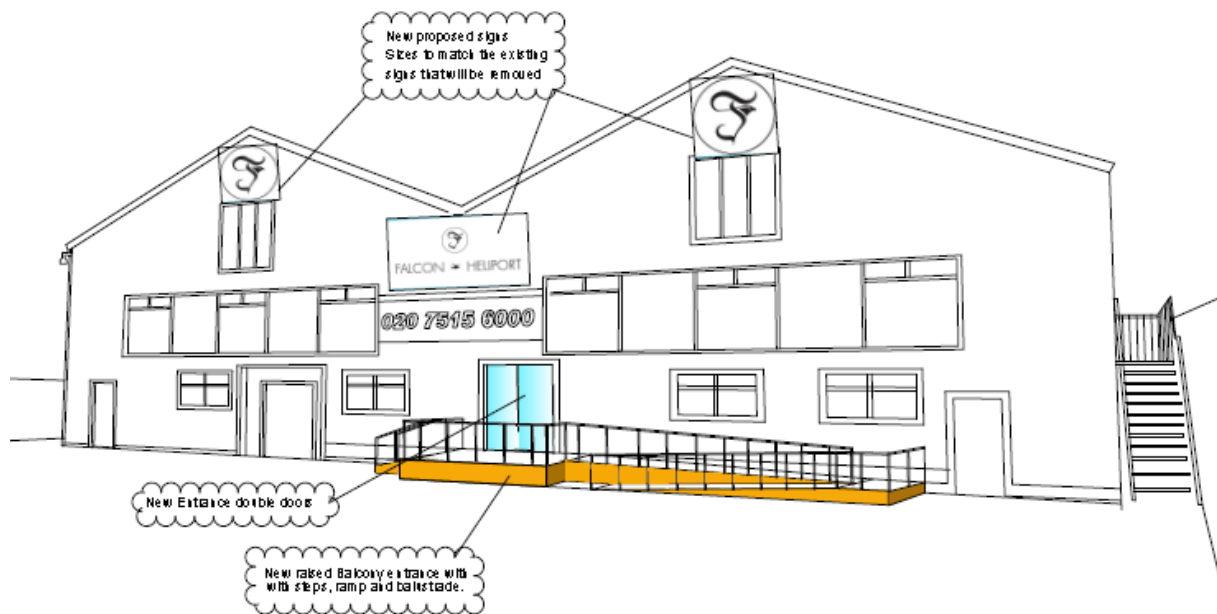


Figure 2 Proposed Entranceway, Ramp and Staircase

4.9. A separate advertisement application has been submitted for the proposed signage as discussed below.

5. RELEVANT PLANNING HISTORY

- 5.1. PA/15/03393 – an advertisement consent application is currently being considered for the erection of five fascia signs.
- 5.2. PA/06/00329 – Advertisement Consent **granted** for the ‘retention of 10 illuminated signs and 6 non-illuminated signs (on street and riverside elevations of warehouses)’ on 19 May 2006.
- 5.3. PA/01/00604 – application **withdrawn** for ‘erection of 12 three storey 6 bedroom houses and a 4 storey block containing 8 two bedroom flats’.
- 5.4. PA/01/00550 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 5 storey block facing Westferry Road plus associated landscaping and its use as 128 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1)’.
- 5.5. PA/01/00549 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 7 storey block facing Westferry Road plus associated landscaping and its use as 117 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1) - Revised application 18/1/02 (PA/01/00545)’.
- 5.6. PA/01/00545 – application **withdrawn** for ‘demolition of vacant industrial sheds and erection of building up to 17 storeys comprising 185 residential units with 145 car parking spaces’.

6. POLICY FRAMEWORK

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

6.2. Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

6.3. The London Plan – Consolidated with Alterations since 2011 (March 2015)

7.4: Local Character

6.4. Site Designations

N/A

6.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places

6.6. Managing Development Document (adopted April 2013) (MDD)

DM23: Streets and the Public Realm
DM24: Local Character
DM25: Amenity

6.7. Other Relevant Documents

N/A

7. CONSULTATION RESPONSES

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

7.2. The following were consulted regarding the application:

Internal Consultees

Transportation and Highways

7.3. Our view is that the nature of this development requires cycle parking facility; however, Planning has the final decision. Transport and Highways have no further comments.

[Officer's Comment: This comment is addressed in the Highways Section of this report (para 9.16 – 9.20)].

Environmental Health (Contaminated Land)

- 7.4. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

[Officer's Comment: The above comment is addressed in the Contamination Section of this report (para 9.21 – 9.25)].

Environmental Health (Noise and vibration, Smell and Pollution,)

- 7.5. No comments received.

External Consultees

Greater London Authority

- 7.6. Greater London Authority (GLA) has notified the Council that the proposal does not need to be referred to the GLA.

Transport for London

Proposed development

- 7.7. The drawings indicate that a new helicopter landing pad is proposed: the proposed drawings show new markings for two landing pads, whereas there is just one landing pad on the existing drawing. TfL seek clarification on whether both pads will be in use and whether there will be an uplift in trips, in line with London Plan Policy 6.6.

Road safety and infrastructure protection

- 7.8. TfL have a duty to protect TfL infrastructure and London's road users. We request details of how the proposed development will affect helicopter usage of the site, including any changes to quantity of flights, helicopter routing and/or aircraft type.

Car Parking

- 7.9. The proposed layouts drawing shows four car parking spaces adjacent to the helicopter landing area. We request details of any changes to parking at the site.

Trip generation

- 7.10. We request details of the additional trips that the development will generate, as well as details of vehicle routing to the site.
- 7.11. In addition we request information on how the development will affect the servicing of the site.
- 7.12. *[Officer's Comment: The above comments are addressed within the Highways Section of this report*

London Fire and Emergency Planning Authority

- 7.13. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation. In other respects this proposal should conform to the requirements of Part B5 of Approved Document B.

National Air Traffic Services Ltd.

- 7.14. It is not necessary to license a helicopter site unless it is to be used by a scheduled helicopter service or for flying instruction, including testing. Providing it is not anticipated that a temporary landing site will be used for the purpose of public transport of passengers by more than 10 movements in any one day, rescue and fire fighting services are not specifically required.

London City Airport

- 7.15. No comments received.

London Borough of Southwark

- 7.16. No comments received.

London Borough Greenwich

- 7.17. No comments received.

Public Representations

- 7.18. A total of 256 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 43 letters of representation were received in objection to this proposal.

A summary of the objections received

Increase in helicopter movements

- 7.19. Concerns have been raised by objectors that the purpose of the proposed alterations is to accommodate an anticipated increase in helicopter movements. Objectors raise a number of concerns associated with an increase in helicopter movements including noise, safety, grit and dirt, air quality and traffic impacts.

Noise nuisance

- 7.20. Whilst some objectors have indicated that the existing level of noise from the helipad is manageable, others have suggested that the existing noise level is disruptive. Objectors largely agree that any increases in helicopter movements would have a detrimental impact in terms of noise.

Public Safety

- 7.21. Objectors have noted the large number of recreational river users and residents in the area and raised concerns about public safety.

Traffic

- 7.22. Objectors have raised concerns about the potential for increases in traffic associated with any potential increases in helicopter movements. Objectors have also questioned the sustainability of using helicopters for transport given the Council's commitment to providing sustainable transport modes.

Pollution

- 7.23. Objections have been received from adjacent residents, who suggest that the stench of combusted fuel, as well as grit and dirt blows across to the adjacent residential apartments.

Contamination

- 7.24. Objectors note that Ferguson Wharf was subject to contamination prior to its redevelopment in the mid-1990s. Objectors indicate a potential for contamination to still exist within the carpark.

Loss of Privacy and Views from the Carpark

- 7.25. Applicants raised concerns that the carpark would block the adjacent resident's views of the river.

[Officer's Comment: These comments are addressed within the material planning section of this report.]

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1. The proposed development includes the construction of a new entranceway and ramp to serve the Falcon Heliport reception area.
- 8.2. The proposal includes the relocation of the reception area from the front to an existing area to the rear side of the building, however given that the reception area is ancillary to the existing use of the site, this does not constitute a change in land use.
- 8.3. The sites use as a storage area within the warehouse type buildings and a helipad are established and not subject to change within this application.

Design

- 8.4. London Plan policies 7.4, 7.6 and 7.8 seek to secure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.5. MDD Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.
- 8.6. The proposal involves the construction of a new entranceway, with double doors leading onto a new raised balcony with stairs, a ramp and a balustrade.
- 8.7. The initial proposal included a staircase, but no ramp. Following discussion with the Council, the proposal has been amended to include a ramp to ensure wheelchair access to the heliport is provided. The design and scale of the proposed entranceway and ramp is considered acceptable and appropriate for the site.

- 8.8. Furthermore, given that the new staircase and ramp will be located on the rear elevation of the warehouse and that the site is bounded by a large brick wall, the proposal will not easily be visible to neighbouring residents and the general public.
- 8.9. For the above reasons, the development accords with Section 7 of the London Plan, Policies SP10 of the Core Strategy (2010) and Policy DM24 of the Managing Development Document (2013), and the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development is appropriate in terms of design and finishes and is visually appropriate to the and site and surrounding area.

Amenity

- 8.10. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.11. Objectors raise concerns about noise nuisance created from helicopters taking off and landing.
- 8.12. Given that the proposal is for a new entrance way and ramp/balcony, and not the use of the site, noise created from helicopter movements carry little or no weight in the consideration of this application. It is also noted that any helicopter movements are managed by the Civil Aviation Authority (CAA) under the Civil Aviation Act 1982. This legislation has a number of regulations in place to control activity and flying conditions.
- 8.13. Letters of objection have also raised concerns about the impacts on air quality from helicopters taking off and landing. Given that the application is for a new entranceway and ramp/balcony, this is outside of the scope of the proposal and is therefore carries little or no weight in the consideration of this application.
- 8.14. Adjacent residents raised concerns about both loss of privacy and a loss of views of the river created from the use of the hardstanding are as a carpark. Given this hardstanding area is part of the application site, no planning controls exist over its usage as a car park.
- 8.15. Overall, the proposal would not have an unacceptably harmful impact on the living conditions of occupiers of neighbouring properties and is therefore not considered to be inconsistent with Policy SP10 (4) of the Core Strategy and Policy DM25 of the MDD.

Transport and Highways

- 8.16. Helipad

Questions have been raised about the helipad and whether a new landing space is proposed. The helipad currently has two landing spaces and this will not change. New markings are proposed (and shown on the drawings), but these do not require planning permission and therefore do not form part of this application.

- 8.17. There is also no indication that there will be a change in helicopter movements or any changes to the helicopter routing and aircraft type. This is discussed further in Section 9 of this report.

Cycle Parking

- 8.18. Transport and Highways have requested that cycle parking facilities be provided and similarly Transport for London have requested further information as outlined above. However, given that the proposal will not result in any changes in land use or additional floorspace, officers are unable secure the provision of cycle storage facilities.

Trip generation

- 8.19. Given that the proposal contains only minor alterations to the building, it is not anticipated that there will be any increases in traffic.

Contamination

- 8.20. Policy DM30 of the Managing Development Document states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is required.
- 8.21. The application site has been identified as a site of potential contamination.
- 8.22. Given that the proposal does not involve any development (as defined by the Town and Country Planning Act), Policy DM30 does not apply.
- 8.23. However, as per the recommendation of the Environmental Health - Contamination Officer (refer to para 7.4), it is recommended that conditions be put in place to ensure that in the event that contamination is found that appropriate measures are taken.
- 8.24. The proposal is considered to be in accordance with policy DM30 of the Managing Development Document.

9. OTHER MATTERS

Landing Space

- 9.1. The proposal includes the markings on two existing helicopter landing spaces. Some objections raised concerns that new landing spaces were being created, but this is not the case. The new landing space markings are acceptable as they replace what is currently in place and they would not result in an increase in activity on the site and therefore harm to the residents.

Increases in helicopter movements

- 9.2. Objectors have raised concerns that the proposed alterations are to accommodate an increase in helicopter movements.
- 9.3. Given that there is no indication that the proposal will result in an increase in helicopter movements, this would not warrant a refusal of the planning permission.

- 9.4. However, as noted by National Air Traffic Services Ltd, in Section 7.16 of this report, in the event that helicopter movements exceed 10 movements per day the helipad would need to be licenced.
- 9.5. It is also noted that commercial helicopters landing at Vanguard Heliport are required to comply with stringent regulations which would make any increases in helicopter movements difficult. For example, to land at Vanguard Heliport, commercial helicopters are required to meet the standards under Performance Class 1 as defined in CAP393 Air Navigation the Order and Regulations Section 1 Part 33 Interpretation.
- 9.6. Furthermore, the site is located in close proximity to the Specified Area defined within Regulation 2 of the Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005 (SAP393), and also within a Congested Area, as defined within the Rules of the Air Regulation 2015 Section 3 Para 5. As such helicopters using Vanguard Heliport must meet a number of stringent requirements; however these are outside the scope of this application.

Public Safety

- 9.7. The Council received a number of letters of representation concerned about public safety with regards to a heliport operating in close proximity to the river and the surrounding residential area. The use of the site as a helipad is established in planning terms, and is governed by the Civil Aviation Authority. Therefore public safety, whilst a material planning consideration, is one that carries little or no weight in the consideration of this application.

Dirt and Grit

- 9.8. Objections were raised from neighbouring residents about dirt and grit blowing over from the helipad. This report considers an application for the construction of a new entranceway and ramp. Therefore any impacts from the helipad itself carry little or no weight in the consideration of this application.

10. HUMAN RIGHTS CONSIDERATIONS

- 10.1. 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:-
- 10.2. 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 Conventions rights are likely to relevant including:
 - Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole”

- 10.3. 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.
- 10.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5. Both public and private interests are to be taken into account in the exercise of the Council’s planning authority’s power and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7. 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.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

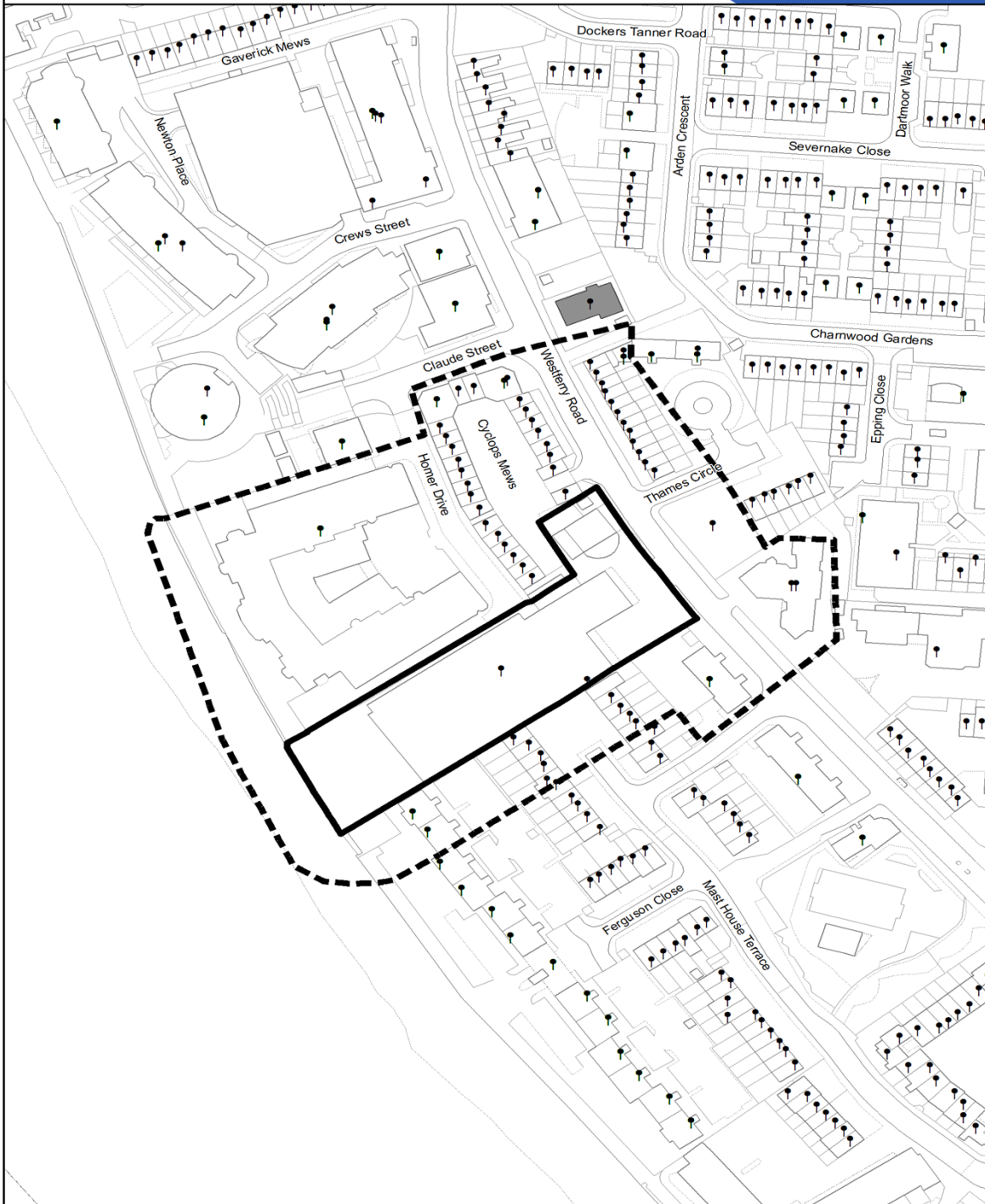
11. EQUALITIES








- 11.1. 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-
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. 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.
- 11.3. The proposal will provide wheelchair access to the reception and waiting area and is therefore in accordance with the Equality Act 2010.

12. CONCLUSION

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

Planning Application Site Map
PA/15/03392



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 40 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 8.3

Committee: Development Committee	Date:	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Advertisement Consent Application
Case Officer: Hannah Murphy	Ref No: PA/15/03393
	Ward: Island Gardens

1. APPLICATION DETAILS

Location:	188 Westferry Road, London, E14 3RY
Existing Use:	The two large warehouse buildings are used as a self-storage facility with a reception area. The courtyard towards the rear of the site is used as a helipad.
Proposal:	Installation of 5 fascia signs: <ul style="list-style-type: none">• Front gate (0.4 x 1.4 metres);• Internal gate (1.7 x 0.7 metres);• 3x Rear elevation by helipad (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres).
Drawing and documents:	L01192/001A; L01192/002; L01192/003A; L01192/5; L01192/006; L01192/007.
Applicant:	Falcon Heliport
Ownership:	Vanguard Holdings
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This report considers an advertisement consent application for the removal of 7 existing fascia signs and the erection of five non-illuminated fascia signs. The signs include one on the front gate, three on the rear elevation of the building and one on an internal gate.
- 2.2. A total of 68 representations were received in objection to this proposal. The objections can be summarised as concerns over: potential increase in helicopter movements, noise, safety, traffic, air pollutants, dirt and grit and potential contamination.
- 2.3. Under the Town and Country Planning (Control of Advertisement) Regulations 2007, a local planning authority shall exercise its powers under the advertisement regulations in the interests of amenity and public safety, taking into account—
 - (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- 2.4. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- 2.5. Factors relevant to public safety include—
 - the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

In this instance, officers believe that the proposal is acceptable for the following reasons:

- The proposal will not result in any unacceptable impacts in terms of design, amenity and road safety; and
- The objections raised do not include any material planning matters with regards to considering Advertisement Consent applications.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** advertisement consent subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.3. Conditions

1. Five year time limit
2. Development to be built in accordance with approved plans
3. No intermittent or flashing lighting to be used

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site is located on the south western tip of the Isle of Dogs and is bounded by River Thames to the west and Westferry Road to the east.
- 4.2. The site is surrounded by residential developments including Ferguson Wharf Estate, located directly south of the site, and Cyclops Wharf, located directly north of the site, comprises of 180 apartments and 24 mews style houses.
- 4.3. The application site contains two large warehouses used as a self-storage facility and reception area. Towards the rear of the site, adjacent to Thames River is a helipad with two landing spaces.
- 4.4. A hardstanding area capable of accommodating four parking spaces, is located towards the south-west of the site. This area adjoins Ferguson Wharf Estate to the south and east and River Thames to the west.
- 4.5. The site is not listed and does not fall within a conservation area.
- 4.6. The site does not have any site allocations, however falls within the Flood Risk Zone 3 and is identified as an area of Potential Contamination.

Proposal

- 4.7. The proposal is for the removal of 8 fascia signs (7 on the rear elevation and one on internal gate) and the erection of five new non-illuminated fascia signs including:
 - 3x rear elevation (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres)
 - Front gate (0.4 x 1.4m); and
 - Internal gate (1.7 x 0.7m)

The proposed signs reflect the branding of the new management company taking over the site.

5. RELEVANT PLANNING HISTORY

- 5.1. PA/15/03392 – planning application is currently being considered for the ‘construction of new entranceway and balcony’.
- 5.2. PA/06/00329 – Advertisement Consent **granted** for the ‘retention of 10 illuminated signs and 6 non-illuminated signs (on street and riverside elevations of warehouses)’ on 19 May 2006.

- 5.3. PA/01/00604 – application **withdrawn** for ‘erection of 12 three storey 6 bedroom houses and a 4 storey block containing 8 two bedroom flats’.
- 5.4. PA/01/00550 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 5 storey block facing Westferry Road plus associated landscaping and its use as 128 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1)’.
- 5.5. PA/01/00549 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 7 storey block facing Westferry Road plus associated landscaping and its use as 117 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1) - Revised application 18/1/02 (PA/01/00545)’.
- 5.6. PA/00/00545 – application **withdrawn** for ‘demolition of vacant industrial sheds and erection of building up to 17 storeys comprising 185 residential units with 145 car parking spaces’.

6. POLICY FRAMEWORK

- 6.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 6.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)
- 6.3. **The London Plan – Consolidated with Alterations since 2011 (March 2015)**
7.4: Local Character
- 6.4. **Site Designations**
N/A
- 6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places
- 6.6. **Managing Development Document (adopted April 2013) (MDD)**
DM23: Streets and the Public Realm
DM25: Amenity
- 6.7. **Other Relevant Documents**
N/A

7. CONSULTATION RESPONSES

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

7.2. The following were consulted regarding the application:

Internal Consultees

7.3. Highways and Transportation

Highways requires further information on how the proposals will impact on operations the site and associated trip generation. The applicant should supply information including expected number of services to and from the helipad and also whether they intend to use the site for vehicle drop off and pick up activity. The applicant has also failed to identify on the plans where cycle parking for staff and customers will be located on site.

External Consultees

7.4. Transport for London

Proposed development

7.5. The proposed development as stated on the application form is: "Signage for Falcon Heliport to be erected and small alteration to existing building to provide terminal facility for passengers and crew on the Thames side of the building. New entrance to be formed in existing Elevation".

7.6. However, the drawings indicate that a new helicopter landing pad is proposed: the proposed drawings show new markings for two landing pads, whereas there is just one landing pad on the existing drawing. We seek clarification on whether both pads will be in use and whether there will be an uplift in trips, in line with London Plan Policy 6.6.

Road safety and infrastructure protection

7.7. We have a duty to protect TfL infrastructure and London's road users. We request details of how the proposed development will affect helicopter usage of the site, including any changes to quantity of flights, helicopter routing and/or aircraft type.

Car Parking

7.8. The proposed layout drawing shows four car parking spaces adjacent to the helicopter landing area. We request details of any changes to parking at the site.

Trip generation

7.9. We request details of the additional trips that the development will generate, as well as details of vehicle routing to the site.

7.10. In addition we request information on how the development will affect the servicing of the site.

Public Representations

- 7.11. A total of 256 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 68 letters of representation were received in objection to this proposal.

A summary of the objections received

Increase in helicopter movements

- 7.12. Concerns have been raised by objectors that the proposed alterations are to accommodate an anticipated increase in helicopter movements. Objectors raise a number of issues associated with an increase in helicopter movements including noise, safety, grit and dirt, air quality and traffic impacts.

Noise nuisance

- 7.13. Whilst some objectors have indicated that the existing level of noise from the helipad is manageable, others have suggested that the existing noise level is disruptive. Objectors largely agree that any increases in helicopter movements would have a detrimental impact in terms of noise.

Safety

- 7.14. Objectors have noted the large number of recreational river users and residents in the area and raised concerns about public safety with regards to helicopters taking off and landing.

Traffic

- 7.15. Objectors have raised concerns about the potential for increases in traffic associated with any potential increases in helicopter movements. Objectors have also questioned the sustainability of using helicopters for transport given the Council's commitment to providing sustainable transport modes.

Pollution

- 7.16. Objectors have raised concerns about the stench of the combusted fuel and grit and dirt blowing across to the residential apartments located on both sides of the helipad.

Contamination

- 7.17. Objectors note that Ferguson Wharf was subject to contamination prior to its redevelopment in the mid-1990s. Objectors highlight the potential for contamination within the site.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

8.2. The proposal is for the removal of 8 fascia signs (7 on the rear elevation and one on internal gate) and the erection of five new non-illuminated fascia signs including:

- 3x rear elevation (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres)
- Front gate (0.4 x 1.4m); and
- Internal gate (1.7 x 0.7m)

8.3. Figure 1 shows the existing rear elevation fronting the River Thames and identifies the signs that are to be removed.



Figure 1 Existing Rear Elevation

8.4. Figure 2 shows the location of the new signs. The new entrance door and raised balcony form part of the associated full planning application (ref: PA/15/03392).

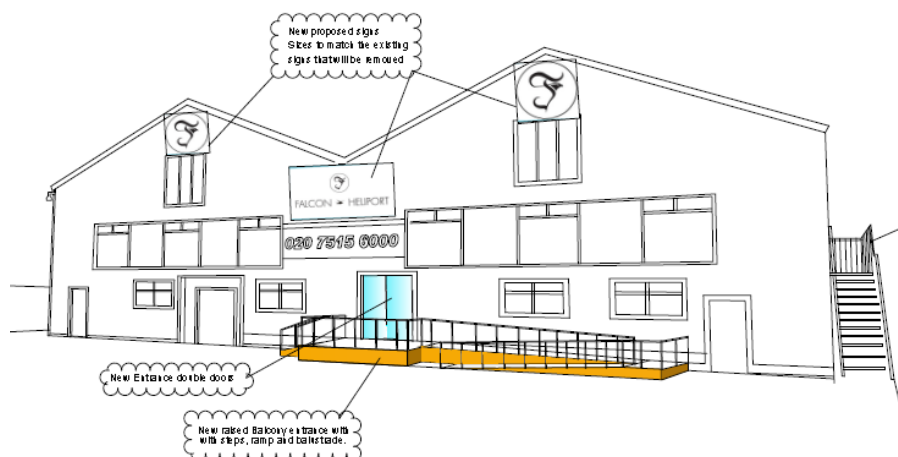


Figure 2 Proposed Rear Elevation

- 8.5. In addition, to the signs on the rear elevation, two more signs are proposed to the front. These are functional signs advertising the companies brand and are shown within the following images.



Figure 3 Proposed Front Gate Signage



Figure 4 Proposed Internal Gate Signage

Design and Visual Amenity

- 8.6. Paragraph 67 of the NPPF states:
Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should

be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 8.7. In terms of amenity, Policy DM23 of the Managing Development Document (2013) requires advertisements (i) not to harm the character, appearance and visual amenity of the site and surrounding area and (ii) not to intrude into the outlook of nearby residents.
- 8.8. The only proposed sign visible from Westferry Road will be a non-illuminated fascia sign on the front entranceway with an area of 54cm². The sign will be white with the words 'Falcon Heliport' in a black font.
- 8.9. Given that the three advertisements proposed on the rear elevation and on the internal gate will replace existing advertisement signs and that they will not be visible from Westferry Road, it is not envisaged that they will have any unacceptable impacts in terms of design and visual amenity. The signs are relatively insignificant and with the removal of the existing poorly placed advertisements on the rear elevation, help create a more uniform rear elevation facing the River Thames.
- 8.10. For the above reasons, the proposal would therefore accord with Policies SP10 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013). These policies seek to ensure that advertisements are acceptable in respect of size, scale, proportion, colour and design to the host building and do not have an adverse impact on the visual amenity and character of the Borough.

Public Safety

- 8.11. In terms of safety, MDD Policy DM23 states that signage should not have an adverse impact on public or highway safety.
- 8.12. The proposed signage would not be unduly distracting or confusing to highway users.
- 8.13. Whilst it is noted that some residents raised concerns around public safety in terms of the use of the site as a helipad, there have been no concerns raised about any public safety impacts relating from the proposed signage, which is the matter to be considered within the advertisement application.
- 8.14. Furthermore, both Transport for London and LBTH Transport & Highways have been consulted and neither raised any objections to the proposed signage. Whilst Transport for London have raised queries over the servicing, and potential car parking spaces within the site, these matters are not relevant to the consideration of advertisement consent.
- 8.15. Overall, it is considered the signage therefore accords with policy DM23 of the Managing Development Document (2013) which seeks to safeguard the safeguard residential amenity and public and highway safety.

9. HUMAN RIGHTS CONSIDERATIONS

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions 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 the 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's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"
- 9.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7. 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.
- 9.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

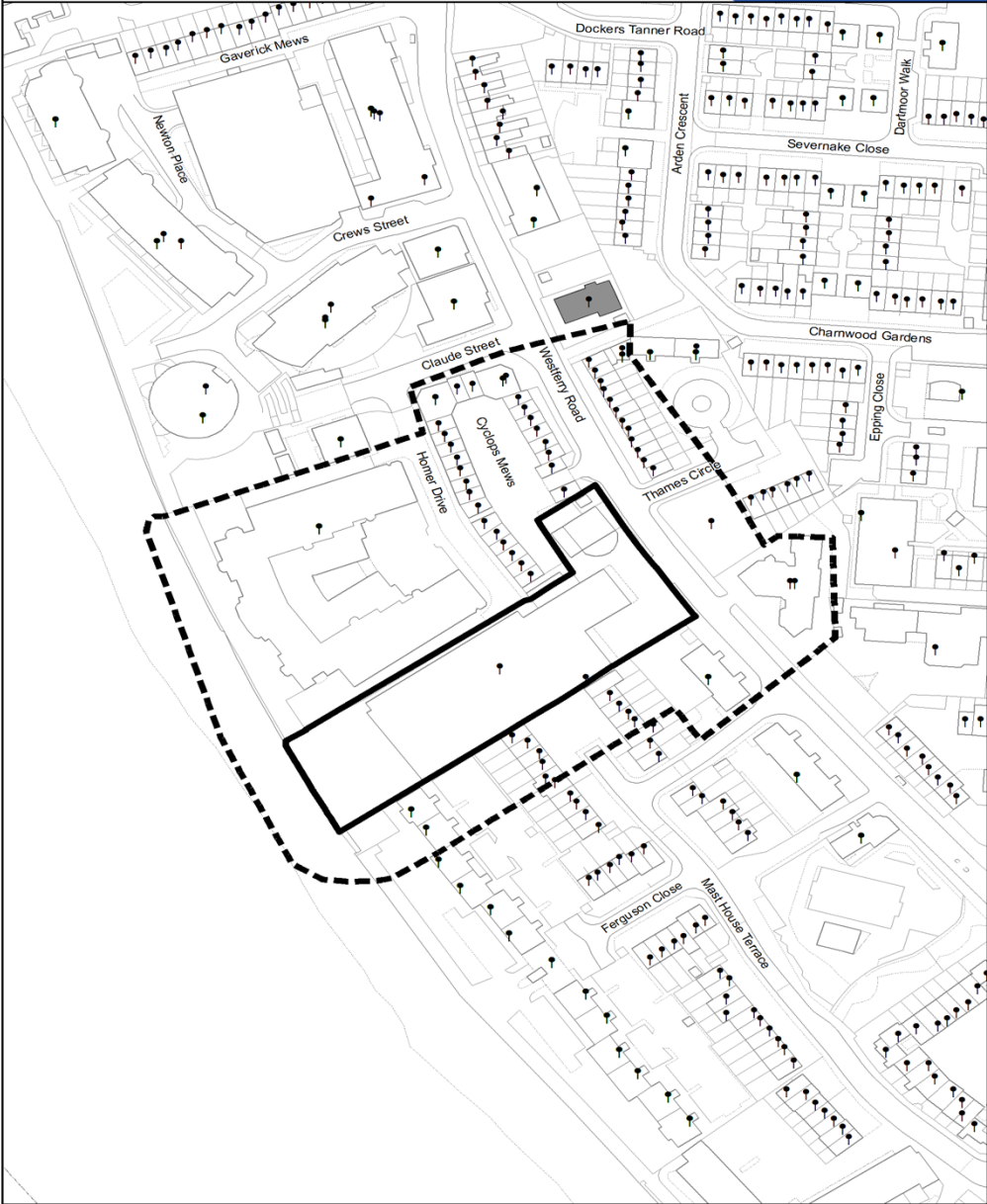
10. CONCLUSION







- 10.1. For the reasons set out earlier in this report and with regards to relevant planning policies, the proposal will not give rise to any undue amenity issues to neighbours nor impact adversely on the visual appearance of the premises and the surrounding area; furthermore, the proposal does not give rise to any public / highway safety concerns. Therefore in the absence of other negative material planning considerations, the retrospective application is recommended for approval.

11. RECOMMENDATION

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

Planning Application Site Map
PA/15/03393



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 40 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 8.4

Committee: Development	Date: 8 June 2016	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Esha Banwait	Ref No: PA/16/00065
	Ward: Spitalfields and Banglatown

1.0 APPLICATION DETAILS

Location: 34-41 Folgate Street, London, E1 6BX

Existing Use: Officer (B1 Use)

Proposal: Refurbishment and reconfiguration of existing use B1(a) Office, with rear extension to provide additional office floorspace, new roof to refurbished courtyard and formation of new use class A1 unit, fronting Folgate Street alterations to elevations.

Drawings: 2048_X_GA(B1)01_PL REV. P02; 2048_X_GA(00)01_PL REV. P02; 2048_X_GA(01)01_PL REV. P02; 2048_X_GA(02)01_PL REV. P02; 2048_X_GA(03)01_PL REV. P02; 2048_X_GA(04)01_PL REV. P02; 2048_X_GA(05)01_PL REV. P02; 2048_X_GE(EA)01_PL REV. P02; 2048_X_GE(NO)01_PL REV. P02; 2048_X_GE(SO)01)PL REV. P02; 2048_X_GE(WE)01_PL REV. P02; 2048_X_GS(AA)01_PL REV P01; 2048_X_GS(BB)01_PL REV. P01; 2048_X_GS(CC)01_PL REV. P01; 2048_X_GA_(SP)02_PL REV. P01; 2048_X_GA(B1)02_PL REV. P03; 2048_X_GA(00)02_PL REV. P03; 2048_X_GA(01)02_PL REV. P03; 2048_X_GA(02)02_PL RV. P03; 2048_X_GA(03)02_PL REV. P03; 2048_X_GA(04)02_PL REV. P03; 2048_X_GA(05)02_PL REV. P03; 2048_X_GE(EA)02_PL REV. P03; 2048_X_GE(NO)02_PL REV. P03; 2048_X_GE(SO)02_PL REV. P03; 2048_X_GE(WE)02_PL REV. P03; 2048_X_GS(AA)02_PL REV. 02; 2048_X_GS(BB)02_PL REV. P02; 2048_X_GS(CC)02_PL REV. P02; 2048_X_GA(BA)03_PL REV. P01, 2048_X_GA(00)03_PL REV. P01; 2048_X_GA(01)03_PL REV. P01; 2048_X_GA(02)03_PL REV. P01; 2048_X_GA(03)03_PL REV. P01; 2048_X_GA(04)03_PL REV. P01; 2048_X_GA(05)03_PL REV. P01.

Documents: - Design & Access Statement (8 January 2016);

- Daylight and Sunlight Report (January 2016);
- Flood Risk Assessment (13 November 2015);
- Transport Statement (January 2016);
- Planning Statement (January 2016);
- Biodiversity Survey (December 2015);
- Construction Management Plan (January 2016);
- Energy Strategy (December 2015);
- Historic Building Report (January 2016);
- Historic Environment Assessment (October 2015);
- Plant Noise Assessment Report (8 January 2016);
- Statement of Community Involvement (8 January 2016);
- Structural Stage 3 Report (14 December 2015);
- Sustainability Statement (15 December 2015);
- Servicing and Refuse Collection (March 2016)

Applicant: Stargas Nominees Limited & Beegas Nominees Limited as trustees

Freeholder: EDF Energy Plc; London Borough of Tower Hamlets Highways Authority; Stargas Nominees Limited; Beegas Nominees Limited

Historic Assets: Site is within:

- Elder Street Conservation Area

Site includes:

- 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, Wheeler Street.
- Grade II listed carriageways of Folgate Street & Elder Street.
- Locally listed buildings Nos. 144-146 Commercial Street.
- Scheduled Ancient Monument of St. Mary Spital

2.0 EXECUTIVE SUMMARY

2.1 This report considers a planning permission application for the comprehensive refurbishment, and internal reconfiguration works for the existing office five storey office building (B1 use) located at 34-41 Folgate Street.

- 2.2 The proposal seeks to increase and enhance the existing office space whilst providing a well-designed building façade fronting onto Folgate Street. The new façade is considered to sympathetically respond to its historical context and setting by way of detailed design and materials resulting in a significant improvement to the site frontage, the streetscape of Folgate Street and consequently the Elder Street Conservation Area.
- 2.3 The proposed refurbishment and extension works are considered to be respectful of its local context and the proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.
- 2.4 In land use terms the proposal is considered acceptable and the proposed development positively contributes to the local economy as it facilitates an increase in the overall employment within the City Fringe OAPF and the Central Activities Zone which complies with the objectives of these land-use designations. The proposed retail (coffee shop) component is considered to compliment the office use given the small size of this retail unit.
- 2.5 Officers consider that any adverse heritage impacts, are minor and of a less than substantial harm. Officers have assessed what harm there is by giving it the requisite importance and weight to it in accordance with the relevant legal and planning policy framework as set out in more detail later on in this report. Ultimately, Officers find that the harm would be considerably outweighed by the heritage and public benefits of the scheme.
- 2.6 The scheme, overall, would deliver a net benefit in heritage terms, enhancing the site's presence along Folgate Street and within the Elder Street Conservation. The proposed scheme seeks to remodel the existing façade fronting on Folgate Street and create an integrated and a connected office layout within Folgate Court. The resultant scheme is considered to enhance and preserve the appearance of the Elder Street Conservation, its historic setting and the surrounding Grade II Listed assets.
- 2.7 The application site is located within a dense urban environment comprising a number of residential dwellings that are situated in close proximity to the site, however, subject to conditions, there the amenity of surrounding residents is not considered to be unduly affected by the proposed development.
- 2.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

Financial contributions:

Total financial contribution: £92,830 (subject to indexation) plus monitoring contribution.

3.3 Conditions:

- a. Time Limit 3 years;
- b. Compliance with plans and documents;
- c. Opening hours of coffee shop (use class A1) restricted to 07:00 – 18:30 Monday to Friday.
- d. Artificial lighting spillage maximum levels (post curfew);
- e. no access to the roof areas at rear other than for maintenance;
- f. Overlooking mitigation measures
- g. Technical specification and noise output of all plant and mechanical equipment, including details of visual and acoustic screens;
- h. Servicing and Waste Management Plans for the office and coffee shop;
- i. Construction Logistics Plan and Construction Management Plan;
- j. Travel Plan for office use and retail use;
- k. BREEAM Excellent, Sustainability & Energy Statement Compliance, details of PV array;
- l. Biodiverse roof and sustainable drainage provisions;
- m. Details of 50 cycle spaces, changing rooms and showers;
- n. Details of all demolition, construction and alterations works including full schedule of features to be reinstated, retained and relocated
- o. Samples and details of all external materials, including brick samples (provided on site), shopfronts, fenestration, doors. Detailed drawings of any new and reinstated features;
- p. Removal of permitted development rights for any alterations works, erection of structures or boundary enclosures, no painting of brickwork or masonry.

3.4 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site relates to 'Folgate Court' which comprises of three amalgamated office blocks (B1(a) use) situated around a central courtyard. The site fronts onto

Folgate Street and is also currently accessed via Folgate Street. Each of the four office blocks that form the application site comprise separate cores which are accessed via the central courtyard.

- 4.2 The application site is 0.3ha. 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 High Street to the north and Bishopsgate to the south.
- 4.3 The application site also sits within the Central Activities Zone (CAZ), the London Plan Tech City & City Fringe Opportunity Area and abuts the Bishopsgate Road Corridor Employment Area.
- 4.4 Folgate Court currently comprises of a collection of three to five storey building blocks. The five storey building block has a modern facade fronting Folgate Street.
- 4.5 The site was originally developed as brewery in the 18th century, which was later replaced by warehouse building in the late Victorian period. Historically, the site was in industrial use which was replaced with offices in more recent years (1990s).



Figure 1 – photograph of the site as existing and a bird's eye view of the application site

- 4.6 The site is located within the Elder Street Conservation Area which is a designated heritage asset and recognised as one of the most significant Conservation Areas within the Borough. The local townscape is of important historic character with a large number of Grade II listed assets within the vicinity of the application site as shown on the below plan.
- 4.7 To the east is 135-153 Commercial Street, which turns the corner into Folgate Street and adjoining 45 Folgate Street, adjacent to the site, and to the west (on the south side of Folgate Street) is nos. 6-8, 10-18 and on the north side of Folgate Street) is nos. 17-21 and 27 which are Grade II Listed. At the junction of Elder Street of Folgate Street are two Grade II Listed cast iron cannon bollards. To the west of the side, there are a number of Grade II Listed buildings along Elder Street, on the west side nos. 32 & 34, 28 & 30 and 26, and on the east side Nos. 23, 19-21, 17, 15, 9 and 11, 5 and 7. Additionally, Nos. 1 and 3 Fleur de Lis Street are also Grade II Listed. Heritage assets in the vicinity of the application site also include the Grade II Listed cobbled road surface of Folgate Street and Elder Street.

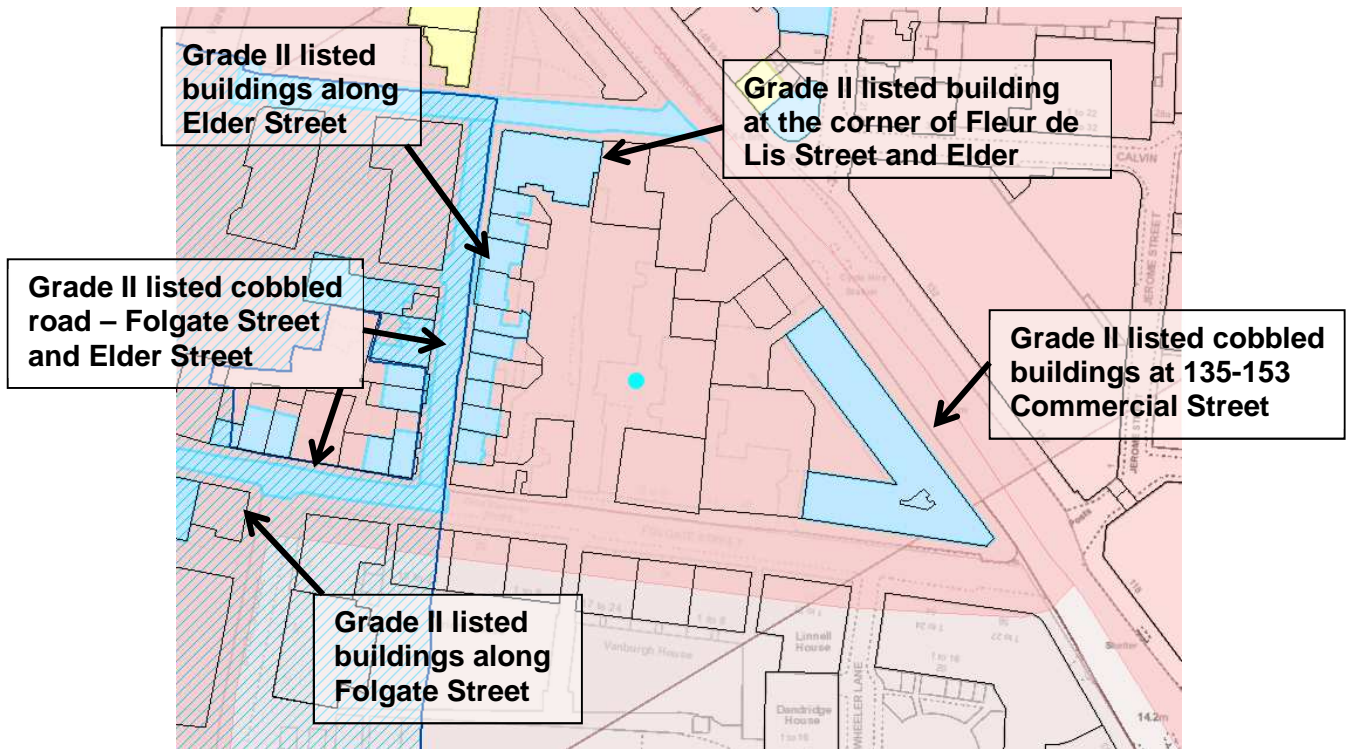


Figure 2 – location of the application site in relation to heritage assets. The extent of the Elder Street Conservation Area has been highlighted in a pale colour. Scheduled Ancient Monuments in indicated in blue hatching.

- 4.8 The local area, in particular the south side of Folgate Street is typically characterised by a terrace of properties in the ‘Arts and Crafts’ style circa 1904. These are well maintained, good examples of this period and currently occupied. At ground floor nos. 5-7 Folgate Street is a dental clinic and immediately adjacent at the corner of Folgate Street and Blossom Street is the ‘Water Poet’ Public House which has office accommodation above. These buildings are all locally listed.
- 4.9 Folgate Street is an LBTH adopted highway and the site benefits from excellent public transport accessibility (PTAL of 6b) as it is within walking distance of Liverpool Street Underground Station, Shoreditch High Street Overground Station and number of bus routes and cycle hire docking stations along Commercial Street and Bishopsgate/Norton Folgate. 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.

Background and Planning History

- 4.10 This site has an extensive planning History. Relevant planning consents for the site include:
- PA/57/00073: planning permission granted on 13th of June 1957 for the erection of a warehouse with ancillary offices at 39-41 Folgate Street.

- PA/57/00075: Planning permission granted on 8th of August 1957 for the erection of the building comprising a ground and first floor warehouse with 2nd and 3rd floors for light industrial use at nos. 39-41 Folgate Street.
- PA/57/00076: Planning permission granted on 16th of December 1957 for the erection of the building comprising a ground and first floor warehouse with 2nd and 3rd floors for light industrial use at nos. 39-41 Folgate Street.
- PA/63/00061: Planning permission granted on the 16th of November 1963 for the erection of a building comprising part basement, ground and three upper floors on the site of no 35-37 Folgate Street and for its use as a warehouse with ancillary office.
- PA/80/00116: Planning permission refused on the 6th of June 1980 for the change of use to offices.
- PA/80/00115: planning permission granted on the 5th of August 1980 for the use for storage, bleaching, packing and testing of tea and for office purposes.
- BG/93/00016: Planning permission granted on the 20th April 1993 for the change of use of part of second and whole of third floor to business use.
- BG/94/00012: planning permission granted on the 18th of February 1994 for the change of use of ground floor of 34+41 and first and second floors of 39-41 to business use (B1) and/or storage uses (B8).
- PA/99/00264: Planning permission granted on the 16th of November 1999 for the erection of fourth floor addition and alterations to the existing retained building (fronting Folgate Street), and the erection of 2 no. three storey (Class B1) buildings to the rear of the site.
- PA/99/00265: Planning permission granted on the 16th of November 1999 for the demolition of buildings and structures to the rear of no. 35-41 Folgate Street.
- PA/00/00910: Planning permission granted on 5th of December 2000 for the retention of the existing rear means of escape stair tower and the enlargement of the approved fourth floor extension (as an amendment to the planning permission dated 16th of November 1999 ref: PA/99/00264).

4.11 Relevant planning history for the surrounding area include:

45 Folgate Street

- PA/15/00074: Planning permission granted on the 13th of March 2015 for a rear extension to the existing office building at ground to fourth floor level, together with alterations to front and rear facades and the replacement of the mansard roof.
- PA/14/03548: Planning permission refused on the 21st July 2015 for the redevelopment of the site to provide a mix of uses including 40 homes. This application was refused on the basis of lack of affordable housing provision and detrimental impacts on the Elder Street Conservation Area.

Tune Hotel, 13-15 Folgate Street

- PA/14/00760: Planning permission granted on the 11th March 2015 for a rear extension to facilitate an additional 31 hotel rooms.

Site bounded by Norton Folgate, Fleur de Lis Street, Blossom Street and Folgate Street, Norton Folgate, E1

- PA/10/02764: Planning permission granted on the 5th October 2011 for the redevelopment of the former Nicholls and Clarke site and adjoining depot site for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height measuring 48.40m AOD (plus plan), to provide approximately 18,775 sqm of B1 (Office); approximately 1816 sqm of A1 (retail) and A3 (restaurant) and approximately 663sqm of A4 (Public House), together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed offstreet servicing and parking facilities.

5-7 Folgate Street

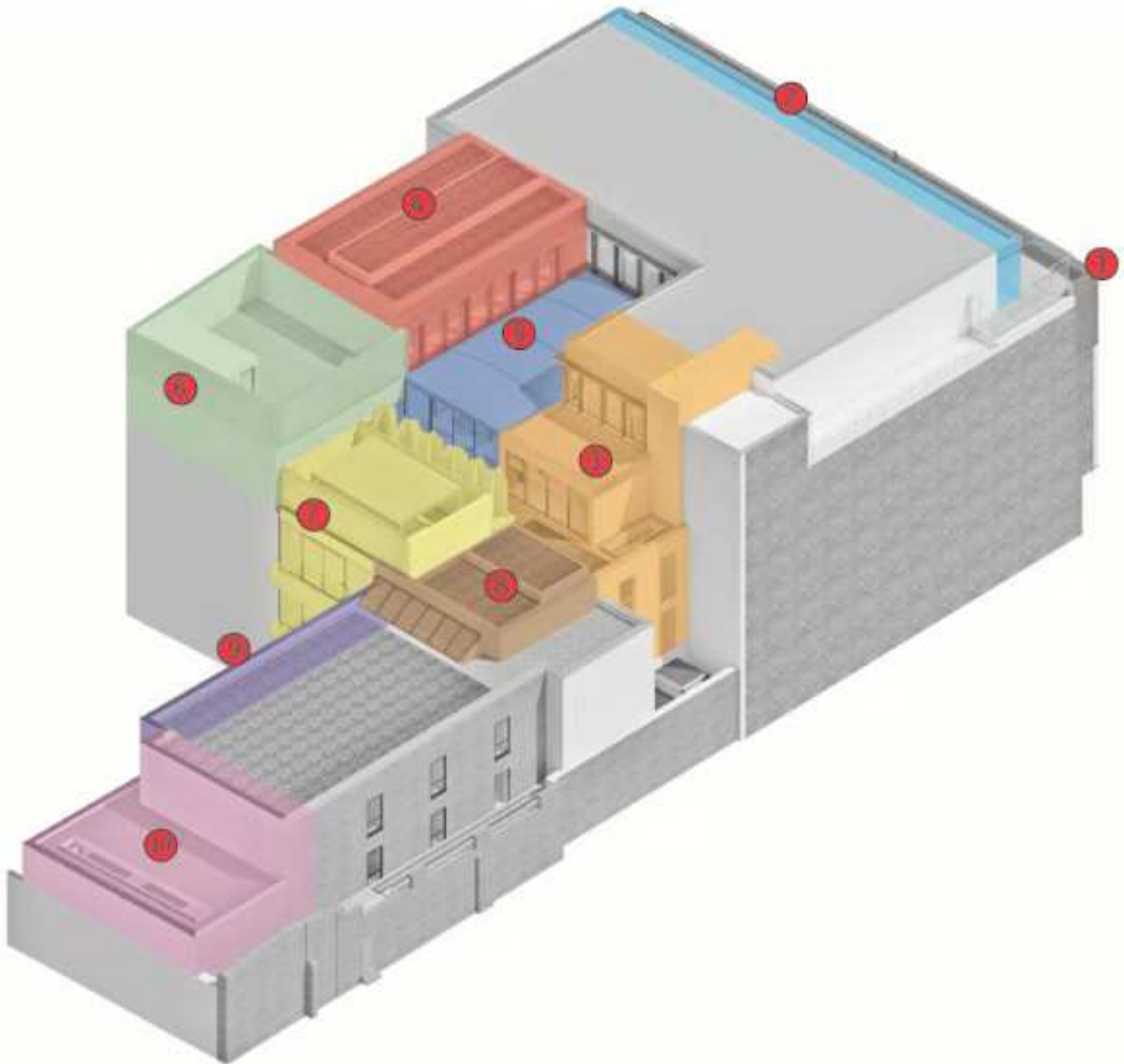
- PA/09/01671: Planning permission granted on the 1st of December 2009 for the change of use of the ground floor unit from B1 office to D1Cosmetic Clinic.

Proposal

- 4.12 The application proposes a comprehensive refurbishment of the existing office buildings that form part of Folgate Court and reconfiguration works to create more efficient internal office space. The proposal also includes in the construction of one to three storey vertical extension of the existing buildings situated around the central courtyard facilitating an uplift of 916sqm of office floor space. The proposed extensions typically seek to match the existing five storey height of the primary building fronting on to Folgate Street.



Existing massing



Proposed massing

1. *New brick façade*
2. *Level 4 office extension (500mm to south)*
3. *Level 1 to level 4 office extension*
4. *Level 3 and 4 office extension and new green roof*
5. *ETEF roof at level 4 over ground floor courtyard*
6. *Level 3 office extension and level 4 plant*
7. *Ground to level 2 office extension and level 3 plant*
8. *Small roof extension and skylight*
9. *Ground to level 2 office extension and new green roof*
10. *Ground and level 1 office extension*

Figure 3 – schematic Birdseye view of the existing and proposed building height and massing.

4.13 The proposed works allow for the refurbishment and reconfiguration of the existing central courtyard in order to facilitate an integrated internal office layout by interlinking the four office buildings that form part of Folgate Court. The new central courtyard would function as the focus point with existing and proposed officer space reconfigured to sit around this space.

- 4.14 The reconfigured courtyard will also comprise of a new transparent roof creating a central atrium whilst facilitating communal amenity/social space for Folgate Court that can be enjoyed in all seasons. The roof canopy will not protrude or extend beyond the existing building height on site.
- 4.15 The central courtyard will continue to be accessed via the main entrance located on Folgate Street and will also provide access to a small garden area located along the northern end of the site which is proposed to be re-landscaped to provide an enhanced green open space serving the office development.
- 4.16 In addition to the proposed increase of office (B1(a) use) floorspace, the scheme also seeks to include 67sqm coffee shop (A1 use) to be used by an independent operator. This component of the scheme will be located at ground floor level fronting immediately adjacent to the primary building entrance, fronting onto Folgate Street. The proposed coffee shop would be accessed directly off Folgate Street or via the proposed sliding doors to be located on the western side of the building entrance passage.
- 4.17 The proposed scheme also involves in the replacement of the existing primary façade of Folgate Court which fronts onto Folgate Street. The proposed replacement building façade is shown below:



Existing Façade



Proposed Façade

Figure 4 – Existing site fronting onto Folgate Street and artist impression showing the proposed scheme.

- 4.18 The proposed scheme also seeks to provide a total of 50 secure cycle parking spaces, provision of biodiverse green roofs and an improved building performance achieving BREEAM excellence.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan (MALP 2015)

2.10 Central Activities Zone (Strategic Priorities)
2.11 Central Activities Zone (Strategic Functions)
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
6.9 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

5.4 Core Strategy 2010

SP01 Refocusing on our Town Centres
SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP04 Creating a Green and Blue Grid
SP05 Dealing with Waste
SP06 Delivering Successful Employment Hubs
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

5.5 **Managing Development Document 2013**

DM1 Development within the Town Centre Hierarchy
DM2 Local Shops
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

5.6 **Other Material Planning Documents**

- 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
- 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

6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application. The responses are summarised below.

LBTH Environmental Health – Noise

6.3 No comments received.

LBTH Biodiversity

- 6.4 The site has no significant existing biodiversity value, and the buildings are not suitable for bats. There will, therefore, be no significant adverse impacts on biodiversity. Sedum roofs are proposed for a large proportion of the buildings which could benefit to biodiversity if best practice guidance is followed. Full details should be secured via condition.

LBTH Energy & Sustainability

- 6.5 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO₂ emission reductions in accordance with policy DM29 of the Managing Development Document 2013 requirements. It is recommended that the proposals are secured via appropriate conditions.

LBTH Waste

- 6.6 No objections.

LBTH Highways

- 6.7 There are no objections in principle to the proposal. However, further information is required before the application can be approved by the Highways Group. The proposal is for 50 spaces which is shortfall of the required 67 spaces under the London Plan 2015.
- 6.8 With regards servicing the applicant states that this will remain as the current situation. However, with the inclusion of a 'coffee shop' will inevitably increase the servicing requirements. They state that this can be done on street where the current double yellow lines allow for 40 minutes loading. I am advised by the parking section that in LBTH 20 minutes are allowed for loading / unloading on double yellow lines (unless there are associated loading restrictions, in which case no permitted loading is allowed). It is suggested for an informative to come forward on any permission which states that any servicing from the public highway can only be carried out where safe and legal to do so.

- 6.9 Submission of a construction management plan should be secured via a condition.

LBTH Borough Conservation Officer

- 6.10 The existing altered post war front façade detracts from the historic character of Folgate Street. The existing grey concrete colour of the upper floors and the pronounced horizontal emphasis of the front facade are at odds with the surrounding Conservation Area character. The oddly shaped, sloping brick pilasters are a discordant element which further set the building apart from its surroundings.
- 6.11 The proposed remodelling of the front facade will enable the building to sit much more comfortably within its historic context. The intrusive sloping fronts of the ground floor pilasters would be removed and the upper floor fenestration remodelled so that the alien horizontal emphasis is removed. The drawings indicate a rich facade of intricately detailed brickwork and decorative screen details which has the potential to enhance the Conservation Area. The redesigned front elevation would not mimic surviving historic context (or recent historicist facades) but the use of brick rather than concrete (an important and very welcome change) would visually link it to

surrounding development.

- 6.12 It is important that conditions are attached to any permission to ensure the necessary architectural quality: the conditions should include samples of all external materials and the construction of a brick panel to illustrate the treatment of the front facade.

LBTH Environmental Health – Air Quality

- 6.13 The construction phase may have impacts on air quality including dust and emissions from construction vehicles. Measures for mitigating these must be included in a Construction Environmental Management Plan.

LBTH Sustainable Urban Drainage

- 6.14 No comments received.

LBTH Employment and Enterprise

- 6.15 According to the application form, this re-development proposal is just below the threshold (1,000sqm) to qualify for S106 employment and enterprise obligations. Therefore, no contributions are sought from Economic Development on this application.

Spitalfields Community Association

- 6.16 No comments received.

Elder Street Resident's Association

- 6.17 No comments received.

Spitalfields Society

- 6.18 The proposed replacement façade is considered to be an improvement to the existing 60's horizontal styling however there are serious concerns relating to the vivid red colour of the proposed brickwork. The colour and detailing of the brickwork seems entirely at odds with the immediate context which is London stock brick with rubbed red arches and string courses.
- 6.19 This is a terraced street and not a main street or a stand-alone building site and as such the proposal should be more modest and the building should appear to be a background to the streetscape rather than a statement design.
- 6.20 The detailing and design should be of the highest quality and relevant conditions should be imposed in order to secure a high quality design given the location within the Elder Street Conservation Area.
- 6.21 There are concerns about the daylight and sunlight qualities to the properties to east of the project along commercial street in particular and the loss of westerly skies by the revised bulk and massing. These buildings are largely apartments with a high occupational density whose aspect to the rear courtyards is their only real asset as the front is onto a busy commercial street. We are also concerned that the properties to the west are not adversely affected in a similar manner in particular the courtyard and trees planted therein.

Historic England

- 6.22 This application should be determined in accordance with national and local policy guidance, and on the basis of the Borough's specialist conservation advice.

St George's Resident's Association

- 6.23 The site is located close proximity to residences located along the south side of Folgate Street who will be affected by the building activity, deliveries and servicing for the future occupants.
- 6.24 The proposed red brickwork is considered to be intense and not in keeping with the more muted colours of existing buildings along Folgate Street. Key concern also relates to the change of use to A1 (retail) component of the application seeking to introduce a coffee shop fronting onto Folgate Street. In order to protect the amenity of the adjoining residents, assurance is required relating to hours of operations, alcohol sales and deliveries. There is concern because many retail premises have been granted licences for sale of alcohol and that this premise might follow. The primary concern relating to the coffee shop is entry onto Folgate Street extending sales to the general public.
- 6.25 Additionally, there are concerns relating to the traffic movements and necessary reversing manoeuvres along Folgate Street given that this is a particularly narrow street. A clear construction management plan including considerate constructor's scheme implementation, keeping residents informed should be secured. Priory House and Vanburgh House windows fronting onto Folgate Street are single glazed therefore, these properties are likely to be particularly affected.
- 6.26 There are also concerns relating to noise nuisance caused by deliveries and refuse collections, office premise lights being left on at night and issues of overlooking. Additional nuisance to the surrounding residents will also include environmental issues particularly regards to noise levels, hours of working, generation of air-borne particulates, dirt and street litter.
- 6.27 In order to protect residents from the inevitable nuisance, the following recommendations are suggested:

During demolition and rebuilding:

- All plant movement, including deliveries and removal of waste materials, is between 9:00am and 6:00pm from Monday to Friday inclusive only, and not at all at weekends or on Public Holidays.
- Site workers do not arrive before 8:00am, do not stand in the street smoking, eating and drinking, and that they behave in a considerate manner by not shouting or playing loud music from vehicles or whilst working on the site.
- Nearby homes are protected from air-borne dust by enclosing the working site with fine mesh screening and by regular spraying of pavements and road.
- Security lighting is not directed into homes, and that workers and security staff respect the privacy of residents on the opposite side of the street.
- Workers respect residents in all the nearby homes and do not misuse Elder

Garden, which is privately owned and maintained at cost to our owners.

Post Occupation:

- All deliveries and refuse collections be between 8:00am and 6:00pm (weekdays only).
- Staff and delivery drivers respect residents by not congregating on the street or sitting on residents' walls and entrance stairs to smoke and talk loudly.
- Staff respect and do not misuse Elder Garden as the cost of upkeep is charged to our residents.

7.0 LOCAL REPRESENTATION

7.1 Public consultation took place in accordance with statutory requirements. This included a total of 252 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. In light of the objections received for this application relating to lack of public consultation, a second round of public consultation was undertaken involving 252 letters being sent to the neighbours again. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses: Objecting: 35 Neutral: 1 Supporting: 0

Summary of issues raised:

7.2 The following issues were raised in objection to the proposal:

- a) Creation of an active frontage along Folgate Street by way of including a shop (A1 use) fronting onto Folgate Street.
- b) Noise and odour nuisance from cafe
- c) Nuisance during the construction phase
- d) Proposed red brick for the replacement façade with emphasis on large modern windows is considered to be unsympathetic to the existing Folgate Street streetscape
- e) Impacts on the Elder Street Conservation area as a result of the proposed refurbishment works
- f) Significant reduction of daylight and sunlight distribution within habitable rooms of immediately surrounding residential dwellings, in particular flats located at no. 157 Commercial Street.
- g) Loss of privacy/ direct overlooking into habitable rooms
- h) Increased littering on the street
- i) Light pollution

- j) Noise impacts from the new centrally located plant and associated machinery
- k) Additional massing is inappropriate for the conservation area
- l) Noise impacts from social use of the central courtyard
- m) Lack of public consultation

Applicant's Consultation

- 7.3 The applicant has submitted a Statement of Community Involvement describing the extent of public consultation that took place during the development of the proposals, prior to submission of the planning application.
- 7.4 Formal consultation meetings/ events were held on the 7th, 9th, 16th and 21st of December 2015 with local residents of Elder Street, Spitalfields Historic Buildings Trust, Owen Whalley (Head of LBTH Planning and Building Control) on behalf of Mayor John Biggs and Trustees of the Spitalfields Historic Buildings Trust. The meeting was advertised within a pre-determined area surrounding the application site by way of newsletters and a consultation website.
- 7.5 These meetings have influenced the proposal, as described within the submitted Statement of Community Involvement.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
 - 1. Land use
 - 2. Heritage and design
 - 3. Amenity
- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, planning obligations, biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

- 8.3 The National Planning Policy Framework (the NPPF) 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, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.4 According to paragraph 9 of the NPPF, 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.
- 8.5 Paragraph 18 of the NPPF states that the Central Government is committed to securing economic growth in order to create jobs and prosperity. The planning

system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.

- 8.6 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The London Plan projects demand for office workplaces for 67,000 people within inner London (excluding the Central Activities Zone and the north of the Isle of Dogs) which translates into floorspace demand of 0.86 million sqm. Specifically for the Central Activities Zone and the north of the Isle of Dogs, the London Plan projects demand for office workplaces for 177,000 which translates into floorspace demand of 2.30 million sqm.
- 8.7 These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues 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.
- 8.8 The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place.
- 8.9 Policy DM15 of the Managing Development Document seeks to supported provision of employment floor space in suitable locations. Policy DM16 provides basis to support the growth of existing and future businesses across the borough through maximising and delivering investment and job creation.
- 8.10 The application site sits within the City Fringe Opportunity Area designated by the London Plan. Priorities for the area are addressed in the GLA's City Fringe Opportunity Area Planning Framework (December 2015).The City Fringe is an area characterised by a mix of small and medium sized enterprises, often within the technology and 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. The OAPF also identifies the site as located within the 'Inner Core Area' where there is the highest demand for employment floor space.
- 8.11 The application site is situated just outside of the Bishopsgate road corridor Preferred Office Location (POL) which pursuant to Policy SP06 is area to be promoted for major office development as key focus with supporting gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 8.12 The existing buildings that form part of Folgate Court currently comprise a 3,859sqm of office (B1 use) floorspace which at present is vacant. Folgate Court in its current form comprises of three amalgamated building blocks which currently facilitates a challenging internal layout which hinders efficiency and circulation within each block and in-between the three blocks. As such, the quality and standard of office accommodation which Folgate Court provides in its current form is unappealing and undesirable for business in this age.
- 8.13 Pursuant to the site's planning history, the principal of office use has already been established at this site given the commercial tenants who have occupied and

operated from Folgate Court and it is evident that the application site commenced its operation in office use in 1993.

- 8.14 The proposed development seeks to provide an uplift of existing office (B1 Use) floor space by 916sqm (including a coffee shop (A1 use)) by way of comprehensive refurbishment, reconfiguration and building extensions of the existing buildings located to the eastern and western side of the central courtyard. The current layout of the buildings that form part of Folgate Court suffers from incoherent internal circulation and piecemeal access via the central courtyard resulting in an inefficient office layout. The purpose of the proposed refurbishment and building extension works is to facilitate reconfiguration of Folgate Court to provide an integrated high quality office space that has the potential for subletting each floor plate to commercial tenants.
- 8.15 Given the site is located adjacent to a Preferred Office Location and is within the City Fringe OAPF and the Central Activities Zone (CAZ), it is to be noted that the application proposal scheme does not result in the loss of any employment floor space. The proposal in fact seeks to uplift in the quantum and quality of office accommodation by 916sqm which would consequently also increase employment capacity.
- 8.16 The proposed uplift in the existing B1 office floor space is calculated to be 849 sqm which is anticipated to accommodate a minimum of 71 new full time employees which is welcomed in this location, and provides economic benefits for the borough.
- 8.17 The application also includes the provision of a retail (A1 use) component to operate as a coffee shop that would be located at ground floor level fronting onto Folgate Street. The proposed coffee shop (A1 use) component will be 67sqm which would be occupied by an independent operator. The proposed trading hours of the coffee shop are as follows:
- Monday to Friday: 7am – 6.30pm*
- Saturday, Sunday and Public Holidays: Closed*
- 8.18 Although this retail element is a small fraction of the gross internal area of this site, it will also contribute to employment floor space as it will cater for 3.5 additional full time employees within Folgate Court. Given the site location within the Central Activities Zone (CAZ), City Fringe OAPF and adjacent to the Bishopsgate Road Preferred Office Location, the provision of an on-site coffee shop/retail component is considered to compliment the host office (B1) building use.
- 8.19 Given the site location with the CAZ, it is to be noted that the London Plan policies support a mix of use within the CAZ location. London Plan policy 2.10 'Central Activities Zone' supports improvements to the retail offer for residents and visitors. This policy is also supported and applied by the Tower Hamlets Core Strategy Policy SP10. Additionally, the City Fringe OAPF 2015 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 the development.
- 8.20 In this instance, the provision of a 67sqm retail floor space to operate as a coffee shop does not result in the loss of net office (B1 use) floor space nor does it undermine this existing use of the host building. The proposal is therefore considered

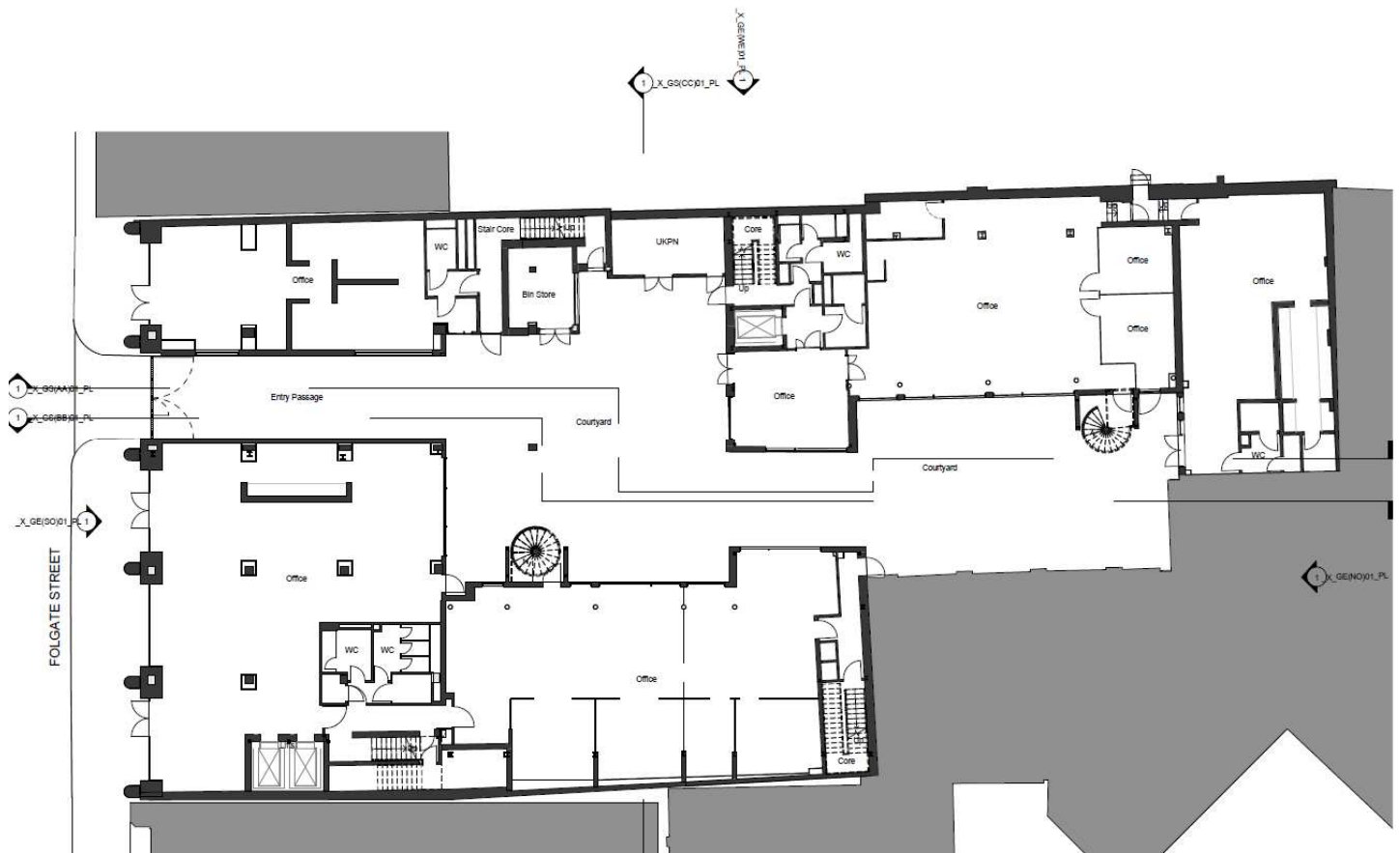
to provide an improvement on the quality of the existing commercial site and its function within the CAZ and the City Fringe OAPF.

- 8.21 The overall impact of the proposal is likely to be positive as it provides an increased employment capacity which will positively contribute to the local economy. In conclusion, it is considered that the proposed uplift in the quantum of office (B1) floor space and the provision of a small retail (A1) element is considered to be appropriate and compliant with the development plan policy for the CAZ.

Design

Site Layout, Height and Massing

- 8.22 The application site comprises of three amalgamated building blocks situated around a central courtyard, all access via an existing entrance fronting onto Folgate Street. Folgate Street acts as the primary entrance point for the two five storey south buildings and provides access to the central courtyard. The central courtyard which can also be accessed via the existing under croft currently provides access to the four storey east block and the three storey west building block.
- 8.23 The site layout in its current form is piecemeal and provides an inefficient access and circulation within the site. The proposal seeks to provide an integrated site layout converting the existing central courtyard into a central atrium which acts as the primary access point for all four buildings, including the two southern building blocks. This facilitation is further enhanced by converting the existing under croft into the primary site entrance replacing metal gates and the pathway with a glazed entrance passageway leading directly into the new central atrium. Figure 7 below portrays the site layout and arrangement details as existing and as proposed.



Existing Site Layout (Ground Floor Level)



Proposed Site Layout (Ground Floor Level)

Figure 7: Existing and Proposed Site Layout

- 8.24 The purpose of the new central atrium is to facilitate a central circulation core for the site users and provide a social/amenity space for the office staff/employees. The existing courtyard provides a less useable amenity space for the employees as it is exposed to the elements being unsheltered. The proposed central atrium will comprise of a glazed lightweight roof located four storeys above ground providing an improved and a more useable space for the employees, being weather-proof.
- 8.25 The central atrium will comprise a total of four lifts (including one bike lift) located along the western end of the central atrium, immediately adjacent to the entrance passage. The new lifts will provide access to the upper storeys of all building blocks.
- 8.26 The northern area of the central courtyard to be retained will be converted into an external garden space comprising a vertical green wall providing outdoor amenity space for the building employees as shown below in figure eight.



Figure 8: rear garden comprising a green vertical wall

- 8.27 The proposed works also comprise of a minor extension of the existing east building and west building block and up to three store in-fill extension with the south building block to facilitate an integrated, connected and an efficient internal office layout that will circulate around the central atrium at all levels. Both, the existing east and west building comprise of an externally located spiral staircase which currently provides access to the upper storeys of these buildings which are proposed to be removed.
- 8.28 The proposed works involve a vertical extension of the existing west building block to create a four storey building, and the side extension to the northern side and southern side to provide increased office floor space connecting to the south building. The new fourth storey of the building will facilitate a biodiverse green roof that will only be accessed for maintenance purposes.
- 8.29 The proposed works also involve a vertical extension of the existing east building to a part four storey and a part five storey building. The total height of the new five storey building element will also comprise a biodiverse roof and will not extend above the existing height of the five storey south building. The new roof of the four storey element of the east building will accommodate the existing plant and associated machinery that would also only be accessed for maintenance purposes.
- 8.30 The new east building would also comprise of a side extension at all above ground floors connecting to the new west building. The new west-east link will comprise two balconies located on the second floor, one facing south into the central atrium and one facing north into the outdoor garden space.
- 8.31 In addition to the proposed extensions of the west block and the east block, the proposal also involves significant internal refurbishment works in order to internally connect all of the four building blocks resulting in a donut shape internal layout around the central atrium. The resulting scheme thereby converts three amalgamated building blocks into one large integrated office space, significantly enhancing the site layout and increasing internal office space.

- 8.32 With regards to the existing roof extension located on the primary south building, the proposal seeks to refurbish this structure in line with the proposed remodelled Folgate Street Façade and the refurbishment and extension works at the east and west building blocks. The existing purpose of the roof extension as a light pavilion will predominantly remain unchanged as the refurbished extension seeks to retain its light weight character by way of floor to ceiling windows. The existing frosted windows at this level will remain unchanged.
- 8.33 The proposal also seeks to extend the roof extension in depth on the southern side encroaching into the existing roof terrace in the foreground area by 0.5m. The overall height of the roof extension will remain unchanged. The retained roof terrace located on the third floor of the south building will remain unchanged.
- 8.34 The location of the south building roof extension is the most sensitive given that it fronts onto Folgate Street. However, the existing roof extension is already limited in view at street level along Folgate Street and given that the proposed extension only seeks to bring the south elevation forward by 0.5m, the resultant change is considered to have a negligible impact on the streetscape of Folgate Street and on the Elder Street Conservation Area as the roof extension would still remain limited in view, and subservient to the host building.
- 8.35 With regards to the proposed extension works associated with the east and west building blocks, it is to be noted that by virtue of the existing site layout, the east block, the west block and the central courtyard are not visible from the front (south) elevation of the site. It is also to be noted that the new part four and part five storey height of the west building block and the new four storey height of the west building block would not protrude or extend beyond the 5 storey building height of the south building blocks. Therefore, the resulting heights and new massing arrangements would still remain out of view from Folgate Street and the surrounding public realm.

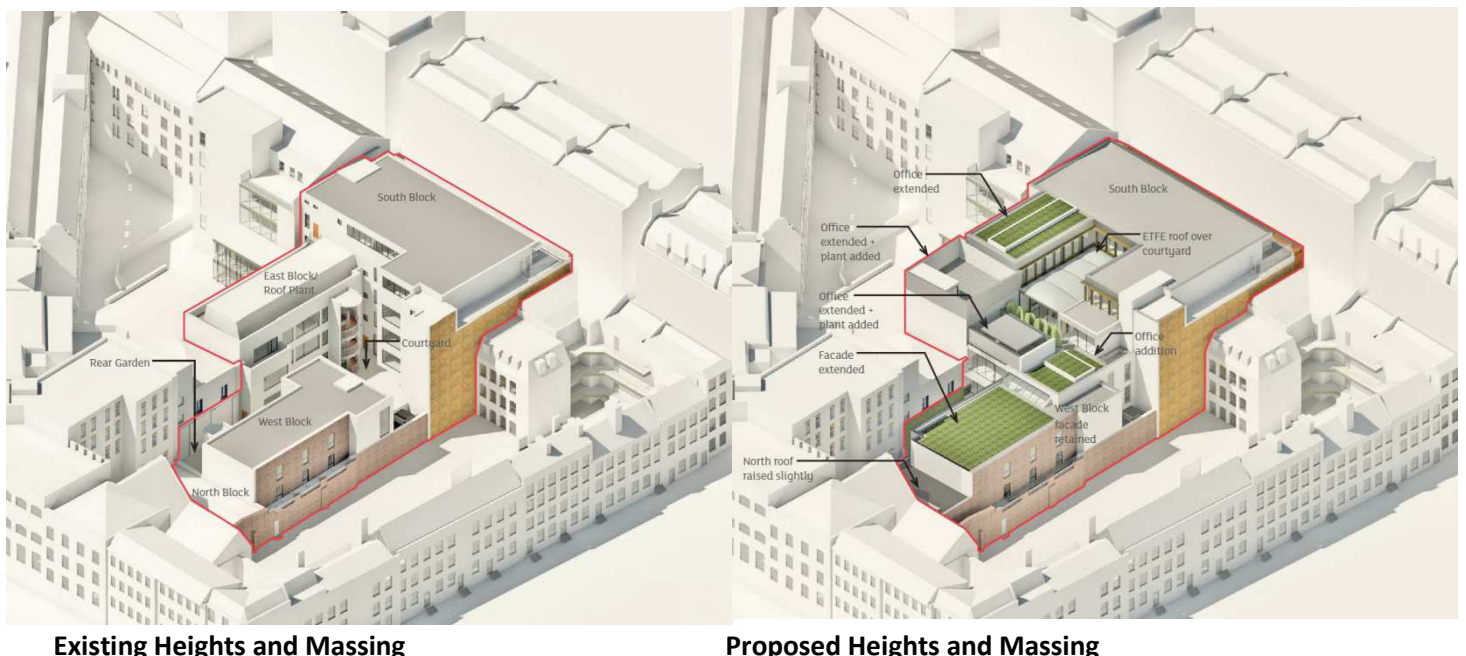


Figure 8: Massing and Height Illustration

- 8.36 The application site is tightly surrounded by four and five storey building on all sides, therefore the proposed increased in the building heights is considered to be

appropriate and acceptable in this setting and it is not considered to have a detrimental impact on the surrounding historic environment.

- 8.37 It is however noted that the eastern site elevation would be visible from the rear gardens of the Grade II Listed residential terraces located on the western side of Elder Street. The key element of the proposed scheme that would be visible is the new three storey infill extension block situated between the west building block and the south building block. The new infill extension block will appear as a single building block when viewed from the rear of the residential terraces located on the eastern side of Elder Street rather than the piecemeal built form which currently exists on site. The purpose and external appearance of this infill extension is modest and is subordinate to both, the south and west building blocks. Therefore, the resultant change along the western, site elevation when viewed from the private gardens of nos. 19, 17, 15 and 13 Elder Street is not considered to have a detrimental visual impact on historic character of these Grade II Listed terraces nor the Elder Street Conservation Area.
- 8.38 The proposed extension of the east building block and the new massing arrangements along the eastern elevation of the site would be visible from the rear of the Grade II listed building at no. 135 Commercial Street and its rear car park. However, the new extension structure on the east building block is considered to be subservient to the host building by virtue of its scale. Therefore, no detrimental impacts on the historic character of no. 135 Commercial Street or views of the site from the rear car park are anticipated.
- 8.39 Overall, the proposed massing and extensions of the building blocks that form part of Folgate Court is considered to be subordinate and sympathetic within its historic setting. The majority of the proposed massing arrangements and increase in heights would not be visible along Folgate Street, the public highways surrounding the application site and consequently the Elder Street Conservation area.
- 8.40 By way of the new glazed atrium roof and the introduction of new skylights on the existing and new building roofs, the new office space will also benefit from improved daylight and sunlight distribution within the new reconfigured layout. The provision of both outdoor and indoor social/amenity spaces alongside the provision of biodiverse roofs and vertical green walls, the resultant refurbishment works and reconfiguration works are considered to provide an integrated, connected and a more efficient layout of the office blocks that would facilitate a high quality working environment for the future employees that is fit for a modern day office

Heritage & Design

- 8.41 The National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 8.42 Paragraph 131 of the NPPF states that in determination of planning applications, local planning authorities should take account of:
- 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; and

- The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.43 The nearby listed buildings and the Elder Street Conservation Area are designated heritage assets. Paragraph 132 of the NPPF states that great weight should be given to the conservation of such assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. According to paragraph 134, 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.
- 8.44 Further to the above requirements, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings and to give considerable weight and importance to any harm caused by development proposals to the same.
- 8.45 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.46 The Core Strategy policy SP10 aims to protect and enhance the Borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the Borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.
- 8.47 With regard to development within a heritage asset, policy DM27 specifies that development should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 8.48 In this case, the application site is located within the Elder Street Conservation Area and there area designated heritage assets in the area, the grade II listed carriageway of Fleur de Lis Street, Elder Street and part of Folgate Street, the Scheduled Ancient Monument of St. Mary Spital and the Grade II Listed Building located on the south side of Folgate Street, corner of Folgate Street and Commercial Street and Terraced along Elder Street. The significance of those assets has been assessed in the submitted Heritage Appraisal that has been reviewed by the Council's Design and Conservation Officer who found the conclusions of the appraisal to be appropriate.
- 8.49 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.

- 8.50 The conservation area and the local townscape are of a strong historic character. The Elder Street and Folgate Street is referred to specifically within the Appraisal:

“Elder Street and Folgate Street, at the centre of the Conservation Area, include most of the surviving 18th century developments and contain many original 3 storey brick houses. Their value comes from the consistent proportions of the street, the richness of the brick textures, the refinement of the architectural details, the harmonious relationship of the buildings and the prevailing domestic residential character.”

Analysis

Façade treatment

- 8.51 The application site itself is not listed, but it is located within the Elder Street Conservation Area. Elder Street Conservation Area is an important asset to the borough in terms of its rich history, remnants of an ancient monument and high quality architecture dating from the 13th to 9th centuries.
- 8.52 Folgate Court forms part of the setting of a number of listed buildings, however, the commercial buildings that form part of Folgate Court themselves do not exhibit remnants of history or architectural elements of any particular heritage interest.
- 8.53 Pursuant to the planning history, it is evident that the buildings of Folgate Court have undergone significant alterations and additions over past three decades which has resulted in the current post war primary building façade which fronts onto Folgate Street. The existing façade comprises of grey concrete clad upper storeys with pronounced horizontal panes is unsympathetic to the modest and historic architecture of the adjoining terraces and buildings. The existing sloping brick pilasters at the ground floor level is also a discordant element to the current architectural style of the host building and negatively adds to the historic streetscape of Folgate Street.
- 8.54 The Elder Street Conservation Area outlines that the most effective way to secure historic environment is by ensuring that buildings can continue to positively contribute to the surrounding environment. However in this instance, the existing building façade does not comfortably form part of the historic setting nor does it complement the historic streetscape of Folgate Street.
- 8.55 The proposed scheme seeks to remove the existing intrusive sloping brick pilasters and the alien horizontal architectural emphasis. The replacement façade primarily constitutes of intricately detailed brickwork, simple and slim line fenestration details along with decorative screen details. The combination of these architectural elements is considered to be a significant improvement to the existing façade on site. An artist impression of the proposed replacement façade is shown below.



Existing Façade



Proposed Façade

Figure 5: Façade

- 8.56 It is noted that the replacement façade does not seek to reinstate historic architectural elements similar to those surviving in the surrounding area however visually it seeks to sit comfortably within the streetscape of Folgate Street by introducing a primarily brick façade.
- 8.57 The Borough's Design and Conservation Officer has reviewed the proposal and considers the replacement façade to be a significant improvement to the existing façade. The proposals have also been reviewed by Historic England who have raised no objections to the proposals and have advised for the proposed refurbishment works to be determined in accordance with the local policy and guidance.
- 8.58 The existing façade of the application site is not considered to make a positive contribution given its setting within a significant historic setting and the location within the Elder Street Conservation Area. The replacement façade is considered to enhance the appearance of the site and its relationship with the prevailing streetscape of Folgate Street as it steps away from the horizontal emphasis and seeks to introduce vertical hierarchy which follows the regular gridded pattern which is typically exhibited by historic Buildings.
- 8.59 The proposed ground floor treatment involves in the removal of the existing brick pilasters with raking columns, cladded overhang and the metal gridded gate to the existing under croft which is welcomed. The replacement treatment seeks to align the main elevation gridding at ground floor level and utilising the under croft as the primary building entrance leading into the central atrium. The entrance passage will comprise of glazed windows and decorative panels that will match those located on the upper storeys.



Existing Ground Floor Treatment



Proposed Ground Floor Treatment

Figure 6: Ground Floor Treatment

- 8.60 The replacement of the existing undercroft with the primary site entrance is considered to be a significant improvement as the existing building entrance appears to be lost within the ground floor treatment in its current form. The proposed arrangement also enables the site to have improved connection with the surrounding public realm.
- 8.61 The existing roof extension structure with a front terrace will also undergo refurbishment works in line with the new remodelled façade. The proposal seeks to retain its predominantly glazed appearance by proposed floor to ceiling windows finished in bronze metal frames that will align with then proposed gridding along the host building façade. Whilst this element of the building is limited in view, the proposed vertical portions along the roof extension will ensure that the vertical emphasis of the front elevation façade is maintained when visualised from a bird's eye view.
- 8.62 Whilst the proposed façade detailing such recessed darker brick with dark grey anodised metal channels, perforated and patterned metal panels and black window frames provide a more contemporary character to the replacement façade, the proposed brickwork creates a significant visual link with the surrounding historic context. This approach is considered to be sympathetic in this setting and is considered to preserve and enhance the appearance of the Elder Street Conservation Area.
- 8.63 It is acknowledged that a number of objections received raise concerns relating to the red colour of the proposed brickwork on the new façade. Whilst the proposed burnt red brickwork creates a striking façade, it is also considered to create a visual link to the existing red brick detailing on the immediately adjoining historic buildings. The proposed burnt red brickwork together with the contemporary style detailing of the new windows and its layout is considered to make a positive contribution to the Elder Street Conservation Area.
- 8.64 The proposed brickwork and detailing have been reviewed by the Borough's Design and Conservation Area who considers the new façade to sit comfortably within its historic context. It is noted that the proposed façade does not seek to recreate or mimic the surrounding historic area but merely seeks to create a visual link to the historic setting and enhance the prevailing streetscape. Whilst the proposed

remodelled façade is considered to be appropriate and acceptable, a pre-commencement condition will be included requiring the submission of all external facing material samples for approval to ensure that the detailing of the external appearance and finishing treatment will preserve and enhance the appearance of the Elder Street Conservation Area. The final brick colour will be determined through the discharge of a condition requiring brick samples to be provided on site and viewed by planning/ conservation officer/s. The submission of this detail will also include the detailing of the proposed decorated and metal panels.

- 8.65 As such, subject to conditions, the proposal would comply with the aforementioned policies and, overall, benefit the heritage significance of the local designated and non-designated heritage assets.

Amenity

- 8.66 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.

- 8.67 The below aerial photograph shows the bird's eye view of the application site and illustrates the very close relationship between the surrounding properties. Whilst the application is located within the City Fringe OAPF and the CAZ adjacent to the Bishopsgate Road Preferred Office Location, the application site is located in close proximity to a number of residential properties on all sides.

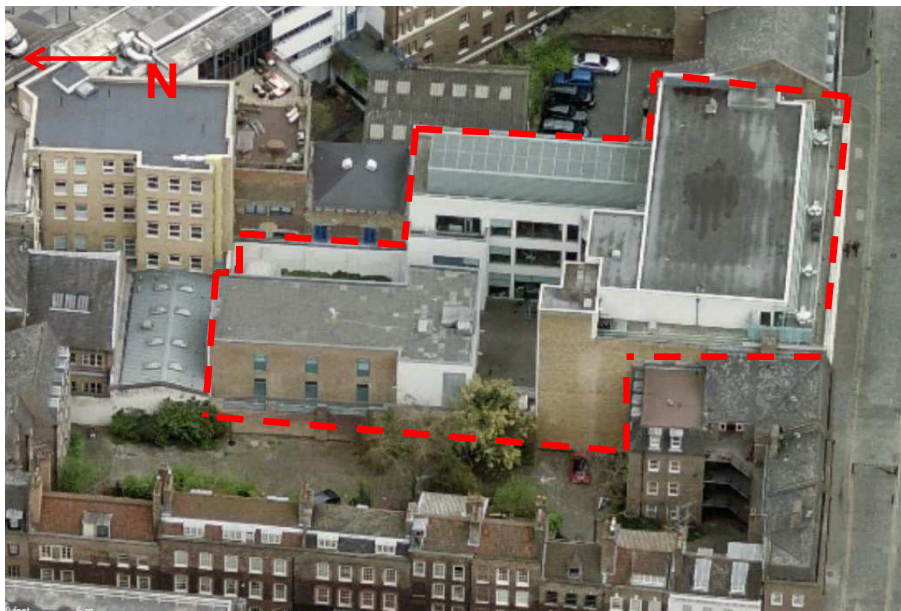


Figure 9: Bird's eye view of the application site

- 8.68 The closest residential properties to the application site are the residential flats located on the upper ground levels of no. 135 - 145 Commercial Street, 157 Commercial Street and 159 Commercial Street to the north and north east of the site,

1-3 and 8 Fleur de Lis Street to the north, the residential terraces on the east side of Elder Street located to the west of the site and no. 50 to no. 32 Folgate Street to the immediate south of the site. Figure 10 below outlines the total distances between the application site and the surrounding residential dwellings.

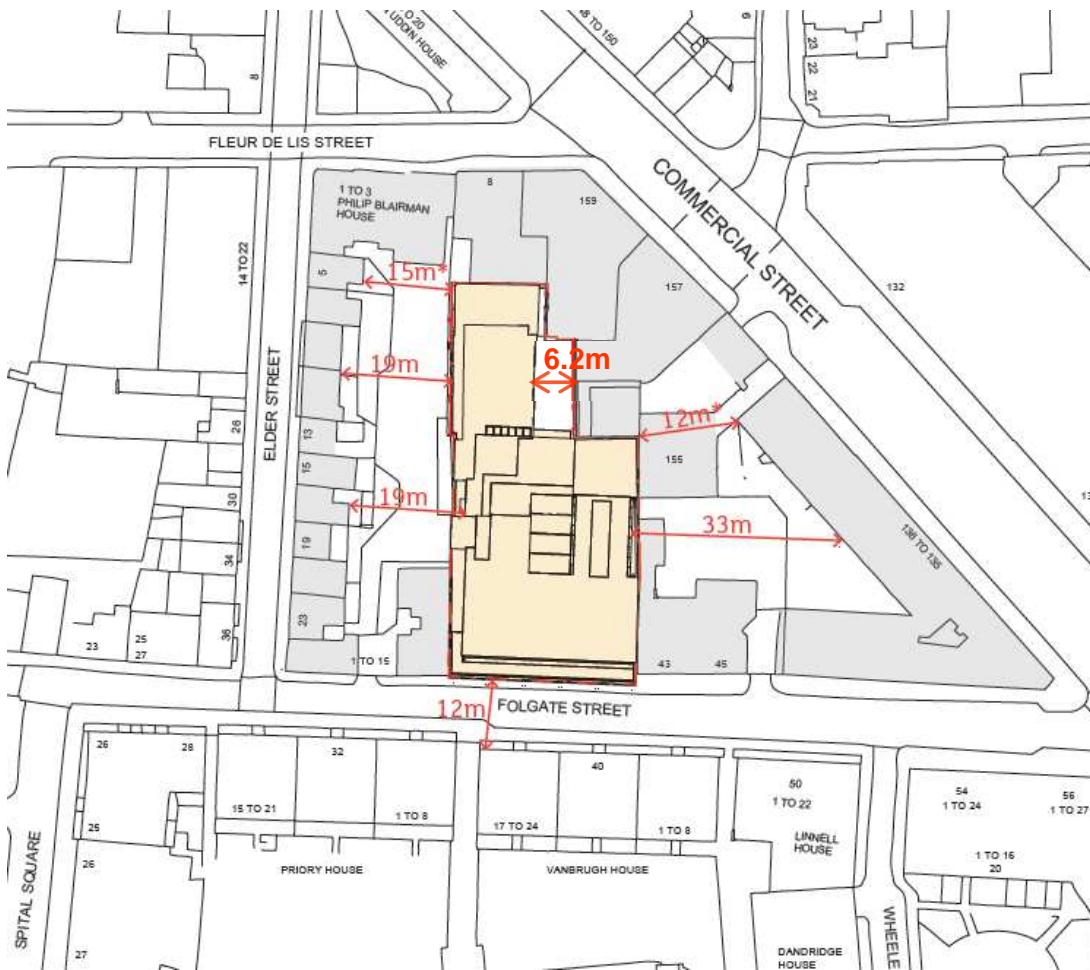


Figure 10: Separation distances between the site(as proposed) and the surrounding residential

Daylight, Sunlight and Overshadowing

8.69 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.

8.70 A Daylight and Sunlight Assessment prepared in accordance with BRE guidance has been submitted with the application. This assessment has been prepared on the assumption that all of the windows of the identified properties serve habitable rooms. The submitted assessment considers the impact of the development on the following properties:

- 1-15 Folgate Street
- 23 Elder Street
- 21 Elder Street
- 19 Elder Street
- 17 Elder Street
- 15 Elder Street
- 13 Elder Street
- 9 to 11 Elder Street
- 5 to 7 Elder Street
- 1 to 3 Elder Street
- Part of 157 Commercial Street
- 135 to 145 Commercial Street

8.71 Given that the proposal does seek to alter the existing height and massing arrangements on the south building that would impact the primary (front) building elevation fronting on to Folgate Street, no alteration to the existing light distribution within the residential properties located to the south side of Folgate Street, in particular 1-15 Folgate Street is anticipated.

8.72 In any case, the submitted assessment considers daylight, sunlight and overshadowing impacts on all of the above listed properties and confirms the habitable rooms of properties along Elder Street, 1 to 15 Folgate Street and 135-145 Commercial Street will not experience any perceptible difference in comparison to the existing daylight and sunlight conditions. However, the habitable rooms of the properties located within 157 Commercial Street fail to meet the BRE requirements. The properties within no. 157 Commercial Street comprise windows serving habitable rooms along the west elevation which share direct outlook into the application site which require further consideration.

157 Commercial Street

8.73 The submitted assessment outlines that the two habitable room windows located on the western elevation of no. 157 Commercial Street fail to meet the BRE guideline. The two identified windows within the report W1/191 and W2/191 are those located at first floor level will experience a loss of VSC pursuant to the BRE recommendations.

8.74 Window W1/191 will experience a loss of 25.45% and W2/191 will experience loss of 25.73% against BRE guidance acceptable loss of 20%. It is therefore evident that the bedrooms served by windows W1/191 and W2/191 will experience some level of reduction in light distribution. Whilst these recording losses will have an impact on the light distribution within the habitable rooms of the ground floor area, the recording losses are just above 25% which is a minor shortfall compared to the recommended 20%.

8.75 Additionally, at second floor windows W3/192, W4/192 and W5/192 serve an open plan living room which is also served by two additional windows on the northern elevation. As such the daylight distribution on this room is only marginally affected. Windows W3/192, W4/192 and W5/192 on the flank elevation at second floor level will experience a loss of VSC however given that this habitable room is a dual aspect

room being served by five windows and the two on the northern elevation (windows W1/192 and W2/192) will experience no change.

- 8.76 Therefore, the impacts on the overall light distribution within the habitable rooms of no. 157 Commercial Street are not considered to be unduly detrimental impact on the amenity of the residents of the flats located within no. 157 Commercial Street. On balance, the overall impacts of the resultant scheme are considered to be acceptable given its setting within a dense urban location within the CAZ and City Fringe OAPF.

Outlook & Sense of Enclosure

- 8.77 The closest residential properties to the application site are 5-23 Elder Street, 1-3 and 8 Fleur de Lis Street, 26- 40 Folgate Street and the upper storeys of 135-145 Commercial Street, 157 Commercial Street and 159 Commercial Street. However, given that majority of the proposed works for Folgate Court involving extension structures are associated with the existing west building block and east building block, the only properties that are likely to be impacted upon by the proposed development are those comprising views into the central courtyard of Folgate Court.
- 8.78 The primary properties that back onto the central courtyard are nos. 157 Commercial Street, 159 Commercial Street and no. 8 Fleur de Lis Street. However, by virtue of existing layout and block arrangement, the only property which experiences direct overlooking is the rear elevation of no. 157 Commercial Street. The windows located along rear elevation of no. 157 Commercial Street (on above ground floors only) serve habitable rooms currently directly overlook the east elevation of the existing west block which also comprises of large windows serving office floorspace. The existing separation distance between both building blocks is 8m.
- 8.79 The application proposal seeks to remove the existing spiral staircase located along the east elevation of the west block and replace it with a 2m wide side extension to match the existing building line of southern part of west building block. Effectively, the separation distance between the new east elevation of the west building block and the rear elevation of no. 157 Commercial Street will be 6.2m.
- 8.80 However, the proposed windows along the new east elevation of the west building block are considerably smaller compared to the windows of the existing office building on site. Additionally, the resultant courtyard space situated in between the west building block and the rear of no. 157 Commercial Street is proposed to be upgraded to a green garden space comprising of green vertical walls.
- 8.81 Therefore, it is considered that whilst the separation distance between the west block and no. 157 Commercial Street would be reduced from approximately 8.7m to 6.2m, by reason of the new smaller window sizes and the inclusion of green space and elements within the courtyard space, the resultant outlook from the upper ground floor windows of 157 Commercial Street is considered to be an improvement to the existing outlook.
- 8.82 The setbacks shown above Figure 10 are considered to safeguard the outlook of the residents to the rear of Folgate Court, ensuring that the offices would not appear overbearing and that sky visibility would not be significantly affected.

Light Pollution, Overlooking & Privacy

- 8.83 The site setbacks from the surrounding properties as shown in Figure 10 above would largely remain unchanged except for the separation distance between the new

reconfigured west building block and the rear elevation of no. 157 Commercial Street. Pursuant to the proposed development scheme, this separation distance would be reduced by approximately 2.5m resulting in a new separation distance of 6.2m.

- 8.84 As noted above, there are existing windows along the rear elevation of no. 157 Commercial Street which serve habitable rooms. However, the existing west block in its current form already comprises of large windows which serve office floor space and whilst the new reconfigured west block will comprise of windows along its east elevation, the new windows are much smaller in size. Additionally, the existing rear elevation windows of no. 157 Commercial Street are high level windows, which already by way of design help mitigate direct overlooking between these habitable rooms and the new west building block within Folgate Court.
- 8.85 Whilst, the application site already comprises of up to 5 storey building blocks which operate as offices, several objections have been raised relating to light pollution, overlooking and privacy intrusion as a result of the proposed refurbishment works. Therefore, a condition has been included requesting submission of a scheme to safeguard against light pollution and overlooking – this can include design measures such as automatic blinds, louvres and/or obscured glazing which would be secured by condition to protect the amenity of surrounding residents.

Noise and Other Amenity Considerations

- 8.86 The proposed coffee shop (A1) element of the proposed scheme will be located at ground floor level fronting onto Folgate Street, immediately opposite residential dwellings. It is acknowledged that several objections have been received relating to the introduction of a coffee shop along Folgate Street as it would increase noise and odour emissions within the area. Whilst the application site is commercial located within the CAZ and the City Fringe OAPF and is surrounding by premises in commercial use, the setting along Folgate Street does exhibit the typical character of an inner-city residential street. However, the proposed coffee shop would only occupy a small component of the new refurbished Folgate Court and the operation of the coffee shop would only be during the standard operation hours of an office.
- 8.87 In order to safeguard the amenity of the residents located to the south of the application site, in particular 1-15 Folgate Street, a condition has been included to restrict the operation hours of the coffee shop from Monday to Friday between 7am – 6.30pm only. Given that the proposed coffee shop is categorised as an A1 use, no commercial kitchens or ventilations would be installed on premise resulting in any detrimental odour emissions within the immediate area.
- 8.88 On balance of the setting of the new coffee shop within a large commercial premise and the overall scale of this use, no undue impacts on the surrounding residences are anticipated in terms of noise subject to conditions.
- 8.89 It is noted that several representations have raised concerns relating to adverse noise impacts from the introduction of new second floor balconies within the south block, in particular the north facing balcony and the utilisation of the central atrium and rear garden. Given the close proximity to the residential dwellings, a condition has been included to ensure that the proposed social/amenity spaces within Folgate Court would not extend beyond the standard operation hours of the office.
- 8.90 Additionally, representation relating to noise from the proposed location of the plant and associated machinery on the rooftop of east building block has been raised due to its close proximity to the residential dwellings located within no. 157 Commercial

Street and no. 134-145 Commercial Street. The application is supported with an acoustic report which outlines that in the worst case scenario, the plant noise limits at the worst would be L_{Aeq} 45dB during the day and L_{Aeq} 43dB below the levels of a noise sensitive premise compared to the standard requirement of a 10dB below the lowest background measure noise. These levels are considered to be acceptable for an urban setting as the anticipated noise emissions would not have a detrimental impact on the amenity of the surrounding residents and will be secured by way of a compliance condition.

Construction Impacts

- 8.91 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

Conclusion

- 8.92 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies. Appropriate conditions have been included to mitigate any impacts and safeguard the amenity of these residents.

Highways, transportation and servicing

- 8.93 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. 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.
- 8.94 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.95 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.96 The site benefits from an excellent public transport accessibility (PTAL of 6b) as it is within walking distance of Liverpool Street Station, Shoreditch High Street Overground Station and there are numerous bus routes running along Bishopsgate/Norton Folgate and Commercial Street. Cycle Superhighway runs along the A10 and there are numerous TfL cycle hire docking stations nearby, within 50m of the application site.
- 8.97 The application site currently facilitate 24 secure cycle parking spaces which will be increased to a total of 50 cycle parking spaces as part of the proposed scheme for the office use alongside showers and changing facilities. Whilst the proposed increase in the provision of cycle parking spaces is welcomed, the total provision represents a shortfall of 17 spaces pursuant to the standard requirement outlined in

Table 6.3 of the London 2015. It is acknowledged that the proposed shortfall is due to physical limitations presented by the existing building environment on site. Given that that the proposal involves in the refurbishment of the existing commercial premises that form part of Folgate Court to provide a high quality office space within the City Fringe OAPF and the CAZ within an excellent PTAL location, the resulting shortfall is considered to be acceptable on balance.

- 8.98 In accordance with policy, there would be no car parking provided and, as the vicinity of the site is within a controlled parking zone and the site benefits from very good accessibility, it is unlikely for many office workers to commute by car. However, a condition has been included requiring submission of a detailed travel plan, tailored to the future occupants.
- 8.99 Given the uplift in the existing commercial (B1 use) floorspace, in accordance with the Use of Planning Obligations in the Funding of Crossrail SPG would be secured by the Crossrail top-up financial contribution.
- 8.100 Whilst the proposed scheme is primarily to refurbish the existing office buildings that form part of Folgate Court, the proposed scheme also seeks introduce a small A1 use which is likely to incur in additional delivery and servicing requirement. In order to manage the impact of deliveries and servicing of the development, in accordance with the Transportation & Highway Officer's recommendation, a condition is included requiring submission of a Delivery and Servicing Management Plan.
- 8.101 To mitigate the highway & transportation impacts during the construction phase, submission of a Construction Logistics Plan has been reserved by condition.
- 8.102 The waste storage arrangements have been confirmed as acceptable by the Waste Strategy Officer. A condition requesting submission of a Waste Management Plan has been included.
- 8.103 Overall, subject to conditions and the Crossrail S106 planning obligation, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts.

Sustainability and Energy Efficiency

Energy Efficiency and Sustainability Policy Requirements

- 8.104 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 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the 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.
- 8.105 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).

- 8.106 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 per cent 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.
- 8.107 The submitted Folgate Court Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand and integration of renewable energy technologies. As the scheme is for a refurbishment of the existing office space the baseline for the development has been taken as the existing energy use. The current proposals are anticipated to achieve CO2 emission reductions of 33.6% through Be Lean Measures and 16.5% through the integration of air source heat pumps to meet the space heating and hotwater requirements. The cumulative CO2 savings from these measures are proposed to be in accordance with policy DM29 requirements and deliver a 50.1% reduction in CO2 emissions compared to the existing building.

Sustainability

- 8.108 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 non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 71.85%. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.
- 8.109 Conditions to secure the delivery of the energy & sustainability proposals and achievement of BREEAM Excellent have been included.

Biodiversity

- 8.110 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.111 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed in its detailed design. A condition to this effect has been included in accordance with the recommendation of the Council's Biodiversity Officer.

Planning Obligations

- 8.112 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 draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 8.113 The NPPF requires that planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

8.114 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.

8.115 The entire financial contributions calculated in accordance with LBTH and GLA guidance are as follows:

- a) Crossrail Levy top-up contribution of circa £92,830 (subject to indexation) based on the proposed B1 office and A1 retail uses.

8.116 This application is not liable for any non-financial contributions as it is not a major development i.e. the proposed office extension is under 1,000sqm.

8.117 All of the above obligations are considered to be in compliance with aforementioned policies and the NPPF and Regulation 122 tests.

Financial Considerations

8.118 Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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.

8.119 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.

8.120 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy of:

- a) London Mayoral CIL of 32,060 (subject to indexation); and
- b) LBTH CIL of £81,100 (subject to indexation)

8.121 These financial benefits are material considerations of some weight in favour of the application.

Health Considerations

8.122 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council’s policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people’s wider health and well-being.

8.123 The proposal raises no unique health implications and would not prejudice the opportunity of neighbours or members of the public to benefits from appropriate living conditions and lead healthy and active lifestyles.

Human Rights Considerations

8.124 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- 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".

8.125 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 a local planning authority.

8.126 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the 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.

Equalities Act Considerations

8.127 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. 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

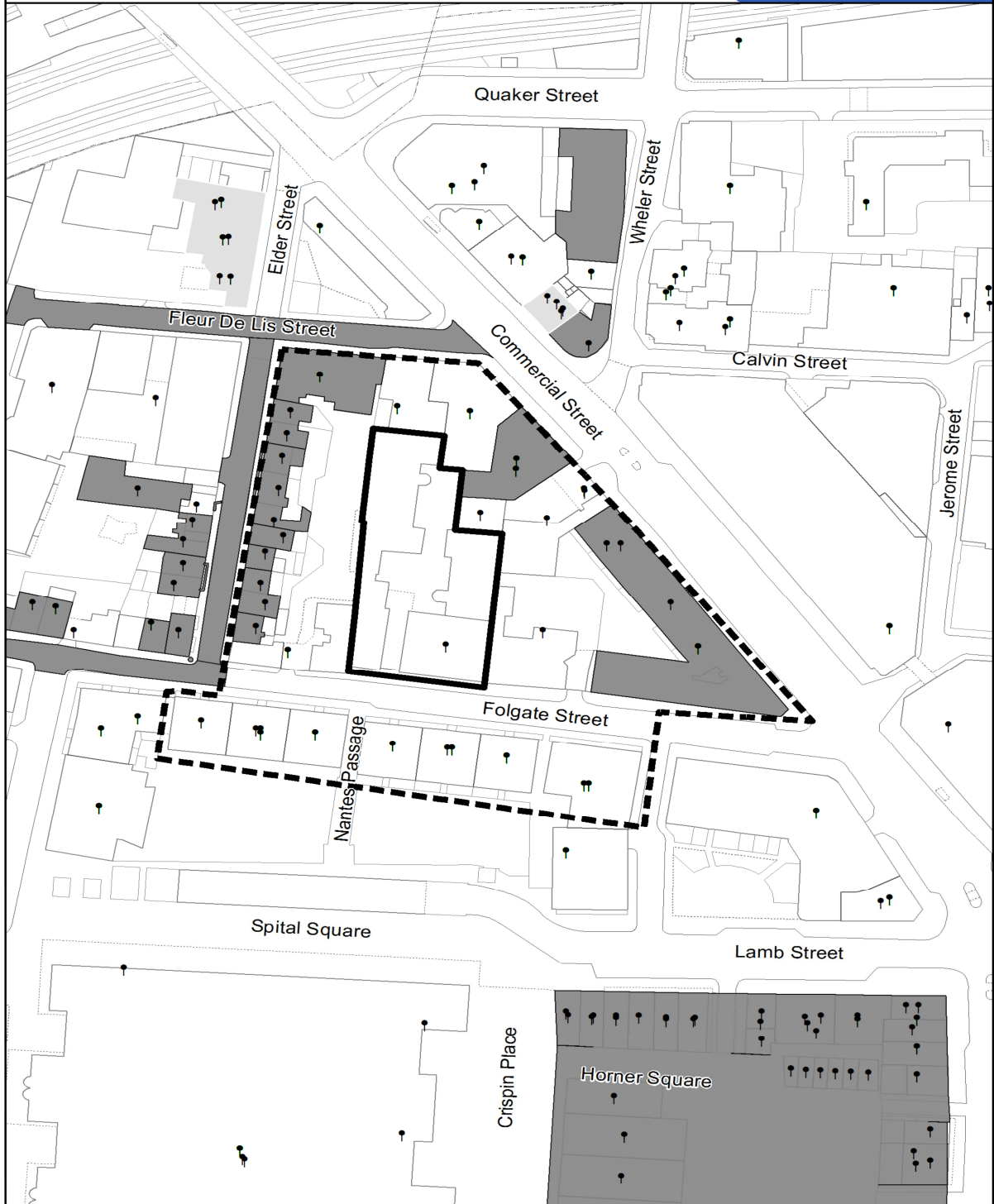
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.








10.0 CONCLUSION

- 10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

11.0 SITE MAP

- 11.1 Please refer to the next page of this report.



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0  40 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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