

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

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

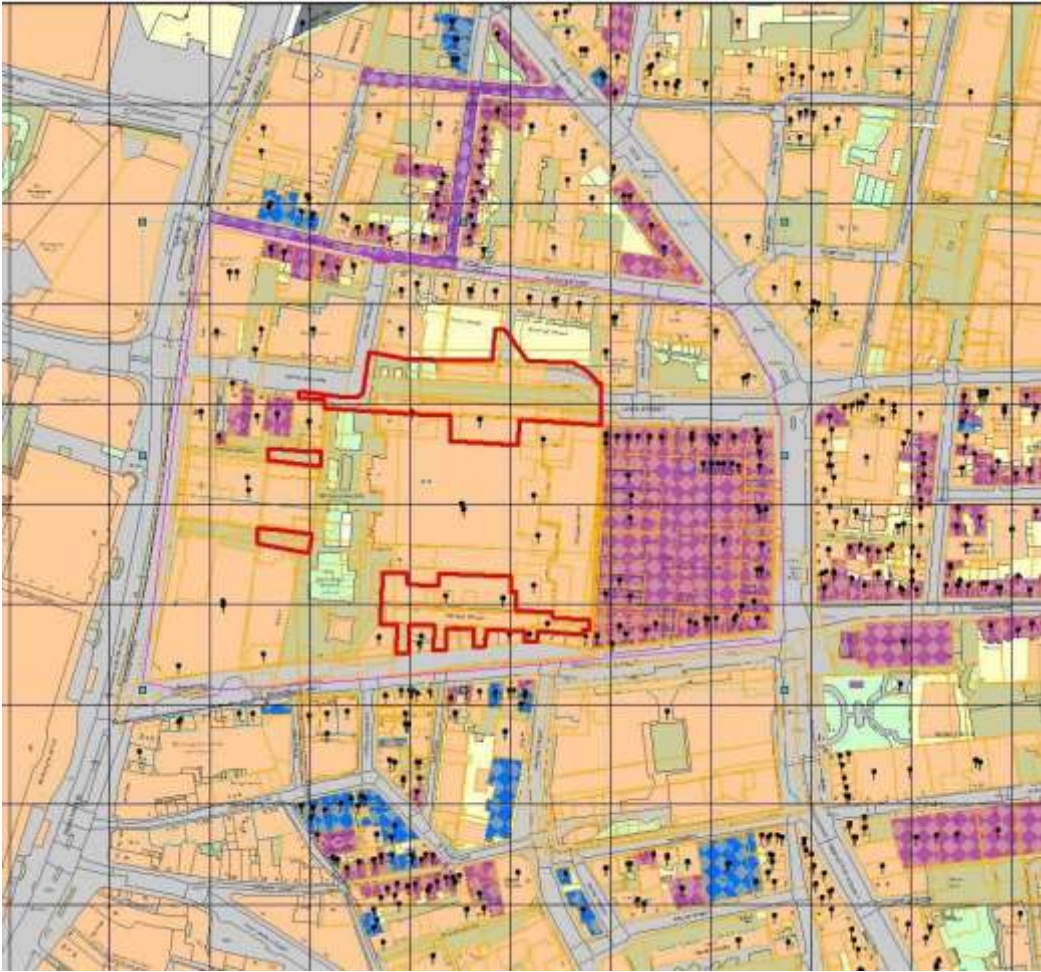


Figure 1: Site boundary (red) including consultation (pink)

1. SITE AND SURROUNDINGS

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



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

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

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

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

Site/ policy designations

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

2. PROPOSAL

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

2.2 Market Street:

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

2.3 Lamb Street:

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

- New hard and soft landscaping.

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

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

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

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

3. RELEVANT PLANNING HISTORY

Bishops Square

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

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

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

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

The application was refused for the following reasons:

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

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

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

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

Lamb Street

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

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

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

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

Pre-application

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

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

4. PUBLICITY AND ENGAGEMENT

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

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

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

4.4 The issues raised are as follows:

Support

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

Objections

Land use/principle of proposal

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

Design, heritage and local character

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

Public realm/open space, Landscaping, trees

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

Amenity

Daylight and sunlight impacts

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

Privacy, sense of enclosure

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

Noise, disturbance and odours

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

Highways and access

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

Crime, security and anti-social behaviour

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

Process

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

Other

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

St Georges Residents' Association

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

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

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

5. CONSULTEES

Internal Responses

LBTH Refuse

5.1 No Objections

LBTH Environmental Health – Contaminated Land

5.2 No response received.

LBTH Environmental Health – Air Quality

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

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

LBTH Biodiversity

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

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

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

LBTH Energy and Sustainability

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

LBTH Waste Policy and Development

- 5.11 No objections

LBTH Transportation and Highways

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

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

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

LBTH Town Centres

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

Sustainable Urban Drainage (SUDS) officer

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

External responses

Transport for London

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

- Public realm

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

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

Historic England

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

Crime Prevention (Metropolitan Police)

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

Thames Water Utilities Ltd.

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

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

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

DM15, DM16

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

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

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

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

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

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

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

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

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

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

Land Use

General Principles

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

Loss of the existing use

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

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

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

Proposed uses

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

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

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

Table 1: Existing and proposed uses

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

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

Design & Heritage

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

Removal of the canopy in Market Street

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

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

Shopfronts in Market Street

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

New two storey building on Lamb Street (northern side)

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

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

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

Public realm/open space and landscaping

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

- Elder Gardens

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

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

- Street narrowing

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

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

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

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

- *Design out crime*

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

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

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

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

- Summary

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

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

Heritage

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

Archaeology

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

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

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

Neighbour Amenity

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

Outlook, overlooking, loss of privacy

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

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

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

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

Daylight & Sunlight

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

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

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

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

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

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

Daylight

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

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

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

Sunlight

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

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

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

Conclusion

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

Overshadowing – Elder Gardens

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

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

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

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

Table 2: APSH results in respect of Elder Gardens

Noise, vibration & odour

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

7.109 The application submission includes a Noise Impact Assessment. The report includes the findings of a baseline survey that has been undertaken to inform the assessment.

7.110 Noise impacts resulting from the following areas have been considered:

- Plant noise emissions
- Activity noise break-out from proposed gym
- Delivery noise – vehicle movements, idling and activity noise/ unloading
- Façade and ventilation strategy of the new building.

7.111 The report concludes that mitigation measures would be required to ensure that the plant noise emission limits are met. It is recommended that this is achieved through selection of appropriate acoustic louvres and/or enclosures for the plant items. It is considered that by incorporating the mitigation strategies, the operational noise significance of impact would be negligible.

7.112 The report has also has regard to activity noise break-out from the first floor, should it be occupied by a D2 (gym) user. It concludes that the façade requires sound insulation to minimise the impact upon the residential receptors. It is considered that this mitigation would sufficiently attenuate both noise ingress and egress. It is however noted that impulsive noises, for example, from the dropping of weights, may require additional mitigation in the form of resilient matts/ specialist floating flooring system. It is also recommended that the gym activity is limited to daytime hours and this will be secured via condition.

7.113 Further to this, the report has assessed the noise impact associated with vehicle movements, delivery truck idling and noise from unloading against the baseline noise levels recorded on Lamb Street. The report concludes that the noise levels resulting from the proposed vehicle movements would be significantly lower than the existing ambient and background noise climate from all existing sources.

7.114 The noise levels associated with idling trucks at the nearest noise receptors has also been calculated to be lower than existing background noise levels. Similarly, the maximum instantaneous noise levels from delivery unloading are calculated to be lower than existing maximum noise levels as the nearest noise sensitive receptors. The noise sources associated with deliveries are therefore not considered to be significant when considered in relation to the existing background noise levels.

7.115 The submitted Noise Impact Assessment has not had regard to noise generation associated with increased footfall and the gathering of people at the entrance of the proposed Lamb Street building and the seating areas across the development. However, officers see this very much as a continuation of existing activities. As demonstrated within the Transport Statement a substantial amount of people move along Lamb Street throughout the day as existing. Officers have also witnessed many people dwelling in Elder Gardens and utilising other nearby seating opportunities at varying points of the day, in addition to utilising the food stalls that are regularly located on Lamb Street.

7.116 There is a however an 'Outdoor Seating Management Plan' appended to the Design and Access Statement which sets time restrictions in relation to the use of the outdoor seating. This will be secured via condition and includes:

- 09.00 – 23.00 Monday to Saturday
- 09.00 – 22.30 Sundays and Public holidays

7.117 Officers are therefore satisfied that the proposals would not give rise to unacceptable noise and disturbance impacts. In relation to plant noise and the gym, this is subject to the

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

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

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

Transport

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

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

- Car parking (and Blue Badge parking)

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

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

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

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

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

- Cycling

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

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

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

- Pedestrian and cyclist movement

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

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

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

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

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

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

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

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

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

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

- Delivery, servicing and waste collection

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

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

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

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

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

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

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

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

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

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

- Summary

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

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

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

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

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

- Construction

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

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

Environment

Landscaping & Biodiversity

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

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

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

Energy & Sustainability

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

Flood Risk & Drainage

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

Air Quality

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

Infrastructure Impact

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

Human Rights & Equalities

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

8. RECOMMENDATION

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

8.2 Financial obligations:

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

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

8.3 Non-financial obligations:

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

b. Transport

- Car Free development (commercial)
- Approval and implementation of Transport Statement
- Unobstructed 9m available width on Lamb Street
- MCIL2

c. Compliance with Considerate Constructors Scheme

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

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

8.6 Planning Conditions

Compliance conditions

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

Prior to commencement conditions

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

Prior to completion of superstructure works conditions

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

Prior to occupation conditions

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

Informatives

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

Appendix 1

List of plans for approval

Schedule of Drawings

EXISTING DRAWINGS

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

PROPOSED DRAWINGS

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

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

Schedule of Documents

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

Appendix 2

Selection of plans and images [KF12]



Image 1 - Market Street as existing



Image 2 – Lamb Street as existing (looking east)



Image 3 - Lamb Street as existing (looking west)



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



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



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



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



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



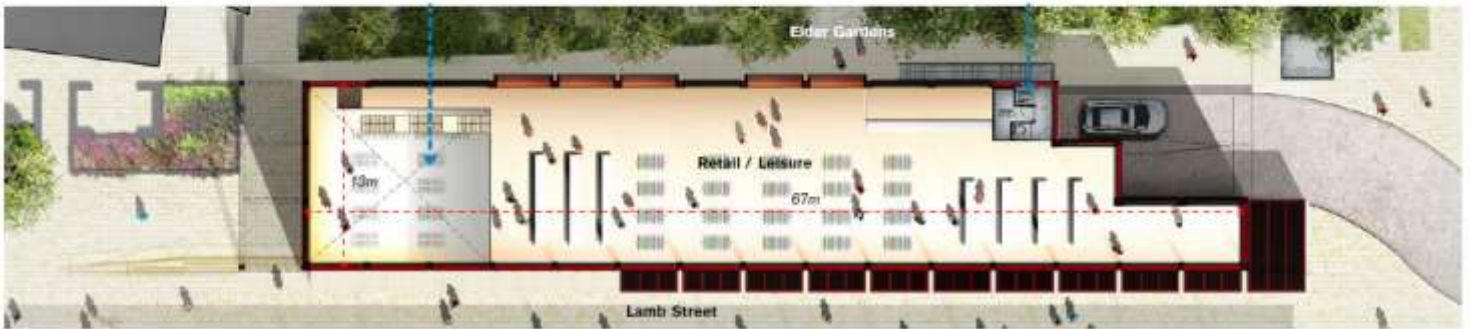
Image 9 - Western end of Elder Gardens (looking north from Lamb Street)



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



Ground Floor Plan



First Floor Plan

Image 11 – Indicative Lamb Street building layout

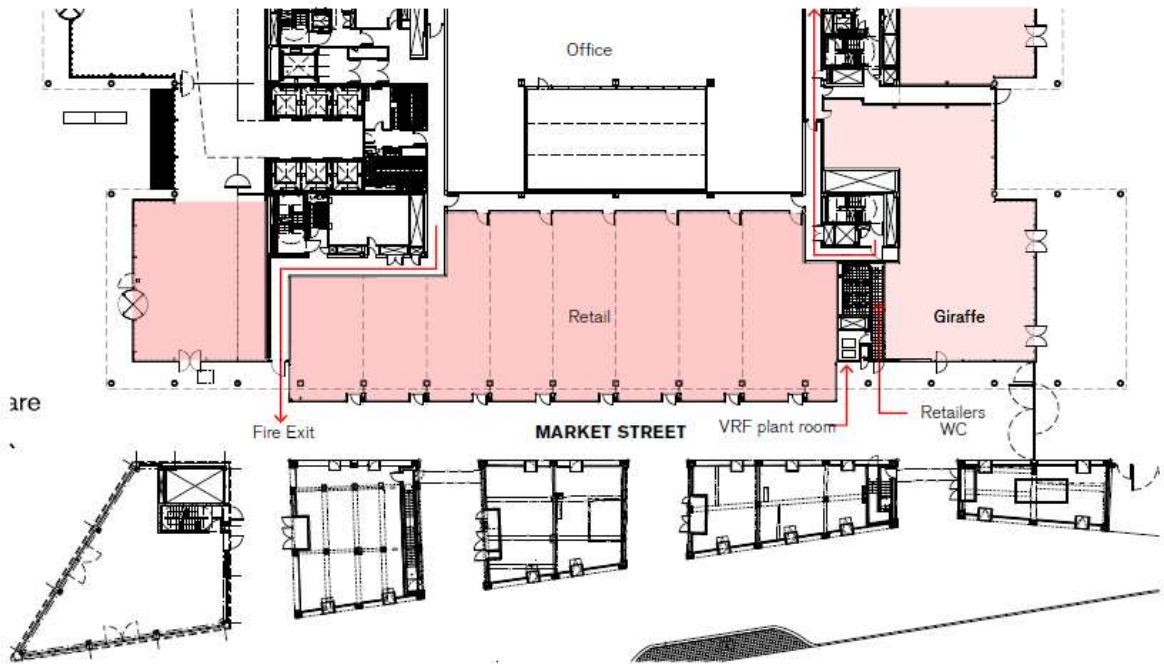


Image 12 – Proposed Market Street ground floor layout



Image 13 – Proposed general ground floor layout



Image 14 - Proposed Lamb Street elevation (looking north)