

Committee: Strategic Development	Date: 4 th August 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Elaine Bailey		Ref: PA/10/02764 & PA/10/02765	
		Ward: Spitalfields and Banglatown	

1. APPLICATION DETAILS

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

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

Proposal:

PA/10/02764 – application for Full Planning Permission

Redevelopment of the former Nicholls and Clarke site and adjoining depot site, for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height measuring 48.40m AOD (plus plant), to provide approximately 18,775sqm of B1 (Office); approximately 1,816sqm of A1 (Retail) and A3 (Restaurant) and approximately 710sqm of A4 (Public House), together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

PA/10/02765 – Conservation Area Consent application

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

Drawing Nos:

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

10006-P-X-GA-10-A; 10006-P-X-GA-00; 10006-P-C-GA-00;
10006-P-X-EL-01-B; 10006-P-X-EL-02-B; 10006-P-X-EL-03-A;
10006-P-X-EL-04; 10006-P-X-EL-05; 10006-P-X-SE-01-C;
10006-P-X-SE-02-B; 10006-P-X-RE-01; 10006-P-X-RE-02;
10006-P-X-RE-03; 10006-P-X-RE-04; 10006-P-SK-002; 10006-
P-SK-003; 10006-P-SK-004; 10006-P-SK-005; 10006-P-SK-006;
10006-P-SK-007.

Documents:

- Planning Statement (including addendum statement dated 26.06.11)
- Design and Access Statement (including addendum Design Revisions Statement dated 14.06.11)
- Transport Statement
- Heritage Statement
- Townscape Heritage and Visual Impact Statement
- Statement of Community Involvement
- Energy Efficiency Statement (including Energy Strategy Statement Addendum Rev B dated 22.06.11)
- Sustainability Statement
- Daylight/Sunlight Assessment
- Noise and Vibration Impact Statement (including addendum Acoustics Statement Rev A dated 23.06.11)
- Wind Assessment (including addendum Wind Assessment note dated 22.06.11)
- Ventilation/Extract Statement (including Rev B Ventilation, Drainage & Heating Systems Report dated 21.06.11)
- Air Quality Assessment (including addendum Air Quality note dated 22.06.11)
- Utilities Report
- Viability Assessment (submitted under separate confidential cover).

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

Owners: City of London and various others

Historic buildings: Locally Listed Building

Conservation areas: Elder Street Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), associated supplementary planning guidance; the London Plan (2008) and Replacement Draft London Plan (2009) and Government Planning Policy Guidance and has found that:

With regard to the Conservation Area Consent:

- The demolition of No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No. 16-17 Blossom Street and No.10 Blossom Street is considered acceptable because these buildings are not considered to contribute positively

to the character and appearance of the Elder Street Conservation Area. As such, their demolition is considered to meet the objectives of policy 4B.12 and 4B.13 of the London Plan (consolidated with alterations since 2004); policies 7.8 and 7.9 of the Draft Replacement London Plan (2009); saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.

- The partial demolition/refurbishment and general conservation repair work proposed to 16-19 Norton Folgate, 5 -11a Folgate Street and 12-15 Blossom Street and 14-15 Norton Folgate is considered acceptable as these works will both preserve and enhance the character and appearance of these buildings and the conservation area in accordance with policy 4B.12 and 4B.13 of the London Plan (consolidated with alterations since 2004); policies 7.8 and 7.9 of the Draft Replacement London Plan (2009); saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.

With regard to the Planning Application:

- The scheme will provide an employment-led mixed use scheme which safeguards the use of the site as a preferred office location within the Central Activities Zone and the City Fringe and would also facilitate locally-based employment, training and local labour opportunities for the local community and residents of Tower Hamlets in accordance with policies 3B.1, 3B.2, 3B.3 and 3B.11 of the London Plan (consolidated with alterations since 2004); policies 2.9, 2.10, 2.11, 2.12, 4.1, 4.2, 4.3, of the Draft Replacement London Plan (2009); saved policies CAZ1, DEV3, EMP1, EMP6, EMP7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and policies SP01 and SP06 of the Core Strategy (2010) and the IPG City Fringe Action Area Plan (2007) which seek to support the employment growth in key strategic locations, and the growth of existing and future businesses in accessible and appropriate locations.
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004); policies 7.6 and 7.7 of the Draft Replacement London Plan (2009); saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.
- The scheme will preserve and enhance the character and appearance of the Elder Street Conservation Area and provide a range of conservation and design benefits. As such, the scheme accords with policies 4B.11 – 4B.13 of the London Plan (consolidated with alterations since 2004), policies 7.8 and 7.9 of the Draft Replacement London Plan (2009); saved policy DEV 28 of the

Council's Unitary Development Plan (1998), policy CON2 of the Council's Interim Planning Guidance (October 2007) and policy SP10 of the Core Strategy Development Plan Document (2010), along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protect London's built heritage and preserve or enhance the character and appearance of conservation areas.

- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004); policies 7.11 and 7.12 of the Draft Replacement London Plan (2009); policy DEV27 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The impact of the development on the amenity of adjoining neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure and noise is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policies SP02 and SP10 of the Council's Core Strategy (2010) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1, 3C.3, 3C.17 and 3C.23 of the London Plan (consolidated with alterations since 2004), policies 6.1, 6.2, 6.4, 6.9, 6.10, 6.13, 7.2 of the Draft Replacement London Plan (2009); saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (consolidated with alterations since 2004), and policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 5.11 of the Draft Replacement London Plan (2009), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), which seek to promote sustainable development practices and energy efficiency.
- Archaeological matters, in particular, the site's location within a Scheduled Ancient Monument (Medieval Priory and Hospital of St. Mary Spital) is acceptable and the proposal is in line with PPS 5, policy 4B.15 of the London Plan (consolidated with alterations since 2004); policies 7.8 of the Draft Replacement London Plan (2009); Saved Policy DEV42 of the UDP (1996) and CON4 of the IPG (2007) which seek to resist development which would adversely affect archeologically remains including Scheduled Ancient Monuments.

- Contributions have been secured towards the provision of Crossrail, public realm and street scene improvements; employment, training and access to employment for local people, as well as travel plan monitoring in line with Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; policies 6A.4, 6A.5 of the London Plan (consolidated with alterations since 2004), and policies 8.1, 8.2, 8.3 of the Draft Replacement London Plan (2009), saved policy DEV4 of the Council's Unitary Development Plan (1998); policy IMP1 of the Council's Interim Planning Guidance (2007); and policy SO1, S03, SP08 and SP13 of the Core Strategy (2010), which seek to secure contributions toward infrastructure (including Crossrail) and services required to facilitate and mitigate against the proposed development.

3. RECOMMENDATION

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

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

Financial Contributions

- Contribution of £239,304.00 towards Enterprise and Employment;
- Contribution of £570,000 towards Public Realm
- Contribution of ££1,572,477 towards Crossrail.
- Contribution of £3,000 for Travel Plan Monitoring.

Non-Financial Obligations:

- Display and interpretation of any archaeological finds in a publicly accessible location within the site;
- Agreement to ensure the public can access Blossom Place
- Travel plan preparation and implementation;
- Skillsmatch (20% local procurement at construction phase and 20% local labour in construction phase).

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

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

Conditions – Full Planning Permission:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Details of all external materials;
4. No A1/A3 units to be amalgamated;
5. Details of commercial units including shopfront design & signage;
6. Hard and soft landscaping details of public square and courtyard;

7. Details of gating system including operation mechanism, hours of operation and security;
8. Details of all access and ingress points;
9. All ramps gradients to be 1:20;
10. Details of a lighting scheme to ensure no light pollution/spillage to surrounding residential occupiers;
11. Landscape Management Plan;
12. Gates to Blossom Place (7pm -7am)
13. Archaeological Investigation;
14. Programme of historic building recording and analysis;
15. The following parking spaces are to be provided
 - 2 service bays
 - 1 disable parking space
 - 132 cycle spaces
16. Detail of the cycle parking stands;
17. Detailed design and method statement for all of the foundations (in consultation with London Underground)
18. Limit hours of construction
19. Noise levels for plant
20. Details of ventilation system and any associated plant required;
21. Environmental Management Plan;
22. Construction Environmental Management Plan;
23. Delivery and servicing plan;
24. BREEAM rating;
25. Investigation and remediation measures for land contamination;
26. Details of the proposed A1 hours of operation;
27. Details of the proposed A3 hours of operation;
28. Section 72 agreement required to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
29. 278 agreement to be entered into for Highway works surrounding the site;
30. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives:

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

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

Conditions – Conservation Area Consent

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

Informatives:

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

4 BACKGROUND

- 4.1. This application for planning permission and conservation area consent was reported to the Strategic Development Committee on 12th May 2011 with an officer recommendation for approval.
- 4.2. After consideration of the report, the committee resolved that it was minded to refuse planning permission on the following grounds:
 - Lack of regenerative benefits and employment benefits for Tower Hamlets residents and the failure of the S106 obligations to facilitate these benefits.
 - Lack of clarity over the impact of the development on the Scheduled Ancient Monument and other archaeological assts.
 - The adequacy of refuse storage and collection arrangements.
 - The proposed use, treatment and permeability of the proposed open space.
 - The design approach adopted in relation to the corner treatment of the Norton Folgate and Folgate Street corner property.
 - The unsuitability of the residential use above the proposed public house in terms of the potential for noise nuisance associated with the pub use on the amenities of future residential occupiers.
- 4.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplementary report setting out reasons for refusal and the implications of the decision.
- 4.4. However, following the Annual Council Meeting on the 18th of May 2011, the Strategic Development Committee has new membership. As such, it is considered appropriate to provide the new Committee with a new updated report (as opposed to a supplementary report). Since that time, the applicant has sought to address the various concerns raised by the 18 May 2011 Strategic Development Committee. This report considers these amendments and also considers how the proposal has responded to the previous 'minded to refuse' decision. It is also important to note that a number of new Members of the current Strategic Development Committee were not party to the previous decision and will not be familiar with the planning merits of the current proposal.

Changes to the Proposed Scheme

- 4.5. Since the deferral of the decision by Committee on 12 May 2011, the applicant has sought to address the concerns raised by Members through the introduction of a number of amendments. In summary, the alterations can be summarised as follows:
 - The omission of the 8 x residential units above the existing public house and

the retention of the existing office use of these upper floors, resulting in an overall increase to the total level of office floorspace proposed by approx 1,000sqm.

- A re-design of the corner treatment between Norton Folgate and Folgate Street.
- An increase in the employment contribution from £108,840 to £227,094.84 (£118,254.84 increase).
- An increase in the Crossrail contribution from £1,425,887 to £1,572,477 (£146,590 increase resulting from the omission of the residential units and the subsequent replacement with office floorspace).

4.6. The development as it currently stands is essentially the same as the scheme which was report to the 12 May Committee with the exception of the 8 x residential units now being omitted from the proposal. The applicant now seeks approval for the amended scheme and the changes are discussed in the material planning consideration section of this report.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 Planning permission and conservation area consent is being sought for a development comprising a mix of demolition, retention and conversion of a number of existing buildings, to provide a 4 to 9 storey commercially led mixed use development, containing offices (Use Class B1), small and medium enterprise offices, retail units (Use Class A1), restaurant (Use Class A3), public house floorspace (Use Class A4) and associated open space.
- 5.2 A breakdown of the proposal in more detail can be described as follows:

Demolition & Partial Demolition:

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

Refurbishment and Conservation Repair:

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

Redevelopment:

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

- Buildings between 4 and 9 storeys in height (48.40m AOD plus plant)
- Approximately 18,775sqm of B1 (Office) floorspace;
- Approximately 1,816sqm of A1 (Retail) and A3 (Restaurant);
- Approximately 710sqm of A4 (Public House) floorspace;
- Creation of a new public square referred to as Blossom Place;
- Provision of new access to Blossom Place;

- Associated highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.
- 5.3 Section 7 of this report outlines the planning history in further detail, however, for clarification purposes; this application represents a revised proposal to a previous application for planning permission and Conservation Area Consent (ref: PA/06/02333 and PA/06/02334) refused in 2007.
- 5.4 It is considered important at this point in the report, to note the key differences between 2011 scheme and the 2006 scheme.
- 5.5 As such, the key alterations can be summarised as follows:
- Substantial reduction in the extent of demolition proposed;
 - Increase in the number of buildings to be retained and refurbished, in particular 16-19 Norton Folgate;
 - Reduction in the height of the tallest part of the proposal (north west corner) from 10 storeys to 9 storeys.
 - Alternative design approach to elevations, particularly along Shoreditch High Street and Norton Folgate.
 - Reduction in level of office floorspace by approximately 3,600sqm
 - Omission of 9 residential units.

6 Site & Surrounding Area

- 6.1 The application site contains two neighbouring land parcels located within the Spitalfields area along the City Fringe, on the western boundary of the Borough, along side the boundary with London Borough of Hackney. Liverpool Street Station is located 500m south of the application site and Shoreditch High Street Station located 600m north.
- 6.2 The principle site is referred to as the former Nicholls and Clarke showrooms and warehouses site, a rectangular plot of land measuring approximately 0.38ha, bounded by Fleur-de Lis Street (to the north), Folgate Street (to the south), Blossom Street (to the east) and Norton Folgate and Shoreditch High Street (to the west). The smaller depot site which measures approximately 0.05ha (479sqm), lies immediately to the north east corner of the principle site at the junction of Blossom Street and Fleur-de Lis Street.
- 6.3 The site includes a miscellaneous array of buildings including:
- The vacant Nicholls and Clarke showrooms that occupy the Shoreditch High Street frontage to the north;
 - The vacant Nicholls and Clarke warehouse building fronting Blossom Street and dating from between 1866 and 1914;
 - A vacant 1950's motor transport depot;
 - A non-descript 1950's commercial building at 16-17 Blossom Street;
 - A locally listed Arts and Crafts building on the corner of Blossom Street and Folgate Street, which contains office (B1) and public house (A4) uses (buildings dating between 1866 and 1914)
 - A group of commercial units fronting Norton Folgate dating from the 18th century up to early 20th century.
- 6.4 The site is also located within the Elder Street Conservation Area, originally designated in

1969 and comprising an area which centred around the surviving Georgian houses along Elder Street and Folgate Street. The Conservation Area was extended in 1976 which sought to include the commercial area west of Blossom Street, north of Fleur de Lis Street, as well as Spitalfields Market fringe area to the south of Folgate Street.

- 6.5 The Conservation Area is characterised predominantly by 3-4 storeys buildings with many 3-storey Georgian houses. The buildings towards Commercial Street rise to 5-6 storeys in height.
- 6.6 The subject site however lies within an area which is undergoing a considerable amount of regeneration and change, including large scale office development to the south along the Bishopsgate corridor and Spitalfields Market, containing buildings of up to 10-15 storeys in height. Also, to the west of Norton Folgate along the borough boundary with London Borough of Hackney, lies 201 Bishopsgate - a 35 storey office redevelopment. To the north beyond Commercial Street lies Bishopsgate Goodsyards, an area currently being appraised by the Council for a potential large scale mixed use development.
- 6.7 The site is also located within an area defined as a Scheduled Ancient Monument, being part of the precinct of the Priory and Hospital of St Mary Spital. This is discussed in more detail in Section 11.

7 MATERIAL PLANNING HISTORY

7.1 PA/06/02333 and PA/06/02334

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

- 7.2 The 2007 planning application was refused for the following reason:

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

- 7.3 The associated Conservation Area Consent was refused for the following reason:

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

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

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

7.6 The Inspector's appeal decision noted the following:

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

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

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

8. POLICY FRAMEWORK

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

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

Policies

Policy 2A.1	Sustainable Criteria
Policy 2A.4	Central Activities Zone
Policy 2A.5	City Fringe Opportunity Area
Policy 2A.7	Areas for Regeneration
Policy 3A.3	Maximising the Potential of Sites
Policy 3A.4	Efficient Use of Stock
Policy 3A.20	Health Objectives
Policy 3A.23	Health Impacts
Policy 3B.1	Developing London's Economy
Policy 3B.2	Office Demand and Supply
Policy 3B.3	Mixed Use Development
Policy 3B11	Improving Employment Opportunities for Londoners
Policy 3C.1	Integrating Transport and Development

Policy 3C.2	Matching Development to Transport Capacity Sustainable Transport in London
Policy 3C.3	Tackling Congestion, Reducing Traffic
Policy 3C.17	Local Transport and Public Realm Improvements
Policy 3C.19	Improving Conditions for Walking
Policy 3C.21	Parking Strategy
Policy 3C.23	Parking in Town Centres
Policy 3D.1	Supporting Town Centres
Policy 3D.2	Town Centre Development
Policy 3D.3	Maintaining and Improving Retail Facilities
Policy 4A.1	Tackling Climate Change
Policy 4A.2	Mitigating Climate Change
Policy 4A.3	Sustainable Design and Construction
Policy 4A.4	Energy Assessment
Policy 4A.5	Provision of Heating and Cooling Networks
Policy 4A.6	Decentralised Energy: Heating, Cooling and Power
Policy 4A.7	Renewable Energy
Policy 4A.9	Adaptation to Climate Change
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.17	Water Quality
Policy 4A.18	Water and Sewerage Infrastructure
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes
Policy 4A.33	Bringing Contaminated Land Into Beneficial Use
Policy 4B.1	Design Principles for a Compact City Promoting
Policy 4B.2	World-Class Architecture and Design
Policy 4B.3	Enhancing the Quality of the Public Realm
Policy 4B.4	Retrofitting
Policy 4B.5	Creating an Inclusive Environment
Policy 4B.6	Safety, Security and Fire Prevention and Protection
Policy 4B.8	Respect Local Context and Communities
Policy 4B.9	Tall Buildings - Location
Policy 4B.10	Large-scale Buildings – Design and Impact
Policy 4B.11	London's Built Heritage
Policy 4B.12	Heritage Conservation
Policy 4B.13	Historic Conservation Led Regeneration
Policy 4B.15	Archaeology
Policy 4B.16	London View Management Framework
Policy 5C.1	Strategic Priorities for North East London
Policy 5C.3	Opportunity Areas in North East London
Policy 5G.2	Strategic Priorities for the CAZ
Policy 5G.3	CAZ –Offices
Policy 6A.4	Priorities in Planning Obligations
Policy 6A.5	Planning Obligations

**Spatial Development Strategy for Greater London
(Consultation Draft Replacement Plan October 2009)**

Policy 2.9	Inner London
Policy 2.10	CAZ – strategic priorities
Policy 2.11	CAZ – strategic functions
Policy 2.12	CAZ – predominantly local activities
Policy 2.14	Areas for regeneration
Policy 4.1	Developing London’s economy
Policy 4.2	Offices
Policy 4.3	Mixed use development and offices
Policy 4.7	Retail and town centre development
Policy 4.8	Supporting a successful and diverse retail sector
Policy 4.12	Improving opportunities for all
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and sewerage infrastructure
Policy 5.15	Water use and supplies
Policy 5.21	Contaminated land
Policy 6.1	Strategic approach
Policy 6.3	Assessing transport capacity
Policy 6.4	Enhancing London’s transport connectivity
Policy 6.5	Funding Crossrail and other strategically important transport infrastructure
Policy 6.9	Cycling
Policy 6.10	Walking
Policy 6.13	Parking
Policy 7.1	Building London’s neighbourhoods and communities
Policy 7.2	An inclusive environment
Policy 7.3	Secured by design
Policy 7.4	Local character
Policy 7.5	Public realm
Policy 7.6	Architecture
Policy 7.7	Location and design of tall and large buildings
Policy 7.8	Heritage assets and archaeology
Policy 7.9	Heritage-led regeneration
Policy 7.11	London View Management Framework
Policy 7.12	Implementing the London View Management Framework
Policy 7.13	Safety, security and resilience to emergency
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes

Policy 8.1	Implementation
Policy 8.2	Planning obligations
Policy 8.3	Community infrastructure levy

London Plan Relevant SPGs

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action.

Tower Hamlets Unitary Development Plan 1998 (saved policies)

Proposals: Designations within the vicinity of the site are as follows:

Central Area Zone
 Special Policy Area (SPA) where a diverse and balanced mix of use is to be maintained
 Area of archaeological importance potential
 Strategic view consultation area

Strategic Policies:	ST1	Addressing the Needs of Residents
	ST15	Local Economy
	ST17	High Quality Work Environments
	ST28	Restrain Use of Private Car
	ST30	Safety and Convenience for all Road Users
	ST35	Local Shops
	ST37	Improvement of Local Environment
	ST41	Art and Entertainment
	ST43	Public Art
	ST47	Skills Requirements & Training Initiatives
	ST49	Social & Community Facilities
	ST50	Medical Services
	ST51	Public Utilities

Environment:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV28	Demolition in Conservation Areas
	DEV33	Development in London Squares
	DEV34	Development Adjacent to London Squares
	DEV35	Uses in London Squares.
	DEV42	Scheduled Ancient Monuments
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV53	Conditions on Consents
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling

	DEV69	Efficient Use of Water
Employment:	CAZ 1 EMP1	Central Activities Zone Promoting economic growth and employment opportunities
	EMP6	Employing Local People
	EMP7	Enhancing Employment Opportunities
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
Housing:	HSG15	Residential Amenity
Transport:	T1	Improvements to the Underground
	T3	Extension of Bus Services
	T8	New Roads
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T19	Priorities for Pedestrian Initiatives
	T21	Pedestrians Needs in New Development
Shopping:	S7	Special Uses
	S10	Requirements for New Shopfront Proposals

Tower Hamlets Interim Planning Guidance 2007

Proposals:	CF4	Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4) CAZ Scheduled Ancient Monument Conservation Area Archaeological Priority Area Strategic View Consultation Area
Development Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles

	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
Economy and Employment:	EE2	Redevelopment / Change of Use of Employment Sites
Retail and Town Centres:	RT5	Evening and Night-time Economy
Conservation:	CON2	Conservation Areas
	CON3	Protection of London Squares
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
Utilities	U1	Utilities

Tower Hamlets Core Strategy Development Plan Document (adopted 2010)

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

Supplementary Planning Guidance/Documents

- Former Nicholls & Clarke Draft Development and Design Brief (May 2010)
- Designing Out Crime
- Landscape Requirements
- Draft SPD on Planning Obligations (agreed by Cabinet on 6th July 2011)

Government Planning Policy Guidance/Statements

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

Community Plan

The following Community Plan objectives are relevant to these applications:

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

Other material considerations

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

9. CONSULTATION RESPONSE

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

INTERNAL CONSULTEES

Environmental Health - Health and Safety

- 9.3 No comments received.

Environmental Health - Contaminated Land

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

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

Environmental Health - Noise & Vibration

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

(Officer's comment: it is considered that compliance with Building Regs will ensure appropriate sound insulation).

Environmental Health - Smell / Pollution

- 9.6 No comment received

(Officer comment: a condition requiring any ventilation and extraction to facilitate cooking from the A3 use is recommended).

Environmental Health - Air Quality

9.7 Further information requested from EHO in relation to:

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

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

Environmental Health - Daylight & Sunlight

9.8 In summary, the EHO considers that the scheme has no significant impact on surrounding residential buildings.

Environmental Health - Micro-climate

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

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

Landscape /Parks/ Open Space

9.10 No comments received.

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

Transportation & Highways

9.11 Parking

- No longer a requirement for a permit free agreement.
- The provision of a disabled parking space in the Blossom Place welcomed.
- The provision of 132 cycle spaces welcomed.
- Further information required detailing type of the cycle parking *(to be conditioned)*.
- Further information requested in relation to the design's of showers and changing facilities. *(Officer comment: amended plans submitted showing location)*.

9.12 Trip Generation

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

9.13 Servicing

- The proposed service arrangement considered acceptable by Highways Officers.
- Recommends that a Delivery & Servicing Plan be conditioned prior to occupation. *(Officer comment: condition recommended to this effect).*

- Some concerns raised regarding the depot site over sailing the highway. (*Officer comment: amended plans received to minimise over sailing however an over sailing licence is a highways requirement is not a requirement of planning policy*).

Refuse

- 9.14
- No objections have been received from the Councils' Transport and Waste Officers. (*Officer comment: Council's Waste Officer has confirmed that LBTH has sufficient refuse collection vehicles to access narrow streets such as Blossom Street*).

Travel Plan

- 9.15
- The submitted framework travel plan should be tied into the S106 and should cover:
- Implementation of Travel Plans in accordance with the framework, submitted to and approved by the Council;
 - Appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans;
 - A contribution to Tower Hamlets Council (£3,000) for monitoring the Travel Plans.
 - The Applicant may wish to consider including membership to the Cycle Hire Scheme as part of the Employee's Travel Pack.

Nature & Scale of Retail Use

- 9.16
- Due to the servicing issues commonly associated with larger retail and convenience food use operators, it is recommended that a condition be imposed to ensure the proposed retail spaces remain as shown on the plans (small separate units). (*Officer comment: condition recommended to this effect*).

S.278 Issues

- 9.17
- All Highway works will be designed and implemented by the Council's Highway Design team at the applicant's expense (S278/S106).
 - Proposed works to the public highway will form part of a S278 Agreement
 - The material to be used for the proposed public highway (pavement/footway works) must be agreed with the Highway Design Team;
 - Section 72 Agreement required in order to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
 - Construction Management Plan to be secured.
 - Travel Plan to be secured alongside the Travel Plan monitoring contribution of £3,000 monitoring fee)
 - Delivery & Service Management Plan also required.

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

Strategic Transport Team

- 9.18
- No objections raised.

Crime Prevention Design Officer

- 9.19
- No major objection to the design. However, officer would like to make sure that consideration has been given to the mitigation of terrorist attacks, particularly because of

the building's relationship to the Liverpool Street Train line and Dalston/Croydon Overground line and other important buildings in the vicinity. It is recommended that measures to prevent vehicle born attacks, and also the use of protective glass in the building, should be considered.

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

Enterprise & Employment

- 9.20 Based on the revised employment floor space figures, a contribution of £239,304.00 is sought in order to mitigate against the impact of the proposal on unemployment in the Borough. This sum would contribute towards the Council's employment training programme, Skillsmatch.

The Council's Enterprise & Employment Team support the fact that the Nicholls & Clarke development will provide 18,775SQm of employment floor space, and according to HCA employee densities, this will accommodate around 1,565 new jobs (based on a 12sqm per employee assumption). Approximately a further 100 jobs will be generated from the A1 and A3 uses (based on a 18sqm per employee assumption).

It is estimated that approx only 14% of the jobs would be secured by people in the Borough and as outlined in section 11 of this report, the contribution sought would assist the others in the borough in training or intensive employment support to secure employment.

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

- 20% Local procurement at construction phase

This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated consultation event with a number of developers to enable them to meet with prospective local suppliers.

- 20% Local labour in construction phase

This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the team would develop a complete skills solution based on the developer's labour requirements.

This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

(Officer comment: Contributions secured - see Section 11 of this report for discussion on planning obligations and contributions).

Communities, Localities & Culture

9.21 No objections.

Waste Management

9.22 No comment received.

EXTERNAL CONSULTEES

GLA & TfL

9.23

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

Further Response from GLA (20 July 2011) following Re-consultation

- Strategically important office development within the CAZ should contain other uses such as housing, however, given the amenity issues raised relating to the public house, the non-provision of residential in this scheme is acceptable.
- The increase in office floor space generates an additional Crossrail contribution of £146,590. Therefore full Crossrail contribution requested is £1,572,477.
- Although the carbon savings fall short of the Replacement London Plan targets, the proposal is acceptable considering the technical constraints on site.
- Design alterations considered acceptable

CABE

- 9.24
- Design strategy and the proposed integration of retained building commended.
 - Scale and massing acceptable in context.
 - Composition of building volumes work well.
 - Linkages through to site and access to Blossom Place welcomed.
 - Success of the scheme will be dependant on materials and detailing and should be conditioned.

English Heritage

- 9.25
- Application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

English Heritage Archaeology

- 9.26
- Confirms that the site falls within a Scheduled Ancient Monument (SAM), being part of the Priory of St Mary Spital.
 - Works which involve excavation below ground level will require SAM consent.
 - Programme of historic building recording and analysis recommended (*to be conditioned*).

(Officer comment: The applicant submitted an application for Scheduled Monument Consent to the Secretary of State for Culture, Media and Sport and a decision was issued by English Heritage on 5 April 2011, granting SAM Consent on behalf of the Secretary of State. English Heritage confirmed this in a letter dated 14 July 2011).

National Air Traffic Services Ltd.

- 9.27
- No safeguarding objections raised.

Environment Agency

- 9.28
- Application considered having low environmental risk. No further comment.

City Of London Corporation

- 9.29
- The City of London's Planning and Transport Section confirmed their support for the application proposal noting that the development would not detract from the locality in terms of townscape. The City also welcomes developments within the City Fringe that would maintain or enhance the townscape and generate improved opportunities for leisure and employment.

London Borough of Hackney

- 9.30
- No objections raised.

London Fire and Emergency Planning Authority

- 9.31
- Ground floor plan indicates that the existing water supplies are to be maintained and the provision of water supplies for the fire service should be adequate. Fire brigade access should not be problematic.

Thames Water

- 9.32
- No objections to the application, however, an informative is recommended relating to minimum water pressure.

London City Airport

- 9.33
- No comment.

British Broadcasting Corporation - Reception Advice

9.34 No response received.

Georgian Group

9.35 No response received.

Twentieth Century Society

9.36 No response received.

The Spitalfields Trust

9.37 Acknowledge that the current application is a considerable improvement to the appeal scheme, however a number of objections raised which can be summarised as follows:

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

(Officer Comment: The applicant met with the Trust in mid April 2011 to discuss the concerns highlighted in their objection letter, and wrote to the Trust on 19 April summarising their rationale for the overall design and outlining where amendments could be made. A number of amendments have now been made to address some of the concerns raised by the Trust. These include the inclusion of brick arches to the rear of the wash houses and the re-design of the No. 13 Norton Folgate to remove the wrap around windows. See later paragraphs of this report for further detail).

Elder Street Residents' Association

9.38 No response received.

St Georges Residents' Association

9.39 No response received.

10. LOCAL REPRESENTATION

10.1 In January 2010, a total of 125 properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was also publicised in East End Life and 6 site notices were erected around the site.

10.2 A total of 5 representations were received following publicity of the application and these

can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
4	2	0	2

10.3 4 letters of representation were received from local residents, 2 raising objection and 2 raising a number of concerns, issues and suggested alterations and conditions as well as elements of support for the proposal.

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

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

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

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

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

10.7 Following recent amendments to the application as a result of the Committee's minded to refuse recommendation in May 2011; a further round of consultation was carried out on 29 June 2011.

10.8 A total of 2 representations were received and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
			2

10.9 The two comments received were from (A) the current pub owner and (B) Spitalfields Trust. These are summarised as follows:

- 10.10 A) Water Poet Pub Owner
Whilst the pub owner has confirmed broad support for the amendments, he has raised concerns relating to:
- The management of Blossom Place and how it should be gated at 7pm to prevent antisocial behaviour in the square;
 - Objects to any imposition of conditions controlling the pub's hours of operation.
- 10.11 *(Officer Comment: it is worth noting that the current pub owner appeared at the previous Committee on 18 May and raised a number of concerns on the night, relating primarily to the incompatibility between the pub and the residential units proposed above. The recent amendments substantively resolve this particular issue, however in response to the pub owner's recent comments, officers can comment as follows:*
- 10.12 *i) Following consultation with the Council's Crime Prevention Design Officer, it was advised that closing the square off from public access at dusk would be advisable considering the potential for anti-social behaviour. Officers have no objection to the closing of the gates at 7pm in accordance with the publican's wishes. This will be conditioned/tied into the S106 legal agreement and can be varied accordingly following a period of time.*
- 10.13 *(ii) There are no conditions recommended to restrict the current closing time associated with the Water Poet pub which is currently 11pm. It is expected that the existing use will continue to operate as it currently does. If the pub chooses to extend serving hours, this will be subject to the Council's Licensing Section.*
- 10.14 B) The Spitalfields Trust
The Trust have noted that the loss of the residential unit 'a shame' as it 'reduces the value of the development to the local community. Seen as too much commercial space in a residential area.
- 10.15 *(Officer comment: Officers appreciate the point made by the Spitalfields Trust however acknowledge the fact that the omission of the residential units has been in direct response to LBTH Members concerns. Furthermore, the site is identified as a development site within a preferred office location, therefore commercial activity being the preferred land use).*

11. MATERIAL PLANNING CONSIDERATIONS

- 11.1. The main planning issues raised by this application that the committee are requested to consider are:
- Principle of Development/Land Use
 - Design & Conservation
 - Open Space & Landscaping
 - Amenity
 - Air Quality
 - Access and Transport
 - Energy & Sustainability
 - Conservation Area Consent
 - Scheduled Ancient Monument
 - Planning Obligations

Principle of Development / Land use

11.2 The site is currently occupied by a mix of commercial uses including shops, offices, vacant warehouses and a public house. The application proposes a mix of uses with commercial office space being the predominant use, comprising approximately 18,775sqm of B1 floorspace. Some 1,816sqm of A1 (Retail) and A3 (Restaurant) is also proposed along side 663sqm of A4 (Public House) floorspace.

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

Office Use

11.4 The site falls within the 'Central Area Zone' and the 'Bishopsgate/Shoreditch Opportunity Area', as identified in the London Plan 2008. The site is also identified in the Council's adopted City Fringe Action Area Plan (City Fringe AAP) 2006, which identifies the site as falling with a strategic preferred office location (site reference CF4) and identifies its use for employment (B1), residential (C3) and supporting A1, A2, A3 and A4 uses.

11.5 The London Plan and draft Replacement London Plan seeks to improve employment opportunities and accommodate a significant proportion of office based employment growth in the East Sub-region, particularly in Opportunity Areas. The Council's Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough.

11.6 Approximately 6,938sqm of office space exists on site at present. The application proposes a total of 18,775sqm of B1 office floorspace, therefore providing an uplift of 11,837sqm. This is expected to generate approximately 1,565 jobs based on a 12sqm per employee assumption taken from the HCA's Employment Densities Guide 2010. It is estimated that the 1,816sqm of A1 and A3 use is likely to generate a further 100 jobs. These employment densities refers to the average floorspace (in m²) per Full-Time Equivalent (FTE) member of staff and it assists us in measuring the intensity of a development. Based on the estimated 1565 jobs to be created at the former Nicholls and Clarke site, this is anticipated to make a significant contribution to the planned increase in jobs provision within the Opportunity Area. Whilst the proposed office uses will provide the majority of these jobs, the proposals will also give rise to the provision of a variety of employment opportunities arising from the A1, A3 and A4 activities.

11.7 The proposed development will also provide a significant amount of large floor-plate offices along the Bishopsgate Road Corridor, which is an objective of the Council's Core Strategy Policy SP06(2). However, considering the site's location within a conservation area, the applicant has also sought to retain the existing historic layout of the many of the historic properties along Norton Folgate. As such the proposal provides accommodation for small and medium enterprises in accordance with Saved Policy EMP8 of the UDP (1998), Policy SP06 of the Core Strategy 2010 and Policy CFR9 (4) of the CFAAP (2006).

11.8 In terms of maximising employment and increasing employment opportunities for local people, the proposal satisfies policy SP06 of the Core Strategy 2010 through the commitment towards local people gaining access to employment during construction and local employment initiatives such as Skillsmatch.

11.9 Furthermore, this application will bring much wider regenerative benefits to the area and the Borough than the immediate benefits arising directly from the amount of employment floorspace proposed. The development will attract new economic and business links

associated with the proposed uses such as ancillary support services, IT support, security, cleaning services, outsourced services in administration, accountancy, legal advice, catering food and retail suppliers. The increase in activity in this area also has the potential to stimulate the evening and night-time economy in other neighbouring sites indirectly through for example, restaurant, retail and drinking establishments around Shoreditch and Brick Lane.

- 11.10 The redevelopment of this brownfield site will also stimulate tourism and associated spending in the area as a result of the new retail shops, new public square, the historic pub location and potential tourist and educational visits associated with the archaeological history of the site (Schedule Ancient Monument information and story boards).
- 11.11 The London Plan and draft Replacement London Plan seeks to improve employment opportunities and accommodate a significant proportion of office based employment growth in the East Sub-region, particularly in Opportunity Areas. Furthermore, the Council's Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough.

Retail Use

- 11.12 The retail element of the proposal, which amounts to a total of 1,816sqm of retail floorspace includes a mix of retail shop units and restaurant use, all of which are to be located on the ground floor of the principle elevation fronting Shoreditch High Street and Norton Folgate. The site is not within a designated town centre, however it is located within the City Fringe and the provision of retail space in this area is supported by the IPG City Fringe Area Action Plan 2007 which acknowledges the role of retail use supporting a commercial office function. Much of the retail space proposed is in the form of small retail units and this is reflected in the existing floor plan layout of No. 13-19 Norton Folgate which is to be retained and refurbished. It is also recommended that a condition be imposed preventing the ground floor A1 and A3 units from being amalgamated.

Residential Element

- 11.13 Prior to recent amendments, the application proposed to reinstate the upper floors of the locally listed Arts & Crafts buildings along on Folgate Street back to residential use to provide 8 new residential units. However, as a result of the concerns raised by Members at the Strategic Development Committee on 12 May 2011, regarding the residential units being unsuitable in this location, as a result of potential noise nuisance associated with the pub use, the applicant has now amended the scheme to omit the residential aspect of the scheme entirely. It is now proposed to revert the use the upper floors back to B1 office space. This approach is accepted by LBTH. The GLA have also confirmed their acceptable of this amendment.

Public House Use

- 11.14 The application proposes to retain the existing public house in line with Policy RT6 of the IPG 2007 which seeks to prevent the loss of public houses. The application proposes to increase the amount of A4 use (by 80sqm) to provide an area of 710sqm of A4 floorspace. The additional space is directed towards the rear of the newly formed Blossom Place, as well as west along Folgate Street. The retention of the public use is supported.
- 11.15 The owner of the public house has confirmed broad support for the proposal, and is satisfied with the removal of the residential aspect of the proposal, however, has raised a number of further concerns. One of these relates to the potential management of Blossom Place and its relationship with access to the pub. Whilst the pub itself will

require its own management and security measures, it is suggested that the gates to Blossom Place should be locked at 7pm to prevent antisocial behaviour in the square. Officers have no objection to this and following consultation with the Council's Crime Prevention Design Officer, restricting access to the square between 7pm and 7am is considered appropriate for this location.

- 11.16 The pub owner has also raised concerns about the imposition of any conditions controlling the pub's hours of operation. Officers accept that the pub is an existing use which currently operates to 11pm. The extension of any hours of operation would be subject to licensing controls.

Conclusion

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

Design & Conservation

Conservation Issues

- 11.19 PPS5 provides detailed guidance on the conservation of the historic environment and historic assets. Policy HE7 in particular sets out a number of principles guiding the determination of applications relating to heritage assets and in the consideration of the impact of a proposal requires local planning authorities to take account of the significance of the heritage asset and the value that it holds. PPS 5 also sets out a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 11.17 London Plan Policies (4B.1, 4B.11, 4B.12, 4B.13) and Consultation Draft Replacement London Plan Policies (7.8 and 7.9) along side and Policy SP10 of the Council's Core Strategy (2010) seek developments to respect London's historic environment, through the protection and enhancement of historic assets and the encouragement of schemes which make use of historic assets.
- 11.18 Saved policies DEV27 and DEV28 of the Council's UDP (1998) and Policy CON2 of the Council's IPG (2007) set out the specific criteria for when development proposals are considered acceptable in Conservation Areas and these relate back primarily to National and Regional guidance outline above which seek to preserve or enhance the conservation area. These policies also seek to protect buildings which make a positive contribution to the conservation area and seek to resist their demolition unless appropriate justification is provided.
- 11.19 More specific to the application site, the City Fringe AAP (2006) specifies a number of design principles applicable to the Aldgate and Spitalfields Market sub-area, one of which (Policy CFR12) requires development within the Elder Street and Artillery Passage

Conservation Areas to reinforce the historic street pattern. Supporting paragraphs of this AAP (paragraphs 4.17-4.19 also note how new buildings should complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.

- 11.20 The acceptability of the proposed development and its impact of the Elder Street Conservation Area can be considered in the context of the above policies and guiding principles. For ease of reference, it is considered appropriate to break the development down into three aspects which reflect the three principle elevations of the site;
- (i) Shoreditch High St/Norton Folgate Street;
 - (ii) Folgate St;
 - (iii) Blossom St, Fleur-de-Lis St, all of which are detailed below in the context of the above policies.

(i) Shoreditch High Street & Norton Folgate

- 11.20 This elevation acts as the principle elevation of the site and is noted in the Elder Street Conservation Area Appraisal as having a mixed frontage which it includes modern office blocks, remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930's showroom frontage. The CAA also notes that many of these buildings do not have exceptional intrinsic value. The application proposes part retention and part redevelopment of this entire elevation.
- 11.21 No. 2-9 Shoreditch High Street is to be redeveloped to provide a medium to large block rising to 9 storeys (plus plant). The demolition of these buildings is considered acceptable as these building are not considered to have any intrinsic or historic value to warrant their retention. The design of the proposed replacement building blocks will be stepped and broken up into three separate volumes. This is considered to break up the bulk and mass of the development and ensure the character of the conservation area is protected. Considering the site's context next to 201 Bishopsgate tower, the redevelopment of 2-9 Shoreditch is considered to provide a proportionate transition between the historic scale of development in the conservation area to the east and City scale of development to the west. *(The height of the proposal is considered in the context of other design detail and tall buildings policies in later sections of this report).*
- 11.22 There is a distinct set back in the street between Shoreditch High Street and Norton Folgate which the application proposes to retain in the proposed building line of the development. The main pedestrian entrance through the site would be at this point. This set back aligns with the former precinct to the medieval Priory of St Mary Spital. *(Ancient monument discussed further in later sections of this report)* and this set back is considered to contribute to the character of the conservation area and is noted in the Inspector's appeal decision. The retention of this set back is supported.
- 11.23 The proposed retention of 16-19 Norton Folgate Street is welcomed and this represents a marked improvement to the previous application where their demolition was sought. The Council's previous reason for refusal and the Inspector's subsequent appeal decision focuses on the impacts surrounding the loss of these buildings which are considered to positively contribute to the conservation area through their rhythm and detailing. As such, their retention is proposed in this revised application and this accords with the above mentioned policies which encourage the reuse of historic assets. The refurbishment of the wash houses to the rear of 16-19 Norton Folgate St and the removal of some single storey extensions is also supported as this enables the opening up of the development on to Blossom Place.

- 11.24 The condition of No's 14-15 Norton Folgate are not comparable with that of No. 16-19 due to the extremely poor condition of their fabric, substantial reconstruction is necessary and proposed. Furthermore, following consultation with English Heritage and the Council, this approach was considerable acceptable and the application proposes to retain the foundations (to protect archaeology), reconstruct the upper floors and retain and repair the façade.
- 11.25 The end building of this elevation (No. 13 Norton Folgate St) is to be redeveloped. This is a 1930's building of little notable value and its redevelopment is not considered to have an adverse impact on the character or appearance of the conservation area. The replacement building at has been redesigned slightly to address previous members concerns and this is discussed further in later paragraphs. The replacement building will maintain the scale and proportions of the adjoining properties whilst marking a new gateway point to the conservation area along the corner of Norton Folgate and Folgate St. The revised architectural treatment and fenestration is considered to provide an appropriate balance between the new build elements along this principle elevation and the historic properties.

(ii) Folgate Street

- 11.26 No's 5-11 and 11A Folgate Street are locally listed buildings and as such are therefore considered to be heritage assets. The application proposed to retain and refurbish these locally listed 'Arts and Crafts' buildings. This retention is supported as this will both preserve and enhance the conservation area. There will be some refurbishment work to the rear of these properties (which have been much altered previously) and this is to facilitate the adaptation of the upper floors for residential use above the public house. As set out in the Elder St Conservation Area Audit, Folgate Street is identified as being at the centre of the Conservation Area, and to include most of the surviving 18th century developments.

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

- 11.27 Some of the key conservation issues to be considered in the assessment of this aspect of the site relate to works along Blossom Street and Fleur-de-Lis Street and include the demolition of the Depot site; the redevelopment of 16-17 Blossom Street and the refurbishment of the warehouses.
- 11.28 Taking each aspect in turn, the Depot building is not considered to make a positive contribution to the conservation area. As such, its redevelopment is not opposed. This was not an issue in the previous application or in the Inspector's appeal decision.
- 11.29 Similarly, number 16-17 Blossom Street is considered to be a non-descript 1950's building. Officers are satisfied with the proposed redevelopment of these two infill aspects of the proposal and their redevelopment will enhance the character of Blossom Street in accordance with the City Fringe AAP (2006), which seeks to ensure new buildings complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.
- 11.30 With regard to the warehouses, these are not listed buildings, however they are noted in the Elder Street Conservation Area Audit as being a series of high quality 4-storey brick warehouses dating from 1886. As such, they are considered to contribute towards the character of the Conservation area. The Elder Street Conservation Area Appraisal recommends the re-use of these buildings. The application proposes to refurbish and retain the majority of the units along the Blossom Street and where the internal fabric can

not be retained, their façade is to be retained. This retention and preservation aspect of the proposal is welcomed and has been commended by number of the local conservation bodies and CABA.

- 11.31 To conclude, the revised scheme is considered to achieve an appropriate balance between conservation and redevelopment, and on a whole will provide a positive contribution to the character and appearance of the Conservation Area in line with the relevant policies detailed above.

Design – Layout, Scale, Bulk & Height

- 11.32 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1 sets out a number of design principles and requires developments to maximise the potential of the sites; promote high quality inclusive design; create or enhance public realm; provide a mix of uses; be accessible, usable, permeable and safe, sustainable, respect local context, natural environment, heritage.
- 11.33 Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces.
- 11.34 The approach set out in the London Plan is also reflected in the Council's saved policy DEV1 of the UDP, policies DEV2 and DEV27 of the IPG (2007) and Core Strategy Policy SP10 which seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 11.35 Furthermore, policy CFR12 of the IPG City Fringe AAP (2007) sets out a number of design principles for the Aldgate and Spitalfields Sub Area. These relate to the need for building heights to respect local context and strategic views (e.g St Pauls); provide public realm linkages and respect historic street pattern of the conservation areas.
- 11.36 The bulk, scale and mass of the proposal is considered to sit comfortably in the context of the site. The mid rise and taller elements of the proposal are considered to be well proportioned and provide appropriate levels of enclosure around the open space. The reduction in one storey and the subsequent reduction of over 3,000sqm of office floorspace from the 2007 application significantly reduces the scale, bulk and mass of the proposal and is considered to be a marked contrast to the 2007 proposal.
- 11.37 The layout of the proposal is considered acceptable, as it respects the existing building lines, the existing orientation of the buildings and its historic relationship with Blossom Place. The proposed enlargement and enhancement of Blossom Place and the overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site. The overall layout and location of buildings and their relationship with pedestrian and vehicular movement is considered to be acceptable. It is also worth noting that CABA have commended the design strategy of the scheme, commenting in particular on how the composition of building volumes work well and that the scale and massing are considered acceptable in context.
- 11.38 The materials proposed are considered to be sympathetic to the site's context particularly in relation to the brick work which dominates much of the existing fabric in the conservation area. The design solution for the new build element appears to steer away

from the expansive glass and steel design solutions of other neighbouring officer blocks (and indeed the previous 2007 proposal) and the current proposal will be characterised rather by glass and stone (red sandstone/terracotta mid tone colour). This is considered more appropriate to the Conservation Area.

- 11.39 Equally, the development of the depot site to provide a replacement 5 storey building is considered to sit comfortably in context with the adjoining properties. The scale, proportions and detailed design is considered to complement that of the adjacent property at Fleur-de-Lis Street and Blossom Street and provides an appropriate set back with vertical glass panels to provide a transition between the original brickwork on the historic neighbouring properties and the proposed stone treatment of the new build.
- 11.40 Some of the representations made following consultation (including Spitalfields Trust) have raised concerns regarding the treatment of the corner building at 13 Norton Folgate; namely that the proposed wrap around window is considered to be out of keeping with the traditional pattern of windows in the area. The design of No. 13 Norton Folgate has now been amended in response to the Spitalfields Trust's comments and also in response to Member's previous concerns. A more traditional fenestration is now proposed to this building. This corner building marks an important transition to the edge of the Elder Street Conservation Area and this is now considered to sit comfortably in context with No. 5-11 Folgate Street. The scale, proportions and detailed design appear to respect that of the arts and craft buildings and are considered acceptable.
- 11.41 The Trust's concerns regarding the design detail of the rear wash houses being more akin to brick arches has also been raised with the applicant and the amended plans now show a traditional brick arch treatment.
- 11.42 The overall design solution for the site is considered to be of a very high architectural quality that successfully marries conservation and city fringe development constraints. The proposed restoration of active street frontages along Shoreditch High Street and Norton Folgate Street will add to the vitality and vibrancy of the CAZ.
- 11.43 As such, the building height, scale, bulk and design is considered acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (2008); policies 7.6 and 7.7 of the Consultation Draft Replacement London Plan (2009); saved policies DEV1, and DEV2 of the Council's UDP (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's IPG (2007) and policies SP10 and SP12 of the Core Strategy (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.

Height /Tall Building Aspect/ Views

- 11.44 With regards to appropriateness of the development as a tall building, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. London Plan policies 4B.8 and 4B.9 and policies 7.6 and 7.7 of the Draft Replacement London Plan (2009) relate to the specific design issues associated with tall buildings in line with CABE/English Heritage's Guidance on the matter and policy DEV 27 of the IPG and SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.
- 11.45 The site is located within the Aldgate and Spitalfields Market Sub Area of the City Fringe

AAP and the principle of tall buildings in this area is established in both the City Fringe AAP and through the recent developments in the vicinity, notably 201 Bishopsgate Tower opposite the application site (located within the London Borough of Hackney). It is also worth noting that the Council's previous reason for refusal did not raise concerns with the height of the development and it is also worth noting that the Inspectors appeal decision acknowledges that the taller element of the proposal (10 storeys in this case) *'would not look out of place'*.

- 11.46 Notwithstanding the above, and in response to some local opposition arising from the 2007 scheme, the applicant had reduced the height of the development by one storey. The development therefore proposes a series of low to mid rise building blocks rising to 9 storeys in height (48.40 AOD) plus plant, with the tallest element in the north west corner of the site fronting on to Shoreditch High Street.
- 11.47 The illustration below taken from the applicant's Design and Access Statement illustrates the location of the taller element of the proposals and shows how this sits with the low and mid rise properties adjacent.



View from Norton Folgate/Shoreditch High Street looking north.

- 11.48 The area is already characterised by a mix of building heights. The Elder Street CAA notes how the scale of development in the area is predominantly 3-4 storeys high with 3-storey Georgian houses in the core of the area, 5-6 storey buildings along Commercial Street, and 12 storey office development to the south as well as the 35-storey Broadgate Tower. It is considered that the group of tall buildings proposed in three volumes with various set backs, will sit comfortably within the site context and would ensure that the development of this site would make a positive contribution to the streetscape.
- 11.49 Consideration has also been given to the potential impacts of the development on surrounding local and strategic views, including views into and out of adjoining conservation areas. The site falls within the strategic linear view corridor of St. Paul's as view from Richmond Park as part of the London View Management Framework. However, the development to the west of the site (201 Bishopsgate) rises above the proposed development and therefore shields the proposal when viewed from Richmond Park.
- 11.50 In terms of local views, the application is accompanied by a number of verified views which following consideration indicates that the proposal will relate positively to the

surrounding site context. The design approach for the taller element of the proposal is considered to provide a suitable transition between the historic scale of development in the conservation area to the east and City scale of development to the west, providing an effective middle ground focus of the view. Views of the proposed 9 storey element of the development will be visible from Shoreditch High Street looking south towards the City however these remain in context and 9 storeys is considered to provide an appropriate middle ground between Shoreditch and the City. Views of the taller element when viewed from Fleur-de-Lis Street and Elder Street looking west sit comfortably within the conservation area and are considered to define the boundary for the conservation area, marking the contrast between the rich historic fabric of the conservation area to the east and the expansive glass and steel design of the structures to the west, notably the 35 storey tower at 201 Bishopsgate.

- 11.51 The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) and policies 7.11 and 7.12 of the Draft Replacement London Plan (2009) and policy SP10 of the Core Strategy (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Landscaping and Open Space

- 11.52 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), Policies DEV12 and HSG16 of the UDP (1998), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of the Core Strategy (2010), seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces.
- 11.53 More specific to the site, the City Fringe AAP (2007) seeks that new developments maximise publically accessible open space through, for example at Policy CRF5(6), the provision of *'small pocket parks within development proposals, particularly higher density office and residential schemes in the west of the area'*.
- 11.54 The site currently has a small courtyard accessed from Blossom Street which is associated with the public house along Folgate Street. The application proposes to retain, enlarge and upgraded to provide a managed public open space. It is considered that this aspect of the proposal would provide a high quality public amenity space at the heart of the scheme, as well as reinforcing an element of the site's historical identity.
- 11.55 The space (and its access links to Norton Folgate/Shoreditch High Street and Blossom Street) would be fully accessible to public use during the daytime with gated security in the evening and with 24hour security management. Considering the sites location within the City Fringe and the commercial nature of the proposal, this is considered acceptable; however, it is recommended that the proposed gating system is conditioned appropriately, including details of the types of gates and their operation. A condition has been suggested to this effect, as detailed above in section 3. There as been much discussion with the pub owner and the applicant regarding the appropriate time that the square should be gated. Advice has also been sought from the Council's Crime Prevention Design Officer. It is considered appropriate to gate the square between the hours of 7pm and 7am and it is recommended that this is conditioned accordingly.
- 11.56 In addition to the reformation of Blossom Place, the application also proposes an extension of the area of open space northwards between the east and west sections of the development. This takes the form of hard surfaced urban courtyard with seating and an amenity space for the benefit of office users. This rectangular shaped courtyard will be

accessed from the central core of the commercial development, or via Blossom Place, or from Fleur-de-Lis street.

- 11.57 The development does not propose any additional public realm benefits in the wider sense and considering its context within the conservation area, and the impacts of 18,000sqm of new commercial activity in this city fringe location, it is considered appropriate that the development contributes £570,000k towards public realm improvements. This would be secured through the S.106 agreement. It is also considered appropriate to ensure that Blossom Place remains accessible to the public between 7am and 7pm. The details of the public realm contributions are dealt with in more detail in Section 11 of this report.

Amenity

Daylight and Sunlight

- 11.58 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 11.59 Policy 4B.10 of the London Plan (2008) requires that all large-scale buildings, including tall buildings, to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.
- 11.60 The residential component of the development (above the public house) has now been omitted from the proposal. The application is accompanied by a Daylight and Sunlight Assessment and concludes that the proposed development is not likely to give rise to any loss of daylight or sunlight to any adjoining properties.
- 11.61 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of the Core Strategy (2010) with regards to sunlight and daylight, and accordingly the proposals are not likely to cause any adverse impacts to the surrounding residential properties.

Wind/Microclimate

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

- 11.65 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10, policy DEV1 of the IPG and policy SP10 of the Core Strategy (2010).

Privacy

- 11.66 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy. Considering the residential component of the development has now been amended, the development does not result in any directly facing habitable rooms.

Noise and Vibration

- 11.67 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 11.68 Policy 4A.20 of the London Plan (2008) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.
- 11.69 In terms of noise emitted by the proposed development and its impact upon nearby residents, the applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regs. It is also considered appropriate to condition the operation of the outdoor terrace area by requiring details of the type of gating, including hours of operation. Finally, conditions are also recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.
- 11.70 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 11.71 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 4A.20 of the London Plan (2008), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

Air Quality

- 11.72 PPS23 and Policy 4A.19 of the London Plan (2008) relate to the need to consider the impact of a development on air quality. Policies DEV2 of the UDP (1998) and Policy DEV5 of the IPG (2007) and Core Strategy Policy SP02 seek to protect the Borough from the effect of air pollution and Policy DEV11 in particular requires the submission of an air quality assessment where a development is likely to have a significant impact on air quality. Tower Hamlets Air Quality Action Plan (2003) also examines the various measures for improving air quality in the Borough.
- 11.73 The application is supported by an Air Quality Assessment which looks at the local air

quality from construction activity as well as operational function of the development proposal. The report concludes that the release of dust from construction activity is likely however through proposed mitigation measures, the impact can be reduced to a negligible level. In terms of operational assessment, and the impact of traffic generation together with impact of potential exposure of future occupants to poor air quality, the study concludes that the development would cause an imperceptible increase in pollution and this is due to the car free nature of the proposal. Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the conservation and regeneration benefits that the development will bring to the area.

- 11.74 During the assessment of the application, the Air Quality EHO requested further information with regards to background concentrations, meteorological data, source of traffic data (and whether TfL factor was applied), and whether the street canyon effect has been taken into account. This information was subsequently provided by the applicant and the air quality assessment was considered comprehensive.
- 11.75 The EHO recommends that any approval is subject to the approval of a Construction Environmental Management Plan (to be conditioned prior to commencement).
- 11.76 As such, the proposal is generally in keeping with PPS23, Policy 4A.19 of the London Plan (2008), Policy DEV2 of the UDP (1998), Policies DEV5 and DEV11 of the IPG (2007), and Core Strategy SP02 (2010) and the Tower Hamlets Air Quality Action Plan (2003).

Transport

- 11.77 PPG 13 and the London Plan 2008 and Draft Replacement London Plan 2009 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 11.78 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 17, DEV, 18 and DEV19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network.
- 11.79 The application site is located along the City Fringe within the Central Activities Zone and is well served by public transport with a public transport accessibility level (PTAL) of 6. The site is in close proximity to Liverpool Street underground station (500m) and Shoreditch High Street station (300m). A number of bus services which run along Norton Folgate/ Shoreditch high Street access the City, North and East London routes. As such the site is well located to support a medium to high density office development.
- 11.80 The road network around the site will remain as existing, however, the development proposes to enlarge the existing square/courtyard known as Blossom Place and bring this back into use. Two new access points are also proposed from Shoreditch High Street and at 16 Blossom Street. This move is considered to greatly improve the permeability of this site and improve local connectivity in the area in line with the relevant transport, pedestrian and public realm policies outlined above.
- 11.81 In terms of the number of vehicular trips that the proposal will generate and the implications this may have on local network capacity, the application proposes a number

of measures to minimise any potentially adverse impacts and these are discussed below as follows:

Servicing and Deliveries

- 11.82 For the main site, it is proposed that the majority of vehicles servicing the main site will take place in two locations – (i) at the existing parking bay along Shoreditch High Street and (ii) at the proposed service bay within in Blossom Place. All vehicles servicing the adjacent Depot site will do so at the existing dropped kerb servicing area adjacent to the depot building.
- 11.83 Service vehicles to and from Blossom Place are expected to access the site from the north along Blossom St & Fleur de Lis Street. The reason being that Blossom Street is a very narrow street and the size of vehicles that currently access it is restricted to cars and other small vehicles. There are also bollards along southern entrance to Blossom Street to its junction with Folgate Street to restrict vehicular access.
- 11.84 All large vehicles would be unable to access Blossom Place and the servicing of loads normally borne by such vehicles would be done by splitting the load into a number of smaller vehicles or by out of hours servicing along the Shoreditch High Street loading bay.
- 11.85 The Council's Highways Officer requested further details relating to the relationship of the replacement building with the servicing bay at the Depot Site. There were concerns over whether there will be sufficient clearances to ensure that the building will not oversail the footway. Further information has been submitted by the applicant showing a set back of the ground floor plan of this building. However, as the replacement building continues to overhang the pavement at upper levels, the Highways Officer has confirmed that the applicant may have difficulty obtaining an Highways Oversailing Licence. The applicant has been informed of this situation, however as this requirement is not detailed within development plan policies, it is not considered to warrant a reason for refusal.
- 11.86 In summary, according to the applicant's transport assessment, it is anticipated that the main site will experience approx 5-6 x motorcycles, 12 x cars, 14 x transits throughout the day. The Depot Site along Blossom Street is expected to experience 1 x motorcycle, 2 x cars and 2 x transit vans per day and that It is also estimated that almost 50% of service vehicles will be in the form of cars or motorcycles.
- 11.87 It is also proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.

Refuse

- 11.88 The application is fully supported by a full Transport Assessment outlining the applicant's refuse storage and collection arrangements. An additional plan has also been provided by the applicant highlighting the precise location for refuse storage at basement level and the collection point at surface level. An on site waste compactor will be used and brought to ground level from the basement (via lift), for collection by a refuse vehicle in Blossom Place. The Council's Highways Officers are satisfied with the proposed arrangements and the Council's Waste Officers raise no objections.
- 11.89 In terms of refuse collection, due to the restricted carriageway width on Blossom Street and Fleur de Lis Street, the applicant questioned concerned that LBTH vehicles may not be able to gain access to the site. However, consultation with the Tower Hamlets Waste Officers confirms that Tower Hamlets has sufficient refuse vehicles to access narrow

streets such as Blossom Street and that this is not a concern.

- 11.90 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP). These measures are considered sufficient to overcome this reason for refusal and reassure Members that there will be no adverse impacts on traffic flows or highway safety as a result of the development.

Car Parking

- 11.91 Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, policy 6.13 of the Draft Replacement London Plan (2009), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 11.92 The site has a high PTAL rating (level 6). Considering the omission of the 8 residential units from the application, no car parking spaces are proposed (except for the provision of 1 disabled blue badge holder space within Blossom Place). It is considered that the car free nature of this proposal will encourage sustainable transport, particularly in light of the site's proximity to Shoreditch High Street and Liverpool Street Stations.
- 11.93 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of this Plan. TfL has indicated that the submission of a Framework Travel Plan is required at the application stage; however, following a meeting with TfL on the 28 March, it was agreed that this could be submitted via condition. LBTH officers are content with the travel plan objectives set out in the Transport Assessment and content that the Travel Plan be secured by the S106. As such, and in accordance with policy DEV 18 of the IPG 2007, this will help ensure that the development can manage the travel needs of those working and visiting and increase the range of travel options for the site.

Provision for Cyclists

- 11.94 To facilitate the development, 132 cycle parking spaces are proposed. This includes 92 x staff spaces to be located at basement level and 26 x visitor spaces along Shoreditch High Street. 14 staff and visitor spaces are also proposed to facilitate the Depot site.
- 11.95 This exceeds the Council's requirement and is therefore considered acceptable and in line with the relevant parking policies.

Inclusive Environments

- 11.96 Policies 4B.1, 4B.4, 4B.5 of the London Plan, and policy 7.2 of the Draft Replacement London Plan (2009); and Saved UDP Policy DEV1 and DEV3 of the IPG seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 11.97 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. In broad terms, the site's location within a high PTAL area,

alongside the provision of step free access routes across the site, the provision of a new public open space, and the maximising of circulation space at ground floor level of the commercial uses indicates that the site is accessible, usable and permeable for all.

- 11.98 The Councils' Access Officer has however raised some minor specific concerns regarding the access point to the main entrance to the commercial element along Shoreditch High Street due to the proposed provision of revolving doors which are not considered to be wholly inclusive, as they require the provision of a separate special entrance for wheelchair users via separate side pass doors. Officers consider that any approval should condition the submission of further details of all access and egress points to ensure the development does not result in undue separation. A condition has been suggested to this effect, as detailed in section 3.
- 11.99 The Council's Access Officer also recommends that all ramps within the scheme are shallow as possible (preferably 1:20) and if not, justification for an alternative gradient is needed. Officers consider it appropriate to condition such detail to ensure a wholly accessible development. As such, a condition is recommended to this effect.

Energy Efficiency

- 11.100 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 4A.4 of the London Plan (2008) requires major developments to submit an energy assessment.
- 11.101 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 11.102 Policy 4A.7 of the London Plan (2008) sets a target reduction of 20% for carbon dioxide emissions from on-site renewable energy generation unless unfeasible. Policy 5.1 of the Draft Replacement London Plan (2009) requires a 44% reduction for non residential buildings.
- 11.103 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, promoting renewable technologies.
- 11.104 The application has been accompanied by an Energy Statement and an addendum Energy Statement prepared by Hoare Lea and both the GLA and the Council's Energy Officers have found the applicant's energy statement to be broadly acceptable as it has been developed in line with the Mayor's energy hierarchy and the results are as follows:
- Be lean measures – Development is designed to improve on 2010 building regulation requirements through energy efficient measures alone e.g. energy efficiency lighting, improved controls and high performance glazing.
 - Be clean measures – Application proposes that all buildings will be served from a single energy centre providing heating and hot water to all elements of the development. This will be served through high efficiency gas boilers and high efficiency Turbo Core (electric) chillers. The energy centre is designed to allow future connectivity to a district heating system where available.

- Be green measures – 150sqm of photovoltaic (solar) panels proposed.

Sustainability

- 11.105 At a National level, PPS 1 sets out the national sustainability objectives and the supplement to PPS1 Planning and Climate Change, encourages the delivery of sustainable buildings and development.
- 11.106 At a strategic level Policy 4B.6 and 2A.1 of the London Plan (2008) and policies 5.1, 5.2, 5.3, 5.7 of the Draft Replacement London seeks the highest standards of sustainable design and outlines sustainability criteria. Guidance on sustainability is also set out in the Mayor's SPG 'Sustainable Design and Construction'.
- 11.107 Saved Policy DEV2 of UDP (1998) and DEV5 of the IPG (2007) require all developments to incorporate the principles of sustainable development, major developments in particular.
- 11.108 The applicant has submitted a Sustainability Statement and is committed to achieving BREEAM target of excellent. Furthermore, the GLA have confirmed that although the carbon savings fall short of the Replacement London Plan targets, the proposal is acceptable considering the technical constraints on site.
- 11.109 In conclusion, whilst the 20% carbon reduction from on site renewables as required by London Plan Policy 4A.7 (and 44% as required by policy 5.2 of the Draft Replacement London Plan) and Core Strategy Policy SP11 is not achieved, the Council's Energy Officer welcomes the applicant's commitment to sustainability and achieving a BREEAM Excellent development. However, it is recommended that these commitments are secured through condition requiring appropriate certification.

Conservation Area Consent

- 11.110 In terms of the application for Conservation Area Consent, the application seeks consent to demolish:
- No. 13 and No. 20 Norton Folgate;
 - No. 2-9 Shoreditch High Street;
 - No.16-17 Blossom Street;
 - No.10 Blossom Street.

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

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

- 11.111 These works are proposed are to enable the redevelopment of the site and adjoining depot site for commercially led mixed use purposes. Paragraphs 11.16 – 11.33 of this report discusses each of these buildings, noting their characteristics, their merits and what is being proposed to each. This section of the report considers these proposed works in the context of the application for Conservation Area Consent.
- 11.112 PPS5 requires Local Authorities to take account of a heritage asset's designation and expert advice from bodies such as English Heritage, and its overall value as a heritage

asset. PPS5 also requires authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution of that asset.

- 11.113 There is a presumption in favour of the conservation of designated heritage assets and PSS5 advises that more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 11.114 Authorities are also advised to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 11.115 Policy DEV28 of the UDP and Policy CON2 of the IPG in particular require proposals for the demolition of buildings in conservation areas to be considered against certain criteria such as the desirability of preserving or enhancing the character or appearance of the area; the condition of the building; likely costs of the repair; the adequacy of efforts to maintain the building in use; and the suitability of any proposed replacement building.
- 11.116 In the assessment of the appropriateness of the proposed demolition, officers have had regard to the advice set out in PPS5, the saved Policies from the UDP, adopted IPG and Core Strategy Policies relating to demolition on a conservation area.
- 11.117 It is considered that there are no objections to the proposed demolition of No. 13 and No. 20 Norton Folgate; No. 2-9 Shoreditch High Street; No.16-17 Blossom Street; or No.10 Blossom Street. These properties are not statutory listed buildings and are considered to have either a neutral or negative contribution on the conservation area. Officers do not consider them to be valuable heritage assets.
- 11.118 As outlined in previous sections of this report, there are some buildings within the application site which are considered to contribute positively to the character and appearance of the Elder Street Conservation Area, however, it is not proposed that these buildings be demolished. Therefore officers raise no objection to the demolition of the proposed buildings. It is also worth noting that English Heritage have raised no objections to extent of demolition proposed.
- 11.119 It is also worth noting that CABE and the GLA raise no objection to the scheme from a conservation and design perspective.
- 10.120 The replacement buildings as described in earlier sections of this report, and are considered to be of high quality and will respect the character and appearance of the conservation area.
- 10.121 The applicant is already committed to the retention of 16-19 Norton Folgate Street, both their facade and internal layout following extensive reconstruction and refurbishment work. At pre-application stage the applicant has attempted to demonstrate that the provision of modern office premises in the CAZ and City Fringe locations requires large floor plate layouts, and were reluctant to retain these historic properties along Norton Folgate. However, in light of the Inspectors comments in relation to the previous appeal scheme and also in light of the comments made by the Council's Conservation Officer, the applicant is now committed to the retention of these buildings in their current layout.
- 10.122 Officers consider the proposed scheme to represent a balanced, coherent and sustainable approach to the redevelopment of the site from a conservation perspective. The extent of preservation, repair and refurbishment of the historic fabric together with the quality of the replacement infill buildings is considered to outweigh the impacts of the

proposed demolition. As such, officers raise no objection to the proposed works seeking conservation area consent. It is also recommended that the issuing of Conservation Area Consent be subject to the imposition of a grampian condition precluding any demolition until the details of the construction contract relating to the planning permission is being submitted and agreed by the Local Planning Authority.

Scheduled Ancient Monument/ Archaeology Issues

- 11.123 Policy 4B.15 of the London Plan (consolidated with alterations since 2004); policy 7.8 of the Draft Replacement London Plan (2009); Saved Policy DEV42 of the UDP (1996) and policy CON4 of the IPG (2007) seek to resist development which would adversely affect archeologically remains including Scheduled Ancient Monuments. These policies also require consultation with English Heritage and the submission of archaeological assessments to support application proposals affecting sites within archaeological areas.
- 11.124 With regard to the any associated archaeological implications, the planning application is accompanied with an Archaeological Evaluation Report. The key archaeological consideration for this application is the site's designation as a Scheduled Ancient Monument (SAM) associated with the Former Medieval Priory and Hospital of St Mary Spital. An SAM is a monument which has been scheduled for protection against disturbance. This particular monument extends south of Fleur de Lis Street to Spital square. The application site lies over the northern extent of the SAM where elements of the Priory and Hospital of St Mary Spital once stood. The application site is seen to occupy the area where the kitchen garden and orchard area once stood. Many of the existing walls within the site are unusually thick and are considered to contain fragments of earlier walls.
- 11.125 SAM Consent is required from the Sectary of State before any work can be carried out which might affect a monument either above or below ground level. The proposed development would require excavation at lower ground floor level. The SAM is considered in parallel with this planning application. The applicant submitted an application for Scheduled Monument Consent to the Secretary of State for Culture, Media and Sport and a decision was issued by English Heritage on 5 April 2011, granting SAM Consent on behalf of the Secretary of State. English Heritage confirmed this in a letter dated 14 July 2011.
- 11.126 The applicant has been in consultation with English Heritage before the submission of this planning application. Eight evaluation trenches have already been excavated by the Museum of London Archaeological Services (MOLAS) and their concluding report confirms that no activity relating to the medieval Priory and Hospital of St Mary was found. As such, this report confirms that the development proposals will not be detrimental to the Schedules Ancient Monument.
- 11.127 It is worth noting however, at the pre-application stage, investigation was carried out at No. 14 Norton Folgate Street, to assess the merit of the internal fabric to clarify the extent of refurbishment needed. The investigation and final report concluded that no elements of its content could be dated to the lifetime of the medieval Priory and Hospital of St Mary Spital, however, some large timbers were found partially exposed. The application was subsequently accompanied by a Timber Report however, concludes that these timbers probably dated from 18th Century, and that no element could be dated to the lifetime of the medieval priory and hospital of St Marys Spital.
- 11.128 Regardless, the exposed timber work is considered to have some historic merit and English Heritage consider it to be worthy of recording. As such, they have recommended that a programme of historic building recording and analysis be conditioned.

- 11.129 This aspect of the proposal accords with PPS5 which notes the importance of documentary recording as a valuable tool in retaining the heritage asset.
- 11.130 As such, the scheme is considered to accord with policy 4B.15 of the London Plan (consolidated with alterations since 2004); policy 7.8 of the Draft Replacement London Plan (2009); saved policy DEV42 of the UDP (1998) and CON4 of the IPG (2007) which seek to resist development which would adversely affect archaeological remains including Scheduled Ancient Monuments.

Planning obligations/S106

- 11.131 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
 - (ii) Necessary to make the proposed development acceptable in planning terms;
 - (iii) Directly related to the proposed development;
 - (iv) Fairly and reasonably related in scale and kind to the proposed development; and
 - (v) Reasonable in all other respects.
- 11.132 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 11.133 Policies 6A.4, 6A.5 of the London Plan (consolidated with alterations since 2004), and policies 8.1, 8.2, 8.3 of the Draft Replacement London Plan (2009), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 11.134 LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Financial Contributions

- Contribution of £239,304.00 towards Enterprise and Employment;
- Contribution of £570,000 towards Public Realm
- Contribution of £1,572,477 towards Crossrail.
- Contribution of £3,000 for Travel Plan Monitoring.

Non-Financial Obligations:

- Display and interpretation of archaeological finds in a publicly accessible location within the site;
- Agreement to ensure the public can access Blossom Place
- Travel plan preparation and implementation;
- Skillsmatch (20% local procurement at construction phase and 20% local labour in

construction phase).

Employment, Training and Enterprise

- 11.135 Despite the application site's location within the business focused city fringe, the site is also located within the Spitalfields and Banglatown Ward, which is ranked the 10th most deprived ward in London due to the significant level of economic deprivation.
- 11.136 As set out in the Council's Annual Monitoring Report 2010, Tower Hamlets has one of the lowest employment rates in the country at 59.6% compared to the national average of 70.7%. The number of Jobseekers Allowance (JSA) claimants has also increased (from 9,880 in April 2009 to 10,365 in March 2010) with the majority of claimants seeking employment in sales and customer service, elementary, administrative & secretarial and skilled trades occupations.
- 11.137 The proportion of people aged between 16-24 years within the Spitalfields and Banglatown Ward is higher than the borough average (20.1% to 14.9%) and in April 2011, the JSA claimant count (unemployment rate) in this local area was 8.1%, which is 2% higher than the overall rate in Tower Hamlets, and nearly 5% higher than the average. This highlights the issue of unemployment in this part of the Borough, despite the existence of apparent commercial wealth and activity along the City Fringe. As such, the proposed development has the potential to mitigate against the problem of unemployment in the Borough by undertaking reasonable endeavours to employing local people at the pre and post development phases.
- 11.138 As such, a sum of £239,304.00 has been agreed with the applicant towards the Council's employment training programme, Skillsmatch. (This represents more than a 50% increase in the amount that was previously reported to Committee on 12 May Committee. (From £108,840 to £239,304.00). The formula used to establish the employment contribution has been adopted from the Council's draft SPD on Planning Obligations which was agreed by Cabinet on 6th July 2011. This employment formula is based on the employee density; the size and type of development proposed; the number of employees requiring training & support in the Borough and also the cost of training an individual to NVQ level 2 or to the stage when they are able to secure a job.
- 11.139 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:
- 20% Local procurement at construction phase
- 11.140 This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.
- 11.141 The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated consultation event with a number of developers to enable them to meet with prospective local suppliers.
- 20% Local labour in construction phase
- 11.142 This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the

team would develop a complete skills solution based on the developer's labour requirements.

- 11.143 This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

Public Realm Improvements

- 11.144 Given the provision of over 18,000sqm of new office floorspace, a higher pedestrian footfall is anticipated to and from the site. Improvements to the public realm are considered necessary to provide a safe and attractive pedestrian route between the application site and the transport interchanges at Shoreditch High Street and Liverpool Street. The current route to Shoreditch High Street Station in particular is undesirable and unsafe due to its condition, and contributions towards public realm improvements in this area would bring this pedestrian route to an appropriate standard.
- 11.145 The Spitalfields and Banglatown ward is also noted has having the highest reported crime rate in the Borough and the quality of the public realm has been identified as one of the factors contributing to crime hot spots.
- 11.146 The development is also considered to have an impact on the Conservation Area. The potential impact of the application site is specifically referred to in the Elder Street Conservation Area Character Appraisal and Management Plan and sets out a number of priorities for the area, including the undertaking of a public realm study and the implementation of improvements to historic streetscape.
- 11.147 Objective 3.2 of the Council's Conservation Strategy, approved by Members in October 2010 in particular seeks to increase the resources available for the Borough's heritage in terms of both management and S106 agreements. Key actions for 2011-2012 arising from the Council's Conservation Strategy are to:
- Complete and maintain a Heritage at Risk register and work with register to remove buildings at risk.
 - Develop and maintain an integrated accessible electronic database of heritage information for the Borough.
 - Develop and implement an updated database of locally important buildings.
- 11.148 With this in mind, it is considered reasonable to seek a contribution towards public realm and environmental improvements, which captures measures to improve pedestrian links to and from the development proposal, public art, safety and security measures and improvements to the conservation area including improvements to buildings at risk.
- 11.149 A sum of £570k has therefore been agreed with the applicant. This amount was also considered and agreed by the Council's Planning Contributions Overview Panel (PCOP) in late 2010, taking a pro-rata approach to similar developments in the area (such Suttons Wharf South, 41-59 Three Colts Lane, Block C Trumans Brewery and the nearby Bishop's Square).
- 11.150 However, more recently, the Council's draft SPD on Planning Obligations was approved for consultation purposes by Cabinet on 6 July. This draft sets out a formula and threshold for contribution requirements towards Public Realm improvements based on the area of footway and carriageway adjoining a development proposal. With this in mind, a higher specification cost has been applied considering the site's location within the Elder

Street Conservation Area, its location within the CAZ and its relationship to Shoreditch High Street interchange. This provides further justification for the £570k public realm contribution.

Travel Plan monitoring

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

Crossrail

- 11.153 In addition to contributions requested by Tower Hamlets, TfL have requested a contribution of £1,572,477. towards Crossrail, in accordance with Policy 3C.12A of the London Plan (2008) which seek contributions from developments likely to add to or create congestion on London's rail network.
- 11.154 Crossrail is a major cross-London rail link project which is being developed to serve London and the south-east of England. It aims to provide a fast and efficient rail access to the West End, the City and Canary Wharf and linking existing routes from Shenfield and Abbey Wood to the east to Maidenhead and Heathrow Airport to the west. Tower Hamlets will see two new Crossrail stations at Whitechapel and Canary Wharf.
- 11.155 In line with adopted Policy SP08 of Tower Hamlets Core Strategy 2010, the Borough aims to work with TfL to ensure that the capacity of the public transport network meets the demands of current population needs and future growth through the delivery of strategic transport projects such as Crossrail.
- 11.156 According to the Mayor's SPG on 'The Use of Planning Obligations in the Funding of Crossrail', a tariff approach is used, based on the location of the development, the nature of the uses proposed and the amount of increased floor space.
- 11.157 During both the pre-application stage and application stage, the applicant has raised concerns regarding the cost of the Crossrail contribution and what impacts this has on the viability of the scheme. This was accompanied by a viability assessment which was subsequently reviewed by an external consultant (appointed by TfL). TfL concluded that the scheme was not unviable as a result of the Crossrail contribution. The viability assessment does not demonstrate that the Crossrail contribution alone makes the development unviable; rather the scheme appears to be unviable regardless of the Crossrail contribution. Whilst this has raised many questions amongst officers, the applicant has accepted the Crossrail contribution, acknowledging that commercial rents in the City Fringe may increase in the future therefore potentially making the scheme more viable. This agreement was on the assumption that the applicant could have on-going dialogue with TfL, during the drafting of the S106 Agreement to secure an acceptable payment plan.
- 11.158 It is also worth noting that the recent amendments to the scheme as a result of the omission of the residential units and the subsequent replacement with new office

floorspace has resulted in an uplift in the Crossrail contribution sought from £1,415,591 to £1,572,477. This is in line with Policy 3C.12A of the London Plan (2008) and Policy SP08 of Tower Hamlets Core Strategy 2010.

- 11.159 Therefore, the overall contribution package, including Crossrail, is considered sufficient to mitigate against the impacts of the development proposal in line with Policy 6A.5 of the London Plan, Policy DEV4 in the UDP, Policy IMP1 of the IPG (2007) and Policy SO1, SO3, SP08 and SP13 of the Core Strategy (2010).

12 CONCLUSION

- 12.1 It is considered that this application represents a marked improvement to the 2007 previously refused scheme. Furthermore, it is considered that the recent changes to the current scheme (June 2011) gave gone a step further to overcoming the concerns raised by Members in May 2011. On balance, the application is considered to bring a number of regenerative benefits to the immediate area and the wider Borough through the provision of employment generating office floor space in a prime City fringe location. The application will also deliver a successful balance between the demand for new large floor plate office space (appropriate for designated Preferred Office Locations) and the national, regional and local requirements to preserve and enhance heritage assets such as building in the Elder Street Conservation Area. The application will also improve employment opportunities and tackle unemployment through the applicant's contributions to Skillsmatch and employment training.
- 12.2 The proposed demolition of buildings which are considered to detract from the conservation area, along side the retention and refurbishment of others properties which are considered to contribute more positively, are considered acceptable and in accordance with the objectives of PPS5 and the relevant UDP, IPG and Core Strategy Policies outlined above.
- 12.3 The development is considered to form a positive addition to London's skyline, without causing any detriment to local or long distant views. Furthermore, the height, scale, bulk and over all design approach for the scheme is considered to be of high quality and considered to provide a successful balance between respecting the character and appearance of the Elder Street Conservation Area, and the commercial character of this City fringe location and therefore accords with the relevant design policies outlined above.
- 12.4 Through the provision of renewable technologies and a number of sustainable development practices, the development will maximise the energy efficiency of this development and promote sustainable transport options for future users of the site.

13 CONCLUSION

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

14 CONSIDERATION OF PREVIOUS COMMITTEE MEETING

- 14.1 Officers do not consider that the initial reasons which Members were minded to refuse the scheme are now defensible in light of the changes made to the scheme and officers' concluding recommendation that permission should be granted. However, if Members are minded to refuse the amended application, (subject to any direction by the Mayor of London), the suggested reasons for refusal are set out below:

15 Suggested reasons for refusal:

- 15.1
1. The proposed development fails to provide sufficient regenerative benefits and does not make adequate provision for local employment to adequately mitigate the impact of the development. As such, this is contrary to Government Circular 05/05, the Community Infrastructure Levy Regulations (2010), policies 6A.4, 6A.5 of the London Plan (consolidated with alterations since 2004), and policies 8.1, 8.2, 8.3 of the Draft Replacement London Plan (2009), saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services to facilitate the proposed development.
 2. The application fails to provide sufficient archaeological information to enable an accurate assessment of the impact the proposal on the Scheduled Ancient Monument (Former Priory and Hospital of St Mary Spital) contrary to the advice set out in PPS5, policy 4B.15 of the London Plan (consolidated with alterations since 2004); policies 7.8 of the Draft Replacement London Plan (2009); saved policy DEV42 of the UDP (1998) and CON4 of the IPG (2007) which seek to resist development which would adversely affect archaeological remains including Scheduled Ancient Monuments.
 3. The application fails to provide sufficient information relating to refuse storage and collection arrangements to enable an accurate assessment of the impact the proposal on the surrounding road network and as such could potentially result in unacceptable traffic congestion, highway safety and parking impacts, contrary to PPS1, PPG13, Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated with Alterations since 2004), policies 6.1, 6.3, 6.4 of the Draft Replacement London Plan (2009); Policies T16, T18, T19, T21 of the LBTH UDP (1998), Policies DEV17, DEV18, DEV19 of the LBTH Interim Planning Guidance (2007) and policies SP08 and SP09 of the Core Strategy (2010) which seek to ensure the proposal does not impact on the local road network.
 4. The application fails to provide sufficient information relating to the proposed use, treatment and permeability of the proposed 'Blossom Place' open space, to enable an accurate assessment of the appropriateness of this open space in this location, contrary to policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), policies 7.5 of the Draft Replacement London Plan (2009); Policies DEV12 of the UDP (1998), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of the Core Strategy (2010), seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces.
 5. The detailed design and treatment of the corner building between Norton Folgate and Folgate Street by reason of poor window fenestration would fail to respect the local street scene and in particular views from Norton Folgate north towards the entrance of the Elder Street Conservation Area, and as a result, would fail to preserve or enhance the character and appearance of the Conservation Area contrary to the advice of PPS5, policies 4B.1, 4B.9, and 4B.10 of The London Plan (consolidated with alterations since 2004), policies 7.4 and 7.6 of the Draft Replacement London Plan (2009); saved policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan (1998), policies DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the adopted Tower Hamlets Core Strategy (2010), which seek to ensure development is of a high quality design and which preserves or enhances heritage assets, their settings and views into the Conservation Area.

6. The proposed residential units above the existing public house is considered unacceptable at this location as it would have an adverse impact on the residential amenity of future occupiers, in particular the potential noise nuisances associated with the comings and goings of the existing public house, contrary to Policy 3D.4 of the London Plan (2008), saved policies DEV1, DEV2, S7 and DEV50 of the adopted Unitary Development Plan (1998), policies SP01, SO25 and SP12 (Spitalfields Vision) of the Core Strategy 2010, and policies DEV1, DEV10, RT5 of the Interim Planning Guidance (2007), which seek to protect residential amenity and disturbances associated with A4 which form part of the evening and night time economy.

15.2 Outlined below are the reasons why officers could not support the previous reasons for refusal as outlined by Members on the 12 May 2011:

Reason for Refusal 1 – Lack of Employment Benefits

15.3 The first reason for refusal raised concerns regarding the lack of regenerative and local employment benefits. As set out in earlier paragraphs of this report, it is considered that this application will bring much wider regenerative benefits to the Borough than the immediate benefits arising from the creation of 21,000sqm of commercial floorspace. Aside from the estimated 1,665 new jobs that are likely to be created from this proposal, the development will also attract ancillary economic and business links associated with the principle development.

15.4 A development of this scale will require ancillary support services, security, IT support, cleaning services, outsourced services in administration, accountancy, legal advice, catering and retail suppliers. A development of this scale will clearly provide a wide range of employment opportunities to the Borough on varying levels and will demand a range of skills from the professional to technical and non technical workforce.

15.5 The Borough will also benefit from the income received from the commercial rates associated with the 21,000 sqm of office and retail space being provided on the site.

15.6 The redevelopment of this site is also likely to attract visitors in the area as a result of the new public square, the historic pub location and the potential tourist and educational visits associated with the archaeological history of the site (Schedule Ancient Monument information, history and story boards).

15.7 The increase in activity in this area also has the potential to stimulate the evening and night-time economy in other neighbouring sites indirectly through for example, restaurant, retail and drinking establishments around Shoreditch and Brick Lane.

15.8 Despite the clear benefits expected directly from the proposal, the applicant has also committed to paying a monetary employment contribution to address the problems of unemployment in the Borough. A total of £239k has been agreed along side the applicant's commitment to undertaking reasonable endeavours to employing local people at the pre and post development phases.

15.9 In conclusion, it is considered that this development proposal will generate new employment, help retain existing jobs and stimulate further economic growth and business links within the Borough and with neighbouring Boroughs. Furthermore, the uplift to the employment contribution by more than 50% and the applicant's commitment to local labour initiatives are considered sufficient to overcome Members' previous concerns and their reason for refusal relating to the lack of regenerative and employment benefits.

Reason for Refusal 2 – Lack of Archaeological Information

- 15.10 As outlined in Section 11 of this report, sufficient information has been provided to demonstrate that the development will not cause any harm to the Scheduled Ancient Monument of the Former Medieval Priory and Hospital of St Mary Spital. A full Archaeological Evaluation Report accompanied the application and English Heritage has now confirmed in writing that it has granted Scheduled Ancient Monument Consent on behalf of the Secretary of State for Culture, Media and Sport.
- 15.11 The Secretary of State is the statutory determining body on Schedule Ancient Monument Consents and this is considered sufficient evidence to overcome this reason for refusal and reassure Members that the proposed development will not have any adverse effects on archaeological remains. Appropriate conditions have been recommended requiring the recording of any archaeological remains that are found on the commencement of works.

Reason for Refusal 3 - Refuse Storage and Collection

- 15.12 As outlined in Section 11 of this report, the application is fully supported by a full Transport Assessment outlining the applicant's service, refuse and delivery arrangements. The Council's Highways Officers and Waste Officers are satisfied with the proposed arrangements. An additional plan has also been provided highlighting the precise location for refuse storage in basement level and the collection point at ground floor level.
- 15.13 It is also recommended that all servicing and deliveries be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. These measures are considered sufficient to overcome this reason for refusal and reassure Members that there will be no adverse impacts on traffic flows or highway safety as a result of the development.

Reason for Refusal 4 – Use & Treatment of Blossom Place

- 15.14 The proposed plans outline how Blossom Place will be retained, enlarged and upgraded to provide a high quality urban open space, accessible to the public. This space will be located in the heart of the scheme and will assist in reinforcing the site's historical identity.
- 15.15 It is envisaged that the square will be a place where workers and visitors can use, meet and pass through. Office workers in and around the immediate area will use this space to lunch away from the adjoining busy streets of Bishopsgate. Fleur-de-Lys street currently acts as a pedestrian link for travelling between Shoreditch and the Brick Lane area for example. Blossom Place will enhance this link, open it up and increase permeability in the area through the provision of attractive urban traffic free space.
- 15.16 The retention of the public house and the proposed provision of a larger external terrace area will also characterise part of this square. Consultation has also taken place with the pub owner with regards to the management of the square and the appropriate times for when it should be closed. All have agreed that the gates should be closed between 7pm and 7am in the interest of safety and security.
- 15.17 It is also recommended that a landscaping scheme be conditioned together with a landscape management plan. Details such as the extent and type of boundary treatment between the terrace and the square will be required, along side soft and hard landscaping, trees and street furniture will be requested. This information and recommended conditions are considered sufficient to overcome this reason for refusal and reassure Members that a high quality public space will be provided.

Reason for Refusal 5 - Treatment of Corner Building

- 15.18 As outlined in Section 11 of this report, the applicant has now amended the design of the corner building at No. 13 Norton Folgate to provide a solid corner treatment in place of the previously proposed glazed 'wrap around' return. This amendment has been in direct response to Members' previous concerns and also addresses the issue raised by the Spitalfields Trust during the consultation. This is considered to satisfactorily overcome Members' previous reasons for refusal.

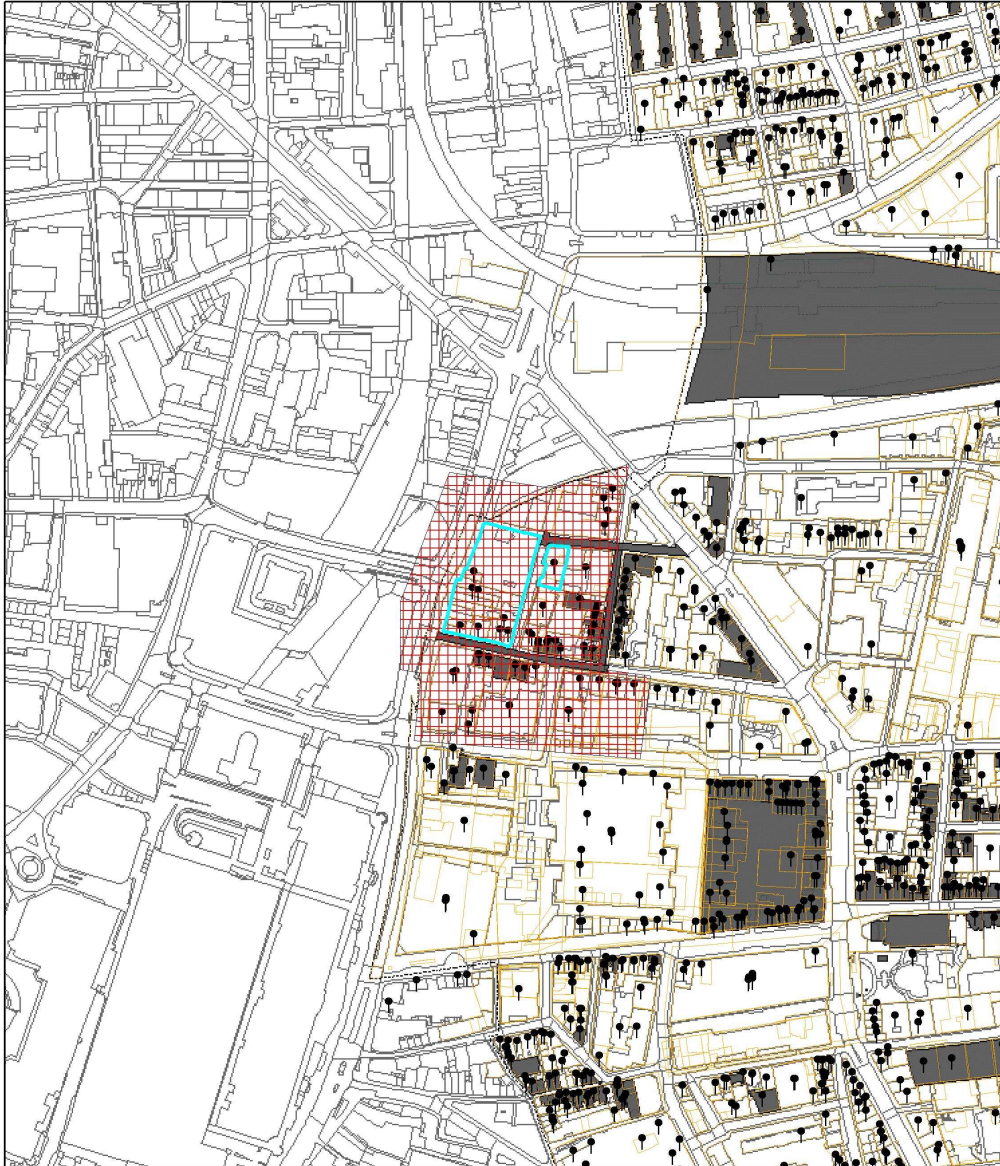
Reason for Refusal 6 - Residential use above Public House

- 15.19 The 8 x residential units have now been omitted from the application proposal. These were to be located directly above the public house on the first and second floors. This amendment has been made in direct response to Members' previous concerns regarding potential noise nuisance associated with the public house and the residential use of the upper floors. The amended development now proposes to retain and reconfigure the existing B1 office space in this location and provide new core and circulation arrangements. These changes are considered to satisfactorily overcome Member's previous reasons for refusal.

16 Implications of the Decision

- 16.1 If Members are still minded to refuse the application based on the reasons set out above, it is important to bear in mind that the applicant could appeal the decision and submit an award of costs against the Council.
- 16.2 Paragraph B20 of the Planning Inspectorate's guidance on appeals notes that:
- "Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".*
- 16.3 There are two financial implications arising from an appeal against the Council's decision. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
- 16.4 As such, it is considered that the reasons for refusal outlined above can not be supported and if this application was to be refused, it would present significant challenges to the Council in the form of unnecessary use of resources if an appeal was pursued by the applicant and potential financial risks if costs were awarded to the appellant.
- 16.5 Section 15 of this report outlines the possible reasons for refusal (following the previous Strategic Development Committee's 'minded to refuse' resolution. However, Section 15 also highlights the difficulties Officers will have in satisfactorily defending the stated reasons for refusal (in the light of amendments and additional information received following the previous Strategic Development Committee resolution. As such, officers remain of the view that planning permission and conservation area consent should be granted as per Officers' recommendation highlighted in Sections 2 and 3 of this report.

Planning Application Site Map



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



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