

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

4th August 2011 at 5:30 pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
9.1	PA/11/01458	Redundant Railway Viaduct North of Pooley House, Westfield Way, London	The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London E1. The proposal also includes storage facilities for Queen Mary College at the western end of the site.

9.2	PA/10/02764 & PA/10/02765	Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London	<p><u>PA/10/02764 – application for Full Planning Permission</u></p> <p>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.</p> <p><u>PA/10/02765 – Conservation Area Consent application</u></p> <p>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).</p>
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Agenda Item number:	9.1
Reference number:	PA/11/01458
Location:	Redundant Railway Viaduct North of Pooley House, Westfield Way, London
Proposal:	The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London E1. The proposal also includes storage facilities for Queen Mary College at the western end of the site.

1. APPLICATION DETAILS

Drawing Numbers

- 1.1 There were errors within section 1 of the main committee report with regard to the following drawing numbers:

MHJ/SK21 A should read MHJ/SK21 B.
 MHJ/SK22 A should read MHJ/SK22 B.
 SL02 A should read SL02
 SL03 B should read SL03
 SL04 B should read SL04
 SL05 A should read SL05
 SL07 A should read SL07
 SL08 should be deleted.

2. ADOPTION OF LONDON PLAN 2011

- 2.1 On the 22nd July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was also referred to as the London Plan 2008.
- 2.2 The published committee report makes reference to policies in the London Plan 2008 and also the Draft Replacement London Plan (Consultation Draft October 2009). These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-
- 2.3 Section 5 of the main committee report lists relevant policies, including those from the London Plan 2008 and the Draft Replacement London Plan (Consultation Draft October 2009). These lists of policies related to the London Plan 2008 and the Draft Replacement London Plan (Consultation Draft October 2009) should be disregarded. The following policies from the London Plan 2011 are relevant to this application:

The London Plan 2011

Policy	Title
2.18	Green infrastructure: the network of open and natural spaces
3.1	Ensuring equal life chances for all
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.7	Large residential developments
3.8	Housing choice
3.9	Mixed and balanced communities
3.16	Protection and enhancement of social infrastructure
3.17	Health and social care facilities
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development site environs
5.12	Flood risk management
5.13	Sustainable drainage
5.14	Water quality and wastewater infrastructure
5.15	Water use and supplies
5.17	Waste capacity
5.18	Construction, excavation and demolition waste
5.21	Contaminated land
6.2	Providing transport capacity and safeguarding land for transport
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.19	Biodiversity and access to nature
7.30	London's canals and other rivers and waterspaces
8.2	Planning obligations

3. CORRECTION & RELATED ANALYSIS

- 3.1 Paragraph 7.12 of the main report states that Apple Tree Yard and the businesses there within the arches are not impacted and their access remains unaffected. Further consideration of this matter confirms that this is not the case.
- 3.2 It is now understood that the portion of viaduct being removed does include these arches. Therefore, these arches are to be removed without replacement provision within the scheme. Network Rail has provided evidence advising that the use of these premises for commercial use was without Network Rail approval. A lease

was provided to Tower Hamlets Environmental Trust in 1997 for use of the arches, although no planning permission was given for a change of use. The lease was for charity use only and had a restriction which did not allow commercial use.

3.3 It is understood that Tower Hamlets Environmental Trust sub-let the arches to various tenants for commercial uses, without Network Rail approval. It is understood that this represented a breach of the lease, which has led to the termination of the lease with Tower Hamlets Environmental Trust by Network Rail.

3.4 In 2007 the Council granted permission for the change of use of one of the arches with the following description.

“Change of use from community workshop and facilities to food preparation business including the sale and on-site consumption of food, salad and soup. No primary cooking”

3.5 It appears that Network Rail was not correctly notified of this application by the applicant and had no knowledge of the approval. Furthermore, it appears that the description was not correct, given that there is no record that planning permission was ever sought or granted for the use of the arches as community workshops.

3.6 Network Rail has provided confirmation that due to the nature of the construction of the arches, with openings in the top of the arches and the potential for the unstable infill to the openings to drop out, that there is a risk to the construction and that the arches are unsuitable for occupation. They have also stated that it is necessary to demolish and remove the structures to remove this risk.

3.7 Policy S5 of the Unitary Development Plan (1998) states that applications for changes of use from A1 Use outside District Centres and Local Parades may be favourably considered where there is adequate provision in the locality for essential shops to meet local needs and that the proposed uses would not be detrimental to the amenity of residents.

3.8 Adequate provision for local shops is provided within the university campus and on Bancroft Road. Furthermore, it is considered, following the information supplied on the quality of the viaduct, that the premises would not be appropriate for continued use.

3.9 The appropriateness of the new development in terms of amenity is discussed in the main report and it is considered that on balance the scheme is acceptable. It is therefore considered that the loss of the A1 retail use is acceptable and would accord with Policy S5 of the Unitary Development Plan (1998).

3.10 Network Rail have state that only one business remains operating from the arches and that does not operate out of the arch where planning permission has been granted. In discussions with Network Rail they have stated that they cannot commit to providing relocation premises for the business but are willing to assist with this. As the use of the other arches is not in accordance with a planning permission it is not considered that the loss of these arches would be contrary to any policies.

4. LOCAL REPRESENTATION UPDATE

4.1 A further written representation objecting to the application has been received from Councillor Whitelock, Ward Councillor for Mile End and Globe Town.

4.2 Councillor Whitelock’s representation in objection raises the following comments:

- I have been contacted directly by residents deeply concerned about this

application, which significantly adds to the developments already underway around Meath Gardens and Regents Canal. As the report itself notes (para. 7.1), a number of residents have formally lodged objections to the development – 25 in total as separate representations plus an unspecified number on the online petition. For information, I understand 57 residents have signed this petition. These are largely from residents living in the Suttons Wharf and Meath Crescent developments, which as the report notes (para. 4.10) are located to the north of the site. I completely support my constituents in their concerns.

- While I do not object in principle to the building of student housing, members will know there is already a significant amount of similar purpose-built blocks in my ward. Having Queen Mary University in the area is of course something to be proud of, but it does bring problems for the local community, such as high levels of population churn, tensions between permanent and temporary residents, and increased levels of antisocial behaviour, noise disturbance, alcohol misuse and crime (often targeted at not just perpetuated by students). Residents living around Bancroft Road and the Longnor estate have often raised issues with me of this nature and it seems obvious an even higher density of student housing could exacerbate the problem.
- In addition, as the report notes (para. 7.2), residents have expressed a range of further concerns about increased pressure on local amenities (which with over 400 extra student rooms will not be insignificant), excessive height and scale of the building (causing overlooking for nearby properties and a general negative impact on the area's outlook), and the risk of overdevelopment, given the already densely populated area around Suttons Wharf, with the north element of that development already under construction.
- Given the strength of feeling against the development and the fact that it will add nothing in terms of additional housing for the borough's residents, I am somewhat surprised at officers' recommendation that the application be granted. Given the development is solely for students it will do nothing to increase supply of social housing for the many overcrowded families on the Common Housing Register waiting list – which I know is one of the Mayor's and the Council's key priorities. A use of the land for social housing would have been easier to support. The benefits in terms of supporting the student population are far outweighed by the disruption that will be caused to existing residents in the surrounding estates and streets – both while construction is underway and in the longer term. I therefore urge the Strategic Development Committee to heed my constituents' concerns and reject this proposal.

4.3 A Petition in support of the application with 26 signatories has also been received from the Longnor Tenants and Residents Association stating that they would like to fully support the application and are satisfied that the impact upon the residents would in the long term be positive.

5. UPDATED SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

5.1 The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2011, the Council's planning policies contained in the adopted Tower Hamlets Core Strategy 2010, the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007 and associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a student housing is supported by policies 3.3 and 3.8 of

The London Plan 2011, policy SP02 of the adopted Tower Hamlets Core Strategy 2010, and policy and HSG14 of the Tower Hamlets Unitary Development Plan 1998, which provides for the specialist housing needs of the borough through working with the borough's universities to enable the appropriate provision of student accommodation that meets identified needs by:

- i. Focusing student accommodation supporting London Metropolitan University at Aldgate or on locations that have good public transport accessibility
 - ii. Focusing student accommodation supporting Queen Mary University London in close proximity to the University.
- The new building in terms of height, scale, design and appearance is acceptable and in line with national advice in PPS5, policies 7.1, 7.4, 7.5, 7.6, 7.7 and 7.8 of The London Plan 2011, policy SP10 of the adopted Tower Hamlets Core Strategy 2010, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of a high quality design, and preserves or enhances heritage assets and their settings.
 - Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policies 6.3, 6.9, 6.10 and 6.13 of the London Plan 2011, policy SP09 of the Tower Hamlets Core Strategy 2010, policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance 2007 and national advice in PPG13, which seek to minimise trip generation and ensure developments can be supported within the existing transport infrastructure.
 - Sustainability and renewable energy matters are appropriately addressed in line with policies 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7 of The London Plan 2011, policy SP11 of the adopted Tower Hamlets Core Strategy 2010, policies DEV5, DEV6, DEV7, DEV8, DEV9 and DEV 11 of the Council's Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
 - The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3.4 of The London Plan 2011, policy SP10 of the adopted Tower Hamlets Core Strategy 2010, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's interim planning guidance 2007, which seek to provide an acceptable standard of development throughout the borough.
 - The management of the demolition and construction phase would accord with policy DEV12 of the Council's interim planning guidance 2007.
 - Contributions have been secured towards environmental improvements of pedestrian facilities, community facilities, open space, highways improvements, car free arrangements and arrangements to ensure that accommodation is used as Student Housing for the student of Queen Mary University, London Metropolitan University or other further education facilities agreed with the Council. This is in line with Circular 05/2005, the

Community Infrastructure Levy Regulations 2010, policy 8.2 of The London Plan 2011, policy SP13 of the adopted Tower Hamlets Core Strategy 2010, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

6. RECOMMENDATION

- 6.1 The officer recommendation remains unchanged and planning permission should be GRANTED for the updated reasons outlined in Section 5 of this addendum report.

Agenda Item number:	9.2
Reference number:	PA/10/02764 &PA/10/02765
Location:	Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London
Proposal:	<p><u>PA/10/02764 – application for Full Planning Permission</u> 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.</p> <p><u>PA/10/02765 – Conservation Area Consent application</u> 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).</p>

1.0 ADDITIONAL INFORMATION

Applicant's Details

- 1.1 The documents listed in section 1 of the report should include reference to the
- Addendum Transport Statement dated June 2011.
 - Framework Travel Plan dated July 2011

Background

- 1.2 Paragraph 4.5 which summarises the changes to the proposed scheme should also make reference to the fact that the retention of existing office floorspace above the public house will preserve the original fabric within this Arts and Crafts building and increase the overall amount of floorspace on the site which is to be retained.

External Consultee Responses

- 1.3 Since the main report was written, further responses have been submitted by the following bodies, following the re-consultation exercise on 29 June 2011. These include:
- 1.4 London City Airport:
Comment: proposal does not conflict with any safeguarding criteria. No objection to the height of development proposed.
- 1.5 National Air Traffic Services:
Comment: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

1.6 English Heritage:
Comment: Our specialist staff have considered the revised information and we do not wish to offer any further comments.

1.7 Design Council for London
Comment: The revised scheme is not substantially different to the original scheme. Design Council has no further comments to their original submission made last year.

2.0 Material Considerations

2.1 Para 11.26 of the main committee report which describes the proposed works to Folgate Street incorrectly refers to proposed 'residential accommodation' above the public house. This should be amended to state that the proposal now seeks to retain and refurbish the existing office floorspace above the public house. This will assist in preserving and enhancing these locally listed properties and the character and appearance of the conservation area in general.

2.2 Para 11.46 of the main committee report which deals with the height of the proposal notes how the tallest element of the proposal sits in the north west corner of the site. It is worth clarifying that the tallest element of proposal actually sits behind a lower storey building of 7 storeys which fronts Shoreditch High Street.

2.3 Para 11.124 of the main committee report which describes the archaeological implications should also mention that investigations were carried out by the applicant at the Councils request and confirmed that the walls in question did not possess any fragments of earlier walls. This reconfirms the position that proposal would have any adverse impacts on the archaeological value of the site.

3.0 ADOPTION OF LONDON PLAN 2011

3.1 On the 22nd July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was referred to as the London Plan 2008.

3.2 The published committee report makes reference to policies in the London Plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of the relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-

3.3 Paragraph 8.1 of the main committee report lists relevant policies from London Plan 2008 and a list of relevant policies from the Draft Replacement London Plan (Consultation Draft October 2009). These lists of policies should be disregarded. Following the adoption of the London Plan 2011, the following policies are relevant to this application:

Policy	Title
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 waste water infrastructure
Policy 5.15	Water use and supplies
Policy 5.21	Contaminated land
Policy 6.1	Strategic approach
Policy 6.3	Assessing effects of development on transport capacity
Policy 6.4	Enhancing London's transport connectivity
Policy 6.5	Funding Crossrail and other strategically important transport infrastructure
Policy 6.6	Aviation
Policy 6.7	Better Streets and Surface Transport
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

3.5 The main policy changes which relate to this development are the changes to the energy policies. It is expected that the development will provide sufficient energy saving measures and renewable technology to satisfy the GLA and LBTH Energy Officers. The constraints on the site prevent the development meeting the 20-25% carbon reduction as required by London Plan Policy 5.2 and Core Strategy Policy SP11. Despite this, the Council's Energy Officer welcomes the applicant's commitment to sustainability and in particular the applications committee to achieving a BREEAM Excellent development. The GLA also support this position as noted in their latest response of July 2011 where by they confirm that the energy aspect of the proposal is acceptable.

- 3.6 Officers consider that the proposed development is in accordance with the aims of the London Plan 2011 and the reasons for approval have been updated to reflect this change in policy below.

4. RECOMMENDATION

- 4.1 The recommendation remains unchanged and should be granted for following reasons:
- 4.2 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 (2011) and Government Planning Policy Guidance and has found that:

With regard to the Conservation Area Consent:

1. 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 policies 7.8 and 7.9 of the London Plan (2011); saved policy DEV28 of the Unitary Development Plan (1998); policy CON2 of the Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) alongside 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.
2. 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 general in accordance with policies 7.8 and 7.9 of the London Plan (2011); 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:

1. The scheme will provide an employment-led mixed use development 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 labour opportunities for the local community and residents of Tower Hamlets in accordance with policies 2.9, 2.10, 2.11, 2.12, 4.1, 4.2, 4.3 of the London Plan (2011); saved policies CAZ1, DEV3, EMP1, 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.
2. The height, scale, bulk and design of the building is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 7.6 and 7.7 of the London Plan (2011); 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, including tall buildings and places are of a high quality of design and suitably located.

3. 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 7.8 and 7.9 of the London Plan (2011); saved policy DEV28 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 conservations area.
4. The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with policies 7.11 and 7.12 of the London Plan (2011); 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.
5. 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, the development 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.
6. Transport matters, including parking, access and servicing, are acceptable and in line with policies 6.1, 6.2, 6.3, 6.4, 6.9, 6.10, 6.13, 7.2 of the London Plan (2011); 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.
7. Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 5.11 of the London Plan (2011), 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.
8. 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 Policy 7.8 of the London Plan (2011); 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 and the objectives of PPS5.
9. 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 8.1, 8.2, 8.3 of the London Plan (2011), 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.

CONSIDERATION OF PREVIOUS COMMITTEE MEETING & REASONS FOR REFUSAL

- 4.3 As outlined in the main committee report, officers do not consider that the initial reasons which Members were minded to refuse the application are defensible in light of the changes made to the scheme and officers conclude with the 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 as follows and now include reference to the London Plan 2011:
- 4.4
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 3B.1, 3B.2, 3B.11, 8.1, 8.2, 8.3 of the London Plan (2011), 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, including employment benefits 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, policies 7.8 of the London Plan (2011); 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 6.1, 6.2, 6.3, 6.4, 6.5 of the London Plan (2011); 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 policy 7.5 of the London Plan (2011); 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 7.4, 7.6, 7.8 of the London Plan (2011); saved policies DEV1, DEV2 and DEV28 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 as required by 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.

- 4.5 Paragraph 15.2 – 16.5 of the main committee report outlines 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 2.4 above.

