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| <b>Committee:</b><br>Strategic<br>Development | <b>Date:</b><br>6 <sup>th</sup> March 2012 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b><br>6.1 |
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| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Applications for Planning Permission and<br>Conservation Area Consent               |
| <b>Case Officer:</b><br>Paul Buckenham                      | <b>Ref No:</b> PA/11/02220 (Full Planning Application)<br>PA/11/02221 (Conservation Area Consent) |
|   | <b>Ward:</b> Spitalfields and Banglatown  |

## 1. APPLICATION DETAILS

**Location:** London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London

**Existing Use:** Offices, retail, public house, bank, private sports facility and car park.

**Proposal:** Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).

### AMENDED PLANS

Amendments to external elevations of proposed building, proposed ground floor layout, increase in amount of proposed retail space.

**Drawing's and documents:** 0923\_P20\_SP00 A; 0923\_P20\_PB1 A; 0923\_P20\_P00 A;  
0923\_P20\_P01 A; 0923\_P20\_P02 A; 0923\_P20\_P03 A;  
0923\_P20\_P04 A; 0923\_P20\_P05A; 0923\_P20\_P06A;

0923\_P20\_E01A; 0923\_P20\_E02A; 0923\_P20\_E03A  
0923\_P20\_E04A;

0923\_P20\_S01 A; 0923\_P20\_S02A; 0923\_P20\_S03A;  
0923\_P20\_S04 A;

0923\_P20\_B01A; 0923\_P20\_B02A; 0923\_P20\_B03A;  
0923\_P20\_B04A; 0923\_P20\_B05; 0923\_P20\_B06A;  
0923\_P20\_B07A; 0923\_P20\_B08A; 0923\_P20\_B09A;  
0923\_P20\_B10;

0923\_P20\_D\_01;

0923\_X10\_SP00; 0923\_X10\_PB1; 0923\_X10\_P00;  
0923\_X10\_P01; 0923\_X10\_P02; 0923\_X10\_P03;  
0923\_X10\_P04; 0923\_X10\_P05;

0923\_X10\_E01; 0923\_X10\_E02; 0923\_X10\_E03;  
0923\_X10\_E04; 0923\_X10\_E05; 0923\_X10\_E06  
0923\_P12\_PB1; 0923\_P12\_P00; 0923\_P12\_P01;  
0923\_P12\_P02; 0923\_P12\_P03; 0923\_P12\_P04  
0923\_P12\_P05;

0923\_P12\_E01; 0923\_P12\_E02; 0923\_P12\_E03;  
0923\_P12\_E04; 0923\_P12\_E05; 0923\_P12\_E06.

Design and Access Statement and Appendices;  
Transport Assessment, Draft Travel Plan and  
Delivery and Servicing Plan;  
Energy Statement;  
Sustainability Statement;  
Statement of Community Involvement;  
Draft Management Strategy;  
Arboricultural Impact Assessment;  
Environmental Statement (inc Non-Technical  
Appendix)

Response to LBTH Transportation and Highways  
comments  
Response to LBTH Sustainability and Energy  
comments  
Summary PPS 5 case  
Design and Access Statement Addendum  
Replacement ES Volume 1: Non-Technical  
Replacement ES Volume 3  
ES Volume 5 Addendum

**Applicant:** Exemplar Properties (Brushfield) LLP  
**Ownership:** Private  
**Historic Building:** Grade I and Grade II Listed Buildings adjacent  
**Conservation Area:** Fournier Street and Brick Lane  
Artillery Passage

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's planning policies contained in Adopted Core Strategy (2010), Tower Hamlets Unitary Development Plan (Saved Policies 2007), Interim Planning Guidance (2007), Managing Development DPD (2012), the London Plan (2011), relevant supplementary planning guidance and national planning policy and has found that:

### Conservation Area Consent:

- 2.2 The demolition of the White's Row car park, Gun Public House and Bank (99-101 Commercial Street) and partial demolition of the London Fruit and Wool Exchange would be acceptable only in the context of proposed re-development of the site, as permitted by the linked planning permission (PA/11/02220). The extent of demolition of buildings within the conservation area would be outweighed by the merits of the proposed development in terms of design and attendant public benefits. Demolition would therefore comply with national planning policy in PPS5, saved policy DEV28 of the Unitary Development Plan (1998), policy CON2 of the Council's Interim Policy Guidance (2007), policy SP10 of the Core Strategy (2010) and policy DM27 of the Managing Development DPD (proposed submission version) 2012.

### Planning Application:

- 2.3 The proposed development would provide an employment and retail mixed used scheme, including space for small and medium enterprises, creating a wide range of job opportunities and local economic benefits in an accessible location. The proposals provide significant benefits in terms of more intensive use of the site and contribute to the enhancement of vitality of Spitalfields and the immediate locality. The development would accord with national planning policy PPS4, the London Plan objectives for the Central Activities Zone, policy SPO6 of the Core Strategy, 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 draft policy DM15 of the Managing Development DPD (draft submission document) 2012.
- 2.4 The design of the proposed development, in terms of building height, scale, bulk, detail, use of materials, public permeability, improved sense of place and additional ground floor activity is acceptable and would be of sufficient quality to permit the demolition of buildings within the conservation area. The proposed development would preserve and enhance the character and appearance of Brick Lane and Fournier Street Conservation Area and enhance the setting of adjacent listed buildings, in accordance with the objectives of national planning policy in PPS1 and PPS5 to achieve high quality design, policies 7.1-7.6 of the London Plan, policy SP10 of the Core Strategy 2011, saved policies DEV1, and DEV2 of the Tower Hamlets Unitary Development Plan, policies DEV1, DEV2, DEV3, DEV27 of the Interim Planning Guidance 2007 and draft policy DM24 and DM27 of the Managing Development DPD (draft submission document) 2012.
- 2.5 The impact of the development on the amenity of neighbours, in terms of impact on light, overshadowing, noise, privacy or any increase in the sense of enclosure is acceptable, given the general compliance with relevant Building Research Establishment's Guidance and the urban context of the site and its surroundings. 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), policies SP02 and SP10 of the Council's Core Strategy (2010) and draft policy DM25 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.6 Transport matters, including car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design are acceptable and in line with London Plan policies 6.1, 6.9, 6.13, 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) policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policy DM22 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7 Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 5.1-5.3 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), and draft policy DM29 of the Managing Development DPD which seek to promote sustainable development practices and energy efficiency.
- 2.8 Planning obligations have been secured towards the provision of access to employment and training initiatives, local enterprise, heritage initiatives, community facilities, leisure and open space, public realm and street scene improvements, off site affordable housing and contributions towards Crossrail, in line with the requirements of Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; the London Plan 2011, policy S03 and SP13 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Planning Obligations Supplementary Planning Guidance 2012.

### 3. RECOMMENDATION

- 3.1. That the Strategic Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/11/02220 subject to:

A. Any direction by The London Mayor;

B. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

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| • Contribution to training, employment and enterprise initiatives | £700,000   |
| • Contribution to off site affordable housing delivery            | £300,000   |
| • Contribution to local community facilities                      | £350,000   |
| • Contribution to borough Idea Stores, libraries and archives     | £31,282    |
| • Contribution to borough indoor leisure facilities               | £101,147   |
| • Contribution to local public open space and public realm        | £199,227   |
| • Contribution to local heritage initiatives                      | £412,152   |
| • Contribution to sustainable transport projects                  | £48,000    |
| • Standard monitoring charge (2%)                                 | £42,776    |
| • Contribution to Crossrail,                                      | £2,111,198 |

- Standard clause to allow for 20% reduction in Crossrail contribution if paid by 31 March 2013;
  - Additional affordable housing contribution equivalent to the value of 20% of the Crossrail contribution in the event that the standard discount arrangement would apply;
  - Strategy for managed relocation of all existing firms;
  - Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;
  - Commitment to use reasonable endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;
  - Commitment to provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;
  - To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;
  - Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;
  - Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.
- 3.2 That the Strategic Development Committee note that the additional contribution for employment training and enterprise over and above the standard contribution and the additional contribution toward off site affordable housing arising from the Crossrail payment discounts are not necessary under the provisions of regulation 122 of the Community Infrastructure Levy Regulations 2010 or guidance in Circular 05/05 to grant planning permission.
- 3.3 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.4 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:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;

3. Details of the following matters to be submitted to the local planning authority for approval prior to commencement of the development and the development to be carried out strictly in accordance with the approved details:
  - All external facing materials with mock ups to be provided, including materials facing the central courtyard and public routes;
  - Detailed design of the proposed pavilion building;
  - Detailed design of the proposed top two floors of the main office building;
  - Details of all proposed fenestration;
  - Details of the treatment of the internal face of the retained LFWE Brushfield Street elevation;
  - Details of the design of the proposed junction between the retained LFWE Brushfield Street elevation and new development either side;
  - External hard and soft landscape treatment within the site boundary including the central courtyard and public routes;
  - Finished floor levels and associated external spot heights for the public route, public spaces and ground floor internal spaces;
  - Street scene improvement works including hard and soft landscaping, way-finding and tree planting to Brushfield Street, Crispin Street, White's Row and Commercial Street;
  - Detailed design of proposed footway crossings and visibility splays for the proposed vehicular access points on Crispin Street;
  - Construction management plan;
  - Delivery and servicing plan;
  - Written scheme of archaeological investigation;
  - Ground contamination survey and remediation strategy;
  - Water impact assessment in conjunction with Thames Water.
  
4. Details of the following matters to be submitted to the local planning authority prior to commencement of the relevant part of the development and the development to be carried out strictly in accordance with the approved details:
  - Shop front and external signage design code;
  - External lighting and CCTV;
  - External mechanical ventilation and plant;
  - Design of the proposed green roofs and bat boxes;
  - Secure cycle parking, changing and shower facilities for occupiers and visitors;
  - Electric vehicle charging points.
  
5. Details of the following matters to be submitted to the local planning authority and implemented strictly in accordance with the approved details, prior to first occupation of any part of the development hereby permitted:
  - Internal lighting strategy to prevent obtrusive light spill, as set out in the Environmental Statement and Addendum submitted with the planning application;
  - Public art strategy;
  - Estate management strategy;
  - Noise and vibration assessment for external plant and machinery in accordance with BS4142.

6. Details of tree planting, including species to be provided prior to commencement of the development and the agreed planting scheme to be implemented during the first planting season following first occupation of any part of the development.
7. Limit on hours of construction.
8. Noise levels for plant not to exceed existing background levels.
9. Restriction of class A3 and A4 uses to no more than 50% of overall provision of ground floor class A1-A4 floor space.
10. Restriction of retail, restaurant, café and public house (Class A1, A2, A3 and A4 uses) customer/public opening hours to 0900-2300 hours Mondays to Saturdays and 0900 -2230 hours Sundays and Bank Holidays.
11. Limitation on size of ground floor retail, café and restaurant uses to prevent amalgamation.
12. Development shall not commence until a 278 agreement with the local highway authority and Transport for London has been completed for highway and street scene improvement works surrounding the site.
13. The development shall not be occupied until the site archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation. A
14. Development shall not be occupied until the central stone pediment to the Brushfield Street elevation has been reinstated in full to the satisfaction of the local planning authority in accordance with the approved plans.
15. Development shall not be occupied until street scene improvement works have been completed in accordance with S278 agreement.
16. Secure the provision of minimum area of photo voltaic cells on the roof of the development.

Informatives:

1. Definition of development for the purposes of discharging relevant conditions;
  2. The permission is subject to a S106 agreement;
  3. Contact Thames Water;
  3. Building Regulation Approval required;
  4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 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.
- 3.5 That the Strategic Development Committee resolve to **GRANT CONSERVATION AREA CONSENT** for application PA/11/02221 subject to the following conditions and informatives:

Conditions

1. Demolition to commence within 3 years;
2. Demolition in accordance with approved plans
3. Demolition shall not commence until details of the following matters have been submitted to and approved by the local planning authority and demolition to take place strictly in accordance with the approved details:
  - Scheme of archaeological investigation and recording

- Means of site enclosure;
  - Demolition method statement and management plan;
  - Façade retention method statement.
4. Demolition not to take place during the black redstart nesting season (April to July inclusive), until a black redstart survey has been undertaken immediately prior to commencement of demolition.
  5. Grampian condition preventing demolition works until submission of details of a construction contract relating to the associated planning permission PA/11/02220 or an alternative means of ensuring that demolition on the site will only occur immediately prior to the development of the new building.
  6. Recording of important architectural or historic features
  7. Materials salvage and re-use arrangements.

Informatives:

1. Submission of demolition notice under the Building Regulations

**4. DETAILS OF PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS**

**Details of Proposed Development**

4.1 Planning permission and conservation area consent are sought for the demolition of the White's Row multi-storey car park, the LFWE behind the retained Brushfield Street façade, Gun Public House and Bank at 99-101 Commercial Street and the comprehensive redevelopment for a mix of uses including offices, small business space, retail, services, restaurants, cafes and licensed premises.

4.2 The proposal would provide the following floor space (GEA):

|                           |                   |
|---------------------------|-------------------|
| Offices (class B1)        | 35,977 sqm        |
| Small business space (B1) | 1,440 sqm         |
| Retail (A1, A2, A3, A4)   | 3,077 sqm         |
| Parking/servicing         | 1,323 sqm         |
| <b>Total</b>              | <b>41,817 sqm</b> |

4.3 The proposals would remove the existing east/west service route (non-adopted road) known as Duval Street running between Crispin Street and Commercial Street which separates the LFWE from the multi-storey car park.

4.4 Amended plans and supporting documents were submitted on 23 January 2012 and related to changes to the external appearance of the proposed building and minor changes to the proposed ground floor layout.

4.5 The application includes an Environmental Statement (amended) submitted under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Proposed Building Form

4.6 The proposed development comprises a part three, part four and part six storey building to provide high quality flexible office space, managed accommodation for small and medium enterprises, ground floor retail space, cafes, restaurants and



public house. A small scale single storey pavilion building for retail or restaurant use is proposed adjacent to the junction of White's Row and Crispin Street.

- 4.7 The main front façade of the LFWE (77m in length) between the existing bank and public house would be retained in its entirety. The façade would be adapted to form an integral part of the proposed development, linked to the new development at either end of the facade (replacing the existing bank and public house) and the main building behind.
- 4.8 The façade would be adapted by removing existing ground floor windows and stall risers and by dropping the openings to street level to form a new ground floor public arcade, with the principal elevation of the office building set 2.5m behind the facade.
- 4.9 The main volume of the new building would have four floors (ground plus three) with the architectural approach comprising a series of broad brick piers with a strong vertical emphasis, large recessed windows and reconstituted stone spandrels running between.
- 4.10 The top two floors above the main four storey element would be set back 9 metres from the main elevation and expressed architecturally as a distinct element, with vertical perforated metal solar shading and re-constituted stone shading. A sedum roof would be proposed as part of this roof top element. A terrace with perimeter planting is proposed between the set back top floors and the main building elevations.
- 4.11 The proposed development would step down in height to provide a lower three-storey element to the south, respecting the lower scale buildings in White's Row. This element would also step forward slightly facing onto Commercial Street to read as visually distinct element set against the main volume of the building behind.
- 4.12 The proposed corner elements that are proposed to replace the public house and bank building break down the architectural appearance to smaller scale elements, to provide a more intimate scale, with greater horizontal emphasis. The corner elements are set forward by approximately 2 metres in relation to the west and east main elevations to express these as distinct from the main building volume behind. The corner elements would be chamfered by 45 degrees (to Brushfield Street, Commercial Street and Crispin Street) to provided added interest and some continuity with existing architectural arrangements and detailing.
- 4.13 The scheme has been designed to allow flexible occupation of the main office floors by more than one main tenant, with two office receptions situated behind the main LFWE entrance on either side of the new public route, with doors facing the front arcade and public route.
- 4.14 The overall design approach sets out to respond to the different townscape settings on each side of the site, whilst maintaining a unifying theme. The design approach would create the impression of three distinct elements along Commercial Street and along Brushfield Street, including the retained façade, to break down the perceived mass of the building.

- 4.15 The proposed development also includes the removal of an existing 1960's roof extension and the re-instatement of original stone centrepiece on the LFWE Brushfield Street elevation. Proposed facing materials would comprise predominantly red brick and re-constituted stone. Typical floor plans, elevations and key verified views are shown in Appendix A.
- 4.16 The proposed redevelopment includes the formation of two new open spaces. A new public open space on the corner of Crispin Street and White's Row (1,060 sqm) would be created by stepping the building volume back in this location. A new central courtyard, (410 sqm) would be created, accessed via a public route running north/south through the development from the main LFWE entrance to the proposed open space at White's Row. The majority of the central courtyard would be open to the elements. The public routes would be bridged in two places north and south of the central courtyard by the first floor offices above. Bridging has been kept to a minimum (13m depth to the front and 16m depth to the rear) with 34 metres of the total 63 metre public route through the site open to the elements. Where bridging occurs this would be 4.3 m above ground level to ensure that a generous, welcoming space is created.
- 4.17 The courtyard and public route would be framed by shop, cafe and restaurant units at ground floor to provide animation and to ensure the route feels genuinely public. High quality hard and soft landscaping, public art and lighting is proposed within the open spaces. York Stone paving would be used through the central route and courtyard to provide a continuous surface treatment linking to the adjoining streets.
- 4.18 A package of public realm improvements for the adjoining streets are also proposed, to accord with the Council's proposed Brushfield Street Improvement Scheme (designed but not implemented) involving revised on street parking arrangements, and more generous pedestrian routes in front of the development. The landscape proposals include an option to remove existing trees and replace these on a new alignment to frame the proposed development and improve the views towards Christ Church.
- 4.19 Improvements to paving and additional tree planting (where possible) are proposed for Crispin Street, White's Row and Commercial Street. York Stone paving is proposed to tie in with street scene improvements carried out already to the western part of Brushfield Street. Taking into account the public paved route and public spaces, the proposed redevelopment would generate approximately 1,800 sq metres of publicly accessible space.
- 4.20 Ground levels taper across the site from north to south with White's Row being approximately 1.4 metres below the ground level of Brushfield Street. The difference in levels is accommodated within the public route through two ramps; one from the central courtyard and one from the southern public space to White's Row. A small flight of steps is also proposed from White's Row to the open space.

#### Parking and servicing arrangements

- 4.21 Eight car parking spaces including two disabled spaces are proposed at basement level along with 180 employee cycle stands and 16 motorcycle spaces. Access to

the basement would be via a ramp from Crispin Street, 29 metres from the south west corner of the development site boundary.

- 4.22 All servicing would take place within a combined service yard accessed midway along Crispin Street and would contain three service bays capable of accommodating vehicles up to the size of a large refuse vehicle. Sufficient space is proposed for loading and unloading. A central recycling and waste storage facility is proposed at basement level and would be transported by lift to the service yard for collection.

## **5.0 Site and Surroundings**

- 5.1 The application site is located on the south side of Brushfield Street, Spitalfields, close to the administrative boundary with City of London. The site occupies a prominent position directly opposite Spitalfields Market and diagonally opposite Christ Church, Spitalfields, bounded to the east by Commercial Street, to the south by White's Row and to the west by Crispin Street.
- 5.2 The site measures 0.842 hectares and contains four buildings the London Fruit and Wool Exchange (LFWE) building dating from 1929, the Gun Public House and Bank (99-101 Commercial Street) dating from similar period and White's Row multi-storey car park dating from 1969/71. The site and surroundings are shown in Appendix A.
- 5.3 LFWE provides four floors of managed business space provided by the City of London and is occupied by a mix of 61 small businesses, a private gym with squash courts and a private medical facility. Duval Street (a private road) runs through the site to the rear of LFWE separating this from the White's Row multi-storey car park and is used for at grade parking and servicing for tenants of LFWE. Vehicular access to the car park is from White's Row.
- 5.4 The surrounding area contains a mix of retail, office, food and drink and residential properties, including accommodation above ground floor commercial properties. Spitalfields Market and new buildings to the west at Bishops Square have large footprints and in the case of the latter, includes a tall modern office building at the western end of Brushfield Street. Areas to the south and east are characterised by generally lower scale buildings, typically 3-4 storeys and a fine grain mix with smaller scale building plots and narrow streets.
- 5.6 The site falls within Brick Lane and Fournier Street Conservation Area which contains a high concentration of listed and locally listed buildings – 111 in total. The nearest to the site are Christ Church Spitalfields (Grade I listed), 52 Brushfield Street (Grade II), 5 White's Row, Old Spitalfields Market Buildings (Grade II). None of the buildings within the site are listed.
- 5.7 The site is also close to the boundary of the Artillery Passage Conservation Area to the south west.
- 5.8 The site is well served by public transport. Liverpool Street station is 0.5 km to the south west and Shoreditch High Street Overground Station is 0.5km to the north. Extensive bus services run along Commercial Street and Bishopsgate.

## **6. RELEVANT PLANNING HISTORY**

- 6.1 LBTH Ref: PA/04/00916 - Application for demolition of existing buildings and structures, and redevelopment to provide a basement and lower ground floor plus six storey mixed use development comprising Class B1 offices (27,509 m<sup>2</sup>) and Class A1 and A3 uses (4,130 m<sup>2</sup>), together with ancillary storage use and parking facilities, and a new vehicle access from Whites Row. Undetermined – returned by local planning authority 13 April 2011.
- 6.2 LBTH Ref: PA/10/01288 - Temporary change of use of Rooms 41/43 of the London Fruit Exchange from B1 (office) to chiropractic Clinic (Use Class D1) for the duration of the applicant's leasehold use and occupation. Permission granted - 26/08/2010

## **7. POLICY FRAMEWORK**

- 7.1 The development plan comprises the London Plan 2011, UDP 1998 saved policies (2007) and Tower Hamlets Core Strategy 2010. The Council adopted Interim Planning Guidance (referred to as IPG) for the purposes of development control in 2007.
- 7.2 The Council has commenced public consultation (call for representations) on the Proposed Submission Version of Managing Development DPD 2012 (referred to as the MD DPD). The MD DPD has reached the same stage in preparation as the IPG. Officers consider the DM DPD to carry more weight, given it is more recent and provides local context to policies contained within the Core Strategy (2010) and the London Plan 2012 and recent national planning policy statements.
- 7.3 The following policies are considered relevant to the applications:

### **7.4 National Planning Policy Guidance/Statements**

|       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development       |
| 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               |

Draft National Planning Policy Framework

### **7.5 Spatial Development Strategy for Greater London The London Plan 2011**

|             |                                  |
|-------------|----------------------------------|
| 2.10 – 2.12 | Central Activities Zone policies |
| 4.1         | Developing London's economy      |
| 4.2         | Offices                          |
| 4.3         | Mixed use and offices            |

- 4.11 Encouraging a connected economy
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport Infrastructure
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration

Use of Planning Obligations in the funding of Crossrail

#### 7.6 **Tower Hamlets Core Strategy (adopted 2010)**

- SO1 – SO25 Strategic Objectives for Tower Hamlets
- SP01 Refocusing on our town centres
- 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 place making – Priorities and Principles
- SP13 Planning Obligations
- Annex Delivering place making - Spitalfields

#### 7.7 **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

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

- ST15 Local Economy
- ST17 High Quality Work Environments
- ST26 Existing Residential Accommodation
- ST35 Local Shops
- ST43 Public Art
- ST51 Public Utilities
- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use Developments

|       |  |
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| DEV4  | Planning Obligations                                   |
| DEV8  | Local Views  |
| DEV12 | Provision of Landscaping in Development                |
| DEV28 | Demolition in Conservation Areas                       |
| 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                                 |
| CAZ 1 | Central Activities Zone                                |
| EMP1  | Promoting economic growth and employment opportunities |
| EMP7  | Employing Local People                                 |
| EMP8  | Enhancing Employment Opportunities                     |
| EMP10 | Encouraging Small Business Growth                      |
| T16   | Traffic Priorities for New Development                 |
| T18   | Pedestrians and the Road Network                       |
| T19   | Priorities for Pedestrian Initiatives                  |
| T21   | Pedestrians Needs in New Development                   |
| S10   | Requirements for new shop front proposals              |

## 7.8 Tower Hamlets Interim Planning Guidance 2007

CF4 Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4)

CAZ

Conservation Area

Archaeological Priority Area

Strategic View Consultation Area

|       |   |
|-------|---|
| 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                         |
| EE2   | Redevelopment / Change of Use of Employment Sites |
| RT5   | Evening and Night-time Economy                    |
| CON2  | Conservation                                      |
| CON3  | Protection  |
| CON4  | Archaeology                                       |
| CON5  | Protection  |
| U1    | Utilities   |

#### 7.9 **Managing Development DPD 2012 (proposed submission version)**

|       |   |
|-------|---|
| DM1   | Development within the town centre hierarchy                  |
| DM2   | Protecting local shops  |
| DM 15 | Local job creation and investment                             |
| DM16  | Office locations  |
| DM20  | Supporting a sustainable transport network                    |
| DM22  | Parking   |
| DM23  | Streets and the public realm                                  |
| DM24  | Place sensitive design  |
| DM25  | Amenity   |
| DM26  | Building heights  |
| DM27  | Heritage and the historic environment                         |
| DM29  | Achieving a zero carbon borough and addressing climate change |

#### 7.10 **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

#### 7.11 **Other plans and policies**

- Tower Hamlets Planning Obligations SPD
- Brick Lane and Fournier Street Conservation Area – Character Appraisal and Management Guidelines
- Artillery Passage Conservation Area – Character Appraisal and Management Guidelines

### 8. **CONSULTATION RESPONSE**

8.1 The following were consulted with regard to the applications. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are expressed within Section 8 - Material Planning Considerations.

- 8.2 Where further comments have been received following the consultation on amended plans, these are highlighted below. Additional comments are anticipated from English Heritage and Twentieth Century Society. If these are received prior to the Committee meeting they will be included in an update report.

### **Tower Hamlets Consultees**

#### **Crime Prevention Officer**

- 8.3 No objection in principle, but raises concern over night time security within central courtyard space and through route. Gates should be installed at either end so that the management has the option of closing the area should they need to.

#### **Environmental Health**

- 8.4 No objection in principal. A full noise and vibration assessment for mechanical and electrical (M&E) plant is required; guidance can be sought through BS4142.
- 8.5 The mechanical and engineering plant must not increase the existing background noise level at the times required to operate and low frequency noise should also be taken into consideration. Advice should be sought through environmental protection on the noise metrics to be used and noise limit criteria that should apply at residential and commercial receptors.
- 8.6 Any commercial kitchens should comply fully with the DEFRA guidance 2005 on the control of odour and noise from commercial kitchen exhaust systems.

#### **Transportation & Highways**

- 8.7 No objection in principle including to the demolition and removal of the White's Row car park. The trip generation is acceptable and demonstrates that there will be an overall increase in the number of person trips over the existing situation as a result of the development proposals.
- 8.8 Justification for provision of 8 car parking spaces including 2 disabled spaces is required, given high public transport accessibility of the site.
- 8.9 Provision of parking for 16 motorcycles is supported. Minimum of three electric vehicle charging points are required to be installed from the outset, with passive provision secured for a further two spaces.
- 8.10 The provision of 180 cycle parking spaces is welcomed and details are required showing the type of stand to be installed and demonstrating that the minimum dimensions and clearances can be achieved. Further information on provision for shower, changing and locker facilities for employees who cycle to work and therefore further information is required.
- 8.11 Servicing arrangements supported in principle, given constraints of site and form of development. Concern over the width of the proposed crossover (approximately 10 metres) as this is a long distance over which pedestrians must travel without any form of refuge. Further information is required detailing how the applicant will ensure that vehicles do not impede the movements of vehicles or pedestrians along Crispin



Street while the gates to the service yard are being opened. Visibility splays are required.

- 8.12 A Delivery and Servicing Plan will need to be secured by planning condition or obligation and form part of future tenancy agreements for the commercial units. Service yard operation should be revised to preclude servicing from occurring during the hours of 0700-1000 and 1600-1900.
- 8.13 The requirement for Travel Plans should be included as part of a Section 106 Agreement to cover the implementation of Travel Plans in accordance with the framework submitted to and approved by the Council, the appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans and a contribution of £3,000 to Tower Hamlets Council towards monitoring of Travel Plans.
- 8.14 The Applicant is asked to confirm that no part of the building over-sails or projects into, over or under the public highway and doors/gates must be redesigned and revised so that they do not open out over the public highway. A contribution towards public realm/highway improvement works is requested and a Construction Management Plan should be secured via condition.
- 8.15 Private forecourt/areas to be drained within the site and not into the Public Highway and the scheme of highway works to be agreed prior to commencement, secured through S.278 agreement and implemented prior to occupation.
- 8.16 General comments provided on construction phase highway requirements.

#### **CLC Landscape Section**

- 8.17 No objections.

#### **CLC Strategy**

- 8.18 Note increase in employees as a result of the increased floor space on the site following proposed redevelopment. In accordance with the Planning Obligations SPD, contributions are requested to mitigate the impact of the development. Financial contributions should be secured through planning obligations for Leisure Facilities (£101,147), Public Open Space (£199,227) and public realm (£412,152).

#### **Waste Policy and Development**

- 8.18 Waste management arrangements are satisfactory as described in Delivery and Service Plan under Waste Management Strategy. One third of this capacity must be retained for the storage of separated waste for recycling. Restaurants must have a private refuse and recycling collection contract in place with a licensed waste collector who can provide a Waste Transfer Note for the material carried.

#### **External consultation responses**

##### **English Heritage**

##### **Initial comments**

- 8.19 English Heritage object to the demolition of the Gun Public House and the bank building and express concern with regard to the extent of demolition of all but the

front elevation of LFWE. Detailed comments have been provided and are summarised below.

- 8.20 The Gun Public House, Bank and LFWE are important conservation area buildings, make positive contributions to the character and appearance of the conservation area and were included in the Conservation Area because they provide the prime focus for the setting for the front elevation of Christ Church Spitalfields as set out in the Council's Conservation Area Character Appraisal.
- 8.21 An important part of the significance of LFWE is its relationship to Spitalfields Market which plays an important part in shaping the character of this part of the Conservation Area.
- 8.22 Proposed demolition of LFWE, Bank and Public House would cause substantial harm to the designated heritage asset (the conservation area) and complete loss of significance to the undesignated assets (the buildings within the conservation area). Policy HE 9.2 of PPS5 would apply.
- 8.23 EH Raise concern about the scale of the proposed office development and reiterate general concerns about the encroachment of city scale offices into Spitalfields, the City Fringe and the impact on the character of the conservation area.
- 8.24 Attention is drawn to harm caused by the proposal to key views from within the conservation area, particularly the view along Commercial Street.
- 8.25 English Heritage object to the loss of Duval Street (formerly Dorset Street) which has historic significance. The proposed north-south route is noted as beneficial to the development, but would not outweigh the objection to the loss of Duval Street.
- 8.26 Note the beneficial impact on the views from Artillery Lane Conservation Area but this would not outweigh considerable harm caused by the proposals to Brick Lane and Fournier Street Conservation Area.
- 8.27 There is no objection to the demolition of White's Row car park.

Further comments on amended plans

- 8.28 Previous letter clearly described the significance of the existing Fruit & Wool Exchange, Barclay's bank building and The Gun Public House and set out overriding concerns which included the proposed loss of the Barclay's bank building and The Gun Public House, to which we objected. The amended scheme does not include the retention of either the bank or public house but rather includes revised elevations for those parts of the site. English Heritage consider that these amendments would not, in any way, compensate for the loss of the existing structures.
- 8.29 The proposed revisions with regard to the Commercial Street elevations and slight amendments with regard to the building line fronting that street do not address our fundamental concerns with regard to that aspect of the proposal as set out in the earlier letter.
- 8.30 Points raised in both letters should be addressed within any Committee Report.

- 8.31 English Heritage object to both the Conservation Area Consent Application and Planning Application and we urge that both applications are refused.

### **English Heritage Archaeology**

- 8.32 The development site lies in an area of high archaeological potential. It is in a designated Area of Archaeological Interest as defined by the Council, and significant remains from the Roman and medieval periods, including burials, have been found within the immediate vicinity of the site. The development of the Spitalfields area in the 17th and 18th centuries is also of significance in understanding the expansion of the City fringe areas, and how the activities, occupations and buildings from that period continues to have a strong influence in the present character of the area.
- 8.33 The southern area of the site, that presently occupied by the White's Row car park, does not have basement levels, and that up to 3m of archaeological deposits may be present on this area of the site. The potential for archaeological deposits under the Fruit and Wool Exchange building is lesser for later deposits, but still remains for deep cut features and earlier activity. The proposed development includes basement levels across the entirety of the site, which will clearly have a detrimental affect on any archaeological remains present.
- 8.34 In accordance with the recommendations given in PPS 5, Policy HE 12.3, and in the borough's saved UDP policies DV42 - 45, a record should be made of the heritage assets prior to development, in order to preserve and enhance understanding of the assets.
- 8.35 Conditions required such that:
- A) No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
  - B) No development or demolition shall take place other than that in accordance with the Written Scheme of Investigation approved under Part (A).
  - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured..

### **Greater London Authority**

- 8.36 Stage 1 response confirms that London Plan policies on Central Activities Zone, mix of uses; urban design, inclusive access, sustainable development and transport are relevant to this application. The application is broadly acceptable in strategic planning terms, but on balance does not comply with the London Plan for the following reasons:

Mix of uses –consider the potential for off site housing provision nearby or propose a financial contribution for off site provision.

Urban design – provide information on whether the re-use of the Gun Public House building for residential or employment uses would be feasible. Details of the pavilion

building's street facing materials are sought. An activity strategy should be developed for the arcade and north south route.

Inclusive access – ensure a genuinely intuitive and inclusive wheelchair route is between Brushfield Street and White's Row.

Sustainable development – further commitments with respect to renewable energy, overall carbon dioxide savings, urban greening and sustainable drainage are required.

Transport – further information is required to address matters relating to parking, trip generation, travel planning, walking and Crossrail.

- 8.37 In addition to the representations contained within the Stage 1 report, the Mayor of London has expressed concern at the loss of the existing Gun Public House and the treatment of the building facades at the corners of Brushfield Street with Crispin Street and Commercial Street. He urges the applicant to retain the public house if possible and provide an appropriate architectural response.

#### GLA comments on amended plans

- 8.38 Following the receipt of amended plans, the GLA has provided further officer level comments to update the Stage 1 response. The final position will be confirmed following the Stage 2 referral.
- 8.39 In summary, whilst GLA officers are disappointed that the revised proposals do not seek to retain The Gun PH, the submitted revisions are broadly welcomed in response to the urban design concerns raised at consultation stage. Officers would now be content to positively recommend the scheme to the London Mayor in design terms.
- 8.40 GLA officers note that the applicant has committed to the required Crossrail contribution, which will be secured by the Council within the section 106 legal agreement. This is supported.
- 8.41 GLA officers also note that a contribution has been secured for the provision of affordable housing, with the potential to top this up should the Crossrail contribution be paid before 31 March 2013 and the resulting 20% discount redirected towards affordable housing. The GLA understands that the Council has identified a site close to the proposed development which would benefit from these funds in order to contribute towards the delivery of additional affordable units. This response is supported in accordance with the principles of London Plan CAZ mixed use policy, and officers are content this would address outstanding concerns with respect to London Plan Policy 4.3.

#### **Transport for London**

- 8.42 TfL notes that 6 car parking spaces are proposed at basement level for employees and would prefer car free development in this location. TfL accepts however that the level is within the London Plan maximum. Two spaces are proposed to be fitted with electric vehicle charging points. In order to comply with London Plan policy 6.13, this should be increased to three and passive provision should be made for a further 10%

(two spaces). The proposal to provide two accessible spaces for dedicated use by blue-badge holders is also welcomed.

- 8.43 180 cycle parking spaces are proposed for the office element of the scheme, which accords with London Plan policy 6.13. Details requested regarding the precise number and location of cycle parking to be provided for visitors to the retail uses, as this should be in line with TfL's minimum standards and should be accessible and secured.
- 8.44 The number of trips likely to be generated by the proposed development can be accommodated on the bus network. The capacity of the TLRN is unlikely to be constrained by either the trip generated by the proposed development or the removal of the Whites Row car park. The proposals are therefore in line with London Plan policy 6.1 and 6.12.
- 8.45 The applicant should enter into a Section 278 agreement with TfL to carry out highway improvement works to Commercial Street
- 8.46 A framework travel plan has been prepared, which is acceptable considering that the occupiers of the proposed development are currently unknown. Prior to occupation of the development, further information will be required to develop a full travel plan. The full travel plan should be secured through the section 106 agreement, in line with London Plan policy 6.1.
- 8.47 In order to improve conditions for walking, TfL seeks a contribution towards improving way-finding in the area close to the site in accordance with the principles of the Legible London scheme.
- 8.48 TfL supports servicing from Crispin Street considering its distance from the TLRN, and the highway constraints of both Brushfield Street and Whites Row. The draft delivery and servicing plan prepared by the applicant should be secured through the planning permission.
- 8.49 The framework for a construction traffic management plan has also been prepared by the applicant and the proposed content is welcomed as it outlines the likely route of construction vehicles. Further detail should be added regarding how trips will be restricted to off-peak hours. The plan should be secured by condition or through the S106 agreement.
- 8.50 In view of the strategic regional importance of Crossrail to London's economic regeneration and development and in order to bring the project to fruition in suitably timely and economic manner, a contribution of £2,111,198 will be sought in line with the Use of Planning Obligations in the funding of Crossrail SPG.

#### **London Fire and Emergency Planning Authority**

- 8.51 Pump appliance access to the perimeter appears adequate. Water supplies for the fire service not addressed in supplied documents. Existing pavement hydrants should not be covered or altered. The proposal should conform to the requirements of Part B of the Building Regulations.

#### **Thames Water**

- 8.52 Detailed comments provided on surface water drainage, storm water protection, surface water drainage from parking area. Impact studies of the existing water supply infrastructure have to be submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water) prior to commencement of development. Overall flows to combined sewers should not exceed historic flows and this may often be achievable by agreed surface water retention.

#### **Twentieth Century Society**

- 8.53 Despite the amended proposals which incorporate a greater level of detailing with regards to the replacement corner buildings and a wider palette of appropriate materials, the Society maintains its objections to the loss of the pub and bank buildings. Combined with LFWE the existing buildings as a group provide considerable townscape merit. The ensemble is a successful and appropriately scaled setting for Christ Church, the adjacent listed market building and other listed buildings and in keeping with the character of Brick Lane and Fournier Street conservation area.

- 8.54 The whole façade and ensemble of buildings should be retained as part of any development.

#### **Other external bodies consulted**

- 8.55 The following were consulted but have not provided comments:

- National Grid
- EDF Energy Networks Ltd
- City of London Corporation
- London Borough of Hackney
- Commission for Architecture & Built Environment
- Council for British Archaeology
- Georgian Group
- The Society for the Protection of Ancient Buildings
  
- Victorian Society
- Spitalfields Society
- Tower Hill Improvement Trust

#### **Local Representation**

- 8.56 Site notices for both applications displayed on 6 October and 30 January (amended plans). Proposals advertised in the press on 3 and 10 October and 30 January (amended plans). A total of 774 addresses were notified in writing.
- 8.57 108 letters of objection and two petitions with a total 254 signatures have been received from local residents, businesses, employees, occupiers of the LFWE, users of LFWE facilities, the Spitalfields Community Association and the Spitalfields Trust.
- 8.58 124 letters of support have been received from local residents, businesses and the Rector of Christ Church, Spitalfields. 1 letter of general comment received, requesting further public consultation.

8.59 The break down in relation to initial consultation responses and subsequent responses following amended plans consultation is set out below. For completeness, all issues raised in objection or in support are summarised in this report. The full representations are available to view on the case file.

| Type      |                            | Initial consultation | Amended plans | Total            |
|-----------|----------------------------|----------------------|---------------|------------------|
| Objection | Individual representations | 49                   | 8             | 57               |
|           | Standard letters           | 51                   | 0             | 51               |
|           | Petitions                  | 2                    | 0             | 2                |
|           |                            |                      |               | (254 signatures) |
| Support   | Individual representations | 9                    | 1             | 10               |
|           | Standard letters           | 61                   | 53            | 114              |
|           | Petitions                  | 0                    | 0             | 0                |

8.60 Objections relate to the following matters:

- Scale of proposed development would be monolithic and out of character;
- Height would be inappropriate and dominate Christ Church;
- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for it's prominent and sensitive setting;
- Extent of proposed demolition and effect of the proposed development on the setting of surrounding heritage buildings;
- Lack of street activity within the ground floor of the elevations;
- Loss of the Gun Public House – a prominent and local landmark;
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation;
- Lack of permeability due to the development occupying the whole site;
- Impact of loading area on traffic congestion in Crispin Street;
- Noise and disturbance from customers using proposed ground floor uses (public house, restaurants etc);
- Proposed public space will attract anti-social activity;
- Loss of space for 61 small businesses currently provided for in LFWE;

- Proposed SME space is insufficient;
- Loss of motor cycle parking within the multi-storey car park;
- Loss of parking generally for employees and visitors will impact on economic prosperity and tourism in Brick Lane and Spitalfields
- Loss of existing squash courts without viable replacement facilities (petition with 206 signatures).

8.61 Comments in support relate to:

- Proposed re-provision of public house to replace the existing Gun PH;
- Support for retention of façade on Brushfield Street;
- Opportunity for replacement tree planting to improve vista of Christ Church;'
- Building design is sensitive, a practical solution and responds to local needs;
- Varied approach to street elevations and proposed new north-south through route are supported;
- Development would create jobs for local people;
- Removal of car park supported;
- Scale, mass and relationship to Christ Church is appropriate;
- Opportunity to improve junction of White's Row with Commercial Street;

8.62 The response to third party representations in the assessment of the applications is included in Section 9 below - Material Planning Considerations

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 The main planning issues raised by this application are as follows:

- Principle of development and land use
- Demolition within the conservation area
- Design
- Residential amenity
- Access and transport
- Energy efficiency and sustainability
- Planning obligations

### **Principle of Development and Land Use**

9.2 The site is currently occupied by a mix of commercial uses including offices, small business space, private gym (recently closed), private medical facility, bank, public



house and car park. The application proposes comprehensive redevelopment of the site to provide a mix of uses comprising

Principal of office use

- 9.3 The site falls within the Central Area Zone (CAZ), defined in the London Plan. Policy 2.10 of the London Plan sets out the strategic priorities for the CAZ and seeks to enhance its unique national, international and London wide role. The London Plan seeks to maintain a supply of a wide range of office types, enhance retail provision and maintain the distinctive environment and heritage of the CAZ. The site also falls within the City Fringe Opportunity Area where the London Plan notes that because of the proximity to the City, the area provides scope to support London's critical mass of financial and business services.
- 9.4 The Council's Core Strategy recognises Tower Hamlets regional role and the economic benefits derived out of the Borough's Central London location. Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough. The Core Strategy also states that the Council will apply London Plan policy within the Central Area Zone.
- 9.5 Policy SP06.2 seeks to focus large floor plate offices within Preferred Office Locations (POL). The site falls outside of the Bishopsgate Corridor POL as defined in the Core Strategy and emerging MD DPD. The site is currently occupied in part by offices within a large footprint building. The site lies in a highly accessible and mixed commercial location and given the London Plan policy on office development within the CAZ and the Core Strategy general support for this approach, development for offices would be acceptable in principle. The scale and typology of office use and the extent to which the office use can be intensified through redevelopment will need to be balanced against the conservation area location and in particular the heritage considerations affecting the site as set out in the remainder of this report.
- 9.6 The Core Strategy also seeks to support the provision of a range and mix of employment uses and spaces by retaining, promoting and encouraging flexible work space and encouraging the provision of units (approximately 250 sq metres or less) for small and medium enterprises (SME's). The proposed development would include 950 sq metres of managed, flexible work space aimed at SME's within the ground floor via a separate entrance from Commercial Street. The size of the new units and the specification of the internal finish would be controlled, in order to maintain affordable rents for small businesses.
- 9.7 London Plan policy 4.3 requires that within the CAZ, increases in office floor space should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies within the Plan. It states that housing and other uses should be required on site or nearby to create mixed use neighbourhoods. The Mayor of London's response to the Stage 1 consultation notes the mix of office and retail uses within the scheme and accepts the applicant's justification for not including housing as part of the development. However the Stage 1 report concludes that the applicant has not investigated potential of site solutions to provide housing and therefore meet the objectives of the mixed use policy.

- 9.8 The applicant has agreed to provide a financial contribution towards off site affordable housing, which would be targeted towards an affordable housing project in the vicinity of the site to increase the number of affordable homes that could be delivered. This figure could be increased in the event that the early payment discount for the Crossrail contribution applies as set out in the later sections of this report.
- 9.9 The GLA has provided supplementary comments to confirm that the approach described above is acceptable and would meet the requirements of London Plan policy 4.3.

Effect on existing businesses and job creation

- 9.10 The proposed redevelopment would result in the displacement of up to 61 businesses or 300 jobs which are currently accommodated by the LFWE.
- 9.11 Tower Hamlets Core Strategy and IPG policies support the retention and increased provision of floor space for small businesses. The draft Managing Development DPD contains policies for local job creation and investment. Policy DM15 supports the upgrading and redevelopment of employment sites outside of spatial policy area and states that development should not result in the loss of active and viable employment space unless it can be shown, through a marketing exercise, that the site is unsuitable for continued employment use due to its size, location, accessibility and condition. The draft policy goes on to say:
2. *Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere.*
  3. *Development of new employment floor space will need to provide a range of flexible units including units of less than 250 square metres and less than 1,000 square meters to meet the needs of small and medium enterprises.*
- 9.12 The applicant has confirmed that the City of London has been operating the building on the basis of subsidised flexible space as part of a bespoke programme and that all tenants have been made aware of the plans to develop the site. Consequently, it is understood that rents have been kept low and short term leases offered. All tenants have a minimum of 6 months' notice in their leases and when they have entered into leases they have been made aware of the forthcoming development plans.
- 9.13 The applicant has also provided details of a decant strategy for existing tenants in the event that planning permission is granted. The strategy is managed by the City of London Corporation and includes dedicated open days and workshops over the last 6 months to meet and offer existing tenants of the London Fruit & Wool Exchange assistance with their relocation and an onsite resource within the existing LFWE building where vacant property is advertised and where tenants can go and meet the 'City Property Advisory Team' and obtain advice and guidance on relocation options.
- 9.14 The applicant has stated that the City of London Corporation is very keen to retain as many of the tenants as possible within other buildings that they manage for small

business space and to that end have prepared 1 Alie Street in Aldgate specifically as a relocation option.

- 9.15 In reaching a view on the acceptability of the displacement of existing SME's the impact should be balanced against the potential job creation arising from the proposed development and the extent to which this will benefit residents and businesses in Tower Hamlets. The Socio-Economic chapter of the Environmental Statement states that the development is likely to generate in the region of 2,685 jobs directly and increase spending in the local area by approximately £3.1 million per year. The multiplier effect could lead to 150-200 additional local jobs to the local economy.
- 9.16 It is not possible through the planning process to guarantee the actual proportion of new jobs opportunities that would be taken up by Tower Hamlets residents or whether jobs in the proposed development will be existing jobs relocated from elsewhere in London, particularly in cases where the occupier(s) of the proposed development are not known.
- 9.17 The Planning Obligations SPD highlights the currently low proportion of residents finding work in the borough and identifies a skills mismatch as one of the contributing factors. The SPD sets out a range of measures that can help local residents compete for job opportunities in new development and gain relevant skills and training at both the construction and end user phase of major development through training programmes, job brokerage, work placements and apprenticeships.
- 9.18 The applicant is also offering to put in place a number of tangible benefits/employment and training mechanisms to ensure local residents and businesses can maximise the job opportunities and that supply chain opportunities might arise out of the proposals. These will be secured as planning obligations and would include:
- Financial contributions towards local skills and training programmes at construction and end user phase;
  - Commitments to secure 20% of construction and end user phase jobs through the Council's job brokerage service (Skillsmatch);
  - Minimum 75 apprenticeships to be provided at construction phase;
  - A strategy to agree minimum targets for apprenticeships and work experience placements at the end user and occupier phase;
  - A strategy to provide opportunities for local businesses to bid or tender for the provision of goods and services in accordance with the Council's local procurement code.
- 9.19 All of these aspects would result in a substantial contribution to both the promotion and improvement of economic well being in this part of Tower Hamlets and therefore on balance would outweigh the impact of displacement of the existing businesses within the LFWE. With any comprehensive development scheme involving existing employment space, some level of displacement is inevitable but this must be balanced against the longer term potential job creation and economic benefits.
- 9.20 Taking into account the measures put in place by the owner to manage relocation of existing businesses, the measures proposed by the applicant to help maximise job

opportunities, training and local enterprise growth for local residents and businesses along with the replacement provision of 1,400 sq metres of small business space in the new development, officers consider that on balance the economic and regeneration benefits of the development would outweigh the harm arising from the displacement of existing jobs.

#### Proposed retail uses

- 9.21 The proposed development would include a mix of retail, restaurant and café units located on the ground floor and facing onto adjoining streets. The main concentration of retail related uses would be on the Burchfield Street frontage. London Plan policy for the CAZ states that new development should contain a mix of uses including retail and related activities. The Core Strategy supports this approach.
- 9.22 Whilst the site is not within a designated town centre, 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 commercial office function. The proposed retail units would be 300 sq metres or less to provide a mix commensurate with the immediate location, characterised by mainly small scale, independent shopping interspersed with food and drink uses. Retail and related uses will also contribute to the vibrancy of Spitalfields and would be in line with the strategic priorities for the area set out in the Annex to the Core Strategy, to promote mixed use development which adds to the vibrancy, economy and character of the area.

#### Loss of parking facilities

- 9.23 A number of objections relate to the loss of the multi-storey car park in terms of readily available parking for traders and visitors and the loss of free parking facilities for motor cycles.
- 9.24 The Council's Transportation and Highways Section and TfL have raised no objection in principal to the loss of the car park. The Parking Study submitted with the application has identified that whilst the car park is well used by motorcycles, it is under utilised by cars. This is likely to be influenced by the provision of free parking for motor cycles and the location of the car park within the boundary of the Central London Congestion Charging Zone (boundary runs along Commercial Street) which means that car drivers would be liable to pay the Congestion Charge in order to access the car park.
- 9.25 The Parking Study Survey undertaken in support of the planning application identifies other off-street car parks in the area which cater for motorcycle parking. However, this parking is offered at a cost, whereas motorcycle parking at White's Row is currently free of charge.
- 9.26 LBTH Transportation and Highways have provided additional comments noting that:
- People with a valid Tower Hamlets residential parking permit can park in any of the corresponding permit bays in the surrounding area;
  - Motorcyclists without residential or business parking permits, there are a number of on-street pay and display parking bays in the surrounding area;

- There are also a limited number of designated on-street motorcycle bays which are free to use by both permit holders and non-permit holders in Bell Lane (6), Wentworth Street (8) and Spital Square (3);
- There are alternative off street options available in the surrounding area - three car parks within 0.6 miles of the existing Whites Row car park - Spreadeagle Yard (100 spaces), Great Eastern Street (125 spaces) and Goulston Street (110 spaces);
- The displaced motorcycle parking can be accommodated through other off-street car parks in the area (although this will be chargeable as opposed to the current free of charge situation at Whites Row) and through the on-street provisions in the surrounding area.

9.27 In conclusion, officers consider that the proposed loss of the existing car park would be acceptable in both land use and highway terms and that there is no compelling evidence that the loss would have a demonstrable harmful impact on economic vitality in Spitalfields.

#### Public House

9.28 The application proposes to demolish the existing public house and to provide a replacement licensed premises in the same location, on the corner of Brushfield Street and Crispin Street as part of the mix of ground floor uses. Re-provision of the public house would be in line with Policy RT6 of the IPG 2007 which seeks to prevent the loss of public houses. The Council has also received correspondence from the licensee of the Gun PH supporting the proposed development.

#### Loss of private leisure facilities

9.29 A number of local objections relate to the loss of existing gym and squash courts provided as ancillary to the main use of LFWE by a private operator. The facility at LFWE has recently closed following the establishment of a new outlet by the same operator in the Nido Tower at Frying Pan Alley (south west of the site). The facility at LFWE appears to have been ancillary to the main use of the building for employment purposes and did not benefit from a separate planning permission. There are no proposals to re-provide the leisure facility within the proposed development.

9.30 The Council has secured a contribution towards indoor leisure facilities in line with the Planning Obligations SPD. On balance, officers do consider that the loss of the squash courts would cause sufficient harm in terms of leisure and sports provision to require direct re-provision or outweigh the other economic benefits of the development.

9.31 To conclude this section of the report, the scheme would provide an employment-led mixed used development that would provide a variety of type and size, including large floor plate office space, SME space, retail accommodation and associated active uses. The proposals will also facilitate locally-based employment and training opportunities. The scheme therefore accords with policies x 2.10, 2.11, 4.1, 4.2, 4.3 and 4.12x of the London Plan (2011), 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).

## Demolition in the Conservation Area

- 9.32 Conservation area consent is sought to demolish the LFWE (behind the retained front elevation), the bank, the Gun Public House and White's Row car park. Demolition is proposed to enable the redevelopment of the site for office led mixed use purposes as set out in the accompanying planning application.
- 9.33 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. 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.
- 9.34 Local planning 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.
- 9.35 The preservation and enhancement of conservation areas, in the context of proposed development, requires recognition of the quality of existing assets, both buildings and places combined with a strong understanding of what is significant and therefore valuable and worthy of preservation or enhancement. It is this that in turn informs successful responsive development that is sensitive to the significance of its place.
- 9.36 The adopted Conservation Area Character Appraisal and management Guidelines for Brick Lane and Fournier Street Conservation Area refer specifically to the LFWE:

*The City of London's Fruit and Wool exchange and Old Spitalfields Market are buildings of interest in themselves and make a positive contribution to the character of the Conservation Area. They were placed into the Fournier Street and Brick Lane Conservation Areas instead of other adjoining Conservation Areas because they form the prime focus for the setting of the front elevation of Christchurch Spitalfields. The multi-storey car park next to the Fruit and Wool Exchange is a gap site suitable for development; nevertheless the current building is at an appropriate scale and in itself forms an important transition between this Conservation Area and the Wentworth Street Conservation Area.*

*Its [LFWE] merit lies in its sympathetic relationship to Christchurch Spitalfields through its scale, materials and detailing, thus providing a suitable setting for the church and other surrounding listed buildings*

- 9.37 A balanced approach is fundamental to decision making on a site as sensitive, complex and large as that occupied by the London Fruit and Wool Exchange.
- 9.38 Policy HE7 of PPS5 guides applications relating to heritage assets and advises that when considering impacts on heritage assets and their settings, the "particular nature of the significance of the heritage asset" (paragraph HE7.2) must be established in order to understand the nature and level of impact that may occur.

- 9.39 The applicant has carried out an assessment of the significance of LFWE, the bank building, The Gun Public House and the car park (undesigned heritage assets) and an assessment of the effect of their loss and subsequent replacement on the Brick Lane and Fournier Street Conservation Area, Artillery Passage Conservation Area, Christ Church Spitalfields, 5 White's Row and 52 Brushfield Street.
- 9.40 The applicant's assessment concludes:
- undesigned Heritage Assets are of limited significance;
  - the principles of any significance could, in any event, be taken forward as part of a replacement building – e.g. materials, proportions, height etc;
  - the undesigned heritage assets make a limited contribution to the significance of the designated heritage assets;
  - the impact of the loss of the undesigned Heritage Assets on the significance of the designated heritage assets is less than 'substantial harm';
  - Policy HE9.4 of PPS5 should apply, but for completeness the proposals have also been tested against policy HE9.2.
- 9.41 Officers note that English Heritage have objected to the proposed demolition and redevelopment and have urged planning permission and conservation area consent be refused. In terms of the starting point for assessing the proposals, English Heritage set out in detail why they consider that the undesigned assets are of significance in themselves and their demolition would cause substantial harm to the conservation area. Accordingly English Heritage advise that the more stringent tests of policy HE 9.2 of PPS5 should apply in this case.
- 9.42 Officers consider that the advice of English Heritage as the government's national heritage advisor should carry substantial weight in determining the applications and that it is correct and robust to consider the proposals against both policies HE9.2 and HE9.4.

Policy HE9.2 states:

*Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:*  
*(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss.*

Policy HE 9.4 states:

*Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.*

- 9.43 In considering the extent to which the proposals would meet the PPS5 policies, the Council has had regard to the potential to re-use the existing buildings, the quality of the proposed replacement buildings, wider public benefits arising from the

development including the contribution of the proposed development to economic wellbeing and social well being.

#### Potential to re-use existing buildings

- 9.44 English Heritage and other third parties have objected to the extent of demolition of the unlisted buildings within the Conservation Area. The Mayor of London has drawn attention to the demolition of the public house in his Stage 1 report.
- 9.45 In heritage terms, there is no objection to the demolition of the car park, which is considered to be an opportunity site in the Conservation Area Character Appraisal. The principal LFWE facade would be retained and incorporated in a positive way within the new development. The return elevations of LFWE itself onto Crispin Street and Commercial Street are considered less architecturally or historically important. However, the Gun Public House and the Bank are prominent buildings within their own right and would be demolished in entirety. In coming to a view on the extent of demolition, it is important to understand why the corner buildings cannot be retained as part of the proposed development.
- 9.46 The applicant has set out detail in the Design and Access Statement the commercial, technical and significant commercial reasons why retention of the corner buildings cannot be retained either in part or in full within the proposed development. In summary these are:
- - Both corner buildings were developed at different dates they have different floor levels from LFWE;
  - The difference in floor levels is more pronounced in the public house than in the bank;
  - Retaining the corner buildings would interrupt the continuity of the floor plates at upper level;
  - Adjusting the internal floor levels to align better would result in internal steps or ramps
  - If the facades were retained, the interruption to floor levels would be less severe, but misalignment with existing windows would compromise daylight and sunlight to the office space.
  - The size and flexibility of the office floors in the new development are the most powerful commercial attribute of the scheme;
  - Retention of the corner buildings would suppress the identity of the new development.

#### Quality of proposed replacement buildings

- 9.47 The Historic Environment Planning Practice Guide (March 2010) issued to accompany PPS5 encourages Local Planning Authorities "to seek well conceived and inspirational design that is founded on a full understanding of local context".
- 9.48 The applicant's Design and Access Statement demonstrates how the design of the proposed development has evolved, following a full understanding and analysis of the local context and pre-application consultation with stakeholders. Amended plans were submitted to respond to further comments made during the statutory consultation stage. The Environmental Statement includes a thorough Townscape



and Visual Amenity Assessment (TVAA) including verified CGHI visual assessments on a number of key views. The TVAA has been updated to take into account amendments to the architectural treatment of the building.

- 9.49 The Council's Design and Conservation Officer has considered the TVAA, application plans and supporting material and has concluded that "the new development is 'well conceived' and relates well to the historic and more modern buildings within its setting. Most importantly, the setting key views to Christ Church Spitalfields along Brushfield Street are maintained by the retention of the LFWE façade, with the upper stories to the new building being significantly set back."
- 9.50 The Council's Design and Conservation Officer has also drawn attention to improvements to the townscape along Commercial Street, Crispin Street and White's Row, improvements to permeability through the provision of a new pedestrian route, the removal of White's Row car park, the provision of new open spaces and proposed off site improvements to public realm within the conservation area. The detailed consideration of the design merits of the new development is covered in paragraphs 9.57 – 9.75 below.

#### Economic and social well being – a balanced approach

- 9.51 The existing accommodation provides approximately 300 jobs. The proposed development will provide high quality office accommodation within the City Fringe and generate between 2,500 and 3,000 jobs.
- 9.52 As part of the scheme an element of purpose built Small and Medium Enterprise (SME) accommodation is also proposed which would provide flexible business space and will ensure that a diverse range of businesses can be accommodated throughout the site. The scheme will also provide new shops and restaurants reinforcing and engaging services offered in the area as well as providing additional employment opportunities.
- 9.53 The applicant also cites a number of indirect benefits flowing from the development including increased local spending, estimated to be approximately £3.1 million per year, 150-200 additional local jobs arising from local economic growth, demolition and jobs arising from construction work, improved sense of place as a result of the scheme and new public realm, improved pedestrian permeability, new areas of public open space and increased street activity arising from ground floor retail uses.

#### Conclusion

- 9.54 The proposal would involve substantial demolition within the conservation area and the proposals must be considered against the policies in PPS5. For the reasons set out above officers conclude that the harm caused by the loss of the existing building would on balance, be outweighed by the proposed replacement and its attendant benefits.
- 9.55 The policies set out in HE9 of PPS5 require local planning authorities to recognise that the greater the harm to the significance of the heritage asset the greater justification will be needed for any loss.

- 9.56 Officers are satisfied that the level of harm to the significance of the conservation area is justified by the replacement building satisfying stringent townscape concerns through high quality design, improvements to public realm and bringing sufficient public benefit through the new building itself, the opportunities it will offer in terms of economic and social well being.

### **Urban Design**

- 9.57 National planning policy in PPS 1 notes the inherent link between good design and good planning:

*“Planning authorities should plan positively for the achievement of high quality and inclusive design for all development...Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*

- 9.58 The London Plan, Tower Hamlets Core Strategy, saved UDP policies and IPG all reflect the guidance in PPS1, with policies promoting high quality design in new development. The draft MD DPD states:

*“Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding scale, height, mass, bulk and form of development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape, rhythm and other streetscape elements, design details and elements and natural environment.”*

- 9.59 In considering the design merits of the proposed development, officers have also had regard to the requirement to preserve or enhance the character and appearance of Brick Lane and Fournier Street Conservation Area, the guidance in the relevant character appraisal and the effect of the proposed development on the setting of adjacent listed buildings and in particular the key view along Brushfield Street towards Christ Church Spitalfields.

### Scale, height and mass

- 9.60 The height of the proposed building has been determined by the height of the parapet on the retained Brushfield Street elevation. The height of new build elevations on all four sides of the development would not exceed this, thereby providing a unifying approach to height whilst ensuring that the new elements would not overwhelm the scale of the retained facade. The building height would step down towards White’s Row, to provide a more appropriate relationship to the lower scale, character of this street.
- 9.61 The top two floors would be set back by 9 metres from the principal elevations and expressed with a different architectural approach. The resulting building would be only one storey or approximately 3 metres taller than the height of the existing LFWE (top of 1960s extension). The verified CGI views included in the TVAA show that the top two floors would not be visible in the key view along Brushfield Street. The main

changes to this key view arise from the alteration to the ground floor of LFWE and the reinstatement of the stone centre piece, both of which are considered to be beneficial, along with the replacement of the corner buildings with new development of similar scale to the retained elevation.

- 9.62 The overall scale and mass of the proposed development would be greater in totality than the existing buildings on the site. This is would be most apparent in the long views north and south along Commercial Street where the bank building, side elevation of the LFWE and car park are seen as three separate elements with gap between LFWE and the car park. Throughout the design development process officers have emphasised the importance of ensuring that the perceived scale of the new development is not detrimental to the views along Commercial Street or harmful to the setting of Christ Church of the listed Spitalfields Market buildings.
- 9.63 The amended design response breaks the east elevation of the building into three distinct elements - the corner replacement for the Bank, the main building elevation and the lower element towards White's Row. The changing rhythm of brick piers and variation between solid and void element combined with changes in the alignment of the elevations significantly breaks down the perceived mass of the development along Commercial Street and echoes the existing scenario. The entrance to the SME accommodation is set back and revealed through a change to the architectural elements around it. The entrance would lie in approximately the same position as the existing service road entrance and would serve as a marker for the alignment of former Dorset Street.
- 9.64 In conclusion, officers are of the view that whilst the proposed development would be of a greater mass and scale than the existing buildings to be demolished, the carefully considered and intelligent design response would break down the perceived mass and scale in a manner appropriate to the sensitive nature of the site and its surroundings.

#### Relationship with listed buildings

- 9.65 The differing architectural expression at all four corners, to respond to the specific circumstances, further breaks down the perceived mass of the building and provides an appropriate response to the setting of adjoining listed buildings and non-listed buildings within the conservation area. The TVAA verified images show an appropriate high quality design response in terms of overall scale, rhythm and use of material detailing to the setting of Christ Church, 52 Brushfield Street, 66-68 Bell Lane and 5 White's Row. In the case of Buildings on Bell Lane and White's Row, the new development would significantly enhance the setting of the listed building by replacing the multi storey car park which has a harmful effect on its setting. The proposed corner element at Brushfield Street and Crispin Street would provide a similar degree of transition that the existing public house provides through careful attention to materials and proportions in order to mitigate between the grand scale of the LFWE main facade and the much smaller scale, 18<sup>th</sup> Century building.
- 9.65 The set back top two floors are revealed most prominently on the north east corner of the development in the views from the north where they are seen in context with the east elevation of Spitalfields Market. Officers have some concern about the effect of this element on the setting of the Grade II listed market buildings in terms of the

perceived scale in relation to the proportions of the main corner element giving the impression that the development is “top heavy”. However as the top two floors are not dominant in any of the other key views, officers are satisfied that this could be resolved through a more considered response to the tone of external, facing materials and minor changes to reveal the divide between the two floors. An appropriate condition is recommended to deal with this issue.

#### Relationship to the conservation areas

- 9.66 In considering whether the development would preserve or enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area, officers have evaluated the effect on the streets immediately surrounding the site and the impact on key public views from within the conservation area. The description of the significance of the existing LFWE building within the Character Appraisal is also important in considering the impact of the proposed development.
- 9.67 The proposed development would improve the appearance and streetscape along Commercial Street, Whites Row and Crispin Street through the demolition and replacement of the multi-storey car park which does not have a beneficial impact on the conservation area and is described in the Character Appraisal as an opportunity site. The development would bring an improved appearance to these streets, with a contextual and responsive design and by intruding an active ground floor. This development would relate well in terms of materials and size/scale of the development to the historic environment, particularly when considered in the context of nearby listed buildings and other undesignated heritage assets.
- 9.68 The proposal would successfully retain and adapt the main Brushfield Street elevation of LFWE, providing a new public interface with the street at ground floor, reinstating the stone centre piece and removing the unsightly 1960s roof extension. The proposed corner elements have been re-designed in the amended plans and now provide a much improved relationship to the retained facade and the adjacent buildings.
- 9.69 The development would result in the eradication of Duval Street which provides an at grade private servicing/parking space to the rear of LFWE. Objections to the removal of this private road have been raised by English Heritage, referring to its historic significance and by several third party objectors. Whilst Duval Street is on the approximate alignment of Dorset Street, a historic thoroughfare and at times a notorious street, its character was significantly changed by the assembly of two large development plots either side to construct the LFWE in 1929 and later the car park. Duval Street is not adopted and is not generally used as a public route.
- 9.70 The development would improve the permeability of the site with a new north-south route and a new open space to the south-west corner of the site. The new route through the development would provide a more logical thoroughfare, linking Brushfield Street and Spitalfields Market with Whites Row and on to Artillery Lane and Liverpool Street Station via a sequence of new public spaces. Duval Street has very limited benefit in terms of permeability and is not an attractive thoroughfare being framed either side by the rear elevation of LFWE and the ground floor of the car park. In conclusion the significance of the line of the former street is not

considered such that its loss, viewed in the context of the whole development, is harmful to the Brick Lane and Fournier Street Conservation Area.

- 9.71 The relationship of the proposed development to Artillery Passage Conservation Area lies principally in the effect on key views towards the south west corner of the site. The present condition means that the two main public views from Artillery Lane and Bell Lane are dominated by the stark painted frame of the multi-storey car park against the predominant fine grain, brick faced Georgian and Victorian buildings. In the view from Bell Lane the corner of the car park appears in the foreground setting of the Spitalfields Market and is a poor neighbour to its surroundings.
- 9.72 The proposed development would have a beneficial effect on both the visual amenity and on the townscape character in this view. It would replace an anaesthetically poor building with a well-designed and appropriately-scaled one, built of materials that would sit comfortably in the historic context.
- 9.73 This view along Artillery Lane is important as it contains the listed 18th Century shop building on the right and embodies the character of tight historic urban grain that formerly predominated in this part of London. The proposed development would have a major beneficial effect on visual amenity in this view by replacing the car park with a well-designed building of appropriate scale and a major beneficial effect on townscape character by introducing open space and a visibly accessible pedestrian route through the site.
- 9.74 In summary, there is overall an absence of harm to the character and appearance of the both Brick Lane and Fournier Street and Artillery Passage Conservation Areas or harm to the setting of Listed Buildings, when a balanced approach to the development is taken in consideration of its totality. Significant aspects of the proposal represent enhancements to existing conditions. This is particularly so in the case of the Whites Row Car Park demolition and its replacement with building sensitive and contextual to Whites Row itself, retention of the attractive façade of the LFWE building, improvement to the views north and south along Commercial Street, the active ground floor uses brought to a large part of the perimeter of the site and the new public space. The development would maintain the significance of the key view along Brushfield Street to Christ Church and the modest increase in overall height would ensure that the Church remains the dominant building in this part of the conservation area.
- 9.75 To conclude, the development embodies recognised principles of good design. It would not detract from the visual amenity of the area by means of its carefully evolved scale, detailing and proposed use of appropriate materials. The development would both preserve and enhance the character and appearance of the conservation area and enhance the setting of listed buildings. The development would comply with policies in PPS1, London Plan, Core Strategy, IPG, UDP and emerging MD DPD that require new development to be of the highest design quality.

### **Residential Amenity**

- 9.76 The UDP saved policies (DEV2) seek to protect the amenity of residential occupiers and ensure that adjoining buildings are not adversely affected through loss of privacy or detrimental impact on their daylight or sunlight conditions.

- 9.77 The site lies in a highly urban location, surrounded by a mix of commercial activity, including night time uses such as public houses, bars and restaurants. There is residential accommodation close to the site; the nearest properties being at 50, 52, 53-59, 67-77 Brushfield Street, 2-8, 5, 11-12 White's Row and 45, 46 and 50 Crispin Street.
- 9.78 The main impacts on residential amenity that need to be considered are noise and disturbance and the relationship of the proposed development in terms of daylight/sunlight, loss of privacy and light pollutions.

Noise and disturbance

- 9.79 The proposals include a substantial element of ground floor retail activity, restaurants, cafes and a replacement public house. Whilst the main concentration of such uses is on Brushfield Street frontage, the development does include a proposed restaurant on the southwest corner adjacent to the new public space, which would introduce additional activity into these streets.
- 9.80 Whilst the additional activity would be supported in terms of reinforcing the vibrancy of Spitalfields, the likely effects in terms of late evening noise and disturbance from customers has been realised in third party correspondence and needs to be carefully considered. Environmental Health colleagues have not commented on the impact of the increased perimeter retail activity, officers consider that it would be appropriate to control the opening hours for ground floor retail, café and restaurant outlets in order to protect residential amenity. An appropriate condition is recommended.
- 9.81 Any external plant and machinery, such as mechanical ventilation and or air conditioning plant may also give rise to noise and vibration impacts and this is considered in detail in the associated Environmental Statement. Tower Hamlets Environmental Health have raised no objection in principal to the development but have recommended a condition to control maximum noise emissions from external plant.

Daylight / sunlight

- 9.82 The proposed building has been assessed in terms of its potential for impact on the amenity of the site and the surrounding area. Chapter 14 of the ES assesses the daylight and sunlight on nearby properties.
- 9.83 The site lies in a dense urban location and is already developed with a five storey commercial building (LFWE and four storey car park) which have an effect on their neighbours due to scale and proximity, particularly on White's Row which is a narrow street.
- 9.84 The proposed development would have overall a larger volume than the existing LFWE and car park and would replace the open space within Duval Street with built development. However the development would be contained within the same foot print as the existing buildings, would only be one storey taller than the existing LFWE, would step down in height to the south to relate to the lower rise buildings in White's Row and would be modelled to create an open space on the south west corner, where the car park currently stands.

- 9.85 The Environmental Statement considered the proposed development's potential impacts and likely effect to daylight, sunlight and overshadowing at residential properties surrounding the site. Relevant policies and guidance at National, Regional and local level have been considered and have informed the criteria and methodology used in the assessment. In particular, the assessment methodology has followed the Building Research Establishment Guidelines, which provides advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. The BRE Guidelines states that numerical guidelines should be interpreted flexibly and take into account the context of the site and its surroundings.
- 9.86 The assessment of existing surrounding receptors considered the baseline conditions which confirmed that many surrounding properties receive relatively low levels of daylight and sunlight due to the dense urban location and the impact of the existing buildings. The daylight and sunlight assessment therefore takes into account both absolute effects and the relative change that would be experienced.
- 9.87 As regards daylight, all but four of the surrounding properties assessed would meet the BRE Guidelines recommendations in respect of the level of change, i.e. not exceeding 20% reduction. For the four properties which contain windows not meeting the BRE Guidelines, it is generally the case that the reductions in VSC only go fractionally beyond the recommended 20% level of change.
- 9.88 With regard to sunlight, it is also the case that the majority of the surrounding residential windows will meet the BRE Guidelines' recommendations. Many of the residential windows which do not meet the Guidelines' generally do so due to slight reductions in winter levels of sunlight, whilst retaining good levels of sunlight in excess of the Guidelines in terms of their total throughout the year.
- 9.89 There are also a few other instances where some windows experience reductions of summer sunlight which go slightly beyond the Guidelines recommendations, but many of these relate to rooms which are likely to be used as bedrooms, not considered as sensitive in regard to sunlight.
- 9.90 The permanent overshadowing analysis of the proposed public space in the south-west corner of the site shows that the area will be very well lit and meet the BRE Guidelines "Ideal" recommendations.
- 9.91 The Environmental Statement has been subject to an independent review by the Council's retained consultants. Minor comments and request for clarifications were requested to ensure the methodology has been applied consistently throughout the assessment. An addendum has been provided to update this part of the assessment.
- 9.92 On balance, the proposed development has been designed to take into account its particular context location or constraints in terms of height and massing to ensure negligible effects to surrounding properties, taking into account the constraints of the site and the dense urban context. The proposed development would meet the objectives of IPG Policy DEV1 and saved UDP policy DEV 2 in terms of safeguarding the amenity of adjoining occupiers and policy DM25 of the Managing Development DPD.

#### Overlooking and outlook

- 9.93 The UDP, IPG and supporting text to policy DM25 indicate that privacy can be safeguarded by maintaining a separation of 18 metres between facing windows, although this standard is normally applied to residential development.
- 9.94 In the majority of cases the proposed development would not result in facing windows closer than 18 metres to the nearest residential property. In the northern part of Crispin Street and the eastern part of White's Row, face to face separation would be reduced to 11 metres and 9 metres respectively. However, this would be no worse than the existing scenario, as the elevations follow the line of the former Gun Public House and rear elevation of White's Row car park.
- 9.95 Given the building would be primarily in office use, the space would be less intensively used than residential accommodation and would not give rise to direct overlooking. It would be inappropriate in urban design terms to set all elevations back from the existing building line to increase street width. Furthermore as stated above, the increase in overall massing would not give rise to loss of outlook or increase sense of enclosure.

#### Light spill

- 9.96 Officers requested that the applicant to carry out a detailed light spill assessment as an addendum to the Environmental Statement to assess the potential effects of light spill from the upper floor windows of the development on adjacent residential occupiers. The assessment tested two potential scenarios both pre-curfew (pre 11pm) and post-curfew (post 11pm) as set out in the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light* (2005).
- 9.97 For both scenarios, light spill levels were found to be acceptable pre-curfew. Post-curfew light spill levels, which are rated against much lower light limitations, were also found to be acceptable in the scenario that all office windows have blinds drawn. However light spill assessment shows that a number of residential windows would fail without any blinds drawn, using a worst case scenario of full occupancy and all lights left on after dark.
- 9.97 The highest levels of light trespass in this latter scenario are likely to be experienced along White's Row and Crispin Street where residential properties are closest.
- 9.98 It is considered fairly unlikely that many employees would be working post-curfew hours and therefore relatively few lights within the office should be lit post 11pm. The applicant has agreed to require the use of roller blinds post 11pm through a Window Management Protocol which will form part of the Management Strategy and Tenants Contracts (i.e. all building occupants are to be made aware of this requirement as part of their induction programme).
- 9.99 The use of light fittings controlled by PIR (activity) sensors, which would switch lights on and off according to occupancy, would ensure lights are not left on when parts of the building are unoccupied, contributing to energy efficiency. The internal light fittings installed along the perimeter of the building and located within 3 metres from the windows would be dimmed down significantly from the normal office lighting level. No external lighting is proposed other than potential low level ground based up-lighters in



surrounding pavements which would be controlled through the detailed public realm improvement scheme.

- 9.100 These mitigation measures have been agreed with the applicant's lighting designer and architects. A detailed lighting scheme laying out these requirements as part of the detailed design stage submission will be conditioned as part of this permission.

### **Transport and Access**

- 9.101 PPG 13 (2011 as amended) sets out the Government's policy in relation to transport. The Guidance promotes more sustainable transport choices, accessibility for jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel especially by car.
- 9.101 London Plan policy 6.1 seeks to ensure the integration of transport and developments by encouraging patterns and forms of development that reduce the need to travel especially by car, improving public transport accessibility and capacity and relating parking provision to public transport accessibility.
- 9.102 IPG Policy DEV18 states that a travel plan will be required for all major developments. Saved policy DEV19 of the IPG states that development is required to comply with the parking levels set out in the planning standards. Policy DEV17 of the IPG states that all development is required to include adequate space for servicing and appropriate circulation routes and all developments should be supported by a transport assessment to identify the impacts on the transport network and assess its capability to support the development and where relevant, provide details and measures to mitigate adverse impacts of development or secure additional capacity.
- 9.103 The site has a Public Transport Accessibility Level (PTAL) of 6B, which means that the site is highly accessible by public transport. The proposed development includes the provision of new spaces for pedestrians as well as cycling facilities. A transport assessment is submitted as part of the application documentation and includes a draft Travel Plan Framework for the redeveloped site. The TA has considered the potential impact on the existing transport networks as a result of the proposed development.
- 9.104 LBTH Highways and Transport for London conclude that the development would not result in an increase in trips on the surrounding highways and that the impact of the development can be accommodated within the capacity of the existing bus network.
- 9.105 A total of eight visitor parking spaces are proposed, including two disabled spaces. Whilst the highly accessible location would present opportunities for a car free proposal, LBTH Highways and TfL accept that parking provision would be below the maximum indicated by relevant policy standards for this scale of development.
- 9.106 Satisfactory provision has been made for employee cycle and motorcycle parking within the basement of the development to encourage more sustainable modes of transport. Further information has been requested to ensure that the layout of the cycle stands is acceptable and that appropriate changing and shower provision is made. Details of cycle parking provision for visitors within the site boundary will also be further conditioned.

- 9.107 The application includes a framework travel plan which will be used as the basis for the submission of individual travel plans prepared by future tenants of the component parts of the development.

#### Inclusive access

- 9.108 The proposed route would include two ramps to deal with a 1.4 metre fall in levels across the site from north to south. The Council's Access Officer considers that the length of the route is such that the minor change in levels could be accommodated without the need for distinct ramps by "smoothing" the route creating an equivalent shallow 1:50 gradient across the site that would be barely perceptible by users. This would also enable a more satisfactory at grade solution between the southern edge of the external public space and White's Row. A condition requiring finished floor levels for the public routes and open spaces is recommended.
- 9.109 An addendum to the design and access statement has been provided to demonstrate that the all areas of the new public route would be accessible for wheelchair users. Combined with amendments described above, officers consider this would address the comments included in the Mayor of London Stage 1 report.

#### Servicing and waste

- 9.110 Servicing would take place via a combined service yard for the whole development located off Crispin Street and would allow all servicing to take place within the confines of the site. TfL support the location due to the reduced effect on Commercial Street compared with the existing situation.
- 9.111 Following the submission of additional information, LBTH Highways have raised no objection to the proposed servicing and waste arrangements subject to controls to prevent servicing taking place during peak hours (0700-1000 and 1600-1900 hrs Mondays – Fridays). Further controls over servicing are also recommended by officers to prevent servicing activities during quieter night time periods due to the proximity of residential properties on Crispin Street and are included in a condition.
- 9.112 The proposed footway crossing for the service yard would be 10 metres which is considered excessive for pedestrians to cross without a suitable refuge. The applicant has stated that there may be opportunities to reduce the width of the footway crossing at detailed design stage. An appropriate condition is recommended.

#### Crossrail

- 9.113 In view of the strategic regional importance of Crossrail, London Plan policy 6.5 states that contributions will be sought from development likely to add or create congestion on central London's rail network. This will be through planning obligations calculated in accordance with the approach set out in the Mayor of London's Supplementary Planning Guidance (PG) Use of Planning Obligations in the funding of Crossrail. The development would give rise to a contribution of £2,111,198. Further detail is set out in "Planning Obligations" below.

### **Sustainable Construction and Energy Efficiency**

#### Sustainable construction

9.114 In relation to overall sustainability, Draft Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a BREEAM Excellent rating. The proposals aim to achieve a minimum score of 74.23% against BREEAM Office 2008. The achievement of this score and a BREEAM Excellent rating is supported by officers and the Council's Sustainable Development Team.

#### Energy efficiency

9.115 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

9.116 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible.

9.117 The Draft Managing Development 'Development Plan Document' Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposals fall significantly short of the draft policy.

9.118 The proposed Energy Strategy sets out the anticipated energy and carbon savings at each element of the Energy Hierarchy:

- Use less energy (Be Lean) – 1.9% savings
- Supply energy efficiently (Be Clean) – 0%
- Use renewable energy (Be Green) – 9.4%

9.119 The proposed design CO2 emissions compared to baseline conditions would equate to an 11.1% reduction.

9.120 The current proposals also fall significantly short of the adopted development plan policies for reducing CO2 emissions through renewable energy (9.45% against a target of 20%) and for reducing overall CO2 emissions (11.1% against a minimum requirement of 25%).

9.121 The London Borough of Tower Hamlets Planning Obligations SPD Environmental Sustainability requirements sets out that 'where officers consider all opportunities to meet the relevant London Plan carbon dioxide reduction targets on-site have been exhausted, contributions to a carbon offset fund will be sought to meet the shortfall.' This is in line with London Plan Policy 5.2 which states 'the carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere'.

9.122 The development and detailed operational principles of the proposed carbon reduction fund is at an early stage. The applicant has offered a number of financial contributions and other obligations in line with relevant policies to mitigate the impact of the development and the total package has been tested against the scheme viability. Officers note that the energy strategy has explored a range of options and that the potential to meet the relevant emission reduction targets is constrained within office-led developments. The development would provide benefits to other aspects of sustainability including sustainable construction and biodiversity improvements. Consequently, officers have not sought a financial contribution in this case.

#### Biodiversity

9.123 The site currently consists entirely of buildings and hard surfaces, and is consequently of negligible biodiversity value. However there would be a negative impact if black redstarts were nesting on the existing buildings at the time of demolition. To ensure this does not happen, a condition should be imposed that, if demolition is to take place during the black redstart nesting season (April to July inclusive), a black redstart survey should be undertaken immediately prior to commencement of demolition to ensure that black redstarts are not nesting on the buildings. If black redstarts are found to be nesting, demolition must not start until the young have left the nest.

9.124 Green roofs and other soft landscaping are proposed. Bird and bat boxes are also proposed. These will ensure an overall benefit to biodiversity. A condition should require details of green roofs and other biodiversity enhancements to be agreed by the Council before commencement of work, and implemented as agreed before the buildings are occupied.

#### **Planning Obligations**

9.125 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

9.126 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 necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

9.127 Policies 6A.5 of the London Plan (2008), 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.

9.128 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

- 9.129 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

#### Employment skills training and enterprise

- 9.130 The proposed development would create new jobs in the office, retail and related services sectors. Employment training and enterprise is one of Tower Hamlets key priorities. The standard SPD contribution would be £630,081.03 made up of £107,573.48 for the construction phase and £522,507.55 for the end user phase. The applicant has offered £700,000 to wards employment, skills, training and enterprise which exceeds the standard SPD contribution, in recognition of the Council's priorities, the displacement of existing jobs from the site pending redevelopment. Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.
- 9.131 In addition to the financial contribution the officers have negotiated with the applicant a number of related benefits set out within an employment, training and enterprise strategy which will be secured through as planning obligations and asa separate legal agreement between the applicant and the occupier of the development.

#### Affordable Housing

- 9.132 The Mayor of London's Stage 1 report highlights the Central Activity Zone policy for mixed used development and requests a contribution towards off site affordable housing in lieu of provision within the site. The applicant has offered a two stage contribution towards affordable housing. A sum of £300,000 would be secured upon commencement of the development. The applicant has offered a further contribution by transferring the equivalent of the 20% Crossrail contribution discount to the Council to support affordable housing delivery – assuming early commencement of development (see below). This would be equivalent to £422,239 making a total of £722,239 for off-site affordable housing.
- 9.133 Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.

#### Community facilities

- 9.134 The Planning Obligations SPD seeks contributions towards Idea Stores, libraries and archives and indoor leisure facilities based on the increased demand placed on such facilities from major residential and commercial development. Based on the standard contribution for this proposal, a contribution of £31,282 would be required for Idea Stores, libraries and archives and a contribution of £101,147 for indoor leisure facilities. The applicant is offering the full contribution rate.

9.135 The SPD also seeks contributions towards multi-use community facilities on major developments. This may be in the form of on-site provision of space, managed by the developer or a financial contribution towards upgrading of an existing facility in the vicinity. The contribution will be negotiated on a case by case basis as the SPD does not set out a standard charge.

9.133 In this case the applicant has declined to provide community facilities directly within the development but notes the importance of providing community facilities in the vicinity. A contribution of £350,000 towards community facilities has been negotiated which could be directed towards facilities in the locality.

#### Public Realm, Open Space and Heritage

9.134 The SPD seeks contributions towards public realm which is based cumulatively on contributions to public open space and contributions to street scene/built environment improvements including heritage improvements). The standard contribution would be £199,227 towards public open space and £412,152 to street scene/built environment respectively.

9.135 The applicant is proposing to carry out comprehensive public realm improvements within the highways surrounding the site including implementation of the Council's Brushfield Street improvement scheme. The total value of the works is estimated at £1,340,000 based on 2011 prices. The final scope and specification will be controlled through conditions and implemented through a Section 278 agreement.

9.136 Officers consider that the heritage rich nature of the site's local context in Spitalfields should be taken into account and reflected in the heads of terms of the legal agreement in accordance with the SPD. . The standard contributions have therefore been adjusted accordingly to take account of the specific nature of the development and its local context. Contributions of £199,227 towards public open space and £412,152 towards heritage initiatives are offered by the applicant.

#### Sustainable Transport

9.137 The SPD says that the Council will seek contributions to mitigate the impact of growing residential and working population on the transport infrastructure serving the Borough. The Council will seek contributions towards transport infrastructure and the Smarter Travel Initiative which encourages walking and cycling. The standard charge based on the proposed development would be £48,000. The applicant has agreed to the full contribution for sustainable transport.

#### Crossrail

9.138 In view of the strategic regional importance of Crossrail to London's economic regeneration the Mayor of London will seek contributions from development likely to add to or create congestion on central London's rail network that Crossrail is intended to mitigate. This will be through planning obligations, in accordance with relevant legislation and policy guidance (London Plan Policy 6.5).

9.139 The approach for collecting contributions towards Crossrail is set out in the London Mayor's Supplementary Planning Guidance (SPG) 'Use of Planning Obligations in the funding of Crossrail' (July 2010). The SPG states that contributions should be sought in respect of retail, hotel and office development in central London which involves a net increase in floor space of more than 500sqm (GEA).

- 9.140 The proposed development falls within the Central London contributions area, the proposed indicative level of charge is £137 per sqm for new office floor space, £88 per sqm for new retail floor space and £60 per sqm for new hotel floor space.
- 9.141 A requirement for a Crossrail contribution from this development will therefore relate to the net additional impact from the new development, taking into account the theoretical charge that would be paid by the existing uses. Transport for London has confirmed that the development would give rise to a Crossrail contribution of £2,111,198.
- 9.142 The Use of Planning Obligations in the funding of Crossrail allows for a 20% reduction in the total contribution if this is paid prior to 31 March 2013. In this case the reduction would be equivalent to £422,239. The applicant has offered to enter into an agreement to allow the Council to benefit from any early payment to support additional affordable housing delivery (see above).

Development viability

- 9.143 The applicant is willing to offer a total of £4,292,776 in financial contributions which includes £2,181,576 towards Tower Hamlets priorities and £2,111,198 towards Crossrail.
- 9.144 The applicant has prepared a development viability appraisal which has been assessed independently by the Council's appointed consultants. The independent review concludes that the development viability of the scheme has been enhanced by the advanced nature of the negotiations with potential future occupiers of the main office floor space, thereby reducing overall financial risk. However if this was not the case, it is likely that the development viability would have a significant impact on the ability to meet the standard contributions in the Planning Obligations SPD. The review also concludes that the overall offer for planning obligations is reasonable and the maximum that the scheme can afford.
- 9.145 The summary heads of terms including non-financial contributions is listed below.

|   |            |
|---|------------|
| • Training, employment and enterprise   | £700,000   |
| • Affordable housing delivery<br>(increase to £722,239 with Crossrail discount) | £300,000   |
| • Local community facilities  | £350,000   |
| • Idea Stores, libraries and archives   | £31,282    |
| • Leisure facilities  | £101,147   |
| • Public open space and public realm  | £199,227   |
| • Heritage initiatives  | £412,152   |
| • Sustainable transport   | £48,000    |
| • Standard monitoring charge (2%)   | ££42,836   |
| • Total Tower Hamlets priorities  | £2,184,644 |
| • Crossrail<br>(reduce to £1,688,958 if paid before 31 March 2013)              | £2,111,198 |
| • Public realm and highway improvements (Section 278 works)                     |            |

- Strategy for managed relocation of all existing firms;
- Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;
- Use best endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;
- Provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;
- To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;
- Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;
- Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.

## **10 CONCLUSION**

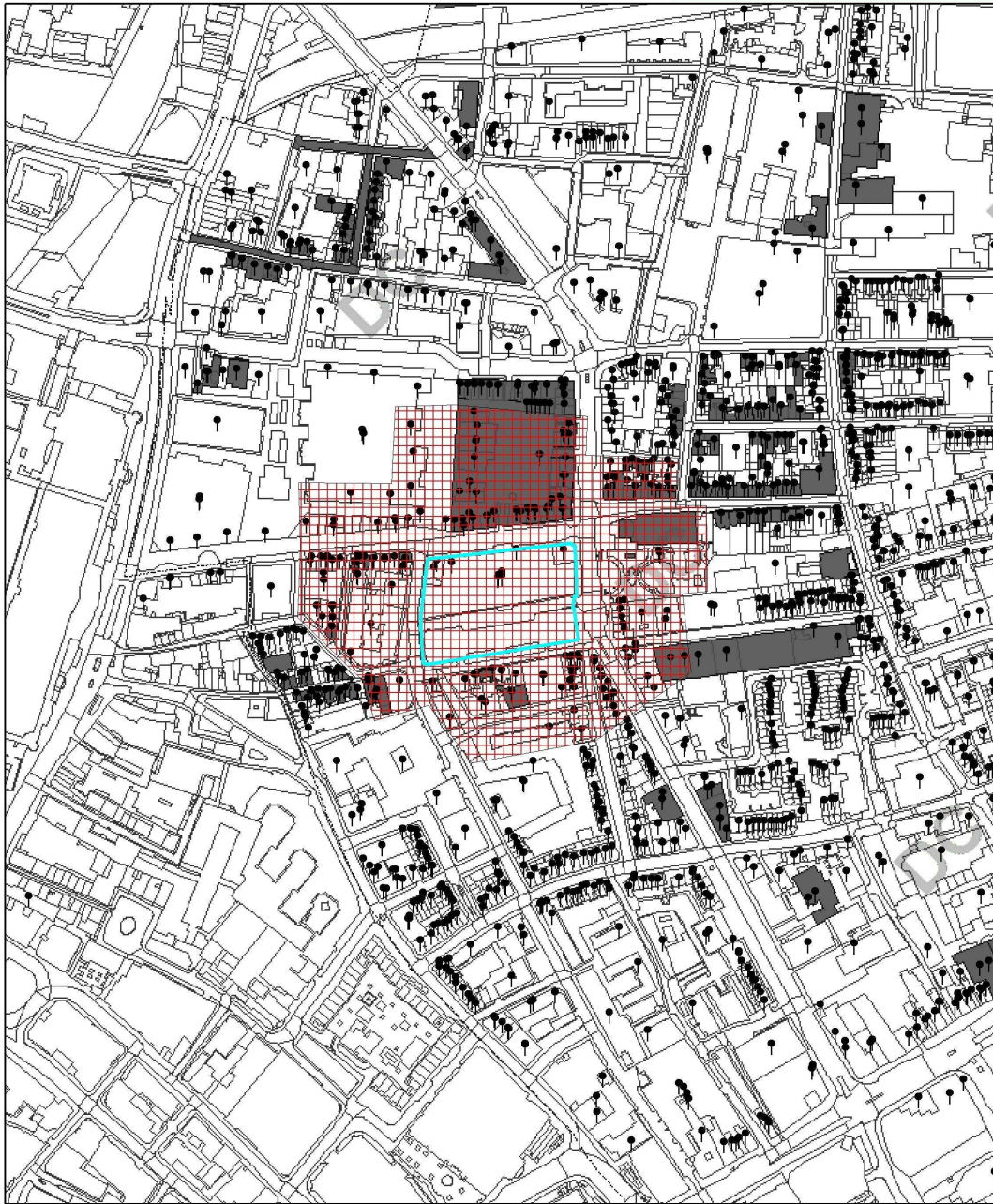
- 10.1 The proposed redevelopment would include demolition and part demolition of London Fruit and Wool Exchange, Gun Public House, Bank and car park located in Brick Lane and Fournier Street Conservation Area. The presumption is national and local policy is in favour of retention of heritage assets. The site is close to a number of listed buildings and notably forms part of the setting of Christ Church Spitalfields (Grade I). The extent of third party representations on the proposed scheme and the views of English Heritage have been taken into account afforded appropriate weight.
- 10.2 The intensification of use through increased floor area would be appropriate in this central, highly accessible location. The proposed mix of uses is in accordance with the development plan.
- 10.3 The proposals have been sensitively designed and include the appropriate and imaginative re-use of the main façade of LFWE to Brushfield Street. The proposed redevelopment is considered to be appropriate in terms of scale, height, appearance, materials detailed design. The proposals would also remove the existing multi-storey car park, replacing this with buildings of a more sympathetic architectural appearance. The development would provide new areas of public space, deliver improvements to the surrounding public realm, provide active ground floor frontages and increase permeability. The development would generate additional job opportunities, training opportunities and benefits to the local economy.
- 10.4 Planning obligations would provide financial contributions towards employment and training, leisure and community facilities, transport, Crossrail and affordable housing.



- 10.5 Officers consider that on balance, the harm caused by the loss of the existing buildings would be outweighed by the proposed replacement (based on the amended scheme) and its attendant public benefits, sufficient to meet the policy in PPS5.
- 10.6 In conclusion officers recommend that your committee grant conservation area consent and planning permission subject to the relevant obligations and conditions as set out in Section 3 of this report..

# Appendix A

## Planning Application Site Map



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

