

Committee: Strategic Development	Date: 21 st June 2007	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/06/02333 and PA/06/02334	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location: 13 to 20 Norton Folgate, 2 to 9 Shoreditch High Street, 5 to 11a Folgate Street, 12 to 17 & 10 Blossom Street, London, E1

Existing Use: Residential, office, shops, café, pub, motor transport depot (vacant) and warehousing space (vacant)

Proposal: PA/06/02333

Full planning permission is sought for the redevelopment by the erection of buildings between 4 storeys and 10 storeys plus plant (43 metres), and retention and conversion of a selection of existing buildings, to provide a mixed use development to contain 8 residential units (1 x studio flat, 1 x 1-bed flat and 4x 2-bed flats and 2 x 3-bed flat), 22,387sq.m of B1 (Office) (1,336sq.m of which are small/medium enterprise units), 1,622sq.m of A1 (Retail) and A3 (Restaurant and Café) and 595sq.m of A4 (Public House), with associated open space and servicing (PA/06/02333)

PA/06/020334

The scheme is proposing to demolish 13-20 Norton Folgate, 2-9 Shoreditch High Street and 10, 16 and 17 Blossom Street.

Drawing Nos: 05087-P-X-SIT, 05078-P-X-GAX-LG, 05087-P-X-GAX-00, 05087-P-X-GAX-01, 05087-P-X-GAX-02, 05078-P-X-GAX-03, 05087-P-X-ELX-01, 05078-P-X-DGA-LG, 05087-P-X-DGA-00, 05087-P-X-DGA-01, 05087-P-X-DGA-02, 05078-P-X-DGA-03, 05087-P-X-GA-LG, 05087-P-X-GA-00 rev B, 05087-P-X-GA-01 rev A, 05087-P-X-GA-02 rev A, 05087-P-X-GA-03 rev A, 05087-P-X-GA-04 rev A, 05087-P-X-GA-05, 05087-P-X-GA-06, 05087-P-X-GA-07, 05087-P-X-GA-08, 05087-P-X-GA-09, 05087-P-X-GA-10, 05087-P-X-GA-RF, 05087-P-C-GA-00 rev A, 05087-P-A-EL-01 rev A, 05087-P-A-EL-02 rev A, 05087-P-B-EL-01 rev A, 05087-P-D-EL-01, and 05087-P-C-EL-01 rev A

Applicant: Mayor and Commonality and Citizens of the City of London c/o Planning and Regeneration Ltd

Owner: City of London
High Park Properties Limited
M Bardiger Limited

Historic Building: Locally Listed Buildings

Conservation Area: Elder Street Conservation Area

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's emerging Local Development Framework Submission Document, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) The site is a preferred office location. The scheme meets the Mayor and Councils' strategic need for suitable office floorspace within the City Fringe;
- b) The scheme will preserve and enhance the character of the Elder Street Conservation Area;
- c) The scheme will provide a number of land use, conservation and design benefits.
- d) The development would add positively to London's skyline without causing detriment to local or strategic views;
- e) It is considered that the development would not have an adverse impact on the residential amenity of any nearby properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting, noise, and hours of construction; and
- f) The proposal incorporates a number of sustainability measures.

3. RECOMMENDATION

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

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

1. A contribution of £1,057,125 to be distributed accordingly towards the following:
2. Financial contribution of £262,467 towards employment initiatives such as skills match, as well as partnering with Local Labour in Construction (LLiC), in order to maximise the employment of local residents;
3. Financial contribution towards public art, which should incorporate any important archaeological finds on site;
4. Financial contribution towards improvements works to the public realm surrounding the site to mitigate any potential impacts the scheme may have on the Elder Street Conservation Area;
5. Financial contribution to TfL towards pedestrian and cycling improvements along Bishopsgate;
6. Financial contribution to TfL towards local bus stop accessibility improvements;
7. Financial contribution to TfL towards London Underground Liverpool Street Station improvements;
8. Preparation of a right of way "walking agreement" for crossing through the proposed site

across all areas of public realm created by the proposal;

9. Preparation of a Travel Plan;
10. Car Free Agreement;
11. Servicing and Refuse Strategy agreement; and
12. TV reception monitoring and mitigation.

That the Head of Development Decisions has delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years;
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - Ground floor public realm;
 - All external landscaping (including lighting and security measures), walkways, screens/ canopies, entrances, seating and litter bins (note: night dimming of perimeter lights is required to protect the residential dwellings bordering the development from adverse ambient lighting effects);
 - The design of the lower floor elevations of commercial units including shopfronts;
 - Signage strategy;
 - Public art/craft;
 - The storage and collection/disposal of rubbish; and
 - Glazing for the residential units to mitigate noise
3. Landscape Management Plan;
4. Archaeological investigation;
5. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible;
6. The following parking spaces are to be provided
 - 2 service bays
 - 1 disable parking space
 - 131 cycle spaces
7. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays;
8. Details of insulation of the ventilation system and any associated plant required;
9. Ground borne vibration limits;
10. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday;
11. Details of route for construction traffic;
12. Details of on-site parking and delivery arrangement during construction stage;
13. Environmental Management Plan;
14. Investigation and remediation measures for land contamination;
15. Full particulars of the following
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures;
16. Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity;
17. Details of the proposed A4 use, including obscure glazing (minimise impacts on the privacy of residents to the south), noise, fume extractors, and hours of operation;
18. Details of the proposed A1/A3 uses, including delivery hours and hours of operation;
19. Details of any extract system for the A3 uses;
20. Full details of the restoration of the retained buildings;

21. 278 agreement to be entered into for Highway works surrounding the site;
22. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required
2. Section 278 (Highways) agreement required
3. Site notice specifying the details of the contractor required
4. Construction Environmental Management Plan Advice
5. Environment Agency Advice
6. Environmental Health Department Advice
7. Transport Department Advice
8. Advertising signs and/or hoardings consent
9. Contact the GLA regarding the energy proposals.
10. English Heritage Advice
11. Thames Water Advice
12. Scheduled Ancient Monument consent
13. Any other informative(s) considered necessary by the Head of Development Decisions

That the Head of Development Decisions is delegated power to impose conditions on the conservation area consent to secure the following:

1. Time limit
 2. Operation hours
 3. Associated planning permission
- 3.3 That, if by 21st September 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission and conservation area consent is being sought for a development comprising a blend of redevelopment, retention and conversion of existing buildings to provide a 4 to 10-storey mixed use development containing B1 offices, SME accommodation, A1 retail, A3 restaurant, and A4 public house floorspace, 8 residential units and associated open space.
- 4.2 The proposal includes the following:
- Retention and conversion of Nicholls and Clarke warehouses on the west side of Blossom Street to offices;
 - Demolition and redevelopment of existing office building at 16/17 Blossom Street;
 - Retention and conversion of the locally listed Arts and Craft building on the corner of Folgate Street and Blossom Street to residential and A4 use;
 - Demolition and redevelopment of buildings on Norton Folgate/Shoreditch High Street to provide A1/A3 and B1 uses
 - Creation of expanded public realm
 - Demolition and redevelopment of Depot site on the corner of Blossom Street and Fleur-de Lis Street to provide new B1 office building.

Site and Surroundings

- 4.3 The application site is located within the Elder Street Conservation Area, which was originally designated in 1969 and comprised an area centred on the surviving Georgian houses in

Elder Street and Folgate Street. The Conservation Area was extended in 1976 which took in the commercial area west of Blossom Street and north of Fleur de Lys Street, as well as the fringe of the Spitalfields Market area to the south of Folgate Street.

- 4.4 The Conservation Area is predominantly 3-4 storeys high with 3-storey Georgian houses in the core of the area. The buildings along Commercial Street are more substantial at 5-6 storey buildings. However, the subject site lies within an area which is undergoing a considerable amount of change. The historic character of the area has been affected by large scale office development to the south along the Bishopsgate corridor and Spitalfields Market which contains buildings of more than 12 storeys.
- 4.5 Also, to the west of Norton Folgate is 201 Bishopsgate, a 35 storey office redevelopment which is currently under construction. To the north beyond Commercial Street lies Bishopsgate Goodsynd, which is expected to come forward for higher-rise development over the next few years.
- 4.6 The application site contains two separate land parcels. The principle site is the Nicholls and Clarke site, a rectangular plot measuring approximately 3,888sqm and is bounded by Fleur-de Lis Street (north), Folgate Street (south), Blossom Street (east) and Norton Folgate and Shoreditch High Street (west). The smaller depot plot, which measures approximately 479sqm, lies immediately to the north east corner of the principle site at the junction of Blossom Street and Fleur-de Lis Street.
- 4.7 The site includes a miscellaneous array of buildings including:
- The vacant Nicholls and Clarke showrooms that occupy the Shoreditch High Street frontage to the north
 - The vacant Nicholls and Clarke Warehouses fronting Blossom Street built between 1866 and 1914;
 - The vacant 1950's motor transport depot;
 - A non-descript 1950s commercial building at 16/17 Blossom Street;
 - The locally listed Arts and Crafts building built between 1866 and 1914 on the corner of Blossom Street and Folgate Street, which contains B1 and A4 uses; and
 - The group of commercial units fronting Norton Folgate of various design and age dating from the 18th century up to early 20th century.
- 4.8 Finally, the site is located within an area defined as a Scheduled Ancient Monument, being part of the precinct of the Priory and Hospital of St Mary Spital.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan

Proposals:		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
Policies:	DEV1 DEV2 DEV3 DEV4 DEV5 DEV 7	Design Requirements Environmental Requirements Mixed Use development Planning Obligations High Buildings and Views Strategic View

DEV12	Provision of Landscaping in Development
DEV18	Art and Development Proposals
DEV25	Preserving Conservation Areas
DEV26	Development in Conservation Areas
DEV28	Demolition in Conservation Areas
DEV32	Locally Listed Buildings
DEV39	Setting of Listed Building
DEV42	Nationally Important Ancient Monuments
DEV44	Preservation of Nationally Important Ancient Monuments
DEV45	Ground Works in Areas of Archaeological Importance
DEV50	Noise
DEV55	Development and Waste Disposal
CAZ1	Developing London's regional, national and international role
CAZ3	Mixed use development
CAZ4	Diversity, character and functions of the Central Area Zones
EMP1	Encouraging New Employment Uses
EMP2	Retaining Existing Employment Uses
EMP8	Small Business
EMP9	Business Use
HSG1	Housing Targets
HSG2	New Housing Development
HSG7	Dwelling Mix
HSG8	Access for People with Disabilities
HSG9	Density
HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
T15	Transport and Development
T16	Impact of Traffic
T17	Parking Standards
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
T23	Cyclists
S6	New Retail Development
S7	Public House
S10	New Shopfronts
S12	Residential Above Ground Floor Shops

Emerging Local Development Framework

Proposals:	CF4	Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4) CAZ Scheduled Ancient Monument Conservation Area Archaeological Priority Area Strategic View Consultation Area
Policies	IMP1 CP1 CP2 CP3 CP4 CP5 CP7 CP8 CP9	Planning Obligations Creating Sustainable Communities Equal Opportunity Sustainable Environment Good Design Supporting Infrastructure Job Creation and Growth Central Activities Area Small Business

CP11	Sites in Employment Use
CP15	Range of Shops
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP42	Streets for People
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings
CP49	Historic Environment
CP50	Important Views
DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
CON2	Conservation Area
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
CFR1	Spatial Strategy
CFR2	Transport and Movement
CFR5	Open Space
CFR6	Infrastructure and Services
CFR7	Infrastructure Capacity
CFR8	Waste
CFR9	Employment uses
CFR10	Residential Uses
CFR11	Retail and Leisure
CFR12	Design and Building Form
CFR13	Connectivity
CFR14	Site Allocations

Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

3A.1	Housing Supply
3A.4	Housing Choice
3A.7	Affordable Housing Target
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Office Provision
3B.4	Mixed Use Development
3C.1	Integrating Transport and Development
3C.22	Parking
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.8	Tall Buildings
4B.9	Large scale buildings, design and impact
4B.10	Built Heritage

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy
PPG24	Planning & Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Cleansing

6.2 No comment

LBTH Corporate Access Officer

- 6.3 Use of revolving doors in combination with pass door is not inclusive. The justification for their use should be contained in the Access Statement.

LBTH Education

- 6.4 No contribution is required.

LBTH Environmental Health

Contaminated land

- 6.5 The scheme should be appropriately condition.

Air Quality

- 6.6 A risk assessment should be conducted for the construction stage of the site. Once a score is obtained a Code of Construction Practice should be submitted to the Air Quality Officer and agreed with LBTH.

Noise

- 6.7 The noise report is considered acceptable. The proposed mitigation measures for residential and offices are acceptable. Confirmation that secondary glazing will be installed for the residential element is required. We would also like confirmation as to how natural ventilation will be provided to both the residential and office premises.
- 6.8 The criteria for building services plant are not acceptable as LBTH requirement is the level of noise emitted from a new plant should be at least 10dB(A) lower than the lowest measured background noise. This is to prevent background creep.

LBTH Highways

- 6.9 The development provides no parking spaces on site. This is considered acceptable.
- 6.10 The developer will be required to enter a section 106 car free agreement.
- 6.11 In order to mitigate the impact of an increase in pedestrian numbers and associated trips, a travel plan will be required.
- 6.12 The cycle parking provision is below the standards set out in the LDF and should be increased accordingly.
- 6.13 The developer has indicated the position of refuse storage and this appears to be within operational parameters.
- 6.14 A section 278 agreement is required to include footways and kerbs surrounding the site and the highway adjacent to the site. The service entrance must also accommodate drop kerbs as well as tactile paving on both sides of the crossover.
- 6.15 In order to mitigate the impact of increased pedestrian movement, improved pedestrian access and promote sustainable transport options, it is recommended that 106 requirements include:
- Contribution towards planned footway and public realm improvements to Folgate Street and Fleur De Lis Street (OFFFICER COMMENT: A financial contribution has been secured).

- Contribution to existing and proposed cycle route initiatives that will provide improved cycle access from east to west (OFFICER COMMENT: According to the emerging LDF, the Conservation Area is not identified as containing dedicated cycle routes. Accordingly, this request is considered to be unreasonable).

LBTH Housing

- 6.16 CP22 of the LDF seeks to maximise the affordable housing contribution from each site, including smaller ones, and the developer should be asked to demonstrate that he can't provide any affordable units, or financial contributions if this is not appropriate through use of the toolkit (OFFICER COMMENT: This interpretation of CP22 is incorrect. Affordable housing is only required on schemes above 10 dwelling units).
- 6.17 Within the private mix, I note that there is no family accommodation proposed, and consideration should be given to whether 3-bed family accommodation could be provided (OFFICER COMMENT: The applicant has amended the scheme, which now proposes 2 x 3-bed units).
- 6.18 The private units should be conditioned to provide lifetime homes and 10% wheelchair accessible provision.

LBTH Landscape

- 6.19 No comment.

English Heritage (Statutory)

- 6.20 English Heritage made no objection to the proposal, though raised a number of minor concerns:
- 6.21 The unlisted warehouses (no.s 12 – 15 Blossom Street) make a significant contribution to the character and appearance of the Elder Street Conservation area. The additional storey as proposed should be setback from the street frontage in order to minimise their impact (OFFICER COMMENT: The applicant has amended the scheme accordingly and the changes have been accepted by English Heritage).
- 6.22 If planning approval is granted, the scheme should be conditioned to ensure that full restoration of the retained buildings on the site is carried out.
- 6.23 A Section 106 agreement should be attached to any permission in order to ensure the cement asphalt pavements in Blossom Street and Norton Folgate are brought up to the standard of those in the remainder of the Elder Street Conservation Area.

English Heritage – Archaeology (Statutory)

- 6.24 No objection subject to appropriate conditioning.

Environment Agency (Statutory)

- 6.25 No objection subject to appropriate conditioning and informatives.

Greater London Authority (Statutory)

- 6.26 The GLA comments have been addressed in detail later in this report

Transport for London (Statutory)

- 6.27 TfL support the scheme, the response is summarised below
- 6.28 The trip generation assessment is acceptable.
- 6.29 One car parking bay or a car based access/drop-off point designated for disabled use is to be provided.
- 6.30 TfL welcomes the submission of the Travel Plan which should be secured, enforced, monitored and reviewed as part of the Section 106 agreement.
- 6.31 The original cycle parking spaces proposed did not comply with TfL's Cycle Parking Standards. However, the applicant has amended the scheme to provide 131 spaces, which is considered acceptable.
- 6.32 The servicing management strategy is welcomed. TfL supports the proposal to service the development off-street. The upper limit on the size of vehicles servicing the site, including refuse collection, as recommended in the servicing management strategy is accepted.
- 6.33 A financial contribution to fund streetworks and public transport improvements is requested. Also a contribution to mitigate the cumulative impact on public transport in the vicinity and major interchanges is requested.

Ancient Monument Society

- 6.34 No comment

BBC

- 6.35 The issue of television and radio reception for nearby residents is not mentioned in the application. Though the BBC would like to see this matter considered, they suspect the actual impact to be small, owing to the development not incorporating any particular tall buildings.

British Archaeology Society

- 6.36 No comment

CABE

- 6.37 CABE consider the scheme to be "*a well considered and well designed project*" and they are happy to offer their support.

Corporation of London

- 6.38 No comment.

Crime Prevention Officer

- 6.39 There are no concerns regarding the layout or build design.

Georgian Group

- 6.40 They object to the application. The Georgian Group take the view that the proposal is inappropriate in its scale and would recommend that any new development should respect the height of the existing buildings on the application site and more particularly those in the Elder Street Conservation Area. In this way the relationship between the design and scale of

the buildings on Bishopsgate would sit more harmoniously with the historic area around Elder Street, thus maintaining a clear sense of streetscape, history and evolution.

London Borough of Hackney

6.41 No comment

London Fire and Civil Defence Authority

6.42 No comment

Thames Water Utilities

6.43 Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site does not prejudice the existing sewerage system.

The Society for the Protection of Ancient Buildings

6.44 Concerned about the scale and height of proposed development, and about the loss of buildings to Shoreditch High Street. At present, the row of traditional buildings facing Shoreditch high Street contrasts with the scale of those in Bishopsgate and marks the northern boundary of the City. Though they are not of great individual interest, they are considered to make a positive contribution to the character of the conservation area. The scheme should not be approved.

The Spitalfields Society

6.45 Object to the proposal for the following reasons:

- Limited number and variety of retail, commercial and residential units;
- Loss of day light to individual properties and the conservation area in general arising from the overall scale of the proposal.

Twentieth Century Society

6.46 No comment

Victorian Society

6.47 The Victorian Society welcomes the proposal to retain and refurbish the Victorian warehouses on Blossom Street as well as the 'Arts and Crafts' buildings at 5 – 11a Folgate Street, both of which would make a positive contribution to the character of the Elder Street Conservation Areas.

6.48 They are concerned however that the current proposal would continue the gradual erosion of historic character in this part of Shoreditch and consider that the development is grossly over-scaled in the context of those buildings to be retained. Any new development should show greater respect for the height of the existing buildings on this site and in the broader conservation area.

7. LOCAL REPRESENTATION

7.1 A total of 100 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 8 Objecting: 8 Supporting: 0

7.2 The following local groups/societies made representations:

- The Spitafields Trust

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Opposed to the demolition and redevelopment of 13 – 19 Norton Folgate.
- The additional entry doors to the pub's new Folgate Street frontage will result in an increase in noise and rubbish, having a negative impact upon the residential amenity along Folgate Street;
- An appropriate condition should be imposed requiring secondary glazing throughout to meet current noise standards;
- An opportunity to improve standards of privacy also arises in that the part decorative opaque glass in one of the existing windows of the pub should be extended to the others so that patrons can no longer look directly at the dwelling windows opposite;
- The inevitable increase in vehicular traffic down Folgate Street arising from the redevelopment calls for a road closure to traffic in Blossom Street at the corner of Folgate Street;
- Conditions be imposed ensuring the pub's hours of use are not extended beyond those existing. By the same token appropriate conditions should be imposed limiting hours of construction to those appropriate to adjoining residential uses;
- The extension of the existing gastro pub is entirely unacceptable and represents a serious deterioration of the environment and the amenity not only for the residents immediately opposite in Folgate Street but for the residents in the whole of the immediate vicinity;
- The elevation of the new development proposed for the corner of Folgate Street onto Bishopsgate/Norton Folgate pays no respect to the existing building line, materials, window elevation to what is around it;
- A condition should be imposed where 'any air conditioning, heating or other equipment placed on any roof of the new development should operate in total silence at all times';
- A condition should be imposed where no lighting should be permitted to emanate from any office building after 10pm at night and before 7am in the morning at any time;
- The development will result in the loss of an existing dental practice, which services the local area;
- The lights in the development should be dimmed at night to protect nearby residents from ambient light;
- The 10 storey building will overshadow the Elder Street Conservation Area;
- The 10 storey building will have a negative impact upon the character and skyline of the Conservation Area;
- The height and presence of the building on Folgate Street will impact the character of this street;
- The development will have an impact on views from higher level windows in Elder Street;
- The scheme provides no parking;
- Increased traffic will have a negative impact upon the conservation area;
- There is no consideration for the greening of pedestrian areas; and
- The development will have an unacceptable impact upon access to daylight and sunlight at 17 Elder Street.

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- The Blossom Street warehouse should be converted to residential units

- The proposed development will result in the loss of existing commercial development. As a result, what compensation is available from the disruption to business?

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

1. Land Use
2. Housing
3. Building Design and Height
4. Amenity
5. Access and Transport
6. Open Space
7. Sustainability
8. Conservation Area Consent
9. Schedules Ancient Monument

Land Use

8.2 The site is currently occupied by a mix of mainly commercial uses including shops, offices and some warehousing. The site is inside the “Central Area Zone” designation of the UDP. The site is also within the Bishopsgate/Shoreditch Opportunity Area, which is intended to accommodate some 16,000 new jobs between 2001 and 2016. Clearly, there is a strategic need for the quantity and type of B1 office employment floorspace which the proposals will provide.

8.3 The Draft City Fringe AAP (CFAAP) identifies the site within a strategic preferred office location. It designates the site as “CF4” which allocates the preferred use of the site for Employment (B1), Residential (C3) and Class A1, A2, A3 and A4 uses.

Office and Retail

8.4 The current total floor space is 11,520 sq.m. The total proposed floor space is 25,615 sq.m and therefore the total uplift in floor space is 14,095 sq.m.

8.5 The London Plan seeks to accommodate a significant proportion of office based employment growth in the East Sub-region, particularly in Opportunity Areas.

8.6 The London Plan identifies that there is continuing “*substantial pressure for further (office floorspace) growth in the Central Activities Zone (CAZ)*” with demand for a further 3.4 million sq.m within the central activities zone up to 2016. The proposed development is expected to generate about 900 jobs (gross) and will make a significant contribution to meeting the planned increase in jobs provision within the Opportunity Area. The office uses will provide the majority of these jobs, although the proposals will give also rise to the provision of a variety of employment opportunities, including A1, A3 and A4 jobs.

8.7 The submitted scheme accords with the objectives of Policy 3B.2 of the London Plan by improving the quality of existing office floorspace and of increasing the amount of floorspace to meet some of the high levels of demand. The scheme is also strongly supported by policy 3B.3, which seeks rejuvenation of office-based activities in the Central Activities Zone.

8.8 The office component complies with the employment policies EMP1 and in particular policy EMP2 (1) of the UDP. The existing employment site is underdeveloped considering its location. Policy EMP9 states that the Central Area Zones are designated as areas of business growth and favourable consideration should be given to development for

business uses (use class B1).

- 8.9 The proposal also satisfies Policy EMP8 of the UDP and CFR9 (4) of the Central Fringe Area Action Plan, which encourages the growth and development of new small businesses within B1 schemes.
- 8.10 The proposal also satisfies Policy EE2 of the Draft LDF Core Strategy document with respect to maximising employment on individual sites and increasing employment opportunities. A Section 106 agreement will be secured to ensure local people gain access to employment during construction. In addition, £262,467 has been secured towards employment initiatives such as Skillsmatch.
- 8.11 According to the City Fringe Area Action Plan, the subject site is identified as a preferred office location. According to paragraph 4.5, commercial development should preserve or enhance the historic urban fabric to create a vibrant mix of new and old buildings, which the proposal is considered to achieve, also in line with CAZ4 of the UDP.
- 8.12 According to paragraph 4.16 of the CFAAP, the Aldgate and Spitalfields Market sub-area, which the site is included in, does not contain any town centres. Due to its location, the sub-area is characterised by retail uses supporting the commercial office functions. The proposed A1 and A3 uses are considered to support the commercial office function, and is inline with the existing character along Norton Folgate and Shoreditch High Street.

Public House

- 8.13 In considering the pub (Class A4) use, the proposal seeks to enlarge the floor area of the existing pub. The additional space is directed towards the rear of the newly formed Blossom Place, as well as west along Folgate Street. According to RT4 of the emerging LDF, consideration must be given to the impacts that will arise from uses that contribute to evening and night-time economy.
- 8.14 The proximity of the pub to adjacent residents is a consideration; however, the existing pub is located adjacent to the majority of the residential units on Folgate Street. The scheme has been amended to remove a number of the proposed entrance doors to minimise disturbance to residents. The entrance locations will now be located to the rear on Blossom Place, the existing access on the corner of Folgate and Blossom Street and to the western extremity of Folgate Street, which is adjacent to commercial premises. The scheme should be conditioned to ensure potential impacts upon the amenity of the residents, such as noise and privacy, are mitigated.

Mixed Use/ Residential Development

- 8.15 The London Plan seeks to establish a mix of land uses that will best meet London's competing demand for land and premises. Policy 3B.4 of the London Plan states "*within the Central Activities Zone and Opportunity Areas, wherever increases in office space are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the Plan*". The East London Sub-Regional development framework (May 2006) states (as identified in the GLA stage 1 report) that in paragraph 316, that "*The Mayor's Housing SPG sets out the general principle, now operated by Westminster and Camden and proposed by Lambeth, that 50% of the increment to develop capacity associated with office development in the Central Activities Zone and associated Opportunity Areas should be for housing*".
- 8.16 Paragraph 3.125 of the London Plan states "*Exceptions to the mixed-use policy will only be permitted where the requirements for such a mix would demonstrably undermine strategic policy for other developments, including parts of the City and the Isle of Dogs. In such areas, off-site provision of housing elsewhere on suitable land will be required as part of a*

planning agreement”.

- 8.17 According to policy CAZ3 of the UDP, mixed use developments will be sought with particular consideration to the character and function of the surrounding area. The purpose of a mixed use development is to provide vitality and diversity in the CAZ, to avoid areas becoming unused or underused in the evenings and weekends.
- 8.18 The proposed mix of uses is considered appropriate in meeting the mixed use policy whilst respecting the character of the Elder Street Conservation Area and the strategic direction for office-led development. The site is considered to be an exception when considering policy 3B.4.
- 8.19 In considering the planning obligation tests under the ODPM Circular 05/2005, it is not considered that an adequate case has been made to justify the reasonableness of the request for an off-site affordable housing contribution when considering the following:
- The development complies with Policy 3B.1 in developing London’s Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ;
 - The site is identified as a preferred office location within the emerging LDF City Fringe Area Action Plan;
 - The Elder Street Conservation Area appraisal states that an essential element of the character of the area is that it retains its quiet character. Although, during the working week, there is a measure of commercial bustle, at weekends the area is mostly quiet. Strategically, the site has been identified for commercial use. The introduction of a higher proportion of residential dwellings would have a dramatic impact on the character of this area and is therefore considered inappropriate;
 - The Council is currently meeting its housing targets; and
 - According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development.

Housing

Affordable Housing

- 8.20 Policy HSG3 of the adopted UDP 1998 states that affordable housing will be required on large housing developments with a capacity for 15 dwellings or more.
- 8.21 Policy CP22 and HSG3 of the emerging LDF document states that the Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.
- 8.22 The planning application includes reinstating the existing locally listed Arts & Crafts building on Folgate Street back to residential use, including 8 dwellings on the upper floors. As such, the proposal falls just outside the threshold of ten dwellings, the scheme is therefore not required to provide an affordable housing element.

Housing Mix

- 8.23 Pursuant to policy 3A.4 of the London Plan the development should *“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.*
- 8.24 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

- 8.25 Policy CP21 of the emerging LDF states that the Council will require all new housing developments to contribute to the creation of mixed communities, including family housing. Only on sites providing 10 or more new dwellings, both market and affordable housing, should be provided.
- 8.26 According to Policy HSG2 of the LDF, market housing is required to provide an even mix of dwelling sizes, including a minimum provision of 25% family housing.
- 8.27 The applicant originally submitted a scheme containing 9 residential units, of which there were no family dwellings proposed. The scheme has since been amended to address the Council’s planning policy for mixed communities, providing a total of 8 residential units. The table below summarises the overall mix of units by type:

Units	Total	Habitable Rooms	% of Total
Studio	1	1	75% Non-family units
1 Bed	1	2	
2 Bed	4	12	
3 Bed	2	8	25% Family units
TOTAL	8	23	100

- 8.28 The proposed dwellings comply with the minimum floor space requirement as outlined in the Council’s Supplementary Planning Guidance Note – Residential Space.
- 8.29 The dwelling mix and sizes are considered to comply with the relevant regional and local planning policies.

Amenity Space

- 8.30 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space. Policy HSG7 of the emerging LDF states that communal amenity space (including child play space) should only be provided on sites proposing 10 or more residential units. Following is an assessment against the residential amenity space requirements under policy HSG7:

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
Studio	1	6	6
1 Bed	1	6	6
2 Bed	4	10	40
3 Bed	2	10	20
TOTAL	8		72

- 8.31 The applicant originally submitted a scheme that did not include any housing amenity space. However, the scheme has since been amended in response to Council’s concerns and proposes a total of 52sqm of private amenity space.
- 8.32 The proposal is for the conversion of a locally listed building in a conservation area, and as such, it is not possible to provide balconies on the front elevations along Folgate and Blossom Streets. Policy CP25 of the emerging LDF states that in the case of conversions of an existing building, the level of amenity space will need to reflect the constraints of the site.
- 8.33 The GLA stage 1 report states that *“since all proposed dwellings are within a refurbished building the...potential would have to be met within the practicalities of the existing building structure and this limits the opportunities for this particular part of the site”*
- 8.34 The applicant has sought to maximise the provision of private amenity space through the

use of balconies and external entrances to the rear of the dwelling units. The applicant is also providing public amenity space within the site through the enlargement and reconfiguration Blossom Place, which the residents could utilise.

- 8.35 On balance, the areas of non-compliance are not considered to be of sufficient weight to sustain a reason for refusal given the good access to public open space on site. Also, the applicants attempt to maximise all opportunities to provide amenity space within the constraints of the site, being a locally listed building, is considered to be consistent with Policy CP25 of the LDF and other conservation policies within the regional and local planning policy framework. As such, the amenity space provision is considered acceptable.

Building Design and Height

Design and Conservation

- 8.36 Policy 4B.2 of the London Plan states that the Mayor seeks to promote world class design. All development, including intensive or tall buildings, should reflect local character, meet general principles of good design and improve the character of the built environment.
- 8.37 Policy DEV1 of the LBTH UDP sets out the general design principles that the Council will promote, stating that all development proposals should:
- Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
 - Be sensitive to the development capabilities of the site,
 - Maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns;
 - Provide adequate access for disabled people;
 - Maximise the feeling of safety and security; and
- 8.38 Policy CP4 and DEV2 of the emerging LDF states that development must create buildings and spaces of high quality design.
- 8.39 The design of the scheme has been considered in response to the character of the Elder Street Conservation Area. As such, the following policies and guidance notes will also need addressing.
- 8.40 Paragraph 4.14 of PPG15 states that *“special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area”*.
- 8.41 Paragraph 4.20 states that, *“as to the precise interpretation of 'preserve or enhance', the Courts have held that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed”*.
- 8.42 The intent of PPG15 is established within the relevant policies of the adopted UDP 1998. Policy DEV 25, states that *“in considering applications for development in conservation areas the council will pay special attention to the desirability of preserving or enhancing the character or appearance of those areas”*. Policy DEV 26 goes on to say that *“permission will normally be granted for new uses in conservation areas, except where they would be detrimental to the character, fabric or appearance of the area, or its setting”*. Policy CON2(1) of the emerging LDF states that development proposals will be approved in Conservation Areas only where they will preserve or enhance the distinctive character and

appearance of the Conservation Area, in terms of scale, form, height, materials, architectural detail and design.

- 8.43 According to paragraph 5.45 of policy DEV25, *“the character of conservation areas varies considerably and the type of development which may be permitted will consequently be varied. In areas which are uniform in character, proposals will normally be expected to closely reflect the character and design components of existing buildings. However, in areas which include a wide variety of building types, innovative design, which nevertheless reflects the character of the area, may be more appropriate”*. Paragraph 5.46 goes on to say that *“because the architectural and visual unity are important features of Conservation Areas, applications for development must normally to be placed in the context of their setting so that the impact of proposals can be fully assessed”*.
- 8.44 In considering the above mentioned policies and guidance, the character and appearance of the Elder Street conservation area must be identified. According to the Elder Street Conservation Area Appraisal, adopted 7 March 2007, the special character of the area can be identified by looking at the individual views along the historic streets of Elder Street, Folgate Street, Blossom Street, Fleur-de-Lis street, and towards the surviving historic buildings on Spital Square. The potential impact of the development upon the relevant street characters has been addressed below.

Elder Street and Folgate Street

- 8.45 According to the appraisal, *“Elder Street and Folgate Street, at the centre of the Conservation Area, include most of the surviving 18th century developments and contain many original 3 storey brick houses. Their value comes from the consistent proportions of the street, the richness of the brick textures, the refinement of the architectural details, the harmonious relationship of the buildings and the prevailing domestic residential character”*.
- 8.46 The applicants supporting information identifies that the development will have no impact upon Elder Street as viewed from street level. Whilst the 10 storey element may be observed from higher window levels, the immediate background is dominated by the 35 Storey building which also terminates the existing view along Folgate Street (looking east).
- 8.47 The southern end of the proposed building is seen in oblique view at the end of Folgate Street, while the vista is dominated by 201 Bishopsgate. The ‘Arts and Crafts’ buildings will be retained and refurbished, with the proposed new frontage just visible beyond. The height of the new building can only be seen slightly above the existing, due to the stepped design of the building along Norton Folgate.
- 8.48 Once completed, 201 Bishopsgate will close the view out of the conservation area with a building of dramatically larger scale. The substitution of the new corner building of similar height to the existing when seen in this view is considered to have little effect.
- 8.49 Accordingly, the proposed development is considered to preserve and enhance the character and appearance of the Conservation Area, in terms of scale, form, height, architectural detail and design. The reuse of the Arts and Craft building will provide a positive contribution to the Conservation Area.

Norton Folgate

- 8.50 Paragraph 4.16 of PPG15 states that *“while conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous”*.

- 8.51 Paragraph 4.16 also states that the development must be in harmony with the area's special architectural and historic interest.
- 8.52 The Conservation Area appraisal states that *“there is a mixed frontage to Norton Folgate which includes modern office blocks, the remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930s showroom frontage at the north-west corner of the Conservation Area. Although many of these buildings do not have exceptional intrinsic value, together they illustrate the area’s residential and commercial history. They front on to an ancient road where evidence of the area’s past is increasingly rare.*
- 8.53 The impact of the development upon the character of Norton Folgate and Shoreditch High Street is considered to be unacceptable by the Council’s conservation officer and the external conservation bodies. Notwithstanding, the Conservation Area Advisory Group has advised that they accept that buildings 2, 3 – 9 Norton Folgate and 20 Shoreditch High Street are suitable for demolition and redevelopment. 13 Norton Folgate is also considered to be a possible demolition and rebuild site.
- 8.54 There are no listed buildings along Norton Folgate/Shoreditch High Street. The GLA and English Heritage do not consider 14 – 19 Norton Folgate to have any historic preservation value that would benefit the character of the conservation area over the benefit of the proposed development.
- 8.55 Policy 4B.1 of the London Plan states that ‘The Mayor will seek to ensure that developments ...respect London’s built heritage.’ The GLA stage 1 report notes that *“the urban design concept responds positively to the character of the conservation area and the busy road to the west of the site”* (Norton Folgate/Shoreditch High Street). The scheme is also considered to adopt an *“excellent massing concept...that preserves the scale of the conservation area along Blossom Street and Folgate Street while creating a suitably larger scaled presence on Norton Folgate/Shoreditch High Street”*. Further, CABE was supportive of the development.
- 8.56 Accordingly, the proposed development is considered to enhance the character and appearance of the Conservation Area, in terms of scale, form, height, architectural detail and design.

Blossom Street/ Fleur-de-Lis Street

- 8.57 *Blossom Street is an important surviving piece of 19th century townscape. On the western edge of this street are a series of high quality 4 storey brick warehouses built from 1886 onwards. This industrial character continues along parts of Fleur-de-Lis Street. Stone setts make a positive contribution to the character of these streets. There are many vacant or underdeveloped sites, particularly in the north of this Conservation Area, which detract from the coherent building lines along most of the streets.*
- 8.58 According to paragraph 4.17 of PPG15, *“many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area”*.
- 8.59 In considering the impact of the development upon the character of Blossom Street/ Fleur-de-Lis Street, the following needs to be considered:
- 8.60
- Depot site;
 - 16/17 Blossom Street Infill;
 - Refurbishment of the warehouses; and

- Impact of the 10 storey building.
- 8.61 The Depot building makes no positive contribution to the conservation area. The GLA Stage 1 noted that the design of the smaller development on the south corner of Fleur de Lis Street and Blossom Street was considered to be *“calm with high quality materials and would therefore preserve the character of the conservation area”*. Similarly, number 16/17 Blossom Street is a nondescript 1950s building. Council’s conservation officer has confirmed that both proposals on these sites are successful in scale and height, preserving the roof and building lines of the street. These infill developments are considered to enhance the character of Blossom Street.
- 8.62 Regarding the warehouses, a number of the conservation bodies, support the restoration of the warehouses, including the roof extensions. English Heritage raised concerns regarding the visual impact of the extra storey above the existing roof on Blossom Street. The applicant has since amended the scheme to ensure that the roof extensions will in general, not be seen from Blossom Street, which English Heritage has considered and raised no objection to.
- 8.63 The proposed buildings along Norton Folgate/Shoreditch High Street are suitably setback from Blossom Street that they will not be seen from the street. Whilst there may be a degree of overshadow in the afternoon, the close proximity of the existing buildings already casts Blossom Street into shadow. There are also no residential windows in this street.
- 8.64 The 10 storey element will be clearly visible from Fleur-de-Lis Street when looking west. However, views west will be dominated by 201 Bishopsgate on the western side of Norton Folgate. The Shoreditch High Street frontage will effect a transition between the historic scale to the east and City scale to the west, providing an effective middle ground focus of the view.
- 8.65 To conclude, the following list provides a concise summary of the principle ways in which this scheme supports the planning policies and also achieves preservation and enhancement of the Conservation Area:
- Preservation, repair and refurbishment of 19th century warehouse in Blossom Street;
 - Preservation, repair and refurbishment of Arts and Crafts building, Folgate Street;
 - Substantial increase and diversification of employment uses on site;
 - Bespoke, high quality architectural design replacing poor existing buildings;
 - Enlargement and enhancement of Blossom Place;
 - Enhancement of site permeability and linkage to the Conservation Area;
 - Provision of additional amenity space along the northern section of the site interior;
 - Increased public realm on western site perimeter adjacent Shoreditch High Street/Norton Folgate;
 - Reinstatement of residential use in former residential (Arts and Crafts) block;
 - Removal of depot building and 16/17 Blossom Street which provide a negative to neutral contribution to the Conservation Area;
 - Establishment of new high quality urban block and re-formation of street corner of Conservation Area;
 - Regeneration of retail activity
 - Restoration of active street frontages
- 8.66 Supporting paragraph 4.17 of the City Fringe AAP states that new buildings should complement the important historic environment in their scale and nature, whilst paragraph 4.19 goes on to say that development should complement the historic nature of the Conservation Area with modern structures in appropriate locations. The scheme is considered to achieve an appropriate balance between conservation and redevelopment, providing a positive contribution to character and appearance of the Conservation Area.

Tall Building

- 8.67 The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.8 states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.
- 8.68 Policy DEV5 of the LBTH UDP states that tall buildings may be acceptable within the Central Area Zones subject to policies DEV1 and DEV2. The development will also:
- 8.69
- not adverse impact on the micro climate, wind turbulence, overshadowing and telecommunication interference,
 - have access to appropriate transport and infrastructure,
 - not adversely harm the essential character of the area or important views; and
 - identify and emphasise a point of civic and visual significance.
- 8.70 Policy DEV27 of the emerging LDF provides a suite of criteria that applications for tall buildings must satisfy. The proposal satisfies the relevant criteria of Policy DEV27 as follows:
- The design is sensitive to the context of the site, responding both to the Bishopsgate/ Shoreditch High Street corridor and to the Elder Street Conservation Area;
 - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and open space provision;
 - The site falls within the strategic linear view corridor of St. Paul's as view from Richmond Park that was introduced in the Draft SPG London View Management Framework (GLA, April 2005). However, the height of the development to the west (201 Bishopsgate) is above the proposed development and shields the proposal when viewed from Richmond Park;
 - Visually integrated into the streetscape and the surrounding area;
 - Present a human scaled development at the street level;
 - Respects the character of the Elder Street Conservation Area and seeks to incorporate and reflect elements of local distinctiveness;
 - There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents;
 - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design and construction;
 - The scheme will contribute positively to the social and economic vitality of Shoreditch High Street/Norton Folgate through its proposed mix of uses;
 - Incorporates the principles of inclusive design;
 - The site is located in an area with excellent public transport access;
 - Take into account the transport capacity of the area, and ensures the proposal will not have an adverse impact on transport infrastructure and transport services;
 - Improves permeability with the surrounding street network, including increased public realm and public open space;
 - The scheme provides publicly accessible areas within the building, including the ground floor;
 - The scheme would conform with Civil Aviation requirements; and
 - The scheme would not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

- 8.71 The tall element complies with the requirements of London Plan policy 4B.9 and LBTH Core Strategy policy DEV27.

Accessibility and Inclusive Design

- 8.72 HSG8 of the Unitary Development Plan 1998 states that on suitable sites, the council will seek to negotiate some provision of dwellings to wheelchair standards, and a substantial provision of dwellings to mobility standards. Policy HSG9 of the emerging LDF states that the Council will seek that all new housing is designed to Lifetime Homes standards, including at least 10% of all housing being wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.73 The proposed development has been designed on the principles of inclusive design. The development will provide step free access routes across the site and maximise circulation space at ground floor. An accessible high quality public realm for building users and visitors will be created.
- 8.74 All residential units are designed to meet or exceed current Lifetime Homes standards. One of the 2-bed units has been designed to be fully wheel chair accessible, which exceeds the 10% minimum requirement. Whilst the development is car free, the applicant has amended the scheme to provide a disabled car parking space within the site.

Amenity

Privacy

- 8.75 The residential dwellings are to be accommodated within the locally listed 'Arts and Crafts' building on Folgate Street. The existing separation distance from the buildings south on Folgate Street is approximately 9m. The scheme is not required to comply with the setback distance of 18m identified under DEV2 of the UDP, as this guidance is for new developments only.
- 8.76 The Arts and Crafts building was previously residential above ground level, before it was converted to office use in the 70's. No objections have been received from adjoining neighbours regarding impacts on their privacy from the residential component. However, an objection has been raised regarding the impact of the extended pub upon their privacy of the adjacent residents. It is recommended that a condition is included that prevents impacts upon the privacy of the adjoining residents from the proposed pub.

Assessing daylight and sunlight

- 8.77 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Policy DEV1 of the emerging LDF states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants.
- 8.78 The Building Research Establishment (BRE) guideline provides three main methods of calculation for daylight. Where the internal room layouts are known the BRE Guideline indicate that the appropriate methodology is the application of the Average Daylight Factor (ADF). The BRE Guideline suggests minimum criteria being 2% ADF for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 8.79 In relation to sunlight, the BRE criteria given calculates the annual probable sunlight hours (APSH) which considers the total amount of sun available in both the summer and winter for each given window which faces within 90° of due south. *"Windows must receive at least a quarter of annual probable sunlight hours, including at least 5% of annual probable*

sunlight hours during the winter months, between 21 September and 21 March”.

- 8.80 The applicant’s daylight/sunlight analysis considers the potential impact of the proposed development on existing neighbouring dwellings as well as future occupants of the proposed residential dwellings, and compares the results against the current BRE guidance.
- 8.81 The report identified that there are very few sensitive receptors in proximity to the development site. It goes on to state that there are a limited number of residential properties adjacent to the proposed scheme. The analysis identifies the following:
- To the west of the scheme on Norton Folgate and Shoreditch High Street, all properties including consented properties are in commercial usage and therefore not material for consideration;
 - To the north of the scheme on Fleur de Lis Street, all properties are in commercial usage and therefore not material for consideration; and
 - To the east and south of the scheme on Blossom Street and beyond Elder Street there is a combination of commercial and residential properties
- 8.82 The report confirms that there will be no adverse impact on the access to sunlight and daylight for existing properties to the east and south of the site, including Elder Street, apart from 1 window at 16 Folgate Street.
- 8.83 With regards to the proposed development, the analysis considers the daylight and sunlight amenity available to future occupants of the refurbished Arts and Crafts building. The accommodation would be located on the first, second and third floors of the aforementioned building.
- 8.84 In terms of daylight, of the 25 rooms tested, 4 will not strictly comply with the ADF requirement recommended by the BRE report. Of the four rooms, one is a kitchen where the aperture in question has been detailed with an opaque material as an architectural feature rather than with the purpose of being a window, and thus to all intents and purposes should be treated as an internal kitchen with no expectation of natural daylight. Two rooms are bedrooms which will achieve an ADF of 0.87% (R6/652) and 0.59% (R4/653) respectively. Whilst these do not meet the BRE suggested ADF standard, their usage as bedrooms does mean that they would have a lower expectation for daylight. There is 1 kitchen/Living room/Dining Room on the first floor (R5/651) which will not meet the BRE Guideline daylight standard (0.8%).
- 8.85 In relation to sunlight, of the 39 windows analysed for the sunlight incident upon the external face of windows, 77% (30 windows) will achieve or exceed the total annual 25% APSH recommended by the BRE Guidelines. Of the 9 rooms which do not strictly comply in terms of meeting the BRE Guideline target, four (4) achieve between 21% and 24% and so are just a little short of the ideal total, whilst the remaining 5 achieve 0%, 3%, 12%, 16% and 17%. In addition 19 windows will not meet the Winter sunlight target of 5% of the total APSH which the BRE stipulates.
- 8.86 The daylight and sunlight failures are primarily a function of the existing densely developed, historic and urban location. In addition, the retained façade forms part of the locally listed building which fronts on to Folgate and Blossom Streets. The scheme is therefore inheriting the daylight and sunlight situation where there is no opportunity to increase window aperture size. The scheme locates principle rooms on the southern elevation as the BRE recommends, taking advantage of available sunlight.
- 8.87 Due to these limitations the proposed residential accommodation does not entirely comply with a strict interpretation of the BRE Guidelines. Despite these limitations, 84% of the rooms proposed will achieve BRE compliant levels for daylight, of which only 8% (or 2

rooms) fall more than a fraction short of the target ADF daylight values specified by the BRE Guidelines.

- 8.88 The sunlight issues have not changed from that experienced within the existing situation as the façade is retained, and therefore inherited. Notwithstanding this, 77% of the windows will comply with or exceed, and in some cases substantially exceed, the total APSH target values suggested by the BRE Guidelines.
- 8.89 The BRE document states that, *“in special circumstance, the...planning authority may wish to use different target values. For example, in a historic city centre a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. As such, given the existing site and layout constraints mentioned above, it would seem reasonable that the BRE guideline should be interpreted flexibly in this densely developed, historic and urban location. The areas which do not strictly comply are therefore not considered to amount to a significant breach of the BRE Guidelines*
- 8.90 Overall, the analysis undertaken demonstrates that given the approach recommended by the BRE Report, the impact of the proposed development is acceptable.

Noise

- 8.91 Based on the results of the applicant’s noise report, the residential elements of the site fall into PPG24 Noise Exposure Category C. PPG24 states “Categories B and C deal with situations where noise mitigation may make development acceptable”. The report provides full details of how these noise mitigation measures will be achieved. The report concludes that neither noise nor vibration will result in any adverse impact. The report also confirms that noise treatments to the facades of the office component will mitigate any impacts upon the development from external noise
- 8.92 The comments from the Council’s Environmental Health department suggest that suitable treatment could mitigate any potential impacts and as such the scheme should be conditioned appropriately to ensure any impacts can be mitigated and internal noise criteria for the commercial and residential accommodation is complied with.
- 8.93 The applicant’s noise report predicts that any resultant increase in noise from the development will have a low adverse impact.
- 8.94 The report does not appear to address any potential impacts that could arise from the proposed public house, and as such, should be conditioned appropriately, including hours of operation and noise mitigation.

Vehicular Access and Transport

Access

- 8.95 Vehicular access to the site is provided from Blossom Street, for service and refuse vehicles and disabled parking users.
- 8.96 TfL have assessed the transport assessment and considered the cumulative traffic related impacts and have raised a requirement for a Travel Plan. This has been provided, the implementation of which should be secured through s106 agreement.

Parking

- 8.97 The scheme would be car free, apart from one disabled space to be provided in response to comments from TfL. Overall, TfL and the Council’s Highways department support car

free development.

- 8.98 The scheme previously provided 100 cycle spaces. The scheme has been amended to provide 131 cycle spaces in total and associated cycle facilities. TfL has advised that 90 spaces are to be provided for the office development, 9 spaces for the residential, 7 spaces for the A1 use and 25 spaces for the A3 use. Transport for London supports the number cycle spaces proposed.

Public Transport

- 8.99 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6. The site is in close proximity to Liverpool Street underground station and a number of bus services which run along Norton Folgate/ Shoreditch high Street.

Servicing and Refuse Provisions

- 8.100 Two service/loading bays, accessed via Blossom Street, for the office and retail components of the development are proposed on Blossom Place. TfL welcomes the proposal of including a size restriction (i.e. up to 5.9m) on vehicles given access to the loading bays as part of the leasing agreements associated with the proposed office/retail development.
- 8.101 In order to reduce the total number of service trips generated which may have an adverse impact on the surrounding road network, the applicant submitted a servicing management strategy which is considered appropriate. The Highways department has advised that separate off-street servicing for the depot site is not required.
- 8.102 The service statement restricts the commercial refuse collection vehicle to a swept path of 7.75m which was considered acceptable by the Highways department and TfL. Domestic waste will be collected by a 10m refuse vehicle that currently collects waste along Folgate Street.

Open Space

- 8.103 According to CRF5(6) of the City Fringe LDF, new publicly accessible open space should be provided as part of other new developments, including office and residential schemes through:
- small 'pocket parks' within development proposals, particularly higher density office and residential schemes in the west of the area;
 - improvements to the quality of streets and road corridors, through planting, surfacing and street furniture, where they could contribute significantly to the overall open space network within the area.
- 8.104 The existing public realm consists solely of the surrounding pavement area, and the small courtyard accessed from Blossom Street associated with the pub/restaurant in the Arts & Crafts corner block. The public realm is to be improved as follows:
- The proposed design substantially increases the area of public realm behind the existing back edge of pavement on Norton Folgate, and extends this into a new link through to Blossom Street, via the reconfigured and enlarged Blossom Place;
 - The historical open space on the site which is known as 'Blossom Place' is to be retained, enlarged and upgraded to provide a managed public open space. It is envisaged that this space and its access links to Norton Folgate and Blossom Street would be fully accessible to public use during the daytime while being managed and maintained as part of the development, with gated security at agreed night time hours. Working in conjunction with the adjacent retail/ pub uses and the office

development, this regenerated Blossom Place would provide a high quality public amenity at the heart of the scheme, as well as reinforcing an element of the site's historical identity.

- In addition to the reformed Blossom Place, the site will benefit from the extension of the area of open space northwards between the east and west sections of the development. This takes the form of an amenity space for the benefit of office users within the restored warehouse complex, accessed from the central core via the existing historic archway or from Blossom Place.

8.105 The overall enhancement of the public realm may be quantified as follows:

Existing	Area (m ²)	Proposed	Area (m ²)
Blossom Place	120	Blossom Place	420
Passage entrance	62	Passage entrances	149
		Northern courtyard	198
		New street foreground	253
<i>Total</i>	<i>182</i>	<i>Total</i>	<i>1020</i>
Increase			560 %

8.106 The proposal provides significant benefits in respect of the provision of public realm and is considered to address the relevant policy. However, whilst there is a significant increase to the public realm, the large number of workers that the development would create may have a negative impact upon the existing public realm, particularly given the sensitivity of the Conservation Area. Accordingly, a contribution towards improving the public realm within the Elder Street Conservation Area is considered appropriate. A section 106 agreement will also be required to address the 'public right of way' through the site.

Sustainability

8.107 The London Plan energy policies 4A.7-4A.9 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates the Mayor's target of 10% of new development's energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.

8.108 The Energy Strategy Proposal Report makes proposals for the use of renewable and low carbon energy sources for the development. A review of the performance of the various systems together with assessment of design integration implications has led to the proposal of a closed loop ground coupling system that is incorporated within the development sub-structure or "Energy Piles". It is proposed that this system will deliver 10% of total annual site energy use when serving the office area heating/cooling installations. The residential areas of the development shall comply with Part L of the Building Regulations (conservation of fuel and power).

8.109 To reduce the necessary energy the development will also include high performance facades and a number of other passive design measures.

8.110 The GLA stage 1 report states that:

"The energy statement lacks sufficient justification for the rejection of heating and cooling measures in relation to policy 4A.8 of the London Plan. In particular, the applicant needs to provide detailed consideration of a combined heat and power system (CHP) and combined cooling heat and power system (CCHP). The scheme does not take a site-wide

approach to infrastructure and does not provide any justification as to why not. Whilst the inclusion of energy efficiency and renewable energy measures are positive, the scheme is not yet consistent with the current London Plan and is inconsistent with the draft Further Alterations to the London Plan. Unless this issue is resolved, the scheme cannot be recommended for support should it be referred back to the Mayor for decision”.

- 8.111 Whilst agreed measures should be secured by the Council as part of any planning permission, the GLA have agreed that it is acceptable to present the application before the Strategic Planning Committee as long as the energy strategy is agreed before the Stage II referral expires. As such, the scheme should be conditioned appropriately.

Conservation Area Consent

- 8.112 The scheme is proposing to demolish 13-20 Norton Folgate, 2-9 Shoreditch High Street and 10, 16 and 17 Blossom Street.

- 8.113 Paragraph 4.26 of PPG15 states that *“account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building’s surroundings and on the conservation area as a whole”.*

- 8.114 Paragraph 4.27 goes on to state that, *the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area...in less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.*

- 8.115 Policy DEV28 of the UDP states that *proposals for the demolition of buildings in conservation areas will be considered against the following criteria:*

- *the desirability of preserving or enhancing the character or appearance of the area;*
- *the condition of the building ;*
- *the likely costs of the repair or maintenance of the building;*
- *the adequacy of efforts to maintain the building in use; and*
- *the suitability of any proposed replacement building.*

- 8.116 Policy CON2 (3) of the emerging LDF states that applications for the demolition of buildings that make a positive contribution to the character and appearance of a Conservation Area will be resisted. Where exceptional circumstances require demolition to be considered, applications will be assessed on:

- the importance of the building, architecturally, historically and contextually;
- the condition of the building and estimated costs of its repair and maintenance in relation to its importance, and to the value derived from its continued use;
- the adequacy of efforts made to retain the building in use; and
- the merits of any alternative proposal for the site.

- 8.117 Following is an assessment of the proposed buildings to be demolished against the abovementioned policy and guidance notes.

2-9 Shoreditch High Street and 20 Norton Folgate

- 8.118 The conservation report prepared by the applicant considers the Shoreditch High Street

frontage buildings to be of neutral value or that which detract from the character and appearance of the conservation area.

- 8.119 As mentioned above, CAAG has advised that they accept that buildings 2 and 3 – 9 Shoreditch High Street and 20 Norton Folgate are suitable for demolition and redevelopment. English Heritage has also not objected to the demolition of the building. These buildings are not listed.
- 8.120 The preceding sections of this report confirm the suitability of the proposed replacement building. The proposed demolition of these buildings is considered to be acceptable in accordance with the UDP, emerging LDF and PPG15.

10 Blossom Street

- 8.121 This site contains a motor transport depot, consisting largely of a non-descript 1950s and 60s flat roofed single storey building. The conservation assessment states that the building makes a negative contribution to the Conservation Area. Comments from the Council's conservation officer support this opinion.
- 8.122 The preceding sections of this report confirm the suitability of the proposed replacement building. The proposed demolition of this building is considered to be acceptable in accordance with the UDP, emerging LDF and PPG15

16 and 17 Blossom Street

- 8.123 This building is a non-descript 1950's building with recent remodelling. It has been identified as, at best, a neutral building, unrelated to the Georgian core to the south and with only limited affinity to the warehouses to the north. It represents an opportunity for enhancement through replacement, which Council's conservation officer has accepted.
- 8.124 The preceding sections of this report confirm the suitability of the proposed replacement building which was considered to enhance the character and appearance of the Conservation Area.

13 – 19 Norton Folgate

- 8.125 The applicants conservation assessment has appraised the value of these buildings as follows:
- No 13 is a brick 1930's office building. Whilst it is considered to provide an acceptable entrance to the Conservation Area, it is intrinsically undistinguishable. It is at best neutral in its contribution;
 - No 15 is individually of some interest, retaining something of the character of the early 18th century redevelopment of this frontage. However, the front is a mid 19th century rebuild, the rear largely lost or a recent rebuild. The building suffers from structural instability, repair amounting to a further rebuild, producing a modern copy. Its neighbour, No 14, was probably once similar but was wholly rebuilt except for the cellar and part of the front wall in the 1930's. The result is a pastiche with an unconvincing roofline, which makes a neutral contribution to the conservation area; and
 - No's 16-19 are uniform terrace commercial buildings. They can be dated to 1873 – 1894. They are considered to be ordinary buildings of a style common in suburban London. They are unrelated in style to any others in the conservation area as a whole, and their contribution to its character and appearance is neutral.
- 8.126 The external conservation bodies and Council's conservation department advised that buildings 13 – 19 Norton Folgate should not be demolished. The scale, pattern and rhythm

of the existing buildings were considered to be important and a much need counterfoil to the large block developments that have occurred both along Norton Folgate and Bishopsgate. They considered these buildings to be a coherent group that reflects the remaining ancient street of Norton Folgate.

- 8.127 As mentioned previously, paragraph 4.27 of PPG15 states that the buildings must make a *positive contribution to the character or appearance of a conservation area*. The applicants conservation assessment states that these buildings are peripheral to the remainder of the conservation area in the sense that, apart from at the entrance to Folgate Street (13 Norton Folgate), they are not seen in conjunction within its other character areas, nor do they relate closely to them. As mentioned earlier, CAAG advised that 13 Norton Folgate is considered to be a possible demolition and rebuild site.
- 8.128 Careful consideration of the criteria for demolition identified above must be given, and is addressed below:
- *The condition of the buildings to be demolished*
- 8.129 A detailed assessment of the condition of these buildings has been undertaken by the applicant. A report prepared by William Martin and Partners concludes that apart from 13 Norton Folgate, which is in a fair condition with only minor repairs required, the other buildings, which are vacant, are in a poor condition and extensive works would be required to bring them back into use.
- *The cost of repairing and maintaining in relation to their importance and to the value derived from continued use*
- 8.130 The report prepared by William Martin and Partners provides an outline specification and budget cost for bringing 13 - 19 Norton Folgate into optimum beneficial use.
- 8.131 The applicant considers that there are two options for the provision of office accommodation at 13 - 19 Norton Folgate. The buildings could either be used as self contained offices capable of single or multi-let (Option A), or self contained retail units at ground and basement (storage) with self contained offices on 1st to 3rd floors capable of single or multiple let (Option B).
- 8.132 Although considerable works of repair would be required to these buildings, the applicant accepts that in theory the buildings could be brought into use. However, the type of office space that would be provided in these buildings (which would consist of inflexible, small cellular rooms with limited service quality) is not regarded to be suitable to meet the need for this strategic office location.
- *The value derived from retaining the buildings in use juxtaposed to the proposed scheme.*
- 8.133 The retention of 13-19 Norton Folgate would thwart the coherent development of the site as a whole. A policy, conservation and design led approach has been taken to the formulation of the proposals. The scheme therefore represents a coherent, comprehensive and sustainable approach to the redevelopment of the site which will provide a number of benefits. The retention of 13-19 Norton Folgate would prevent the delivery of these benefits, which include:
- 8.134 *Land use benefits:* The regeneration of economic activity, diversification of uses, and provision of good quality private residential accommodation for which there is a local need.
- 8.135 *Conservation benefits:* preservation, repair and refurbishment of the 19th century warehouses on Blossom & Fleur de Lis Streets; restoration of the historic townscape

through reinstating the missing top storey at no. 13 Blossom Street; retention, repair and refurbishment of Arts & Crafts building on Folgate Street, returning the upper floors to their original residential use.

- 8.136 *Design benefits:* high quality new architectural design and construction; restoration / intensification of active street frontages; replacement of poor / derelict existing structures on Norton Folgate, enhancement of Blossom Place; upgrade of circulation in and material fabric of public realm; and increased permeability.
- 8.137 It must be emphasised again that the GLA and English Heritage support the extent of demolition proposed, and have not asked that the applicant retains (or considers retaining) 13 - 19 Norton Folgate. These consultation responses carry significant weight.
- 8.138 Whilst it is acknowledged that the demolition of 13 - 19 Norton Folgate would result in some limited harm to the historic character and appearance of a small part of the Elder Street Conservation Area, when considering the poor condition of the buildings, the limited value derived from bringing the buildings back into use, and the merits of the proposed scheme, the proposed demolition is considered appropriate.

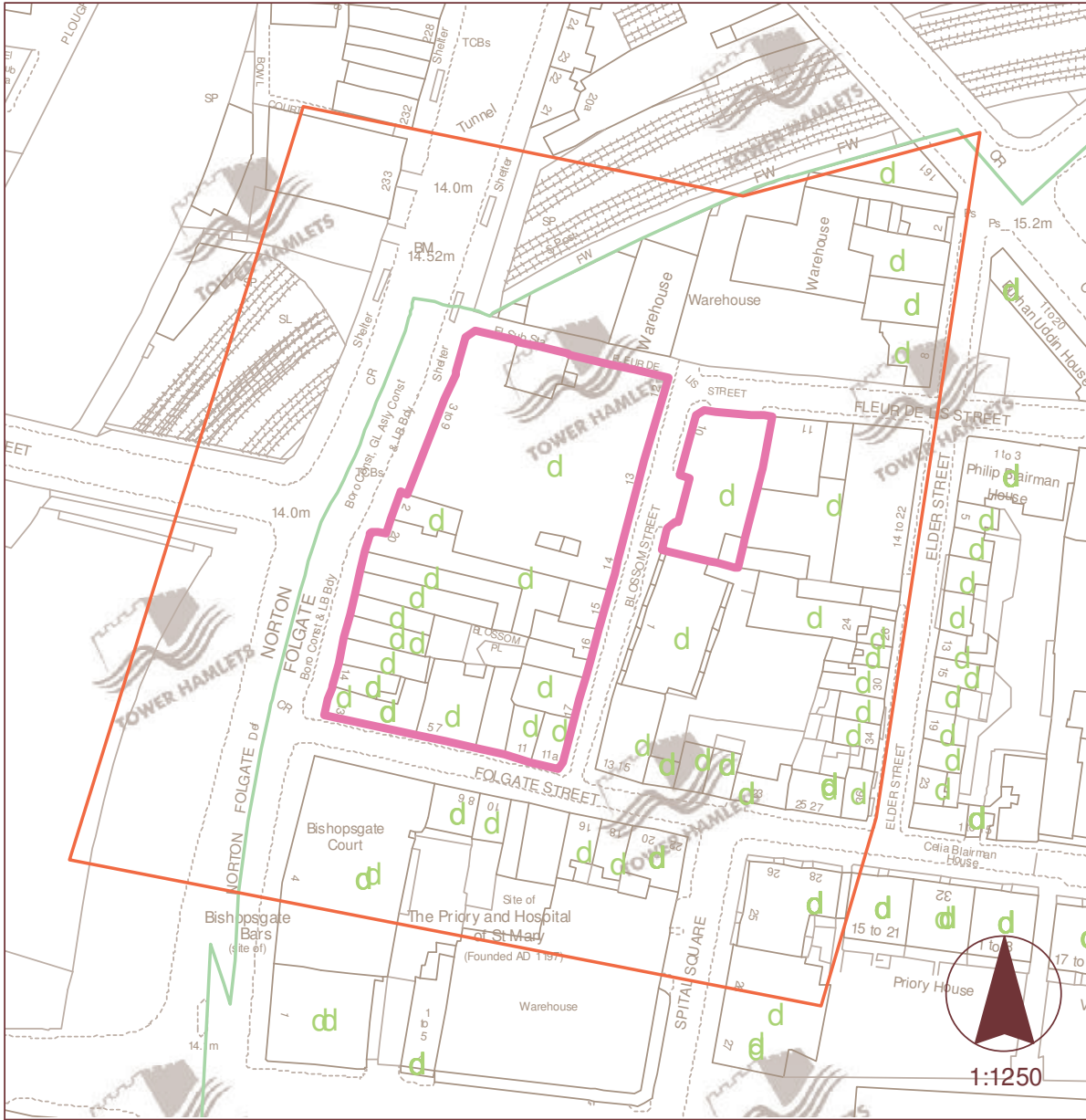
Schedules Ancient Monument

- 8.139 Following the recommendations of English Heritage, eight evaluation trenches were excavated on the site by the Museum of London Archaeological Services. Their report confirms that no activity relating to the medieval Priory and Hospital of St Mary was found. The report concludes that the development proposals will not be detrimental to the Schedules Ancient Monument.
- 8.140 According to paragraph 4.25 of PPG15, scheduled ancient monuments are exempt from conservation area control; scheduled monument consent for proposed works must be sought from the Secretary of State for National Heritage.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

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