

<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> July 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission and Listed Building Consent.
<b>Case Officer:</b> Adam Hussain	<b>Ref No:</b> PA/14/03548 (Full Planning Application) <b>Ref No.</b> PA/14/3618 (Listed Building Consent)
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

**Location:** Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

**Existing Use:** Retail (A1), Public House (A4), Office (B1), Storage and Distribution (B8) and Non-Residential Institutions (D1).

**Proposal:** Application for planning permission (PA/14/03548)

Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (Office), A1 (Retail), A3 (Restaurants and cafés), A4 (Public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and ancillary and enabling works, plant and equipment.

The application is accompanied by an Environmental Statement, Addendum and other environmental information. The Council shall not grant planning permission unless they have taken the environmental information into consideration.

Application for listed building consent (PA/14/03618)

Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

**Drawings and documents: List of Plans:**

Application for planning permission (PA/14/03548)

<i>Existing:</i>	<i>Proposed</i>
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	12055_P_(00)_126
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12055_P_(00)_203	12055_P_(00)_130
	12055_P_(00)_131
<i>Demolition</i>	12055_P_(00)_132
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Application for listed building consent (PA/14/03618)

Location Plan (AHMM)

Landscape Plan (EAST)

Documents:

- Design and Access Statement
- Addendum Design and Access Statement March 2015
- Planning Statement
- Addendum Environmental Statement I March 2015
- Addendum Environmental Statement II March 2015
- Environmental Statement Volume 1 (URS)
- Environmental Statement Volume 2: Townscape & Visual Impact Assessment (Miller Hare & Peter Stewart Consultancy)
- Environmental Statement Volume 3: Appendices (URS)
- Environmental Statement Volume 4: Non-technical Summary (URS)
- Heritage Appraisal Volumes I and II (KM Heritage)
- Heritage Appraisal Addendum
- Archaeology Assessment (MOLA)
- Regeneration Statement (Quod)
- Energy Statement (ARUP)
- Sustainability Statement (Atelier 10)
- Transport Assessment, Travel Plan, Delivery and Servicing Management Plan & Waste Management Strategy (ARUP) (Amended by letter dated 31/03/15)
- Statement of Community Involvement (Hard Hat)
- Blossom Street Retention and Re-Use Strategy

**Applicant:**

British Land Property Management Ltd.

**Ownership:**

The Mayor, Commonality & Citizens of the City of

London; The Spitalfields Bars Company Ltd.; London Borough of Tower Hamlets & Transport for London.

**Historic assets:**

Site is within:

- Elder Street Conservation Area

Site includes:

- Scheduled Ancient Monument of St. Mary Spital.
- Grade II listed carriageway of Fleur de Lis Street.
- Locally listed buildings Nos. 5-11a Folgate Street & 4-8 Elder Street.
- No statutorily listed buildings.

Surrounding and adjoining the site:

- Boundary of Scheduled Ancient Monument of St. Mary Spital extends to Elder Street to the east and beyond Folgate Street to the south.
- Grade II listed buildings Nos. 1-23 & 24-36 Elder Street; Nos. 6-18, 17-21 & 27 Folgate Street; Nos. 135-145 Commercial Street; No. 142 Commercial Street (Commercial Tavern) and Bedford House, Wheler Street.
- Grade II listed carriageways of Folgate Street & Elder Street.
- Locally listed buildings Nos. 144-146 Commercial Street.

## **2. EXECUTIVE SUMMARY**

- 2.1 Officers have considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan 2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and have concluded:
- 2.2 The scheme would provide an employment led mixed use development appropriate in this City Fringe location which has been identified as part of the 'Tech-City' cluster. The scheme provides over 30,000 sq. m. of B1 (Office) space suitable for SME's which accords with the Tech City aspirations and supported by both the London Plan and Local Plan policies.
- 2.3 The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the predominantly vacant and underutilised buildings which currently occupy the site.
- 2.4 The applications have been subject to extensive consultation with local residents and interested groups. The approach to heritage and design is supported by Tower Hamlets Officers, Historic England, CABE and the Council's Conservation Design Advisory Panel as it is considered to represent a combination of sensitive restoration and retention of heritage assets whilst incorporating high quality new buildings that

would preserve and enhance the character and appearance of the Elder Street Conservation Area. Where harm to designated heritage assets is identified this is less than substantial and outweighed by the public benefits of the scheme which are explained in detail in this report.

- 2.5 The development would provide a suitable mix of housing types and tenure including a maximum acceptable provision of affordable housing given the viability constraints of the site.
- 2.6 The housing would be of suitably high quality, providing a good standard of amenity for the future residents in accordance with housing standards. Subject to conditions, there would be no significant impact upon the amenities of neighbouring residents.
- 2.7 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.8 A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.9 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

### **3. RECOMMENDATIONS**

- 3.1 **1.** That the Development Committee resolves to **GRANT** planning permission subject to:

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

B. The prior completion of a **legal agreement** to secure the following obligations:

- 3.2 Financial Obligations:

- (a) A contribution of £428,097 towards providing employment & training skills for local residents.
- (b) A contribution of £4,374,570 towards Crossrail.
- (c) £20,000 towards cycle improvements along Commercial Street
- (d) A £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

**Total: £4,825,667**

- 3.3 Non-Financial Obligations:

- (a) 30.4% affordable housing by habitable room (11 units) comprising:
  - 74% affordable rent by habitable room, at Borough rent levels for E1. (7 units).
  - 26% intermediate by habitable rooms. (4 units).
- (b) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction).
- (c) On-street parking permit free development.
- (d) Travel Plan

- (f) Public access to be secured beneath the colonnade along Norton Folgate through Blossom Yard and Elder Court.
- (e) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### **CONDITIONS**

#### Compliance conditions

- 1) Time limit
- 2) Compliance with plans
- 3) No demolition prior to contract for construction
- 4) Hours of construction
- 5) Hours of piling
- 6) Hours of operation for outdoor seating areas
- 7) Hours of operation for A3 units
- 8) No external music to be played from commercial units
- 9) Cycle parking to be provided prior to occupation
- 10) Refuse stores to be provided prior to occupation
- 11) Secured by Design standard
- 12) Wheelchair unit within the rented tenure to be provided as wheelchair accessible
- 13) Development to meet 35dBA in relation to ground-borne rail vibration
- 14) To be carried out in accordance with the energy strategy
- 15) Petrol oil interceptors to be fitted to parking and servicing bays
- 16) Car lift within Plot S3 to default to street level unless called to the basement
- 17) No A1 / A3 units to be amalgamated
- 18) All the large buildings (i.e. >500 m2) including all new builds and refurbished offices shall achieve BREEAM 'Excellent' and the smaller retail units (i.e. <500 m2) shall achieve BREEAM 'Very Good'

#### Pre-commencement

- 1) Phasing Plan
- 2) Demolition Management Plan
- 3) Construction Management Plan
- 4) Contaminated Land
- 5) Archaeology assessment
- 6) Survey of London Underground Limited structures
- 7) Schedule of works detailing the extent of material to be retained and re-used during strip out of Nos. 12-13 Blossom Street
- 8) Site investigation into whether a temporary cofferdam is required within the basement of Plots S1 and S1c

#### Pre-superstructure works

- 1) Samples and details of all facing materials including windows, shop fronts, signage zones, balustrades and screening

- 2) Landscaping – Hard and soft landscaping for areas of public realm, roof level terraces and the residential courtyard to include measures of biodiversity and ecology enhancement
- 3) Details of treatment of land adjacent to Network Rail land for Plot S2 to include drainage / boundary treatments / lighting and landscaping
- 4) Details of wind mitigation for Nichols and Clarke Yard
- 5) Details of child play space within Plot S3
- 6) Details of wheelchair units
- 7) Security strategy including lighting and CCTV
- 8) Details of flues for A3 units
- 9) Noise assessment of plant demonstrating level is below 10dB
- 10) S278 agreement
- 11) A lighting strategy for the B1 uses identifying how light spill will be kept to a minimum i.e. lights turn off automatically when not in use
- 12) Details of how air brought into building on Plot S3 will be taken in from a sufficient height to provide suitable clean air

Prior to occupation

- 1) Delivery and Serving Plan
- 2) Details of 4 visitor cycle parking within Blossom Yard (Plot S1)
- 3) Waste Management Strategy

3.7 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### 3.8 **INFORMATIVES**

- English Heritage Archaeology
- To be read in conjunction with the s106 agreement
- To be read in conjunction with the listed building consent
- In order to comply with the Environmental Statement the maximum number of vehicles (including HGV's and cars) during the construction period should be 80.

3.9 **2.** That the Development Committee resolves to **GRANT** listed building consent subject to the following conditions:

#### **CONDITIONS**

1. Time Limit 3 years
2. Compliance with plans and documents
3. Method statement for removal / restoration / re-use of road and pavement surfaces.

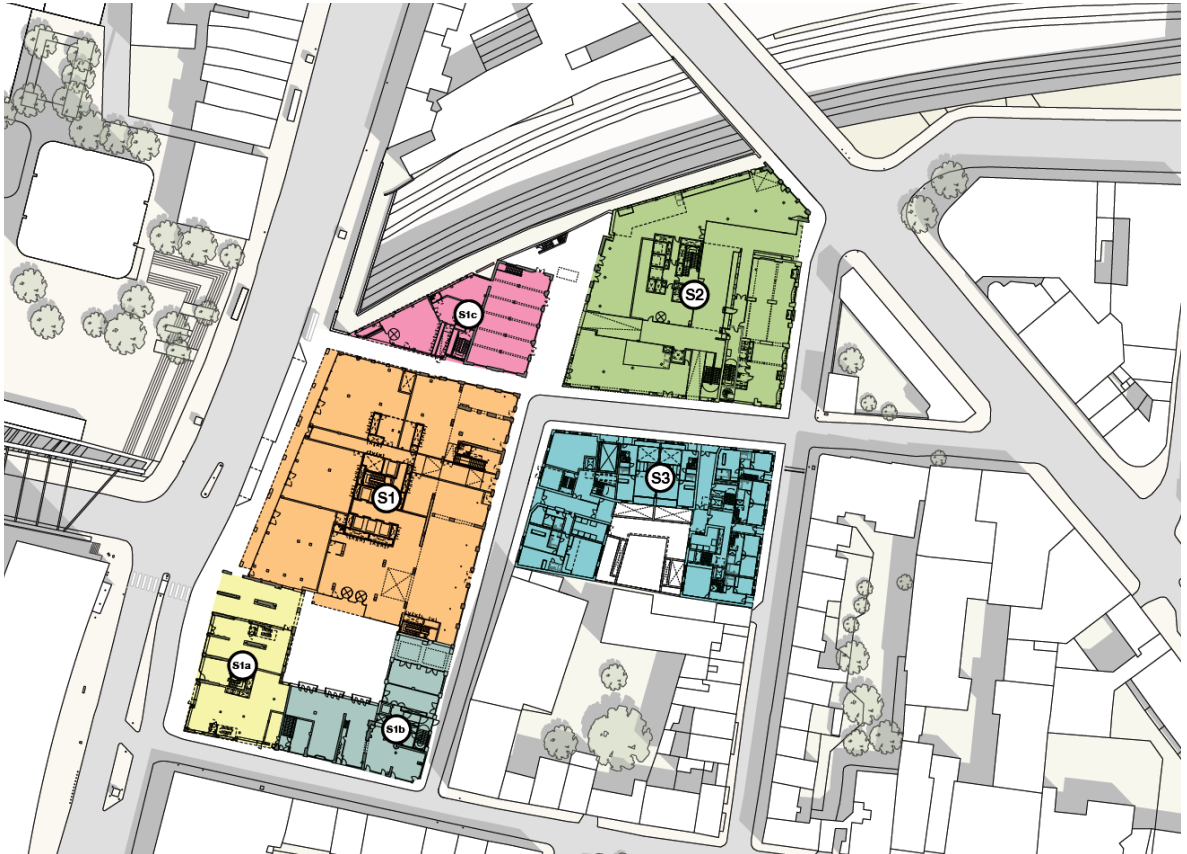
3.10 Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

## **4. SITE AND SURROUNDINGS**

4.1 The application site comprises approximately 0.9 ha. It lies at the boundaries with the City of London to the south-west and the London Borough of Hackney to the north-west. It is in the vicinity of Shoreditch to the north and Spitalfields to the south east.

It is bounded by Network Rail lines to the north, Elder Street and Blossom Street to the south and Norton Folgate and Shoreditch High Street to the west.

- 4.2 To the west Norton Folgate comprises the A10, part of the Transport for London Road Network that runs into Shoreditch High Street to the north and Bishopsgate to the south. The A10 is a primary route into the City with Liverpool Street station approximately 450 m. to the south. To the east, Commercial Street comprises part of the inner London ring road also part of the TLRN leading to Aldgate.
- 4.3 The application divides the site in three plots illustrated in the plan and described below:



**Plot S1 (in turn divided into four zones S1, S1a, S1b & S1c)**

- 4.3 Bounded by Norton Folgate and Shoreditch High Street to the west, Folgate Street to the south, the mainline railway to Liverpool Street Station to the north and Blossom Street to the east. The pedestrian passageway, Fleur de Lis Passage, runs through the plot from east to west. This is the largest of the three plots. It consists of warehouse development to the north with buildings of a much narrower plot width, typical of the 18<sup>th</sup> century development to the south.

**Plot S2**

- 4.4 The north-western boundary comprises the mainline railway to Liverpool Street Station together with a short north-eastern edge that fronts Commercial Street. Elder Street comprises the eastern boundary and Fleur de Lis Street the southern boundary.



### Plot S3

- 4.5 This plot forms the northern part of the block bound by Elder Street to the east, Fleur de Lis Street to the north and Blossom Street to the west.
- 4.6 The Shoreditch High Street / Norton Folgate frontage has a varied appearance. To the north it comprises the 1930s Nicholls and Clarke building Nos. 3-9 Shoreditch High Street that consisted of a new building at Nos. 3-5 Shoreditch High Street with an existing 19<sup>th</sup> century building Nos. 7-9 that had been re-fronted. These provided the existing facade. Nicholls and Clarke vacated the premises in 2003. Since then it has been either vacant or partially used as photography/exhibition space.
- 4.7 Nos. 2 Shoreditch High Street and 20 Norton Folgate date from the 1950s, erected following WW II bomb damage. Both buildings have commercial uses on the ground floor and are partially vacant on the upper floors.
- 4.8 Nos. 14-19 Folgate Street are the earliest buildings on this frontage. They are all vacant and are suffering various degrees of disrepair. Nos.16-19 Norton Folgate is a terrace of four late 19<sup>th</sup> century red brick buildings, originally including No. 20. These are typical of a Victorian/Edwardian High Street, originally built as a shopping parade with ground floor commercial use and residential accommodation above. The rear elevations, including original wash houses, are proposed to be retained. Nos. 14 & 15 Norton Folgate have 18<sup>th</sup> century Georgian origins, evident in their proportions and the composition of their street frontages. No. 15 exhibits 19<sup>th</sup> century alterations including its front. No. 14 Norton Folgate has been largely rebuilt.
- 4.9 No. 13 Norton Folgate is an office building circa 1935, with a modern shop front, lies on the corner of Norton Folgate and Folgate Street. It is occupied and in reasonable repair.
- 4.10 Turning the corner onto Folgate Street, the application site is characterised by a terrace of properties in the 'Arts and Crafts' style circa 1904. These are well maintained, good examples of this period & currently occupied. At ground floor Nos. 5-7 Folgate Street is a dental clinic. Adjacent, with frontages on both Folgate Street and Blossom Street, is the '*Water Poet*' Public House which has office accommodation above. These buildings are all locally listed.
- 4.11 Centrally located in the site is Blossom Street onto which Plots S1, S2 and S3 have frontages. The street is characterised by 19<sup>th</sup> century warehouses connected with Nicholls and Clarke's builders merchant business. Apart from a 1960s building on the southern end of the street, the western side of Blossom Street is defined by these warehouses (Nos. 12-15 Blossom Street). They have a robust appearance, with broadly standardised proportions and fenestration. The contrast of the blue and yellow brickwork and dark framed glazing contributes to their character. The buildings have undergone some alteration at roof level, with the third storey of No. 13 missing and the third storey of those adjacent reduced in height by approximately half a storey.
- 4.12 The eastern side of Blossom Street comprises modern development. The southern part, occupied by a four-storey hotel, lies outside the application site. The northern part forms part of Plot S3. This is the corner with Fleur de Lis Street currently occupied by a utilitarian depot circa 1950 bearing little relationship with surrounding buildings.

- 4.13 Fleur de Lis Street and Passage cross the site from east to west. The frontages form part of Plot S1c to the north and Plot S3 to the south. Plot S2 has a fragmented layout. The two existing buildings on Plot S2 are a stand-alone warehouse circa 1927. On S1c the 1887 building is directly to the north of the Blossom Street warehouses adjacent to Fleur de Lis Passage. It is largely intact and of a similar design and materials to the Blossom Street warehouses. The 1927 warehouse is sited perpendicular to the 1887 building and is a rebuilding of an earlier warehouse on this site. This is evident from the facade of the earlier building that was retained as part of the structure forming its western elevation. The frontage to the north of Fleur de Lis Street is defined by a car park and steel boundary fence. The north corner is a frontage of No. 8 Elder Street.
- 4.14 South of Fleur de Lis Street the site includes the depot building, described above. Adjacent to this and defining the corner of Fleur de Lis and Elder Street is a four-storey office building circa 1973 in a 'mock-Georgian' design, predominantly red brick with a stucco rendered ground floor frontage. It is in good repair and used as offices.
- 4.15 The eastern side of Plot S2 fronts Elder Street and is characterised by a row of warehouses. These are relatively complete examples in good repair. They retain original features including loading bays and large ground floor openings, and are industrial in character. Non original stucco render has been applied to the shop fronts of Nos. 4 & 8 Elder Street. These buildings are locally listed. No. 2 Elder Street, originally a two-storey mid-19<sup>th</sup> century house, is derelict consisting of three remaining brick walls. Directly adjacent to this building is a passageway, possibly historically covered, that forms an entrance to the Nicholls and Clarke site.
- 4.16 The short frontage onto Commercial Street is occupied by a mid-19<sup>th</sup> century two-storey brick building. Originally three-storey this building was erected around the time Commercial Street was laid out, evident in its distinctive alignment responding directly to the street.
- 4.17 The entire site lies within the Central Activities Zone (CAZ), the City Fringe Opportunity Area Planning Framework and the Elder Street Conservation Area. The CAZ is the 1<sup>st</sup> Tier in the Council's Town Centre Hierarchy.
- 4.18 The Brick Lane and Fournier Street Conservation Areas lie to the east and the South Shoreditch, Redchurch and Boundary Estate Conservation Areas lie to the north. Two locally listed buildings lie within the site: Nos. 4 to 8 Elder Street; Nos. 5 to 11 & 11A Folgate Street.
- 4.18 The site scores PTAL 6b (Excellent).

## **5.0 MATERIAL PLANNING HISTORY**

- 5.1 The site has a substantial planning history. The following section identifies the most relevant points from an application dismissed on appeal in 2007 and a subsequent permission granted by the council in 2010. These schemes were not as extensive as the current proposal relating essentially to Plots S1, S1a, S1c and the western part of Plot S3 (the portion occupied by the single storey depot).

PA/06/02333 and PA/06/02334

- 5.2 Planning permission was refused on 25<sup>th</sup> June 2007 for redevelopment by the erection of buildings between 4 and 10 storeys (43 metres in height) and the

conversion of existing buildings to provide 9 residential units (1 studio, 1x 1-bed and 7 x 2-bed flats), 22,387 sq. m of B1 (Offices) of which 1,336 sq. m. was to be small/medium enterprise units, 1,674 sq. m. of A1 (Shop) and A3 (Restaurant / Café) and 595 sq. m of A4 (Public House) with open space and servicing. The Refusal Reason was:

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

5.3 A parallel application for conservation area demolition consent was also refused for the following reason:

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

5.4 Appeals against both decisions were dismissed by the Planning Inspectorate (APP/E5900/A/08/2062519) on 15<sup>th</sup> August 2008. The demolition proposed was Nos. 13-20 Norton Folgate, Nos. 2-9 Shoreditch High Street, Nos. 16-17 & 10 Blossom Street. The Inspector’s key reason was the loss of buildings that made a positive contribution to the Elder Street Conservation Area. His reasons may be summarised as follows:

- Loss of historic buildings (especially Nos. 16-19 Norton Folgate) would have an adverse impact on the conservation area;
- Lack of evidence to demonstrate that Nos. 13-19 Norton Folgate could not be repaired and retained.
- Warehouse buildings along Blossom Street contribute to the character of the conservation area.

5.5 Neutral and positive aspects noted by the Inspector were:

- Appropriateness of the 10 storey element in terms of design and context;
- Overall high quality of the scheme & careful design consideration;
- Retention of the historic kink/set back in the building line between No.1 Shoreditch High St and and No. 20 Norton Folgate marking the boundary of the former precinct to the medieval Priory of St Mary Spital;
- The quality of permeability and improved public access;
- The benefits of the proposed repair work to Blossom Street warehouses and locally listed buildings on Folgate Street;
- Compatibility between public house and residential use could be achieved by suitable conditions.

PA/10/2764 and PA/10/2765

5.6 Planning permission and conservation area consent were granted by the council on 5<sup>th</sup> October 2011 for the redevelopment of the former Nicholls and Clarke site and adjoining depot site, for mixed use purposes, comprising buildings between 4 and 9 storeys 48.40 m. AOD to provide 18,775 sq. m. of B1 (Office); 1,816 sq. m. of A1

(Retail) and A3 (Restaurant) and 663 sq. m. of A4 (Public House), together with new public space (Blossom Place), provision of new access to Blossom Place, highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

- 5.7 The demolition consent authorised the loss of Nos. 13 and 20 Norton Folgate, 14 and 15 Norton Folgate (behind retained facades) and Nos. 2-10 Shoreditch High Street (the Nichols and Clarke showroom), Nos. 16-17 Blossom Street (the infill building at the rear of the Water Poet PH) and No. 10 Blossom Street (the depot building). Façade retention was consented at Nos. 14-15 Norton Folgate.
- 5.8 The main differences between the permitted and refused schemes were:
- Substantially less demolition;
  - Increase in the number of buildings to be retained and refurbished particularly Nos. 16-19 Norton Folgate;
  - Reduction in the height of the tallest part of the development (North West corner) from 10 storeys to 9 storeys;
  - Alternative design approach to the elevations particularly along Shoreditch High Street and Norton Folgate;
  - Reduction in office floor space by approximately 3,600 sq. m.
  - Omission of 9 residential units.
- 5.9 The planning permission of 5<sup>th</sup> October 2011 has been implemented and is extant. This has been confirmed by the issue of a Certificate of lawful development (PA/14/3268).

#### Scheduled Ancient Monument consent

- 5.10 Parallel to the current applications for planning permission and listed building consent; on 15<sup>th</sup> June 2015, Historic England on behalf of the Secretary of State for Culture, Media & Sport granted conditional Scheduled Monument Consent in respect of proposed works at the Priory and Hospital of St Mary Spital, Spital Square, E1 concerning archaeological excavation in advance of new foundations, and the installation of foundations in selected areas of the monument.

## **6 PROPOSED DEVELOPMENT**

### Application for planning permission (PA/14/03548)

- 6.1 Application is made for full planning permission to redevelop the site to provide a mixed-use scheme comprising 34,807 sq. m. of office (Use class B1), 1,126 sq. m. of retail (Class A1), 3,566 sq. m. of restaurant/café (Class A3), 553 sq. m. of drinking establishment (Class A4) and 40 residential units of which 11 units would be affordable housing. The together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking.
- 6.2 The development combines the repair and refurbishment of existing buildings, the retention of facades, demolition and new build. The scheme has been designed by four architectural practices: Allford Hall Monaghan Morris (AHMM) (Masterplan & Plots /S1/S1c/S3), Duggan Morris (Plot S1a), DSDHA (Plot S1b) & Stanton Williams (Plot S2).

### **Plots S1 and S1c**

- 6.3 New buildings are proposed on Plots S1 and S1c replacing the existing 1930s Nicholls and Clarke showroom on Plot S1 and recent single-storey storage unit at Plot S1c. The new development on these plots would be adjacent to retained facades and buildings on the eastern elevation. On Plot S1 the eastern part would retain and restore the 19<sup>th</sup> century warehouse facades along Blossom Street. At the northern end of Blossom Street the proposal for Plot S1c would retain the 1887 warehouse building.
- 6.4 The development on Plots S1 and S1c would include a new building incorporating Nos. 2-10 Shoreditch High Street and No. 20 Norton Folgate to form part of the western edge of the site. Fronting Shoreditch High Street, this building would be subdivided horizontally and tiered vertically to an overall height of 11-storeys or 58.4 m AOD. On its eastern edge, the building would consist of the Blossom Street warehouse facades at lower levels with new build upper floors above set back by approximately 10 m.
- 6.5 To the north a new building on Plot S1c would be 14-storeys in height (65.7m AOD) with glazed elevations including an external frame and inset ceramic panels. It would be triangular in plan, occupying the north-west corner of the site. It would be separated from Plot S1 by Fleur de Lis Passage. Internally the lower floors would combine with the retained 1887 warehouse building which forms the eastern half of Plot S1c.
- 6.6 These two plots would be predominantly office accommodation with retail use on the ground floor of Plot S1. The floor plates of S1 would be up to approximately 1,765 sq. m. and on Plot S1c up to approximately 280 sq. m. These buildings were originally proposed to be linked at upper levels by bridges over Fleur-de-Lis Passage but the bridges have been omitted from the scheme and S1 and S1c would now be independent with their own cores.

### **Plot S1a**

- 6.7 Plots S1a lies at the southern part of the site. The application proposes redevelopment of Nos. 13 and 14 Norton Folgate by a new building at this corner and restoring Nos. 15 - 19. The upper floors would provide offices with floor plates of 209 sq. m. and 242 sq. m. The ground floor of Nos. 13 and 14 would be retail space and Nos. 16 and 17 a restaurant. The ground floor of No. 15 would accommodate the entrance to the office spaces above. At Nos. 18 & 19 Norton Folgate the ground floor would be opened to provide the double width pedestrian route into a central public space 'Blossom Yard'.

### **Plot S1b**

- 6.8 Plot S1b is the south-east corner with Folgate Street and Blossom Street and includes an Edwardian 'Arts and Crafts' style building fronting Folgate Street Nos. 5-11a. This is locally listed with a dentist's surgery and the 'Water Poet' PH at ground floor with offices above. Turning the corner onto Blossom Street is a 1960s four-storey block which occupies Nos. 16-17. The proposal would refurbish the locally listed building including the removal of extensions and plant equipment at the rear with the reinstatement of traditional style shop fronts to Nos. 5-7. The 1960s block would be demolished and replaced with a new five-storey building. The character,

scale and appearance of this new building has been designed to reflect the adjacent Blossom Street warehouses.

- 6.9 The development would provide offices at upper floors, split into two floor plates of 152 sq. m. and 304 sq. m. accessed from a ground floor entrance on Blossom Street. As with plot S1a, part of the ground floor of the new building on Blossom Street would be opened up to provide a pedestrian route into 'Blossom Yard'. On Folgate Street the public house would be retained and extended into Nos. 5-7 replacing the dental surgery.

### **Plot S2**

- 6.10 Proposals for Plot S2 at the north-east of the site also involve retention and refurbishment demolition and new build. The 1927 warehouse would be demolished save for its western façade. No 161 Commercial Road on to the north-east corner would also be demolished but with its street façade retained. Replacing these buildings and infilling existing gaps to the south of the plot would be a new building part 4, part 5 and part 9-storeys high. The western part of the Plot S2 would form the eastern edge of a proposed public open space 'Nicholls and Clarke Yard' that would be connected to the north-east of the site via a new pedestrian route 'Elder Passage'
- 6.11 The eastern part of Plot S2 would be defined by Nos. 4-8 Elder Street (locally listed mid-19<sup>th</sup> century warehouses) which would be retained and refurbished.
- 6.12 Plot S2 would be predominantly office accommodation with restaurant use at ground floor. The floor plates of the new building would be approximately 1,000 sq. m. and the retained warehouses at Nos. 4-8 Elder Street would be combined internally and to provide floor plates of approximately 305 sq. m.

### **Plot S3**

- 6.13 The residential accommodation would be provided at Plot S3 currently occupied by a 1970s neo-Georgian office building and a depot. These would be demolished and replaced with a six storey building with inset 5<sup>th</sup> and 6<sup>th</sup> floors. This would complete the block fronting Elder Street, Fleur de Lis Street and Blossom Street surrounding a central communal courtyard of 160 sq. m. The four-storey element would reflect the materials, scale and proportions of the adjoining Georgian townhouses on Elder Street. The inset upper two storeys are a contemporary design of glazing and timber.
- 6.14 There would be a ground floor retail unit on the north-west corner. The remainder of the building would comprise a mix of 11 affordable units and 29 market units ranging from 1 bedroom to 3-bedrooms. 35% would be single-aspect 65% dual-aspect. There would be 3 separate residential entrances, one on each frontage, with the affordable units accessed via Elder Street. The central courtyard of approximately 160 sq. m. would be a communal garden for all residents.
- 6.15 Basement level would comprise plant, cycle parking, and 7 car parking spaces (including 2 disabled spaces), accessed via a car lift from ground floor level.
- 6.16 Highways works include creation of a one way street south from Fleur de Lis Street and Blossom Street, widening the footway on Blossom Street, installation of cycle stands in the carriageway on Fleur de Lis Street and widening the loading bay on Norton Folgate.

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- 6.17 Works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

## **7 LEGAL & POLICY FRAMEWORK**

- 7.1 The Council in determining the planning application has the following main statutory duties to perform:-
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
  - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
  - When considering the applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
- 7.2 Considerable importance and weight should be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area, when carrying out any balancing exercise in which harm to the significance of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission or listed building consent being granted.
- 7.3 The extant planning permission (and conservation area demolition consent) granted in October 2011 (LPA references PA/10/2764 & 2765) are capable of being considered as a 'fallback' position (i.e. capable of being built out) and a material consideration to be taken into account if there is a real prospect (i.e. a greater than theoretical possibility) that the development authorised by the permission will be carried out. The weight to be given to that material consideration is a matter for the Council as decision taker. Given the works have been implemented and are subject to a Lawful development certificate, in the view of officers considerable weight should be given to the fallback position.
- 7.4 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

## **The Development Plan**

### **7.5 The London Plan 2015**

- 2.10 Central Activities Zone (Strategic Priorities)
- 2.11 Central Activities Zone (Strategic Functions)
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Recreational Facilities
- 3.8 Housing Choices
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 4.5 London's Visitor Infrastructure
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes

### **7.6 Tower Hamlets Core Strategy 2010**

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid



SP05 Dealing with Waste  
SP06 Delivering Successful Employment Hubs  
SP09 Creating Attractive and Safe Streets and Spaces  
SP10 Creating Distinct and Durable Places  
SP11 Working Towards a Zero-carbon Borough  
SP13 Delivering and Implementation

## 7.7 Tower Hamlets Managing Development Document 2013

DM1 Development within the Town Centre Hierarchy  
DM2 Local Shops  
DM3 Delivering Homes  
DM4 Housing Standards and Amenity Space  
DM8 – Community Infrastructure  
DM9 – Improving air quality  
DM11 Living Buildings and Biodiversity  
DM13 Sustainable Drainage  
DM14 Managing Waste  
DM15 Local Job Creation and Investment  
DM20 Supporting a Sustainable Transport Network  
DM21 Sustainable Transportation of Freight  
DM22 Parking  
DM23 Streets and 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  
DM30 Contaminated Land

### **Other Material Considerations**

## 7.8 Government Planning Policy

NPPF - National Planning Policy Framework  
NPPG- National Planning Policy Guidance

### **Other Planning Guidance**

- Tower Hamlets Planning Obligations SPD
- GLA City Fringe Opportunity Area Planning Framework
- Elder Street Conservation Area Character Appraisal
- Accessible London: Achieving an Inclusive Environment.
- The Control of dust and emissions during construction and demolition
- Shaping Neighbourhoods: Character and context
- Draft Social Infrastructure SPG.
- London Planning Statement
- Sustainable design and construction
- The Mayor's Housing SPG
- Shaping Neighbourhoods: Play and informal recreation
- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans 2015
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015

- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015

## 8.0 CONSULTATION

- 8.1 The following bodies have been consulted and representations are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report which addresses the material planning considerations but where appropriate comment is also made in response to specific issues raised as part of the consultation process.

### External consultees

#### Mayor of London Stage 1 Response (Including TfL response):

##### Mix of Uses

- 8.2 The principle of a high density, mixed use commercially led development at a location of excellent public transport accessibility is consistent with the site's location within the Central Activities Zone (CAZ) and City Fringe Opportunity Area.
- 8.3 Further detail is needed on the scope of office spaces to be included as the nature and varying scale of the proposal means that a range of unit sizes and office typologies can be accommodated.
- 8.4 The slight reduction in retail floor space is acceptable given the improvement in quality of retail units and the range of sizes, to support a range of tenants.

##### Housing

- 8.5 Residential mix is welcome with an acceptable proportion of family units. Proposed level of affordable housing acceptable, subject to results of financial viability assessment.
- 8.6 Ground floor units accessed from street which is welcomed. Duplex units on Elder Street have ground floor bedrooms. Consideration should be given to swapping with ground floor living rooms to increase street surveillance. Child play space and amenity space provision is supported.

##### Urban Design

- 8.7 Proposal demonstrates a high level of site analysis, including a thorough analysis of the architectural and historic significance of a range of buildings across the site, which is welcomed and this has helped to establish a clear strategy for retention and renewal. Proposal to improve connectivity across the site, active frontages to Fleur de Lis passage, and active retail/café frontages along the western edge of the site welcomed.
- 8.8 Massing and heights strategy across the development site is broadly supported, raising no specific strategic issues.
- 8.9 Western elevation of block S1 is improved and better proportioned and is supported. Eastern elevation of S1 is less well resolved currently creating a potentially overbearing massing arrangement.

- 8.10 Corner block S1a (at corner of Norton Folgate and Folgate) is a restrained clean-lined response to its heritage-sensitive location with subtle articulation through variations in brick tones and deep set window reveals.

#### Heritage

- 8.11 The applicant has developed a scheme that is designed to preserve and enhance the Elder Street Conservation Area. The largest block (S1) is a substantial building but its scale has been mitigated by a well-considered and high quality design approach across the rest of the application site, through the retaining and refurbishing of important historic buildings or retaining the facades of others and integrating within larger developments behind. The development of long vacant sites and under-occupied buildings will greatly benefit this corner of the conservation area, as will the retention of the historic street pattern (and fabric) and creation of a new thoroughfare and public courtyard space between Blossom Street and Shoreditch High Street. Revisions at pre-application stage to retain no. 15 Folgate Street and the 1927 warehouse façade and greater articulation to block S1 fronting Norton Folgate, are all welcomed and represent significant improvement to the scheme as a whole. Subject to design improvements to the eastern façade of S1, the proposal accords with relevant policies and should preserve and enhance the character and appearance of the conservation area and the setting of heritage assets.

#### Inclusive Design

- 8.12 Proposals include a thorough public realm assessment in regards to inclusive access. Management Plan needed to address allocation of blue badges. 10% wheelchair housing provided further clarity on numbers and location required. Children's play space equipment should ensure inclusive facilities.

#### Energy

- 8.13 Proposals include a range of passive design and demand reduction features, including low energy lighting, solar control glazing, heat pumps and brown roofs. Additional technical information required to demonstrate policy compliance.

#### Transport

- 8.14 Majority of trips to and from the site will be made by public transport. Given proximity to a number of transport interchanges there are no site specific concerns about transport capacity. TfL recommends the residential part of the scheme should be 'car-free', omitting the basement car park, additional disabled parking should be provided for the commercial elements. Proposal to convert Blossom Street and Elder Street to one-way is welcomed, discouraging rat running.
- 8.15 Number of short stay cycle parking should be increased, and access to storage areas amended as wheeling ramp not acceptable for high volume use. Clarification on impact on cyclist's safety of widened footway on Shoreditch High Street.
- 8.16 Delivery and Servicing Plan, Construction Management Plan and Travel Plans to be secured.
- 8.17 Recommended that LBTH secure £3,000 contribution to wayfinding. TfL seeks contribution of £20,000 towards Commercial Street cycle lane scheme; £90,000 towards cycle hire docking station operating costs.

*(Officer response: The majority of the GLA's comments are positive and provide support for the scheme. Issues raised with regard to the design of the rear of the Plot S1 building, the Energy Strategy and transport matters are addressed in detail in the 'material planning consideration' section of the reports.*

*TfL have requested section 106 contributions of £840,000. Officers have concerns regarding the justification for these contributions in the context of the Community Infrastructure Levy Regulations 2010 (as amended). Regulation 122 states that obligations may only be sought where they are necessary to make the development acceptable in planning terms, where the contribution is directly related to the development, and where the obligation is fairly and reasonably related in scale and kind to the development. It is not considered these test would be met in relation to the wayfinding and cycle hire docking station, as such only the cycle improvements along Commercial Street are secured within the s106. Furthermore, under Regulation 123 infrastructure already identified as deliverable through CIL may not also be funded through other obligations and the development would be liable to the Mayor's CIL)*

### **Historic England (formerly English Heritage)**

8.18 *"Whilst the proposals represent a substantial intervention to a large site within Elder Street Conservation Area and will therefore result in considerable change, we believe that all of the significant elements of the heritage have been correctly identified and appropriately treated within the submitted application. The proposed new buildings are carefully designed and of a quality that far exceeds that of the 2011 consented proposals. Our view, in summary, is that the proposals are well designed, sensitive to the heritage and offer significant public benefits that decisively outweigh any perceived harm to the historic environment. English Heritage therefore supports the proposals."*

8.19 Specifically Historic England (HE) advise:

*"The warehouses differ in terms of survival of their interiors, and in our view the proposals retain the most significant parts of them. Where an entirely new structure is proposed behind the facades at Nos. 14-15, this replaces a concrete structure of no significance and replaces it with a steel and timber structure in the spirit of the original warehouses. Most important, the proposals will sensitively restore the facades of all of the warehouses. These form the most significant element of the buildings that contributes to the conservation area (the designated heritage asset), and in that regard we see this as providing a major heritage benefit."*

8.20 HE comment in detail on the proposals and reach the following recommendation:

*"The development site comprises a large area that retains a strong historic character and several unlisted buildings that contribute positively to the surrounding conservation area. The proposals entail significant intervention that will change the appearance of the area. In our view, when considered cumulatively, the changes will, on balance, enhance the character of the conservation area. Where harm is identified, this harm is minor, and is far outweighed by the public benefits of the scheme. These heritage benefits---i.e. the repair and restoration of all of the buildings or their most significant elements that make a positive contribution to Elder Street Conservation Area---; benefits arising from re-introducing buildings to currently empty spaces and thereby*

*reinforcing the historic street pattern; benefits arising from reintroducing permeability through the site; and the very obvious benefit of introducing active uses into buildings that have been empty and decaying for decades.”*

*The design of the new buildings is, in our view, of high quality and complementary to the established character of the conservation area.....“.....the submitted applications will enhance the historic environment in this part of Tower Hamlets, and we are fully supportive of them.”*

### **Historic England – Archaeology**

- 8.22 *“The majority of the proposed scheme overlies the Scheduled Monument of the mediaeval Priory and Hospital of St Mary Spital a designated heritage asset and the applicant will need appropriate permissions from the Inspector of Ancient Monuments for London. Impact on undesignated heritage assets above and to the north of the Scheduled area can be expected and require management through the planning process.*
- 8.23 *Affected non-designated heritage assets are likely to include Roman remains connected with funerary and industrial activity fronting the former Ermine Street, now Norton Folgate, as well as mediaeval and post-mediaeval remains from the later development of London. Many of the buildings proposed for demolition are of nineteenth and early twentieth century local heritage significance and should be recorded before demolition.*
- 8.24 *Should consent be granted, then archaeological impacts should be covered by a condition to include recording of the buildings as well as a staged programme of investigation into buried deposits.”*

*(Officer response: On 15<sup>th</sup> June 2015, Historic England on behalf of the Secretary of State for Culture, Media & Sport granted conditional Scheduled Monument Consent in respect of proposed works at the Priory and Hospital of St Mary Spital. Additionally Historic England has requested a condition regarding non designated heritage assets that lie below ground.*

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

- 8.26 No comments received.

### **Metropolitan Police Crime Prevention Officer:**

- 8.27 The extra footfall the proposal will bring to the area is welcomed, however there is concern that Elder Passage and Blossom Yard both lack natural surveillance which could attract anti-social behaviour. Secured by Design standards should be considered as a planning condition for the residential element.

*(Officer response: Both spaces will be overlooking by offices and A3 / A4 uses, providing natural surveillance throughout the day and into the evening. A security strategy for the development, including lighting and CCTV would be secured by condition together with condition requiring Secured by Design accreditation).*

### **Tower Hamlets Primary Care Trust**

- 8.28 No comments received.

### **City of London Corporation**

8.29 No comments received.

### **London Borough of Hackney**

8.30 No comments received.

### **London Bus Services Limited**

8.31 No comments received.

### **London Underground Limited**

8.32 No objection to the planning application but recommended a condition requiring details of the layout and construction of all sub-ground works including basement and foundations.

*(Officer response: Noted and condition recommended)*

### **Council for British Archaeology**

8.32 No comments received.

### **Ancient Monuments Society**

8.33 No comments received.

### **Georgian Group**

8.34 The Group endorses the Council's Elder Street Conservation Area Management Guidelines. The Groups remit is most concerned with Elder Street and Folgate Street where development should be carefully designed to ensure the conservation area and setting of listed buildings is preserved or enhanced by sensitively scaled development. Scale design and materials should address the historic context and preserve the maximum amount of historic fabric. In contingent areas new development should not greatly exceed the scale of existing buildings and respect the historic environment in both scale and materials.

8.35 The Group considers the proposals do not respect the scale the scale or materials of the conservation area and do not demonstrate appropriate enhancement.

### **The Society for the Protection of Ancient Buildings**

8.36 Aware of concerns expressed by the Victorian Society and the Spitalfields Trust, who were instrumental in saving a great deal of the historic fabric of the Spitalfields area in the 1970, the report by Alec Forshaw "An Independent Appraisal of Proposals for Norton Folgate/Blossom Street, Spitalfields" which raises a number of very valid concerns about the loss of historic buildings as well as the scale and form of the proposed redevelopment and its impact on neighbouring streets.

8.37 Although there is only one listed structure within the redevelopment site, the area retains a variety of interesting and valuable buildings spanning three centuries. Whilst not listed they are of historic interest and have a considerable degree of architectural

and social significance. Many are well built and robustly detailed structures and capable of sustainable reuse. They also make a positive contribution to the Elder Street Conservation Area and should be considered non-designated heritage assets and treated as such in the light of the guidance in the NPPF.

- 8.38 Elements of the proposals retain parts of the building facades this is an unacceptable treatment of the historic buildings. SPAB has been fundamentally opposed to the idea of gutting old buildings and believe that the reduction of a building to a facade removes its character and interest and results in a new structure entirely lacking in integrity.
- 8.39 Suggest more effort should be made to retain and reuse a larger part of the existing historic fabric adding well-designed new buildings that make an appropriately scaled and honest modern contribution to the evolving streetscape.
- 8.40 SPAB firmly believes that the old buildings on the site should be treated in a much more sensitive and responsible manner. Historic buildings are an asset, forming a valuable part of the local streetscape and add to the distinct character of the local area and provide continuity with past generations of East End communities. The developers should rethink their proposals to deliver a fully heritage-led scheme that protects the special character of the Norton Folgate area rather than subsuming it within the expanding commercial architecture of the City.”

#### **20<sup>th</sup> Century Society**

- 8.41 No comments received.

#### **Victorian Society**

- 8.42 No comments received.

#### **The Spitalfields Society**

- 8.43 Concerned about potential increase of pedestrian footfall through the conservation area as a result of combined effect of Principal Place, Blossom Street and the Bishopsgate Goods Yard development. A study of impact of footfall is recommended.

*(Officer response: The submitted Transport Assessment has undertaken an analysis of the predicted trips to and from the site. The additional routes through the development would assist with pedestrian movement)*

- 8.44 Supports the introduction of a one-way system for traffic through the conservation area though there should be no changes to the gates on Folgate and Elder Street.

*(Officer response: The gates on Elder Street and Folgate Street are outside the application site and are unaffected by the proposal).*

- 8.45 Residents already suffer from light pollution which permeates the neighbourhood. The council should impose light emission rules such that it is “lights out” between 11 pm and 7 am. Operating hours no later than 11 pm should be applied to restaurants serving alcohol.
- 8.46 The Society seeks assurances that construction impacts will be minimized and asks that all retail, restaurant and residential property be constructed with the highest

specification noise proofing. The Society would support introduction of wider pavements on York flagstones.

*(Officer response: A number of the above concerns would be dealt with by condition, including operating hours of the retail / restaurant uses, construction impacts and sound insulation between commercial and residential uses. Given that the site is within the CAZ and the City Fringe it is not considered reasonable to require a 'lights out' approach between the hours of 11 pm and 7 am for the office use).*

### **Network Rail**

8.47 Any building should be situated at least 2 m. away from Network Rail's boundary, the development should not drain onto Network Rail land, 1.8 m. high trespass fence should be erected adjacent to the railway and any lighting should not cause confusion with the signalling of the railway.

8.48 There is potential for noise and disturbance from the railway line to the proposed buildings and the development should be considered in the context of the potential for additional rail services / night time train running. Landscaping should be considered in the context of the railway line to ensure there is no impact on the operation of the railway.

*(Officer response: Plot S2 would be constructed up to the applicant's boundary, however there is a strip of land between the boundary and Network Rail land which allows a 2 m. separation distance. Details of drainage / boundary treatments / lighting and landscaping would be secured by condition and consideration will be given to the safe operation of the railway line. The point in relation to the potential for noise and disturbance to the future occupiers of the building is noted, however B1 office uses would be located along the northern boundary and it is not considered that the relationship between the two would be unacceptable).*

### **Crossrail Safeguarding**

8.49 The site is outside the limits of land subject to consultation under the Safeguarding Direction.

### **The Spitalfields Trust**

8.50 Objects for reasons that can be summarised as:

- Conflict with Core Strategy Objectives SO22, SO23 & Policy SP10 (Creating Distinct and Durable Places) relating to the protection and conservation of heritage assets and their context.
- Conflict with the Elder Street Conservation Area Appraisal. The development would be detrimental to the conservation area because of the high level of demolition, particularly between Blossom Street and Norton Folgate, inappropriate scale and footprint of new buildings, damage caused by proposed tall buildings to the setting of listed buildings and historic views and the replacement of finely grained incremental development with large blocks.
- The proposed land use is a poor balance between large floor plate office uses and smaller uses which define the character of the existing site.
- Sustainability, failure to reuse existing buildings, high level of demolition and new build including substantial excavation.



- Balance of harm against public benefits: proposals will cause substantial harm to heritage asset, including loss of historic fabric and plan-form and substantial harm to the character and appearance of the conservation area.
- Employment would be mostly Grade A offices. The high cost of construction is unlikely to result in cheap rented accommodation for start-up business or small firms.
- Conflict with NPPF and does not deliver the '*optimum viable use*'.
- The current proposal is more damaging than the 2011 consented scheme and should be considered on its own merits.

#### **St Georges Residents' Association (Spitalfields)**

8.51 No comments received.

#### **Spitalfields Joint Planning Group**

8.52 No comments received.

#### **Spitalfields Community Association**

8.53 No comments received.

#### **Spitalfields Community Group**

8.54 Demolition of 72% of the existing buildings will cause substantial harm to the Elder Street Conservation Area and harm non listed and locally listed buildings. Buildings between 9 and 13 storeys fail to respect the predominant height of the conservation area around 3-4 storey. Fine grain of the area replaced by monolithic large floor plate structures and façade retention. Inadequate mix of use. Proportion of housing too low with insufficient affordable housing. Retail use outweighed by offices not for local people. Concerned about cumulative increased pedestrian footfall. Traffic control measures required and pavements widened. Light emission should be restricted. No alcohol sale after 11.00 pm.

#### **Elder Street Residents' Association**

8.55 No comments received.

#### **The East End Preservation Society**

8.56 Concerned that the proposals, which will cause substantial damage to the designated heritage assets within the Elder Street Conservation Area, have not been open to meaningful public scrutiny.

#### **Natural England**

8.57 Advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### **The Huguenot Society**

8.58 This is one of the few remaining places where Huguenot ancestry and culture is preserved. The proposal threatens to change and destroy heritage forever.

Expansion of the City has already resulted in destruction of most historic Huguenot sites.

### **Ministry of Start-ups (Affordable Start-up workspace)**

- 8.59 Acutely aware of the lack of business space in the area with consequently rising rents. This should be balanced by increasing supply by new space or bringing redundant space back to life. Supportive of the scheme and the use of a range of local architects for the different buildings.
- 8.60 Most start-ups and small businesses are comfortable working within co-working spaces until they reach 12-15 people. It is good to see that 60% of the development would provide commercial space under 3,500 sq. ft. [325 sq. m.]
- 8.61 Facades vs complete retention. The warehouse buildings on the site are not viable as commercial spaces. Even with significant works there is nothing to be gained by retaining the internals but keeping the facades is essential. The scheme is essentially very good and preferable to the previous 'ugly' development although the preference would be to see additional commercial space.

### **Save Britain's Heritage**

- 8.62 The plans will devastate Spitalfields an urban regeneration success story that has ensured a wide variety of people can live in the centre of the city and nurture many creative businesses. The proposals involve the almost complete loss of one third of the conservation area, preserving no more than a few facades with loss of affordable business accommodation. Proposed replacements are out of place with the character of the conservation area and the council's preservation policies. Unacceptable to replace buildings 3 and 4 storey with new ones up to 13 stories. Complete lack of affordable housing with a low percentage of housing. The essential character and amenities of the East End of London is at stake.

*(Officer response: The history and heritage value of the site is considered in the 'Heritage and design' section of the report. 40 residential units are proposed including 30% affordable housing)*

### **National Planning Casework Unit - Department for Communities and Local Government**

- 8.63 No comments to make on the application.

### **Internal**

### **Communities, Localities & Culture**

- 8.64 Requested financial contributions based on the potential population increase impact on local services due to the number of employees generate by the development. These requests were made prior to the introduction of the Council's CIL on 1<sup>st</sup> April and are no longer relevant as they fall within the borough's Regulation 123 list.

### **Environmental Health – Air Quality**

- 8.65 Requests £30K to maintain the Air Quality Monitoring station in Stepney.

- 8.66 The NO<sub>2</sub> objectives are 40µgm<sup>-3</sup> at the building façade. The 60 µgm<sup>-3</sup> is the relevant objective for gardens and it is assumed a balcony is being treated as a garden. However, as the balcony is on the building façade the 40µgm<sup>-3</sup> limit would be exceeded at the building façade. The proposed mechanical ventilation to mitigate this would be acceptable if non opening windows were installed but by having the balconies opening in the air with this high level of pollutants renders the mechanical ventilation ineffective. Therefore excesses at the facades would not be mitigated.

*(Officer response: The requested contribution fails relevant CIL tests not being necessary to make the development acceptable or directly related to the development. Comments on air quality at the residential units are provided in the Material Planning Consideration part of the report).*

## **Environmental Health – Noise and vibration**

### Railway Noise

- 8.67 Tower Hamlets Rail Noise Policy Statement adopts the standard 35dBA LA<sub>max</sub> (fast) upper limit for noise generated by ground-borne train vibration. The developer should provide details of how compliance with this standard would be achieved.

*(Officer response: The submitted Environmental Statement demonstrates that the standard will be met. A compliance condition is recommended.)*

### Residential Stacking

- 8.68 Bedrooms should only be above or below bedrooms & living rooms should only be above or below living rooms.

*(Officer response: This is correct for most rooms. There are however a number of bedrooms above living rooms, and vice-versa, at the lower levels and the top two floors where site constraints and the massing of the building mean that it is not possible for the bedrooms and living rooms to stack. Where this is the case an appropriate level of acoustic insulation is proposed in order to minimise the likelihood of any disturbance in between floor levels. This is not a planning policy requirement and subject to suitable noise insulation it is considered acceptable to stack living rooms above bedrooms.*

### Lift Shaft & Motor Room

- 8.69 The drawings do not specify the location of the lift motor room. It should be sound insulated from the floor directly below and any adjoining habitable rooms.

*(Officer response: The lift motor rooms will be housed at the top of the lift shafts. The lift shafts in some locations do have a party wall condition with habitable rooms (both bedrooms and living rooms) - this is due to the constraints of the site. It would not be possible for this to be avoided. Where this occurs an appropriate level of acoustic insulation has been allowed for in the design in order to minimise disturbance within rooms adjacent to the lift shaft.*

- 8.70 Noise associated with all mechanical plant and equipment from B1, A1, A3, A4 or C3 uses should meet BS 4142 and achieve a rating level 10 dB below the background noise level at sensitive facades.

*(Officer response: A condition is recommended to require the developer to*

*demonstrate that all plant would be at least 10dB below background noise levels when measured from the nearest noise sensitive facades)*

Restriction of hours of opening of A1, A3 & A4 uses

- 8.71 Such uses should not be open to customers outside 23.00 - 07.00 hours.

*(Officer response: An appropriate condition is recommended)*

Hours of delivery

- 8.72 Should be limited to 08.00 to 18.00 hours and not at any time on Sundays or public Holidays.

*(Officer response: It is recommended that a Delivery and Servicing Plan is secured by condition which will control hours of delivery.*

Odour & Smoke from A3 and A4 uses

- 8.73 Details of means of odour control should be submitted for written approval.

*(Officer response: An appropriate condition is recommended)*

### **Environmental Health – Contaminated land**

- 8.74 Due former industrial uses (Chemical Manufacturing - Chuck Lockett & Co, 10 Norton Folgate & 3 Spital Square and adjoining railway tracks which contained coal yards the site could be contaminated. A site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development.

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

### **Transportation & Highways**

- 8.75 The site scores PTAL 6 with 'Excellent' public transport accessibility. It lies within CPZ A6 which operates Monday to Sunday from 8.30 am to 10pm in residents permit holders parking bays in streets to the west of Brick Lane, otherwise restrictions apply Monday to Friday, 8.30 am to .00 7pm and Sunday 8.30 am to 2.00 pm.
- 8.76 The development adjoins the public highway on Elder Street, Blossom Street and Fleur de Lis Street, for which Tower hamlets is the highway authority and Bishopsgate part of the Transport for London Road Network. Part of the LBTH highway is Grade II listed and all the streets represent the historic layout of the area dating back to the 1700s. At an early stage it was agreed to maintain the historic street layout as much as possible.

Car Parking

- 8.77 Residential car parking comprising seven spaces including two reserved for Blue Badge holders would be located in a basement and accessed via a car lift from Fleur de Lis Street. The submitted documents quote the Tower Hamlets MDD parking standards (which represent maximum levels) and states that the parking levels are within those standards but does not mention London Plan 6.13 or Core Strategy

Policy SP09 (4), which promote car free development in areas of excellent public transport accessibility save for accessible parking for registered Blue Badge holders. The applicant justifies the provision due to there being 6 existing parking spaces on the site. Given the policy it is not accepted that general parking spaces should be provided. The car lift could also result in vehicles waiting on Fleur de Lis Street and cause obstruction to other vehicles.

- 8.78 Two existing blue badge bays operate on Bishopsgate proposed for retention. Recommends 'Permit Free' arrangements restricting all future residents except Blue Badge holders from applying for parking permits within the surrounding controlled parking zones secured via a s106 agreement.

*(Officer response: The comments regarding car parking are noted and addressed within the Highways section of the report. Officers consider the inclusion of a small amount of car parking acceptable as it allows for Blue Badge parking which could otherwise not be accommodated. The amount of general parking it is within the maximum standards set out in statutory policy).*

#### Cycle Parking

- 8.79 Storage for 522 long stay cycles is proposed in line with London Plan standards and this is welcomed. The long stay bays are located in basements and are accessed by either stairs with a gully or by utilising the goods lifts. Access to buildings S1a, S1b and S3 is by stairs with gully only. This is not an ideal solution but is considered accepted due to design considerations that limit access. Short stay cycle parking falls short of London Plan standards but is considered acceptable in order to preserve the proposals to enhance public realm.

#### Pedestrians

- 8.80 The development will improve pedestrian permeability whilst remaining sympathetic to the historical streets. This is welcomed. Footway widening is proposed where possible as are improvements to the surfacing of areas where there are little historical remains. The carriageway will be reinstated to match the historical material where possible. In places, particularly at the Fleur de Lis / Elder Street junction, kerb heights are high making access for mobility impaired people difficult but raising the carriageway would distract from the listed street. The proposals at this junction therefore offer no improvement in access for the mobility impaired maintaining the current situation.
- 8.81 Improved pedestrian permeability between Bishopsgate and Folgate Street and Commercial Street and the introduction of new lighting in the area is welcomed.
- 8.82 A financial contribution is recommended to further improve pedestrian and cycle permeability from Elder Street and Fleur de Lis Street and across Commercial Street to improve links to Shoreditch High Street station link with other pedestrian / cycling initiatives in the area.

#### Servicing

- 8.83 The constrained nature of the site is recognised and servicing within the site boundaries is not possible without adversely affecting the design of the buildings. It is proposed to utilise existing bays on Bishopsgate and Blossom Street both of which would be realigned. This is considered acceptable and a Service Management Plan should be secured by condition to any planning permission. It is recommended that

this limits the size of vehicles used for servicing the commercial elements of the development. It is proposed to make Blossom Street and part of Fleur de Lis Street one way (west to south). This is considered acceptable, subject to public consultation at the developer's cost and should reduce any vehicle conflicts and damage to street furniture.

- 8.84 There is concern regarding the servicing of the commercial units adjacent to the northern arm of Elder Street. The applicant seeks to narrow the junction of Elder Street with Commercial Street. This is supported as it will improve pedestrian and cycle safety at this junction. The applicant is advised to examine whether this would free up space for an informal servicing area in this location.

*(Officer response: Elder Street is identified within the Transport Assessment as an area for informal loading / unloading area for the development).*

Conditions / informatives / contributions

- 8.85 Recommends conditions & informatives and s106 Heads should permission be granted.

*(Officer response. These are included in the Recommendations section above).*

**9. LOCAL REPRESENTATION**

- 9.1 Both applications have been publicised by site notices and by advertisements in East End Life. 1,256 neighbouring properties were individually notified and invited to comment.

No of individual responses: 557      Objecting: 550      Supporting: 7  
No of petitions received: 0

- 9.2 The Huguenot Society and Save Britain's Heritage also objected. The Ministry of Start-ups (Affordable Start-up workspace) support the scheme. These representations are reported in 'External consultees' above.

- 9.3 Of the representations received 218 are emails with no identified address, 265 are from outside the borough and 73 are from borough residents. One person has withdrawn initial support due to the extent of demolition.

- 9.4 Qualified by concerns about height, material grounds of support may be summarised as:

- The proposal represents a significant enhancement to the already permitted plans for the Nicholls & Clarke site creating a more harmonious relationship with surrounding buildings
- The proposal will safeguard heritage and bring back to use properties currently abandoned and in various states of disrepair and dereliction
- The proposal restores buildings to residential use with 40 new residential properties of which 25% meet the criteria for affordable housing
- The proposal addresses past concerns about the lack of facilities being provided for smaller start-up businesses
- In keeping with the desire to see more residents in the area to keep the character quiet and residential

- The proposed one way traffic flow through the conservation area is more consistent with the narrow streets and a safety enhancement for both pedestrians and cyclists alike
- The intention to create an interior courtyard and garden space is in keeping with the features of the conservation area.
- Norton Folgate is an eyesore and it feels very unsafe to walk around. No tourists come to London to see this.
- Satisfied with the manner in which British Land have conducted themselves during the consultation period.

9.5 Material grounds of objection may be summarised as:

- Loss of 75% of the Elder Street Conservation Area
- Insensitive façade retention with loss of historic interiors not sensitive repair
- New buildings too large, too tall and out of context
- Change from small scale multi-use to primarily offices not for local people
- Fundamental change to the character of a significant part of historic Spitalfields
- Proportion of housing and affordable housing too low
- Detrimental effect on tourism and local businesses
- Consultation failed to respond meaningfully to local objections

## **10 MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised by these two applications are:

1. Sustainable development
2. Land use
3. Heritage assets & design and appearance
4. Housing
5. Quality of accommodation
6. Microclimate
7. Impact on neighbouring amenity
8. Transport and access
9. Energy
10. Air Quality
11. Noise and Vibration
12. Contaminated Land
13. Flood Risk
14. Biodiversity and ecology
15. Community Infrastructure Levy and Planning Obligations
16. Other Local Finance Considerations
17. Human Rights
18. Equality Act

### **Sustainable development**

10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.

- 10.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean “ensuring that better lives for ourselves don’t mean worse lives for future generations.” The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
  - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
  - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
  - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 10.7 NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 10.8 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;



- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encourage the effective use of land by reusing land that has been previously developed;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

10.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

### Land Use

10.10 The proposal would result in a net increase in retail / restaurant uses (A1 & A3), residential (C3) and office (B1) floor space and a net loss of storage and distribution (B8) and non-residential institutions (D1) uses as set out in Table 1 below.

**Table 1 - Existing and proposed floor space**

Use Class	Existing (GIA sq. m)	Lost (GIA sq. m)	Proposed (GIA sq. m)	Net difference (GIA sq. m)
A1	1,482	398	1,084	-398
A3			3542	3542
A4	737	184	533	-184
B1	7,706	0	34,982	27,186
B8	10,821	10,821	0	0
D1	394	394	0	-394
<b>Total</b>	<b>21,140</b>	<b>11,795</b>	<b>40,052</b>	<b>30,087</b>

### Loss of Storage and Distribution (B8)

10.11 The predominant existing land use across the application site is storage and distribution warehouses on Plots S1, S1c and S2. The site does not have any development plan designation that resists the loss of B8 uses and does not fall within a Preferred, Strategic and Local Industrial Locations identified by the London Plan 2015 or the Council's Core Strategy 2010.

10.12 The Council's Managing Development Document (MDD) Policy DM15 (Local Job Creation and Investment) supports the upgrading and redevelopment of employment sites. This should not result in the loss of active and viable employment uses. Much of the application site has been vacant since 2003 and the proposal would result in a substantial uplift in employment with the objectives of Policy DM15 met.

10.13 The site's constraints, particularly the surrounding narrow streets, mean it does not easily lend itself to continued storage and distribution or alternative industrial uses.

Additionally the 2011 permission established the loss of the existing commercial uses on Plot S1.

- 10.14 In the context of relevant planning policies, site circumstances and planning history, the replacement of B8 floor space by higher density employment B1 use is considered acceptable in principle.

Loss of Non-Residential Institutions (Use Class D1)

- 10.15 The existing site includes a dental surgery and a beautician's, which would not be retained in the proposed scheme. MDD Policy DM8 (Community Infrastructure) seeks to protect health, leisure, social and community facilities where they meet an identified local need. DM8.3. states the loss of a facility will only be considered where it is demonstrated there is no local need or the facility is being re-provided elsewhere.
- 10.16 The applicants' Environmental Statement addresses the provision of primary health care facilities in the surrounding area. Figure 7.9 identifies 4 dental surgeries within approximately 600 m of the site. Other healthcare facilities within the borough within a 1 km radius of the site include 3 GP practices, 2 pharmacies and 2 opticians. There are 3 private beauticians within approximately 400 m. It is considered that an adequate range of facilities exist in the locality and there would be no conflict with MDD Policy DM8.

Provision of Offices (Use Class B1)

- 10.17 As set out above in Table 1 above, the proposal is a mixed-use office led development. This accords with Core Strategy 2010 Strategic Objective SO4 (Town Centres) to achieve a hierarchy of interconnected, vibrant and inclusive town centres that are mixed use hubs for retail, commercial, leisure, civic and residential. Core Strategy Policy SP01 'Refocusing on our town centres' identifies the First Tier the town centre hierarchy is the Central Activities Zone (CAZ) where London Plan policy is to be applied. The Council's MDD 2013 Policy DM1 (Town Centre Hierarchy) reiterates this approach.
- 10.18 Core Strategy Policy SP06 'Delivering successful employment hubs' supports the provision of a range and mix of employment uses within the borough. In particular there is an emphasis on retaining, promoting and encouraging flexible working spaces in town centres which includes the provision of units suitable for SMEs. The Core Strategy defines these spaces as being 250 sq. m. or less. 23% of the proposed floor space would fall within this definition.
- 10.19 The London Plan 2015 sets the priorities for London's economy at Policy 4.1 'Developing London's Economy' and promotes the availability of sufficient and suitable workspaces for larger employers and small and medium sized enterprises.
- 10.20 London Plan Policy 4.2 (Offices) supports the management and mixed use development of office provision. Policy 4.3 'Mixed use development and offices' requires increases in office floor space to provide a mix of uses including housing. There is emphasis on employment floor space provision within the CAZ at Policy 2.10 'CAZ – Strategic Priorities' which seeks to enhance the London-wide, national, and international function of the CAZ and ensure that the development of office provision is not strategically constrained. Policy 2.11 'CAZ – Strategic Functions' emphasises that proposals to increase office floor space within the CAZ should include a mix of uses, including housing.

- 10.21 The site sits within the City Fringe Opportunity Area designated by the London Plan. Priorities for the area are addressed in the GLA's Draft City Fringe Opportunity Area Planning Framework (OAPF) December 2014. The City Fringe is an area characterised by a mix of small and medium sized enterprises, often within the technology or cultural sectors, but increasingly an area attractive to larger 'traditional' businesses. It is also characterised by a mix of commercial, leisure and residential uses and an active night-time economy.
- 10.22 The OAPF identifies the site as located within the 'Inner Core Area' where there is the highest demand for employment floor space. This is an area where the balance between employment and residential floor space should be weighted in favour of the former. Where an end-user has not been identified, OAPF paragraph 2.17 says that employment floor space should be well designed, high quality and incorporate a range of unit sizes and types that are flexible, with good natural light, suitable for subdivision and configuration for new uses and activities. This should include units for occupation by small or independent commercial enterprises and consideration should be given to providing "grow-on" space, between 372 sq. m. and 2,787 sq. m. Paragraph. 3.9 explains that the Inner Core Area is an area '*where proposals for new build employment floor space will be encouraged and supported*'.
- 10.23 Table 2 below provides details on the breakdown of the proposed employment floor space and how it relates to the recommendations in the OAPF regarding (typology).

**Table 2 - B1 (Business) Typology**

Typology	Range	Floorplate		
		Count	Sq. m.	Sum %
Artist's studio	Less than 92 sq. m.	0	0	0.0%
Co-working / SME Space	92 sq. m–371 sq. m.	28	5,604	23.0%
Grow-on Space	371 sq. m– 929 sq. m.	8	3,907	16.0%
	929 sq. m–1,393 sq. m.	9	9,615	39.4%
	1,393 sq. m. – 1858 sq. m.	3	5,250	21.5%
	1,858 sq. m.–2,787 sq. m.	0	0	0.0%
Corporate Space	2787+sq. m.	0	0	0.0%
<b>Total</b>		<b>48</b>	<b>24,376</b>	<b>100%</b>

- 10.24 Objections have been raised regarding the corporate nature of the proposed office development and how this is unsuitable for the locality. Table 2 above shows that the largest floor plates within the development would be approximately 20,000 sq. ft. (1,858 sq. m.). This is lower by some 10,000 sq. ft. (929 sq. m.) than the minimum threshold for corporate office space identified by the GLA. By comparison, typical floor plates in the nearby Tea Building on the northern side of Bethnal Green Road in Hackney are approximately 23,750 sq. ft. (2,206 sq. m.) whilst floor plates at Principal Place are approximately 45,000 sq. ft. (4,180 sq. m.) larger than anything proposed in the Blossom Street proposals.

- 10.25 Some 23% of the proposed floor space could be used for co-working space and SMEs. The remainder would be '*grow-on space*' targeted at maturing businesses which have typically graduated from smaller start-up and SME space. The GLA has identified a significant need for grow-on space in the City Fringe to facilitate the growth of SMEs and address the relatively scattered and diverse provision of this type of space. The majority of the grow-on space would be at the lower end of the floor plate size to facilitate this transition for businesses.
- 10.26 Throughout the development, there would be a mix of new build and retained floor space. This would provide a mix of character and spaces contrasting with new modern office space.
- 10.27 All the buildings are designed to be sublet and floor plates can be further subdivided to provide incubator space, which would be managed by specialist providers. The applicant has relationships with a number of such specialist providers and is exploring opportunities to accommodate this type of operator within the development. The developer has engaged with a programme called 'Connecting Tech City' which aims to bring together the growing community of Digital Learning Programmes in east London, giving local young people access to the tech / digital workforce.
- 10.28 British Land has committed £50,000 sponsorship towards the 'Connecting Tech City' programme and this has been ring fenced to benefit Tower Hamlets communities. The sponsorship money goes towards:
- identifying digital learning programmes in Tower Hamlets and bringing them all onto an online learning platform which will pull together all the resources available in London
  - building up recruitment partners for the Tech City Fellowship in the borough (an educational programme offering funding for tech courses)
  - recruiting young people from Tower Hamlets into digital learning programmes, including to the Tech City Fellowship
- 10.29 This funding has already been committed and is additional to the recommended obligations regarding employment and training for local residents.
- 10.30 In summary, the Blossom Street development proposes no corporate office space, as defined by the GLA, but instead proposes a significant amount of grow-on space, as well as smaller floor plates units suitable for co-working and SMEs to help foster innovation and start-ups. The schemes is considered an important Tech City development, which would meet an identified need for a range of different types and sizes of office accommodation, focussed on growing technology and media businesses.
- 10.31 This site lies within the CAZ and the Inner Core Area of the City Fringe Opportunity Area where an office-led development would accord with London-wide and borough policy objectives and is considered policy compliant.

#### Provision of Shops (Use Class A1)

- 10.32 London Plan policies for the CAZ support a mix of uses. London Plan Policy 2.10 'Central Activities Zone' supports improvements to the retail offer for residents and visitors. The Draft City Fringe OAPF 2014 states that the expansion of business floor space should not be at the expense of what makes the area attractive to business in the first place; schemes should seek to provide a well-balanced mix of retail, cultural and leisure uses to support development. (Paragraph. 4.5). Tower Hamlets Core

Strategy SP01 'Refocusing on our town centres' applies London Plan policy on the CAZ.

- 10.33 The proposal would see a net decrease in A1 floor space, from 1,482 sq. m. to 1,086 sq. m. However much of the existing A1 accommodation is derelict particularly on Norton Folgate and Commercial Street. The proposals would provide an improvement on the quality of retail space and support the site's retail function within the CAZ and City Fringe Opportunity Area.

#### Provision of Restaurant (Use Class A3) and Public House (Use Class A4)

- 10.34 The provision of restaurant and public houses are also part of the mix of uses sought to increase vitality and viability of the CA Zone and City Fringe. The Draft City Fringe OAPF 2014 characterises the City Fringe as an area with a mix of commercial, leisure and residential uses, in particular an active night-time economy.
- 10.35 Core Strategy Policy SP01 encourages evening and night-time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of the town centre hierarchy. These should not be over concentrated in areas where they will have a detrimental impact on local people, should cater for varied needs and complement existing uses.
- 10.36 The Core Strategy priorities are to be implemented the MDD 2013 Policy DM1 'Development within the town centre hierarchy'. Restaurants and public houses are directed to the CAZ provided they do not result in an overconcentration of such uses.
- 10.37 The principle of restaurant use in this location is considered acceptable. The A3 floor space proposed amounts to 3,542 sq. m. approximately 50% of the total ground floor space (excluding courtyards and amenity areas). Policy DM1 defines an overconcentration as *'more than three of the same uses adjacent to each other'*. In this case there are three A3 uses within Plot S1 and three to the northern end of the site within Plots S1c and S2. Whilst these are in close proximity and on both sides of the roads, in both cases this would not result in more than three adjacent units in A3 use and it is not considered overconcentration would ensue when assessed against Policy DM1.
- 10.38 In the immediate area there are relatively few existing A3 uses. Given the site's location between the more active areas of Liverpool Street, Spitalfields and Shoreditch and policy compliance regarding concentration, it is considered the amount of restaurant accommodation would be satisfactory and support the strategic functions of the CAZ. Impact on the amenities of the neighbours is discussed in the 'neighbouring amenity' section of the report.
- 10.39 The public house is an existing use and its retention (albeit reduced from 737 sq. m. to 553 sq. m.) is also considered acceptable.

#### Residential (Use Class C3)

- 10.40 The provision of housing is a policy objective at a national, London-wide and local level. NPPF Paragraph 50 supports the delivery of a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities
- 10.41 London Plan Policy 3.3 'Increasing Housing Supply' sets out the Mayor's housing targets. The 2015 Plan has increased the annual housing target to at least 42,000

net additional homes in London. (an increase from 32,210 from the 2011 London Plan). The minimum 10 year target for Tower Hamlets was 28,850 units with an annual monitoring target of 2,885 units. This has been increased to a minimum ten year target 2015-2025 of 39,314 units with an annual monitoring target of 3,931 units.

- 10.42 The achievement of these targets is supported by Core Strategy objective SO7 which seeks to deliver housing growth to meet general and specialised housing demand in line with London Plan housing targets.
- 10.43 As explained above at paragraph employment-led developments within the CAZ should include a mix of uses, including housing. Residential development is appropriate as part of the mix of uses within the City Fringe. With regard to the amount of residential accommodation as explained within the 'Inner Core Area' a balance of uses weighted in favour of employment is considered in accordance with policy objectives for this location.
- 10.44 In conclusion, it is considered that the proposed mix of land use is compliant with development plan policy for the CAZ.

#### **Heritage assets, design and appearance**

- 10.45 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.46 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "*special regard / attention*" and therefore considerable weight and importance.
- 10.47 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment*.'
- 10.48 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Local planning authorities should have local design review arrangements in place, and applicants should evolve designs that take account of the views of the community
- 10.49 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts

should be considered, and how they should be balanced with the benefits of a scheme.

10.50 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.

10.51 Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

10.52 In this case the relevant designated heritage assets are the Elder Street Conservation Area, the grade II listed carriageway of Fleur de Lis Street and the Scheduled Ancient Monument of St. Mary Spital. The significance of those assets has been assessed in the submitted Heritage Appraisal that has been reviewed by the council's consultants who found the conclusions of the appraisal be appropriate

10.53 Paragraph 132 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification.

10.54 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, the approach set out in paragraph 133 is to be followed, namely that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

10.55 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the approach set out in paragraph 134 should be followed:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

10.56 Significance (for heritage policy) is defined in Glossary 2 of the NPPF as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

10.57 The approach to be taken to non-designated heritage assets is set out at paragraph 135 of the NPPF:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

10.58 In considering whether any harm to the significance of a designated heritage asset (the conservation area or listed buildings) is substantial or less than substantial, account should be taken of the guidance given in the Planning Practice Guidance, where the following advice is given:

*“How to assess if there is substantial harm?”*

*What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.*

*Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”*

10.59 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its



significance was either vitiated altogether or very much reduced (Bedford Borough Council v.SSCLG [2013] EWHC 2847 (Admin) at paragraph 25.

- 10.60 Where a number of heritage assets are involved, and where a development has a number of elements, there may be different impacts across a site. These must be considered in forming a judgement on the acceptability of the planning application overall, in the context of relevant statutory and policy tests.
- 10.61 The National Planning Policy Guidance (NPPG) has been published following the NPPF. It provides guidance on the NPPF and is a material planning consideration and is considered in more detail below.
- 10.62 The London Plan 2015 addresses the principles of good design, in appropriate locations, preserving or enhancing heritage assets. This includes policy 7.4 'Local Character' which requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 and 7.6 emphasise the provision of high quality public realm and architecture. Policy 7.7 provides criteria for assessing tall and large scale buildings that are defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor.
- 10.63 Tall and large buildings should:
- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
  - b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
  - c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
  - d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
  - e incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
  - f have ground floor activities that provide a positive relationship to the surrounding streets*
  - g contribute to improving the permeability of the site and wider area, where possible*
  - h incorporate publicly accessible areas on the upper floors, where appropriate*
  - l make a significant contribution to local regeneration*
- 10.64 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.
- 10.65 London Plan Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale,

materials and architectural detail. Policy 7.9 refers to heritage-led regeneration and considers that schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration.

- 10.66 Relevant to the site's location within the CAZ, London Plan Policy 2.10 seeks to sustain and enhance the distinctive environment and heritage of the CAZ, recognising its strategic components and local features such as historic heritage and public realm. Policy 2.11 seeks solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design.
- 10.67 Tower Hamlets Core Strategy seeks to protect and improve access to historical and heritage assets and promotes a borough of well designed, high quality sustainable and robust buildings.
- 10.68 These principles are followed in the MDD and Policy DM24 (Place-sensitive design) requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.
- 10.69 MDD DM26 'Building Heights' identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy; achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.
- 10.70 MDD Policy DM27 deals with 'Heritage and the Historic Environment.' Policy DM27 1 provides that:
- "Development will be required to protect and enhance the borough's heritage assets, their setting and their significance ...."*
- 10.71 Policy DM27 2 says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset. Climate change mitigation should be maximised and for changes of use a thorough assessment should be carried out on the practicalities of retaining existing use and the wider benefits of the proposed use.
- 10.72 MDD Policy DM27.3 refers to the demolition of a designated heritage asset. The justification of this policy in paragraph 27.8 states that the demolition of a listed building would only be considered acceptable in exceptional circumstances whereas there are instances where the loss of a building within a conservation area may be considered acceptable when the public benefits of the scheme are considered.
- 10.73 The Elder Street Conservation Area was designated in 1969 and is bounded by Commercial Street to the east, Norton Folgate to the west, and Spital Square to the south. The Elder Street Conservation Area Appraisal and Management Guidelines was adopted in 2007. Different parts of the conservation area are identified with different characters but north of Norton Folgate, consisting primarily of Blossom Street, is an important surviving piece of 19th century townscape. The four-storey

warehouses to the west of Blossom Street are identified as high quality buildings, part of the industrial character of the area. The character appraisal identifies many vacant or underdeveloped sites, particularly in the north of the conservation area, which detract from the coherent building lines along most of the streets.

10.74 The Nichols and Clarke site is referred to specifically within the Appraisal:

*“There is a mixed frontage to Norton Folgate which includes modern office block, the remains of Georgian residential development, later 19<sup>th</sup> century mixed-use commercial buildings and a 1930’s showroom. Although many of these buildings do not have exceptional intrinsic values, together they illustrate the area’s residential and commercial history. They do front onto an ancient road where evidence of the area’s past is increasingly rare.”*

The site represents a *“glimpse of the interwoven complexity often found in old London and may include walls and other structures from the former Hospital priory.”*

And,

*“Overall, this is a cohesive area that has little capacity for change. Future needs should be met by the sensitive repair of the historic building stock.”*

10.75 Norton Folgate is identified as an ancient road and a kink in the road at No. 20 Norton Folgate signifies the shape of Saint Mary Spital (a Scheduled Ancient Monument) now an archaeological remnant below ground). Nos. 14 and 15 Norton Folgate are the earliest remains of residential buildings in the area. It is also noted that Fleur de Lis passageway represents a fragment of the medieval network of lanes which existed prior to 18<sup>th</sup> and 19<sup>th</sup> century redevelopment.

#### Analysis

10.76 The development embraces different plots and analysis can be carried out plot by plot identifying the impacts on heritage, design and townscape. The effect of the development on the significance of the designated heritage assets - the Elder Street Conservation, the setting of the listed Fleur de Lis carriageway, the Scheduled Monument together with non-designated heritage assets (locally listed buildings) should be considered. Impact on the wider area also needs to be taken into account.

#### **Plots S1 & S1C**

10.77 Plots S1 and S1c are located in the northern part of the application site. Plots S1 is the largest of the application plots and consists of buildings associated with the former Nicholls and Clarke (N&C) builder’s merchants. The facades differ with the public showroom fronting Shoreditch High Street, whilst the rear of Plot S1 is characterised by late 19<sup>th</sup> century warehouses reflecting the operational part of the business. Plot S1c is characterised predominantly by the standalone ‘1887’ warehouse, with some low lying 20<sup>th</sup> century additions to the western part of the plot. These two plots are separated by Fleur de-Lis Passage.

10.78 The proposals for Plots S1 and S1c include demolition and rebuild, with an increase in scale on the Shoreditch High Street frontage. The proposals include retention and restoration of warehouse facades on Blossom Street, and the 1887 warehouse building on Plot S1c. The buildings to be demolished on Plot S1 include Nos. 3-9 Shoreditch High Street recognised by the 1930s showroom façade. This is distinct in

its appearance with a yellow faience frontage. The submitted Heritage Appraisal identifies that these buildings have some historic interest in the context of its relationship with the N&C business. In terms of architectural value whilst the building has some character and appearance associated with its period, overall it is assessed to have Low Historic and Architectural Value.

- 10.79 In determining the heritage significance of the showroom, Officers have given consideration to the submitted appraisal and consultee responses including the advice of Historic England. The applicant's heritage appraisal has also been reviewed by the Council's Environmental Impact Assessment consultants (LUC) who have found that the conclusions are appropriate.
- 10.80 The building is later in age than the other N&C buildings within the site and designed to replace an earlier building. Officers consider its demolition would not harm the character or appearance of the conservation area and can be justified subject to the provision of an acceptable replacement building that either preserves or enhances the character and appearance of the conservation area. The demolition of this building is already consented under the extant permission for redevelopment (PA/10/02764) that was implemented in August 2014.
- 10.81 The proposed development of Plots S1 and S1c involves the construction of new buildings up to 11-storeys on Plot S1 and up to 14 storeys on Plot S1c. These represent a distinct change in scale from the existing buildings on this part of the application site. In terms of the surrounding context, the buildings would sit within the wider context that varies in scale, age, design and pattern of development.
- 10.82 The Elder Street Conservation Area encompasses development to the east and south-east predominantly 3 to 4 storeys in height. To the west the site sits opposite large scale development within the City of London including Broadgate Tower (13 and 33 storeys) and Principal Place currently under construction (50 storeys). To the south development is medium rise at 13 to 14 storeys including developments at No. 280 Bishopsgate and Bishop's Square.
- 10.83 Assessment of the proposals requires appreciation of the nature of the relationship this site has with the different surrounding areas. The proposal seeks to respond to both the tall and medium-rise scale of adjoining land, and the lower rise Elder Street Conservation Area.
- 10.84 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 require respectively, that special regard be had to the desirability of preserving a listed building or its setting or any feature of special architectural or historic interest that it possesses, and that 'special attention' to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Considerable weight and importance should be given to those statutory requirements when carrying out any exercise of balancing harm to the significance of designated heritage assets and public benefit relied upon by an applicant to outweigh such harm.

#### Blossom Street

- 10.85 Fronting Blossom Street, the proposed development of Plots S1 and S1c involves the retention and renovation of the facades of the 19<sup>th</sup> century warehouses on Plot S1, and the retention and renovation of the '1887' warehouse on Plot S1c. The submitted Heritage Appraisal identifies that these buildings reflect the growth of N&C business. Previous alterations/remedial works are identified and it is noted that No.

13 Blossom Street has lost its top storey. These are robust buildings but in need of significant repair. The warehouses are identified as standardised warehouse architecture, functional in character and appearance and assessed as Medium High Historic and Architectural Value.

- 10.86 Officers note that these buildings are key parts of the character and fabric of Blossom Street and the wider conservation area, thus contributing positively to the designated heritage asset. The retention of the facades of these buildings and the full retention of the 1887 warehouse is welcome and will preserve the character and appearance of the conservation area. In addition, whilst the internal layout of the non-listed buildings is not protected by planning legislation, the developer has committed to investigate those elements inside the warehouses Nos. 12-13 Blossom Street that can be retained and incorporated within the development including timber joists, masonry and cast iron columns. A detailed Retention and Reuse Strategy has been provided and a condition to secure these works is recommended. This does not apply to Nos. 14 & 15 Blossom Street as they have a concrete frame. It is intended that the works to Nos. 14 & 15 would involve the replacement of the concrete frame with a steel and timber structure which would be closer to the original form of the other warehouses.
- 10.87 It is considered that the proposal would secure the long-term future of these elements that contribute to the character and appearance of the conservation area.

#### Shoreditch High Street

- 10.88 The proposed new buildings on Plots S1 and S1c are the tallest elements of the scheme and would result in a significant degree of change to a number of views. The buildings are however considered of a high quality design that would be visually appropriate to the varied townscape in which they would sit.
- 10.89 As set out above the buildings which currently occupy these plots are considered to be of low heritage value and therefore their loss (subject to a suitably high quality replacement) would not cause any harm to the Elder Street Conservation Area. As explained below, the design and appearance of the new buildings fronting Shoreditch High Street would be of a high quality which would preserve the character of the conservation area.
- 10.90 The façade of Plot S1 that would address Shoreditch High Street is arranged over three plains that gradually step back from street. It is also divided into three vertical elements with a narrow shadow gap between each. A variety of building heights arranged across these plains and vertical elements would create further division of the façade. This articulation would create a series of volumes that would appear similar in size and proportion to individual elements that make up the surrounding townscape, albeit with an increase in scale to the western side of Shoreditch High Street.
- 10.91 Plot S1c is expressed as a more singular volume but visually broken down by vertical emphasis created by bands of terracotta panels. Horizontal emphasis every third floor relates to the horizontal banding that defines individual storeys on a number of historic buildings within the site.
- 10.92 The facades of both buildings would have a regular, rectilinear composition with a regular pattern of openings reflecting the adjacent historic buildings. Whilst not as dominated by solid elements as their older neighbours, the proposals for Plots S1 and S1c do not feature the bold expression of structural elements more commonly associated with newer commercial buildings in the City. Consequently, it is

considered that they would strike a good balance between old and new and mediate between the City and Spitalfields Townscape Character Areas.

- 10.93 The buildings were originally to be linked by high-level walkways but the scheme has been amended to omit these allowing the structures to appear discreet from each other which is considered to benefit to their appearance.
- 10.94 The development of the design has been considered twice by the Design Council and the Council's Conservation Area Design Advisory Panel (CADAP). Both Panels expressed support for the proposals but had concern around a number of areas.
- 10.95 The initial Design Council comments note this is a challenging site to integrate new architecture into a fine historic townscape. The Council was impressed by the analysis of existing buildings, but felt more work was needed to fully assess the impact of the proposed buildings. Specifically in regards to Plots S1 and S1c the Council was satisfied with the elegance of the proposal for Plot S1c, but expressed concerns around Plot S1 considering it too corporate in appearance. It was advised that the front and rear facades required further work to provide an appropriate level of richness. It was felt the rear would have an overpowering impact on Fleur de Lis Street.
- 10.96 In response, different options for the massing, design and façade treatment of S1 were explored. This included breaking down the building with a varied tiered appearance and consideration of the layered façade. To the rear the new building was amended to set back from the warehouse façade by approximately 10 m. and the roof of the warehouses simplified. Following this design development the Design Council enthusiastically support the proposals for Plot S1 regarding them as a compelling piece of architecture, and the way they integrate with the retained Blossom Street warehouses commendable. The Design Council also advised that S1 would provide a dynamic façade towards Shoreditch High Street and relate well to other new buildings.
- 10.97 The Council's CADAP was encouraged by the level of work undertaken researching the history of the site and the detailed approach to maintaining its heritage value. The height of the two largest buildings was supported, but considered further work was required on the massing and proportions. Reviewing the revisions, CADAP subsequently advised that the architects had gone a long way to address concerns and the proposal resulted in architecture with complex, contradictory, playful qualities.
- 10.98 The scheme approved under permission PA/10/2764 arose from the Inspector's decision to refuse permission for the earlier scheme PA/06/02333. The Inspector found:
- "The 10 storey element would not be consistent with the height, materials or style of the conservation area. On the other hand, it would be appropriate from views into the area from the north and west... From within the conservation area the taller element would either be obscured, as from Elder Street, Blossom Street and Folgate Street, or be viewed against a backdrop of tall buildings within the city, such as in the view west along Fleur-de-Lis Street. I find the appearance of the 10 storey element within the scheme would not of itself harm the conservation area."*
- 10.99 The two buildings proposed for Plots S1 and S1c are the tallest elements of the scheme and would result in a significant degree of change in a number of views.

Officers consider the scale the development at Plots S1 and S1c would be appropriate within the context of the varied townscape in which they would sit.

### **Plot S1a**

- 10.100 No. 13 Norton Folgate Street circa 1930's is considered a neutral building in terms of its impact on the character and appearance of the conservation area and its loss does not result in any harm to the conservation area.
- 10.101 No. 14 Norton Folgate represents a remnant of an historic building, with very little of the original architecture surviving. It was almost entirely rebuilt in the 20<sup>th</sup> century which means its heritage value is significantly diminished. Its loss would result in less than substantial harm to the conservation area, which therefore needs to be weighed against the public benefits of the scheme.
- 10.102 The replacement building for Nos. 13 & 14 Norton Folgate includes a carefully considered and skilfully designed exterior to Norton Folgate and Folgate Street which has been informed by careful analysis, including historic analysis, of the site.
- 10.103 The new building by Duggan Morris would occupy the corner of Norton Folgate and Folgate Street. The scale varies between 3 and 4 storeys and is considered to sit comfortably within the context of the Elder Street Conservation Area and positively define the street corner.
- 10.104 Proposed façade composition is based on architectural elements found in the surrounding area and the way these are combined and ordered to create rich and varied streetscapes. Within the facades are identifiable plot widths that respond to the surrounding Georgian context. Recessed window surrounds would create a good degree of depth to the facades and express an appropriate degree of robustness. As with other buildings in the scheme the solid-to-void ratios would strike a balance between the old and the new.
- 10.105 It is considered that the proposed use of red brick would respond well to materials elsewhere in the conservation area. Pigmented precast elements are proposed to add interest to the facades. If permission is granted the precise nature of these would need to be agreed and this would be secured by condition.
- 10.106 Given the limited heritage value of No. 14 Norton Folgate and the good quality replacement building that would occupy this corner plot, the less than substantial harm identified is outweighed by the public benefits associated with the new building and the wider regenerative benefits of the proposal.
- 10.107 Officers have stressed the historic significance of No. 15 Norton Folgate, parts of which date from around 1720 noting the Planning Inspector's comments in the Decision Notice relating to PA/06/2333 and also the comments of Historic England that welcome the decision to retain and restore this historic building. Elements of note are the stripping of the render and repair of the brick-work, replacement of windows with sash windows in the style and introduction of a new traditional shop front.
- 10.108 The retention of substantial elements of Nos. 16 – 19 Norton Folgate is welcome. The architects have responded to officer's comments regarding the importance of historic detail on the exterior of this building. The brickwork would be repaired and cleaned as would the ground floor pilasters. The chimneys and party walls which

form an important feature would also be retained. New elements include the raising of the mansard roof and replacement shop fronts in 'Queen Anne' style. The creation of a new passageway beneath Nos. 18 and 19 would open up new routes and add to the hierarchy of urban spaces within the conservation area and facilitate wider appreciation of the heritage of this part of London. The rear of the building, currently largely concealed would become a highly visible element within a public space. The proposed treatment of the rear elevation would ensure that it would still be possible to read the essential character of the building whilst acknowledging the new urban context.

### **Plot S1b**

- 10.109 This plot comprises the locally listed buildings on Folgate Street and the 1960's building on the corner of Folgate Street and Blossom Street. The locally listed buildings contribute positively to the conservation area, whereas the infill building on Blossom Street detracts from it. The key significance of this block in terms of the conservation area lies in the handsome street facades and roofscape of the locally listed buildings, which will be retained, thus preserving the character and appearance of the conservation area.
- 10.110 The proposal includes the rebuilding of the rear elevation which has been subject to much change, so that it would better relate to the proposed public space at the rear. The proposed rear elevation is a distinctive design incorporating a rich pallet of materials; in some respects it is a contemporary counterpart to the early twentieth century facades to Folgate Street and Blossom Street. The creation of the public space to the rear would be a key public benefit.
- 10.111 Overall, the works to S1b would result in an enhancement to the conservation area, which is the designated heritage asset.

### **Plot S2**

- 10.112 This plot is bound by the railway viaduct and Commercial Street to the north, Elder Street to the east, and Fleur-de-Lis street to the south. It includes a warehouse building in its centre and locally listed buildings on its eastern edge fronting Elder Street. To the north-east are buildings in poor repair, including No. 2 Elder Street which is largely derelict. To the south of the plot, fronting Fleur de Lis Street is a gap site used as car parking and separated from the street by a steel corrugated fence that detracts from the character and appearance of the conservation area.
- 10.113 In general terms, the proposals for Plot S2 involve the retention and refurbishment of buildings, façades retention, demolition and new build. Development should respond to the existing built heritage and pay special regard to the significance of the conservation area. Of the buildings on the plot only the locally listed Nos. 4-8 Elder Street are in use. The other buildings are either derelict or long-term vacant.
- 10.114 The proposed development of Plot S2 is focussed around a new building including a NE/SW pedestrian route. The new building would retain and incorporate facades of No. 161 Commercial Street, to the north east and the 1927 warehouse to the west. To the east of the plot, the locally listed Elder Street buildings would be refurbished and retained. In the context of the site as a whole, Plot S2 has a history of industrial and commercial use particular during the 19<sup>th</sup> century. The 1927 warehouse was used by Nicholls and Clarke. Nos. 4- 8 Elder Street contained a former Cotton Wool and Dye packing warehouse. Buildings on Commercial Street provided a retail frontage to Commercial Street when it was laid out in the mid-19<sup>th</sup> century.



- 10.115 Nos. 4-8 Elder Street have locally listed status. There are a number of areas where the buildings have been altered, however overall they are good examples of industrial architecture that contribute positively to the conservation area.
- 10.116 No. 161 Commercial Street has a direct connection with the industrial/commercial history of the locality but the building is in a markedly different condition to those on Elder Street. The façade is in a poor condition and the building has suffered severe water ingress. The adjacent building to No.2 Elder Street is a ruin and is the subject to emergency works under the London Buildings Act to remove a dangerous chimney stack. Despite the poor state of repair of No. 161, this building does still contribute to the character and appearance of the conservation area and its incorporation into the scheme will preserve the elements which are of heritage significance. The loss of no. 2 does not result in any harm to the conservation area and the replacement building on this plot is high quality, allowing pedestrian entrances routes through the site which is a public benefit. The conclusion can therefore be made that the loss of No. 2 followed by its replacement would result in an enhancement to the conservation area.
- 10.117 The 1927 warehouse is in a reasonable repair. The western elevation includes loading bays and a lifting crane that appear to be part of an earlier building more akin in architecture and design to the other Blossom Street warehouses. The warehouse lies adjacent to the car park gap site.
- 10.118 The scheme involves the partial demolition of the warehouse but retaining the detailed western elevation. Retention of the warehouse has been considered but its narrow plan form, tight layout, and low floor to ceiling heights structurally presents problems running services. Other than the western façade the warehouse contains little of heritage value. The western façade does form part of the group of warehouses along Blossom Street and when viewed from the south contributes to this group and therefore the heritage value of the conservation area.
- 10.119 The loss of the 1927 warehouse results in less than substantial harm to the conservation area. This is outweighed by the retention of the western façade, which has been carefully configured into the new building to ensure it remains a prominent feature, not subsumed within the main structure and the ability to fill in the vacant car park site and create a better street frontage along Fleur de Lis Street. The public accesses through the site are also a public benefit, which will enable a better appreciation of the retained façade. Currently the warehouse is blocked from public view by the steel corrugated fence marking the site boundary.
- 10.120 The locally listed buildings would be retained and refurbished, providing SME office accommodation. The pre-application process explored alternative roof forms for the building. In response to feedback during that process, the proposal maintains the existing roof form whilst incorporating two additional dormers. The proposal would renew the shop fronts, removing non-original stucco to reveal brickwork.
- 10.121 The Elder street warehouses would define the eastern edge of Plot S2 and the southern edge (the location of the existing gap site) would be defined by the proposed new four-storey building with a 9-storey element set back from the street. The height of the block on Fleur de Lis Street would reflect the adjacent Elder Street warehouse and the 1927 warehouse. The scale and form of the building and its detailed elevations design has gone through iterations in the pre-application stage including evaluation of retained facades and how may be integrated into the proposed building.

- 10.122 The increased massing would provide a transition between the lower elements of the application site to the east, and the taller elements towards the City. The transitions in scale across the plot are considered in the context of the main thoroughfares. The five-storey element of the Commercial Street properties responds to 5-6 storey development along that street. The scale of this element was amended at pre-application stage when a six-storey iteration was reduced to five-storeys. In addition, as the plot turns the corner onto Elder Street, the relationship with the retained Elder Street warehouses is key consideration. The roof scape of these warehouses would be retained at 4-storeys. It is considered the transition to the five-storey element at the corner of Commercial Street is appropriate with the façade of the existing Commercial Street building retained.
- 10.123 The transition between this element and the Elder Street warehouses would be mediated by the proposed entrance to the new 'Elder Passage'. This would be a suspended glazed 4-storeys element rising partly above the roofline of the Elder Street warehouses. The proposed glazing would provide a lightweight appearance and in terms of its scale should provide an acceptable balance between the Elder Street and Commercial Street elements of the proposal.
- 10.124 On the southern edge of the plot, the development would present 4-storeys on Fleur-de Lis Street. This is in the context of the taller 9-storey set back element. The 4 storey edge draws reference from the scale of the Elder warehouses and the 1927 warehouse and would be carried through to the west elevation defining the Nicholls and Clarke public space. As with the Commercial Street frontage part of the frontage onto the public space would incorporate the façade of the original building, at this location the western elevation of the 1927 warehouse. As explained this is earlier than the remainder of this warehouse which would be demolished. It is considered the retained warehouse would contribute to the character of this part of the public space. This was the subject of analysis during the pre-application and community consultation process.
- 10.125 The edges of the development would be in the context of the taller element of the plot which rises above the datum already discussed. This 9-storey element is an increase in scale over the existing situation. It is proposed as an integral part of the overall design and its positioning and elevation detail, along with the lower elements, are designed to form a comprehensive approach to the development of this plot. It is considered that it responds to the existing site circumstances, the surrounding site circumstances, and the opportunity for additional accommodation in the context of site constraints, in particular the significance of the Elder Street Conservation Area.

### **Summary**

- 10.126 The Elder Street Conservation Area, the Grade II listed carriageway of Fleur de Lis Street and the Scheduled Ancient Monument of St. Mary Spital are designated heritage assets. The site also contains a number of locally listed buildings. The proposed development has been designed with these assets in mind. It is the view of Council officers and Historic England that the proposals would preserve and enhance the historic environment including designated and non- designated heritage assets.
- 10.127 The majority of the buildings are vacant or underused and the proposal would bring them back into active use, creating a vibrant mix of uses in a sustainable and highly accessible location in the City Fringe.
- 10.128 The historic fabric would be retained in a number of locations and only buildings identified as being of 'low' historic value would be demolished. As none of the

buildings are statutorily listed the main value is in the contribution they collectively make to the character and appearance of the conservation area and the reminder they provide of the historical activities that occurred in this location. Through a combination of restoration, façade retention and rebuild, the historic significance of this area would be preserved.

10.129 Some harm has been identified in terms of the loss of No. 14 Norton Folgate and the contrast of taller building on Plot S2 in relation to the façade retention of the 1927 warehouse. However heritage benefits are also identified. These include the infilling of the vacant site on Plot S2, restoring the locally listed warehouses on Elder Street, removal of unsympathetic additions to the rear of the locally listed terrace on Folgate Street, the restoration of Nos. 15-19 Norton Folgate Street including better revealing the wash-houses at the rear, repairing and restoring the Blossom Street warehouse facades and restoring the 1887 warehouse. There are also a number of public spaces and new pedestrian routes being created through the site which would enhance the pedestrian experience, inviting greater numbers of people to appreciate the heritage.

10.130 In addition to the heritage benefits there are also benefits associated with the provision of housing including affordable housing, a significant uplift in employment floor space and improvements to the public realm including the introduction of one-way traffic along Fleur-de-Lis Street / Blossom Street and increased wheelchair accessibility by public realm improvements.

10.131 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer significant public benefits that decisively outweigh any less than substantial harm to the historic environment. Securing optimum viable use is only one matter that should be taken into consideration in assessing public benefits. The extant consent for redevelopment is also a material consideration.

## **Housing**

10.132 Increased housing supply is a key policy objective at local, regional and national levels. A key component of housing supply is the provision of affordable housing. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing be sought when negotiating on residential and mixed use schemes. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability.

10.133 Tower Hamlets Core Strategy Policy SP02 sets out the borough's affordable housing targets that 35-50% of homes should be affordable housing, subject to viability. The targeted tenure split within the affordable component is 70:30 (affordable rented: intermediate). This is reflected at Policy DM3 of the Managing Development Document 2013 which also sets out the requirement for maximising delivery of on-site affordable housing.

10.134 The policy aim of maximising the delivery of affordable housing is subject to financial viability. A full financial viability appraisal has been submitted with the application, prepared by the applicant's consultants FVA. This report identifies an existing use value for the site, assesses the development costs (including a developer's profit of 19.34%) and development value. The maximum level of affordable housing identified in the applicant's report is 26.8%.

- 10.135 The appraisal has been independently assessed by the Council’s viability consultants, GVA. Their assessment includes appraisal of the key assumptions which are the existing value of the site, build costs and market value of the development. GVA have carried out site visits to inspect the condition of the existing buildings, and met the applicant’s consultants. GVA conclude that the development can reasonably provide a maximum of 30% affordable housing.
- 10.136 GVA’s conclusions have been accepted by the applicants and the on-site affordable housing increased, with a ground floor 2-bedroom private unit changed to 3-bedroom affordable rent.
- 10.137 This amendment means that 28 habitable rooms are proposed within the rented tenure, 10 habitable rooms within the intermediate tenure and 87 habitable rooms of market accommodation. This totalling 30.4% affordable housing by habitable room. The rented accommodation would all be provided at borough framework Affordable Rent levels. These levels vary throughout the borough and are based on a percentage of local market rents which is considered affordable.
- 10.138 In this context the proposed affordable housing level is considered appropriate and represents the maximum viable level that can be reasonably supported by this development.
- 10.139 The tenure split within the affordable housing would be 63% affordable rent and 37% intermediate measured by unit. This falls between the Council’s Core Strategy target of 70:30 and the London Plan 2015 target of 60:40. Measured by habitable room the tenure split is a policy compliant 74:36.

#### Unit Mix

- 10.140 The NPPF (2012) seeks to deliver a wide choice of high quality homes, with a mix of housing based on current or future demographic trends, market trends, and the needs of different groups in the community. London Plan 2015 Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 10.141 Tower Hamlets Core Strategy states that overall 30% of all new housing should be suitable for family accommodation (3-bed plus), with 45% of rented accommodation being suitable for families. The Managing Development Document provides a detailed breakdown of size mix targets across the tenures. These targets are set out below, alongside the proposed unit mix for the development:

**Table 3: Proposed Unit Mix**

Unit Size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	1	14	30	2	50	25	7	24	50
2 bed	2	29	25	2	50	50	17	59	30
3 bed	4	57	30	0	0	25	5	17	20
4 bed	0	0	15	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>100</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>100</b>	<b>29</b>	<b>100</b>	<b>100</b>

- 10.142 The proportion of family units across all tenures would be 22.5% (9 units). This falls below the targeted 30% but is considered a reasonable proportion. Housing Strategy officers note that given the central location and limited surrounding open space this is not a location where a substantial proportion of family units should be focussed. In terms of the tenure-specific targets set out in Table 3, there would be a larger proportion (57%) of 3-bed family units in the affordable rent dwellings. This is supported by officers, and would be appropriate in addressing the high need for rented family units. 3-bedroom intermediate units have not been provided. It is acknowledged that high sales values in this area mean large intermediate units would not be appropriate. There is some variance in the proportion of 1 and 2-bedroom units, compared to the target levels. However, this is not excessive and overall the balance of 1 and 2-bedroom units is considered acceptable.
- 10.143 The proposed unit mix is considered acceptable in accordance with Core Strategy Policy SP02 and Managing Development Document Policy DM3.

### **Quality of Accommodation**

- 10.144 London Plan 2015 Policy 3.5 requires housing developments to be of the highest quality internally and externally. Designs should take account of factors relating to ‘arrival’ at the building and the ‘home as a place of retreat’, with adequately sized rooms and convenient and efficient room layouts.
- 10.145 The Managing Development Document Policy DM25 ‘Amenity’ requires development to protect the amenity of future residents and building occupants. This includes provision of adequate levels of daylight and sunlight, outlook and privacy. There should not be unacceptable levels of noise or vibration.
- 10.146 All the units meet, and in the majority of cases exceed, minimum space standards set out in the London Plan and Policy DM3 of the Council’s MDD. 26 of the 40 units would be dual aspect, 14 would be single aspect but none north facing. The four family sized units within the affordable rented tenure would separate living spaces from the kitchens.
- 10.147 Guidance on the assessment of daylight and sunlight and overshadowing of amenity space is provided by the British Research Establishment 2011 publication. Within their Environmental Statement the applicants have provided an assessment of the daylight and sunlight levels for the proposed accommodation. This has been reviewed by the Council’s consultants.

### Daylight

- 10.148 The assessment uses the Average Daylight Factor (ADF), the Daylight Distribution (DD) and the Room Depth criterion (RDC). The ADF is a calculation including the total glazed area, the area and use of a room, transmittance quality of the glazing and the reflectance within a room.
- 10.149 124 habitable rooms within the development were assessed. Of these 91 (73.4%) met or exceeded the recommended levels ADF. Of the remaining 33 windows, 14 would be combined living/kitchen/diners that meet the minimum ADF level (1.5%) for living rooms, but not the ADF level (2%) kitchens. The Council’s consultant advises and officers concur, that the most appropriate ADF level for these open plan areas is that applied to living rooms. These rooms would have good levels of daylight, and taking the above approach would meet recommended ADF levels.
- 10.150 Living / kitchen / diners on lower ground floor would have ADF levels of 0.9% and 1.0% respectively below the recommended standard (1.5%). This is a result of the large sizes of the combined use room and their lower ground floor location. The Council’s consultant has

advised that the rooms would have sky visibility to more than half their room area which will mitigate the impact to some extent. Furthermore, if considering the living areas of these L/K/D the daylight levels would be nearer compliance. These rooms would be served by large south facing windows onto a private terrace, and while the levels would be below the recommended ADF the living spaces are considered to be adequately lit considering the urban context within which this scheme is being developed.

- 10.151 The majority of the remaining habitable rooms that fall below the recommended ADF levels are on the western elevation of the building onto Blossom Street. This frontage is the most difficult in terms of daylight levels due to the width of the street and relationship between buildings on either side. Table 4 below identifies where 19 failures occur by room use and tenure.

**Table 4. ADF daylight failures by room use and tenure**

Market	Rented	Intermediate	Total
1 x LKD	1 x LKD	3 x LKD	5
	3 x Kitchen		3
11 x Bedroom			11
<b>12</b>	<b>4</b>	<b>3</b>	<b>19</b>

- 10.152 Where failures occur within the rented accommodation this is predominantly due to the inboard balconies within the design and the provision of this private amenity space needs to be considered within the daylight assessment of the units. The living / dining rooms of the three units that fail all comply with the required daylight levels so overall the quality of the accommodation within these units will not be significantly compromised by having reduced daylight levels into the kitchen.
- 10.153 The rented unit with the living / kitchen / dining room that fails is at lower ground floor level and is provided as a very generous living space in terms of room size. It also looks out over a private courtyard and as such it is considered that this would provide a suitable quality of accommodation for the future occupants of this unit.
- 10.154 The properties that would be single aspect west facing are within the private and intermediate tenures. Whilst they would be relatively poorly lit they would have generous internal space. The levels set out above are not uncommon in a dense urban environment. Given the inherent constraints of the units facing Blossom Street this is considered a reasonable balance albeit there is some failure to comply with the BRE guidelines that is adopted by MDD Policy DM25.

#### Sunlight

- 10.155 Sunlight assessment is based on Annual Probable Sunlight Hours (APSH). Only rooms within 90 degrees of due south are to be considered. As set out in the BRE guidance, *'in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of the day, but especially in the afternoon....It is viewed as less important in bedrooms and in kitchens where people prefer it in the morning rather than the afternoon.'*
- 10.156 The recommended level is for at least one window to a main living room to receive 25% of annual probable sunlight hours, including at least 5% of APSH in the winter months. The south and south-east facing dwellings would have reasonable levels of sunlight. There would be some living rooms below the recommended standards, with lower ground floor units having an APSH of 18%. This is due to their location with a lower ground floor courtyard. However, the levels are considered reasonable for this urban location.

- 10.157 There would be six living areas located behind recessed balconies with sunlight levels slightly below the recommended levels. This is a result of the provision of external amenity and is a relatively common relationship where balconies are provided. Occupants would be able to utilise the private balcony which would enjoy good levels of sunlight, and an acceptable level of sunlight overall should ensue for these units.
- 10.158 The Council's consultant advises that overall the sunlight levels to the development would be relatively good for this urban location. In this context sunlight levels are considered acceptable in compliance with MDD Policy DM25.

#### Privacy and outlook

- 10.159 The proposed building would have a footprint following the street layout, predominantly a U-shape. The residential accommodation would be predominantly located on upper floors where there is a separation distance from directly facing buildings of between 16 m. and 18 m. This would afford the majority of units a reasonable standard of accommodation in terms of privacy and outlook. The balconies have been designed to be inset rather than projecting from the building line in order to enable better light levels to be achieved within the properties but also to reduce the potential for overlooking. In a courtyard development such as this, projecting balconies can create overlooking across the space by bringing residents into closer proximity and also lead to the ability to look back from a balcony into a neighbouring property on the adjacent corner. The inset balconies therefore help to overcome a number of issues.
- 10.160 The treatment of ground floor accommodation has been in the context of its relationship with the street and providing an acceptable degree of protection to privacy whilst allowing for outlook. The traditional street pattern would be to have steps up to the main living room which would be in the front of the building, thus affording an element of privacy to buildings which would otherwise be situated on the pavement edge. However modern building standards promote level entrances from the street to ensure they are accessible for all. In this case whilst there would be units located at ground floor facing directly onto the street they are duplex units. The focus has been on locating bedrooms to ground floor street-facing locations, as these are least sensitive to privacy and outlook. The living rooms of the units which have bedrooms facing onto the street at ground level would be located on either the first or lower ground floors affording the main living spaces of these units good levels of privacy and outlook.

#### Wheelchair units

- 10.161 London Plan Policy 3.8 requires that 10% of all new housing is wheelchair accessible or easily adaptable. In this case four units would be provided as wheelchair accessible or adaptable, three in the private tenure and one affordable 2 bed rented unit. The layouts have been examined by the Council's Housing Team that advises they meet the required standard. A condition is recommended to require the rented unit to be delivered in its adapted form. The development therefore meets the requirements of London Policy 3.8.

#### Amenity Space

- 10.162 Amenity space to the residential block would comprise a central courtyard measuring 160 sq. m. This would provide a soft landscaped area including play equipment. The quality of the space has been assessed against BRE standards in terms of the amount of sunlight received. To provide an acceptable quality at least 50% of the amenity area should receive a minimum 2 hours of sunlight a day. The BRE standard would be exceeded.

- 10.163 MDD Policy DM4 and the Mayor's 'Housing' SPG 2012 set out amenity space requirements for development and can be split into private space, communal space and child play space. Private amenity space is required for all residential units at a rate of 5 sq. m. for 1-2 person dwellings and an extra 1 sq. m. for every additional occupant. In this case 13 units would have no private amenity space. Two would be within the affordable rented tenure, two within the intermediate tenure and nine within the market housing. Whilst this fails to meet requirements officers consider this an acceptable compromise in this instance. This is due to the location in the Elder Street Conservation Area and special attention has been paid to the design of the building to ensure it would be in keeping with its surroundings. The introduction of balconies on the outward facing elevations of the building would not be in keeping with the conservation area and would compromise its architectural success. The units which do not have a private balcony are large internally. The two rented units for example, exceed minimum internal space standards by 17 sq. m. and 32 sq. m. respectively. On balance, arrangements are considered acceptable.
- 10.164 Communal space should be provided at 50 sq. m. for the first 10 units plus 10 sq. m. for each additional unit. There is therefore a requirement for 80 sq. m. of communal space. A ground floor communal courtyard is proposed. Whilst some of this area would be needed for circulation it would provide a space of approximately 160 sq. m.
- 10.165 This space does however is also required to fulfil the role of child play space. The child yield for the development is estimated at 12 children in total - six under 5's, four 5-10 year olds and two 11-15 year olds. The GLA provides guidance on child play space and how far it is appropriate for children to travel for play areas. Given the City Fringe location, there is not a substantial amount of play spaces within the immediate proximity so the play space should be provided for the two younger age groups on site.
- 10.166 As older children can travel up to 800 m. from their home for play areas this puts Allen Gardens, Christchurch Gardens and Altab Ali Park on Whitechapel High Street all within an acceptable travelling distance. Both Allen Gardens and Altab Ali Park provide facilities for older children including kick-about areas / basketball hoops.
- 10.167 With the older children / teenagers being able to use other local parks the communal courtyard needs to provide 10 sq. m. of play space for each 0-10 year old as well as general communal amenity. In this case the child play space requirement is 100 sq. m. Therefore at around 160 sq. m the ground floor amenity space falls short by approximately 20 sq. m. This is a constrained site and there is little opportunity for increasing the amenity space within the development. Each family sized unit would have their own private amenity space and the flats are generally well proportioned internally. All tenures would have equal access to the communal courtyard. Whilst there would be minor conflict with MDD Policy DM4 and the Mayor's 'Housing' SPG 2012, on balance a shortfall of 20 sq. m. is not considered sufficient reason to refuse planning permission. Landscaping details would be reserved by condition to ensure some delineation with the space is conducive for use to both adult and child.

### **Microclimate**

- 10.168 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose.
- 10.169 The Environmental Statement accompanying the planning application reports wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting require a low wind speed for a reasonable level of comfort whereas more for transient activities such as



walking, pedestrians can tolerate stronger winds. Three assessments were undertaken for comparison purposes; existing site conditions; the development with existing surrounding site conditions and the development with cumulative schemes. The figures derived take no account of any landscaping within the site so are 'worst-case scenarios'.

10.170 127 locations within and around the site were tested for wind impacts. The roof top amenity spaces and the courtyard spaces within the buildings have also been tested.

10.171 When compared to the existing baseline conditions there would be a minor difference in wind conditions, predominantly on Blossom Street and north between Plots S2 and S1c where a number of receptors become one or two levels windier. In almost all circumstances the wind experienced would be commensurate with activities which would occur in that location.

10.172 There are a number of areas where the lowest wind criteria would be required to create successful amenity spaces. These include Blossom Yard (between Plots S1 and S1a), the courtyard within the residential block, roof top balconies and the pedestrianized area between Plots S1c and S2 where there would be seating areas for A3 uses. As these amenity spaces are unlikely to be used during the winter months attention has been paid to environmental quality during the summer.

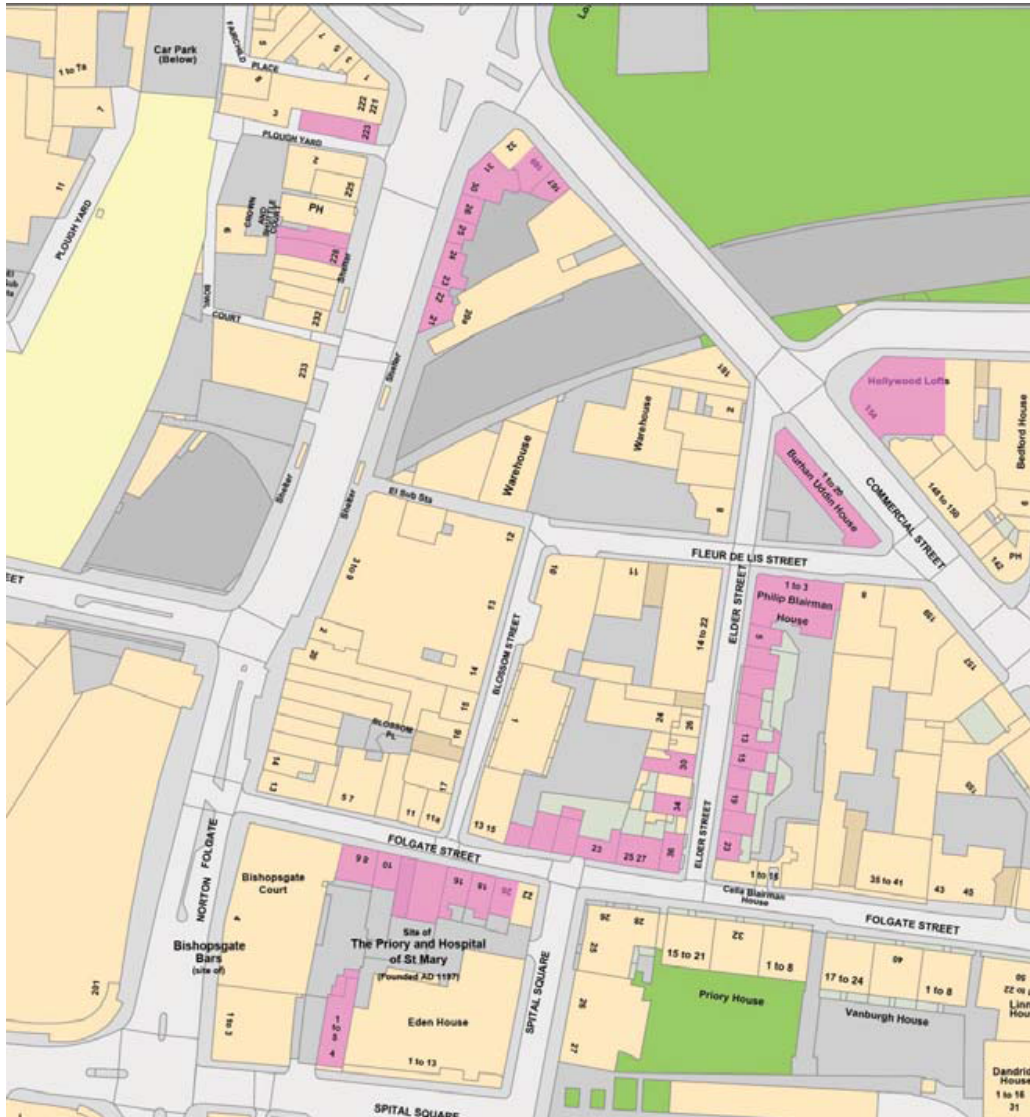
10.173 All the amenity spaces at roof level and within the courtyard of Plot S3 and Blossom Yard would be suitable for 'sitting' during the summer so no mitigation is required. There are however four positions within the northern pedestrian space (Nichols and Clarke Yard) which are only suitable for 'standing / entrance' during the summer. As the area shown on the ground floor plans is intended as spill out spaces for the ground floor cafes along this route it is assessed that mitigation will be required to ensure the space is suitable for 'sitting' during the summer months. As this is just one criteria lower on the Lawson scale, it is likely that minimal landscaping or low level screens around the seating areas will be sufficient to ensure the wind is reduced to an acceptable level. The details of this would be requested by condition. A condition could be imposed requiring details of mitigation measures to be submitted to and approved by the Council, and for the development to be carried out in accordance with the approved details.

## **Impact on neighbouring amenity**

### *Daylight and sunlight*

10.174 Core Strategy Policy SP10 protects residential amenity and MDD Policy DM25 requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook to adjoining property. Guidance on daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

10.175 The submitted Environmental Statement considers the impacts of the development and has been independently reviewed. The diagram below identifies the neighbouring residential properties. All of these highlighted in pink have been tested for potential loss of daylight, this equates to 32 properties or 450 windows. Those which face within 90 degrees of due south have also been tested for potential loss of sunlight.



10.176 The Environmental Statement initially identifies where properties meet both the VSC tests and the NSL tests i.e. no reduction or a less than 20% reduction of the former value. The following properties do not need to be considered further:

- 167 Commercial Street
- 169 Commercial Street
- 34 Elder Street
- 36 Elder Street
- 5 Elder Street
- 15 Elder Street
- 17 Elder Street
- 6/6A Elder Street
- 8 Folgate Street

- 10 Folgate Street
- 17/17A Folgate Street
- 19 Folgate Street
- 21 Folgate Street
- 23-27 Folgate Street
- 30 Shoreditch High Street
- 223 Shoreditch High Street
- 226 Shoreditch High Street
- 227 Shoreditch High Street
- 228 Shoreditch High Street
- 4 Spital Square

10.177 This leaves 12 properties which need consideration. Planning permission has been granted for the conversion of Nos. 24-28 Elder Street into five residential units, including a two storey mews development in the rear garden which faces towards Plot S3. This has not been implemented and so is not tested within the Environmental Statement however consideration needs to be given to the impact on the quality of accommodation for the future occupants of the development. The following section assesses the daylight impacts on each property.

#### *Burham Uddin House*

This building is located to the north east of the site and fronts Commercial Road. It contains 83 windows facing the application site. Of these 83, seven result in a reduction of VSC greater than 20%. The failures range from 25% to 35%, however the actual level of vertical sky (and therefore daylight levels) remaining to these units would be relatively good for an urban environment. For example, the greatest reduction felt by this property is 35.3% but the room would retain a VSC of 19.6%. The impact on this property is considered acceptable.

#### *154 Commercial Street*

This building is also located to the north east of the site, on the opposite side of the road to Burham Uddin House. 39 windows were tested. All passed the VSC test and one fails the NSL test with a loss of 27%. This is considered to be a negligible impact.

#### *30 Elder Street*

The rear of this property faces Plot S3 and forms part of the same urban block. The results show that the VSC levels would be maintained in accordance with the BRE guidelines and where there is one failure in NSL levels it is only by 21% (20% is not noticeable). Impact on this property would be negligible.

#### *3 Elder Street*

This property is at the junction of Elder Street and Fleur de Lis Street and faces the rear of Plots S1 and S1c, the tallest buildings within the development. 31 windows face the application site. Of these two fail the VSC test and would suffer a reduction of 25% and 22%. Three also fail the NSL test by 39%, 26% and 20.5%. All but one of these failures just exceeds the recommended 20% reduction and the one that experiences a higher reduction has a low existing daylight level where any alteration would result in a disproportionately high change. The impact on this property is therefore considered acceptable.

#### *7 Elder Street*

Located opposite the eastern elevation of Plot S3 this building has 11 windows that were tested, all pass the VSC test and one fails the NSL test with a reduction of 57%.

Whilst this seems like a substantial loss of daylight distribution within the room the VSC levels would remain at 26% which is good. On balance, the impact on this property is acceptable.

#### *9 Elder Street*

22 windows have been tested and all pass the VSC test, with three failing the NSL test. As per 7 Elder Street, the VSC level remains around 26% which is considered acceptable.

#### *11 and 13 Elder Street*

Of the 19 windows tested all meet the VSC tests and fail the NSL test on two occasions. The failures at 49.7% and 37.8% would be noticeable to the occupants of these properties, however the level of failure is predominantly a result of the already low levels in this property and any development would have an impact upon two affected rooms. As per 7 & 9 Elder Street, the VSC remains good at 26% and is therefore considered acceptable.

#### *12 and 14 Folgate Street*

These properties are opposite the Water Poet public house at the southern end of the site. 26 windows were tested, all pass the NSL test and one window fails the VSC test resulting in a reduction of 33%. However as the actual reduction is from 0.54 to 0.36 the actual difference this will make is negligible as the window is so poorly lit at present. The room in question is at basement level with the windows only partially visible above pavement level.

#### *16 Folgate Street*

12 windows were tested and all pass the NSL, as is the case with Nos.12-14 Folgate Street there is a room which suffers a significant loss of VSC (97%), going from 0.98 at present to 0.002. As this is the basement level of the building it is not considered to be an unacceptable impact.

#### *18 Folgate Street*

Only two rooms within the property fail the NSL standard experiencing reductions of 24% and 27% from existing. These rooms have low levels of existing daylight which exacerbates the percentage reduction. The development is therefore considered to have an acceptable impact upon the occupants of this property.

#### *31 Shoreditch High Street*

This building is located at the junction with Great Eastern Street north of the development. Six windows were tested and the results show a reduction in VSC of 23-26% in three of the windows but almost no loss in NSL figures. This is considered acceptable.

#### *Rear of 21-26 Shoreditch High Street.*

Eight windows were tested; two show reductions in VSC of 25.6% and 24% and minor reductions in NSL of 21.5% to two rooms. As the reductions are just over the 20% reduction permitted and the rooms will be left with daylight to more than half their area the impact on these properties is considered acceptable.

#### *24-28 Elder Street*

These properties are located closest to Plot S3. They are in office use; however have permission to be converted into five flats under PA/13/1155. 2 x two bedroom mews houses would face the application site and three flats would be located within the main building. The rooms within the main building would be unaffected by the change in built form, however the living rooms of the mews development at the rear

would see a reduction in NSL between 42% and 35%. Whilst this is a significant reduction the windows face directly towards the application site so any redevelopment of this site would affect the sky line available to this property. ADF levels would be only marginally affected so overall the level of daylight to these units would remain acceptable. Given that only two rooms would be affected and that the development has not yet been implemented, it is considered that the impact upon 24-28 Elder Street is acceptable.

### Sunlight

- 10.178 All windows in existing buildings which face within 90 degrees of due south have been tested for loss of sunlight. This involves calculating the annual probable sunlight hours (APSH) and working out whether the properties received 25% of this annually and 5% in the winter. A 20% reduction in these figures is considered acceptable under the BRE guidelines.
- 10.179 All the properties tested for sunlight, with the exception of Nos. 21-26 Shoreditch High Street would meet the sunlight standard either being left with adequate levels of sunlight or experience reductions no more than 20%.
- 10.180 At Nos. 21-26 Shoreditch High Street, three windows fail the winter assessment, being left with 3% sunlight hours but all three of these will be left with very good levels of annual sunlight that is substantially above the minimum recommended level. As such, the impact upon sunlight is considered acceptable.

### Cumulative effects

- 10.181 The Environmental Statement also examines the development in relation to other planned and approved developments which have the potential to cumulatively affect residential amenity. In this case, the two major additional schemes which may affect residential amenity in the vicinity are Principle Place and Bishopsgate Goodsyards. Both schemes include tall towers substantially larger than the application buildings. Principle Place has planning permission but is yet to be built and Bishopsgate Goodsyards is a current planning application being considered jointly by LB Tower Hamlets and LB Hackney.
- 10.182 Where effects on daylight and sunlight go from minor adverse to major adverse it is predominately as a result of the neighbouring developments and not from the subject application. It is therefore considered that the cumulative effects of the various developments would not be sufficient to refuse this application.

### Solar Glare

- 10.183 The development has been assessed in terms of potential for solar glare which can distract road users and cause a hazard. Assessments have been made from a number of viewpoints around the site, including north and south along Shoreditch High Street, south along Great Eastern Street and west along Fleur de Lis Street. In almost all instances the solar glare would be negligible.
- 10.184 However when travelling west along Fleur de Lis Street there is the potential for solar glare between 6 am and 9 am February to October and after 6 pm April – May. The angle of the glare can be mitigated by a driver's sun visor and as the traffic is relatively light and slow moving along Fleur de Lis Street it is not considered there would be an unacceptable impact.

### Other amenity considerations

10.185 MDD Policy DM25 also requires loss of privacy, noise and disturbance and the creation of a sense of enclosure or whether a development is unduly overbearing to also form part of the consideration as to whether a development will protect neighbouring residents.

#### *Privacy / sense of enclosure and overbearing*

10.186 The diagram above identifies adjoining residential properties. The closest are on the southern side of Folgate Street and Elder Street. The main bulk of the proposed development is to the north of the site at Plots S1, S1c and S2.

10.187 The southern flank of Plot S1 would be 43 m north of the nearest properties on Folgate Street. No. 3 Elder Street and Burham Uddin House are the closest properties at the northern end being 35 m and 32 m away from the taller part of S2 (i.e. the element that projects higher than the existing Elder Street warehouses).

10.188 Where the development is in close proximity to residential properties the general scale of development does not change. Along Folgate Street the locally listed buildings within Plots S1a and S1b would not have any increase in height so would have no more impact than currently. These would be used for commercial purposes (A1/ A3 at ground floor with offices above) so there is not considered to be an unacceptable loss of privacy.

10.189 On the northern part of Elder Street, the warehouses would be converted into offices. As on Folgate Street, the height would not be increased, nor would the potential for overlooking to neighbouring properties.

10.190 Plot S3 would contain the residential accommodation. Along Elder Street the existing built form would not be exceeded. The development would also maintain the existing footprint and not create any additional sense of enclosure to residents on the western side of Elder Street. Where development on Plot S3 would front Fleur de Lis Street an additional storey is proposed which would exceed the height of the current office building. These additional fourth and fifth floors would however be set back from the front and rear facades and only exceed the existing height of the plant on the building by 1 m. There would be approximately 20 m. between the south facing habitable rooms of S3 and the boundary with No. 24 Elder Street and it is considered that no significant overlooking would ensue to neighbouring development.

10.191 Along the western side of Plot S3 the height would increase compared to the existing building, this is due to the existing buildings being 1 & 2 storeys in height. At the north west corner of S3 the height would increase from 19 m. to 34 m. The main part of the building would be consistent with the rest of S3 which is 4 storeys; however along the western edge a 2 storey roof addition would be created. This would be recessed from the front and rear elevations and would be of lightweight appearance. Immediately to the south is a hotel development which has only obscure glazed windows looking out onto the site so there would be no impact to the south. The residents of the flats would be able to look eastwards towards the existing residents of Elder Street but at over 30 m away there would be sufficient separation not to result in any significant overlooking.

10.192 A roof terrace is proposed at 4<sup>th</sup> floor level at the rear (eastern side) of Plot S1 which would look out over the residential units of Plot S3. The extent of the terrace is however restricted and would not allow office workers to stand against the edge of

the building. The setback significantly reduces the ability to overlook the units within S3 to only views into the two top floor flats. As the distance between the two is approximately 18 m conditions would not be severe.

10.193 In conclusion, the majority of the proposed built form would be located away from neighbouring properties, close to the boundary with the City and the railway line. There is not considered to be any significant impact in terms of overlooking. As discussed in the design section, the height and scale of the buildings is considered acceptable. In amenity terms they are also considered acceptable and would not result in buildings that are overbearing in their immediate context and would not result in significant increase in the sense of enclosure experienced locally

*Noise and disturbance / light pollution*

10.194 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. The construction process would be carefully managed by the submission of a construction management plan secured through condition.

10.195 The site is located within the CAZ on the boundary with the City of London. The existing buildings have mostly been vacant for many years with a significantly lower than average level of activity than would normally be expected in such a location. As a result, redevelopment for residential, retail, restaurants and offices would result in additional pedestrian and vehicular activity in the area. This is welcomed as it would bring activity to a derelict area in the heart of London. It is not considered that a general increase in activity would have any significant unacceptable impacts on local residents. Conversely active ground floor uses, enhancements to the pedestrian environment along Blossom Street, improved pedestrian routes through the site and restrictions to the movement along Fleur de Lis and Blossom Street would provide significant enhancements.

10.196 A number of A3 (Restaurant) units are proposed on the ground floor. A condition is recommended to secure details of the means of ventilation and odour control. Limitations on opening hours are also recommended secured by condition. As a guide it is considered that the A3 uses should open until 11 pm and no later, with the outdoor area between Plots S1c and S2 being further restricted to closure at 9 pm. This would be consistent with the approach taken at Spitalfields Market. A condition is also recommended to ensure that no external music is played to further protect residential occupiers.

10.197 No details of the plant equipment required for the building have been supplied. A condition is also recommended requiring details to be submitted demonstrating that the plant equipment would not exceed 10dB below background noise levels when measured 1 m. from the façade of the nearest noise sensitive property.

10.198 There may be the potential for some light pollution to affect existing residents resulting from the office use particularly buildings on Plots S1, S1c and S2 as they would be taller than their surroundings. It is not reasonable to restrict the hours of operation of the offices in this central London location and it is not considered this would be an issue which would be significantly detrimental to neighbouring occupants as there are no properties which face directly towards these buildings, which are not otherwise obscured by other buildings. Notwithstanding this, it is considered reasonable to impose a condition providing details of lighting strategy. This would incorporate

details of both external lighting and internal lighting, including measures to ensure lights automatically turn off when not in use.

- 10.199 On balance and subject to conditions, it is considered the development would comply with Core Strategy SP10 and MDD Policy DM25 in that a satisfactory standard of amenity would ensue for both surrounding existing residents and future occupiers of the development.

### **Transportation and access**

- 10.200 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.201 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy 2010 states that the Council seeks to: *“Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.”* Policy SP09 provides detail on how the objective is to be met.
- 10.202 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.203 The application site has excellent public transport connections with a public transport accessibility level of PTAL 6b due to its close proximity to a number of public transport interchanges. These include Shoreditch High Street Overground station, approx. 320 m. to the north-east, Liverpool Street mainline and Underground stations approx. 570 m. to the south-west, Aldgate and Aldgate East Underground stations approx. 960 m to the south-east. There are 15 London Bus routes operating from the site.

### **Trip rates and Impact**

- 10.204 The submitted Transport Assessment estimates the development would generate 1,461 two-way person trips in the AM peak, and 1,334 in the PM peak. Of these car, trips are projected to constitute 9 and 8 trips for the AM and PM peaks respectively. This demonstrates that the development will be reliant on public transport as required by MDD Policy DM20 and the London Plan which prioritises public transport in central locations.
- 10.205 The Environmental Statement assesses projected trips generated for each mode of transport and impact on capacity.
- 10.206 The Underground the stations considered are Liverpool Street and Aldgate East. The projected generation is 386 and 357 two-way journeys in the AM and PM peaks



respectively. Across the 5 lines accessible from these stations this would represent between 0.3 and 3.2 additional passengers per train. This is considered a negligible effect on capacity.

- 10.207 National Rail journeys to and from Liverpool Street are projected to generate 370 and 394 two-way journeys in the AM and PM peaks. This represents from 1.9 (AM journeys out) to 11.6 (AM journeys in) additional passengers per train. The average capacity of a commuter train is 800 and would again be a negligible impact.
- 10.208 As these assessments are carried out against a present day baseline, impacts would be expected to lessen when Crossrail stations at Liverpool Street and Moorgate open in 2018.
- 10.209 Shoreditch High Street Overground Station is located approximately 300 m. to the north-east. The development would be expected to generate from 1.8 (AM journeys out) to 12.5 (AM journeys in) additional passengers per train. This would be less than 3% of capacity and should have a negligible impact
- 10.210 The Bus network would see an increase of between 0.2 and 1.0 additional passengers per bus. Again a negligible impact.
- 10.211 In this context the proposal should not have a detrimental impact on existing public transport facilities.

#### Car Parking

- 10.212 Core Strategy Policy SP09 (Creating Attractive Streets and Spaces) identifies the Council's priorities of providing safe, accessible and well-designed network of streets. Policy SP09.4 promotes car-free development and those that minimise car parking provision, particularly in areas with good access to public transport. As an office-led development within the CPZ in accordance with Policy SP09 there would not be car parking provided for the office component.
- 10.213 The residential component would provide 40 units and would include the provision of 7 residential car parking spaces located at basement level. Council policy is to support car-free development. Where parking is proposed the Council has maximum car parking standards to ensure development is not detrimental to sustainable transport modes. Appendix 2 of the MDD 2013 would seek a maximum of 5 parking spaces for the residential element. The London Plan 2015 stipulates a maximum of 1 space per unit, equating to a total of 40 parking spaces but aims for significantly less.
- 10.214 The Council's Highways Department do not support the provision of any spaces for car parking. However, given the proposed provision complies with the development plan's maximum thresholds and is a smaller number than the London Plan's maximum, it is not considered this would have a significant effect on the mode of transport of occupants of the development. In addition to the 5 basement spaces, two disabled parking bays would be provided. This addresses the requirement of London Plan. Policy 6.13 and addendum that seeks a minimum of 2 disabled parking spaces where off-street parking is provided. In this context it is not considered the provision of these basement spaces would have a significant impact on transport modes and is policy compliant.
- 10.215 The basement car parking would be accessed via a vehicle lift from ground floor level. The operation of the lift, including a 'swept path analysis' showing the access in and out is presented in the submitted Transport Assessment. The Council's

Highways Department objects to the use of a vehicle lift due to the potential for queuing on the highway. In assessing whether this is an acceptable aspect of the proposal Planning officers have given consideration to the capacity of the car park, 7 spaces. Whilst there may be occasions where a vehicle waits to enter the lift this is likely to be uncommon due to the small number of vehicles concerned. Further, operational measures would be in place including the default position of the lift to be at ground floor level, ensuring any occurrence of waiting is for the minimum time period. A condition is recommended to ensure this. In balancing the degree of impact this represents, and the benefits of off-street parking in respect of disabled provision, this is considered acceptable.

### Cycle parking

10.216 The 2015 London Plan introduced new cycle parking requirements. The Table below shows the requirement for this development based on the floor area / residential units proposed.

**Table 5. Cycle parking requirements**

Use	Long Stay	Short Stay
A1	4	9
A3 / A4	23	100
B1	386	16
C3	70	1
Total	480	115

10.217 Short stay cycle parking would be located at ground level on Norton Folgate and Fleur de Lis Street Four cycle stands are also identified within the Travel Plan within the S1 yard but are not shown on the application drawings. . It is recommended that these be secured by condition. The short stay spaces are all in the form of Sheffield Stands.

10.218 54 surface level short stay parking spaces are provided. This is below the 115 spaces required by the 2015 London Plan. However on balance this is considered acceptable due to the constrained nature of the site (i.e. only a small amount of public realm / narrow footways and grade II listed street) and the fact that overall, across long stay and short stay space, there is sufficient capacity for cycle storage.

10.219 Long stay cycle parking would be provided in the basement. Two stores would be provided under S1, two under S2 and two for the residential block under S3.

10.220 The residential cycle spaces would be accessed via lifts from within either the private or the affordable housing core. In total 80 cycle spaces would be provided which exceeds the residential standards.

10.221 For the development on Plots S1 and S2 there would be three separate entrances for cyclists, off Folgate Street, Blossom Street and Fleur de Lis Street. There is no lift access to the basement for cyclists but a gully would be provided adjacent to the staircase to enable cyclists to wheel their bikes down. In total 436 spaces would be provided which exceeds the long stay requirement for the commercial uses.

10.222 The cycle parking provision for the commercial uses would comprise Josta tiered stacks with a small number of Sheffield stands and lockers for folding bicycles. Whilst the preference is for Sheffield stands the size constraints of the basement

combined with the large number of cycle spaces required means it is not feasible for all cycle parking spaces to be Sheffield stands. The Josta stackers are considered an acceptable alternative as they do not require bicycles to be lifted into position.

10.223 Showers, changing facilities, lockers and drying facilities are included within the proposals providing one shower for every ten long stay cycle parking spaces and one locker for every long stay cycle parking space.

10.224 Overall the cycling provision for the development is considered acceptable.

#### Pedestrian Impacts

10.225 MDD Policy DM20 (Sustainable Transport Network) states that delivery of transport infrastructure and/or improvements identified as necessary should be delivered. Paragraphs 20.4 and 20.5 require Transport Assessments to set out measures to address impacts on pedestrian movement.

10.226 The impacts of pedestrian movements are assessed within the submitted Environmental Statement. These are tested against TfL's Pedestrian Comfort Assessment which provides a comfort level for footways from A (most comfortable) D (least comfortable) based on the pedestrians per hour. The TfL guidance recommends a comfort level of B+ for all areas. The Environmental Statement identifies the peak hour for pedestrian movements is 0800 am to 0900 am, with 951 pedestrians per hour, representing comfort level A. The proposal is projected to increase movements to 1,549 representing a level of A-. The cumulative assessment of pedestrian impacts projects that during peak hours the pedestrians per hour through the site would be 2,149 representing a comfort level of B+. These conclusions are supported by the Council's consultants.

10.227 The proposals are considered to have an acceptable impact on pedestrian comfort in line with TfL standards. The achievement of these levels would be dependent on the improved pedestrian environment to be delivered as part of the development. This includes increasing the permeability of the site with two new pedestrian routes provided - 'Elder Passage' would be introduced at Plot S2 and between Blossom Street and Norton Folgate/Shoreditch High Street. In addition the development includes widening of footways and the western side of Blossom Street.

10.228 At present the site is not particularly accessible for wheelchair users due to the narrow pavement widths and the number of dropped curbs along Blossom Street and Fleur de Lis Street. The development would remove all of the obsolete dropped curbs, allowing for a more accessible and pedestrian friendly environment.

10.229 The footway on the Norton Folgate / Shoreditch High Street frontage would be increased from 3.1 m. to 5.1 m. This would be achieved by creation of a colonnade at ground floor level with the width of the footway increased by the set back of the ground floor of the building within the applicant's site. The width of the existing vehicle loading bay on this frontage would also be increased. The treatment of this revised loading bay, including the provision of two disabled parking spaces, would be a level surface with the footway. This would associate the bay with the footway, as opposed to the highway and, would be available for use by pedestrians when the bay is out of operation. The loading bay would be out of operation during peak times, 0700-1000 am and 1600-1900 pm.

10.230 The proposed colonnade would be within the applicant's ownership with public access secured within the recommended legal agreement. The changes to the

loading bay, and creation of two disabled bays, lie outside the applicant's site boundary and would be part of the section 278 Highways agreement to be agreed with the LBTH Highways, and funded by the applicants.

10.231 These changes are considered beneficial to the use of the site by pedestrians. It is noted from the pedestrian flow analysis that there would be a notable change to pedestrian movements across the site due to the modest footfall through the site at present.

10.232 Overall the proposal is considered acceptable in terms of pedestrian use as required by MDD Policy DM20.

#### Delivery and Servicing

10.233 The projected delivery and loading trip generation is set out within the submitted Environmental Statement and amounts to 97 daily deliveries across the site. The bulk of this would be generated by the office accommodation (51 deliveries) and A3 uses (36 deliveries). Spread over a 13 hour period this amounts to approximately 7 deliveries an hour. The existing loading bay on Shoreditch High Street would be retained and widened to accommodate larger (7.5 tonne) vehicles, operational in off-peak hours. Smaller servicing vehicles would be accommodated on the north side Fleur-de-lis Street and at a relocated bay on the east side of Blossom Street. These would be the three primary locations for servicing and delivery supplemented by existing short stay loading bays on Elder Street and Folgate Street.

10.234 The continued use of the Shoreditch High Street bay is considered appropriate primarily serving the buildings fronting this street. The other two servicing locations are also considered appropriate and supported by the Council's Highways Department. The manoeuvrability of vehicles into and out of these three locations is assessed within the Transport Assessment and would adequately accommodate the proposed use and not detract from the operation of the highway. Part of the strategy around servicing provision along Fleur-de-lis and Blossom Street is related to the proposed changes to the operation of these streets from two-way traffic, to a one-way westbound. As a result of the widths of these streets the existing two-way flow contributes to congestion and disruption to the highway. The proposed change is supported by the Council's Highways Department and TfL.

10.235 An indicative Delivery and Servicing Plan has been submitted. It is recommended that a final document should be submitted for approval prior to occupation secured by condition.

#### Waste/Refuse Strategy

10.236 MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards. Each element of the development would be provided with waste storage areas, as well as waste holding areas for storage on collection days. These would all be in close proximity to on-street locations where refuse vehicles will arrive.

10.237 Commercial uses in the development would have twice weekly collections operated by a private contractor. Only the residential component of the development will be serviced by LBTH refuse trucks.

10.238 The capacity for waste and recyclables is in accordance with the Council's standards. Collection day storage locations would be within 10 m of refuse vehicle locations. The Council's Waste Officer is satisfied this would be an effective approach.

10.239 In of the highways impact from refuse vehicle movements, these involve existing routes used by refuse vehicles for existing homes and businesses. There would be an increase in movements, reflected in the reported trip generation routes but no significant impact on highways use.

#### Construction Impacts

10.240 The impacts of the construction phase of the development are set out in Vol. 3 of the Environmental Statement and the Transport Assessment. The demolition and construction phase is projected to last approximately 123 weeks, with the highest trip rates expected to be between weeks 32 and 36. During this period there would be approximately 80 HGVs arriving and leaving a week. This equates to 29 two-way movements (15 vehicles) a day or 3 two-way movements an hour.

10.241 The application is accompanied by a draft construction management plan setting out vehicle routes, operating hours, and noise and dust suppression measures. The proposed trip generation is considered acceptable and, subject to approval of a detailed Construction Management Plan the transport impacts during construction should not have a substantial impact on the operation of the surrounding highway.

#### Energy

10.242 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

10.243 London Plan 2015 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).

10.244 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:

- Be lean: Use Less Energy
- Be clean: Supply Energy Efficiently
- Be Green: Use Renewable Energy

10.245 Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2116. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

10.246 Core Strategy Strategic objective SO3 of the Tower Hamlets 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. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 10.247 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This has been amended to mean 45% above Building Regulations 2013.
- 10.248 In March 2015 the Government withdrew the Code for Sustainable Homes and made it clear that any policy relating to energy/carbon reduction should not require anything over the equivalent of defunct CFSH level 4.
- 10.249 In April 2015, the GLA released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.250 The applicants submitted energy strategy is anticipated to deliver a carbon saving of 659 tonnes CO<sub>2</sub>/Annum. Following the integration of energy efficiency measures and renewable energy technologies the carbon emissions of the proposals are anticipated to be 738 tonnes CO<sub>2</sub> per annum. Compared to the baseline of 1,379 tonnes CO<sub>2</sub> per annum, this represents a reduction of 47.1%.
- 10.251 This exceeds the requirements of MDD policy DM29 which is now interpreted as seeking a 45% reduction in CO<sub>2</sub> emissions against the 2013 Building Regulations.
- 10.252 The proposed strategy for the development incorporates waste heat recovery systems as the main heat source for hot water and space heating and a PV array. The submitted energy strategy is subject to change through the detailed design process and carries the disclaimer: '*This Energy Statement in support of planning has been generated at an early stage of design and therefore its findings are likely to change as the design progresses.*'
- 10.253 At present the scheme is compliant with both London Plan Policy 5.2 and MDD Policy DM29. However there is a concern that changes to the strategy could see the scheme fall beneath the policy. Accordingly, should permission be granted a condition is recommended that will require the implemented energy scheme to comply with the performance criteria of the submitted strategy or in default alternative details are submitted to the council for written approval.
- 10.254 The submitted Sustainability Statement identifies that the scheme is designed to achieve BREEAM 'Excellent' for all the large buildings (i.e. >500 m<sup>2</sup>) including all new builds and refurbished offices. In relation to the smaller retail units (i.e.<500 m<sup>2</sup>) the applicant is proposing to achieve BREEAM 'Very good.' This is considered acceptable due to the site constraints and re-use of buildings. It is recommended that these BREEAM ratings are secured by appropriately worded conditions.

### **Air quality**

- 10.255 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.256 London Plan Policy 7.14 requires development proposals to minimise exposure to poor air quality and address local problems, to promote sustainable design and construction and be at least air quality neutral. Core Strategy Spatial Policy SP03

adopts similar themes. MDD Policy DM9 requires major development proposals to submit an Air Quality Assessment demonstrating how it will prevent or reduce air pollution during construction or demolition.

- 10.257 The effect of the construction, demolition and operational phases of the proposed development on air quality has been assessed at a number of existing sensitive locations around the site and for future sensitive locations within the site. During the demolition and construction phase activities could generate dust emissions. Recommended conditions requiring the approval of Demolition and Construction Management Plans would ensure that mitigation measures are in place.
- 10.258 Environmental Protection advises that NO<sub>2</sub> levels at residential facades would be high. It is proposed that mechanical ventilation is employed. Whilst this would be acceptable where non opening windows are installed but when balconies are opened this would render the mechanical ventilation ineffective. Such conditions apply across much of the borough particularly in locations close to major road.
- 10.259 Once the development is operational, it would not result in any significant changes to traffic on the local road network that would give rise to any significant impacts on air quality. The transport emissions introduced by the proposed development would be below the benchmarks specified in the GLA's Sustainable Design and Construction SPG 2014 and site is considered to be Air Quality Neutral. The long term impacts of any additional emissions would be negligible and compliant with development plan policy.

### **Noise and vibration**

- 10.260 NPPF paragraph 123 requires planning decisions to aim to avoid noise giving rise to significant adverse impacts, to mitigate and reduce to a minimum noise from new developments including through the use of conditions whilst recognising that development will often create some noise. London Plan Policy 7.15 says development proposals should seek to manage noise by avoiding significant adverse noise impacts, to mitigate and minimise existing and potential adverse impacts of noise and improve the acoustic environment. Core Strategy Policy SP03 supports healthy lifestyles including by addressing noise impact particularly by managing the night-time economy. MDD Policy DM25 says development to seek to protect and where possible improve the amenity of existing and future residents by not creating unacceptable levels of noise and vibration.
- 10.261 An assessment of likely noise and vibration was undertaken as part of the Environmental Statement resulting from demolition, construction and operational plant and road traffic associated with the development.
- 10.262 Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. These levels may be exacerbated by cumulative noise effects from surrounding development sites. Management of sensitive receptors, auger piling, barriers and other mitigation measures would reduce noise and vibration levels as much as possible. Recommended conditions requiring the approval of Demolition and Construction Management Plans would ensure that mitigation measures are in place
- 10.263 During the operation phase, impacts from traffic noise is likely to be negligible and all fixed services plant would be controlled by recommended conditions to ensure acceptable noise limits.

10.264 An assessment of residential amenity for future occupiers of the development has been undertaken. This concluded that with mitigation measures in place (implementation of appropriate façades and control of plant noise emissions) there would be a negligible effect arising from the development.

10.265 It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

### **Contaminated land**

10.266 Due former industrial uses (Chemical Manufacturing - Chuck Lockett & Co, 10 Norton Folgate & 3 Spital Square and adjoining railway tracks which contained coal yards the site could be contaminated. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated investigation is recommended in accordance with Policy DM30 of the Managing Development Document 2013.

### **Flood risk**

10.267 The NPPF states that the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'

10.268 The Environment Agency Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The Environmental Statement finds that the site has a low probability of flooding from all other potential sources including groundwater and surface water. The application is not referable to the Environment Agency.

10.269 The National Planning Practice Guidance confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state.

10.270 The development is compliant with national and development plan policy concerning flood risk.

### **Biodiversity and ecology**

10.271 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.



10.272 The site currently has limited ecological value. A bat survey and emerging species survey have been carried out. The results of these surveys will be used to ensure that these and other significant ecological species and features will be protected and habitat provided where appropriate. There would be no net loss in the quality and quantity of biodiversity.

10.273 A specialised and qualified ecologist would undertake a full site assessment prior to site works to identify the full ecological importance of the site. Any recommendations would be used to support the biodiversity on site and will lead to an overall net increase in species density compared to current conditions.

10.274 During the construction phase a Biodiversity Champion would be appointed to monitor and limit environmentally detrimental activities. They would also train the workforce on the project to raise their awareness of environmental impacts.

10.275 The proposed development would include soft landscaping, open spaces and green roofs and it is anticipated that the planning strategy for these spaces will enhance biodiversity consistent with the development plan.

### **Community Infrastructure Levy and Planning Obligations**

10.276 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.277 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development

10.278 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

10.279 On 25<sup>th</sup> February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.280 The introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8<sup>th</sup> April 2015 that was carried out between the 27<sup>th</sup> April 2015 and the 1<sup>st</sup> June 2015 in line with the Council's Statement of Community Involvement.

10.281 The boroughs four main priorities remain:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

10.282 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.283 The residential element of the development is predicted to have a population yield of approximately 82. Of these 12 would be aged between 0-15. This would generate a need for 5 primary school places and 2 secondary school places. The development is also predicted to generate around 2,400 jobs compared to around 200 at present. The development would therefore place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.284 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)\* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

\* Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements and site specific carbon reduction measures/initiatives.

10.285 The applicant has agreed to the following financial contributions to the borough:

- (a) £428,097 towards providing employment & training skills for local residents
- (b) £3,000 towards monitoring and implementation (based on a charge of £500 per principle clause)

10.286 The applicant has also agreed 30.4% affordable housing by habitable room with a tenure split of 63/37 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently assessed tested and is considered to maximum viable affordable housing levels in accordance with relevant policy.

10.287 The applicant has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and a travel plan.

10.288 It is considered that the proposed legal meets the CIL Regulation 122 tests for being necessary to make the developments acceptable in planning terms, directly related to the schemes, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

### **Other Local Finance Considerations**

#### Section 70(2)(b) of the Town and Country Planning Act 1990

10.289 As noted above Section 70(2) of the Act provides that in dealing with a planning application a local planning authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and
- Any other material consideration.

10.290 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” include New Homes Bonus.

10.291 Local finance considerations are to be taken account when determining planning applications or planning appeals.

10.292 As regards to the Community Infrastructure Levy, the London Mayoral CIL was introduced on 1<sup>st</sup> April 2012 and is estimated at £1,342,635 for this scheme.

10.293 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” April 2013.

10.294 In this case the Crossrail contribution would be £4,374,570. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.

10.295 The New Homes Bonus (NHB) was introduced by the Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period. For the first year the NHB is expected to be in the region of £57,153 and over the six year period around £342,917.

10.296 The application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule.

The estimated Borough CIL for this development is approximately £3,989,829 of which £99,593 is likely to be the social housing relief. The resulting CIL is £3,890,236.

### **Human Rights Act 1998**

10.297 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

10.298 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

10.299 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

10.300 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.301 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.302 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country.

### **Equalities Act 2010**

10.303 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy

and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.304 The following issues arising from the development are relevant to equalities:

- The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities
- The proposed affordable housing would support community wellbeing and social cohesion
- The development allows for an inclusive and accessible environment for less-able and able residents, employees, visitors and workers.
- Conditions are recommended to secure disabled parking and wheelchair adaptable/accessible homes
- The public realm works and improvements to the highways & footways would improve disabled access around the site benefitting both occupants and employees of the development and the wider general public.

10.305 It is the view of officers that the grant of planning permission would advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.

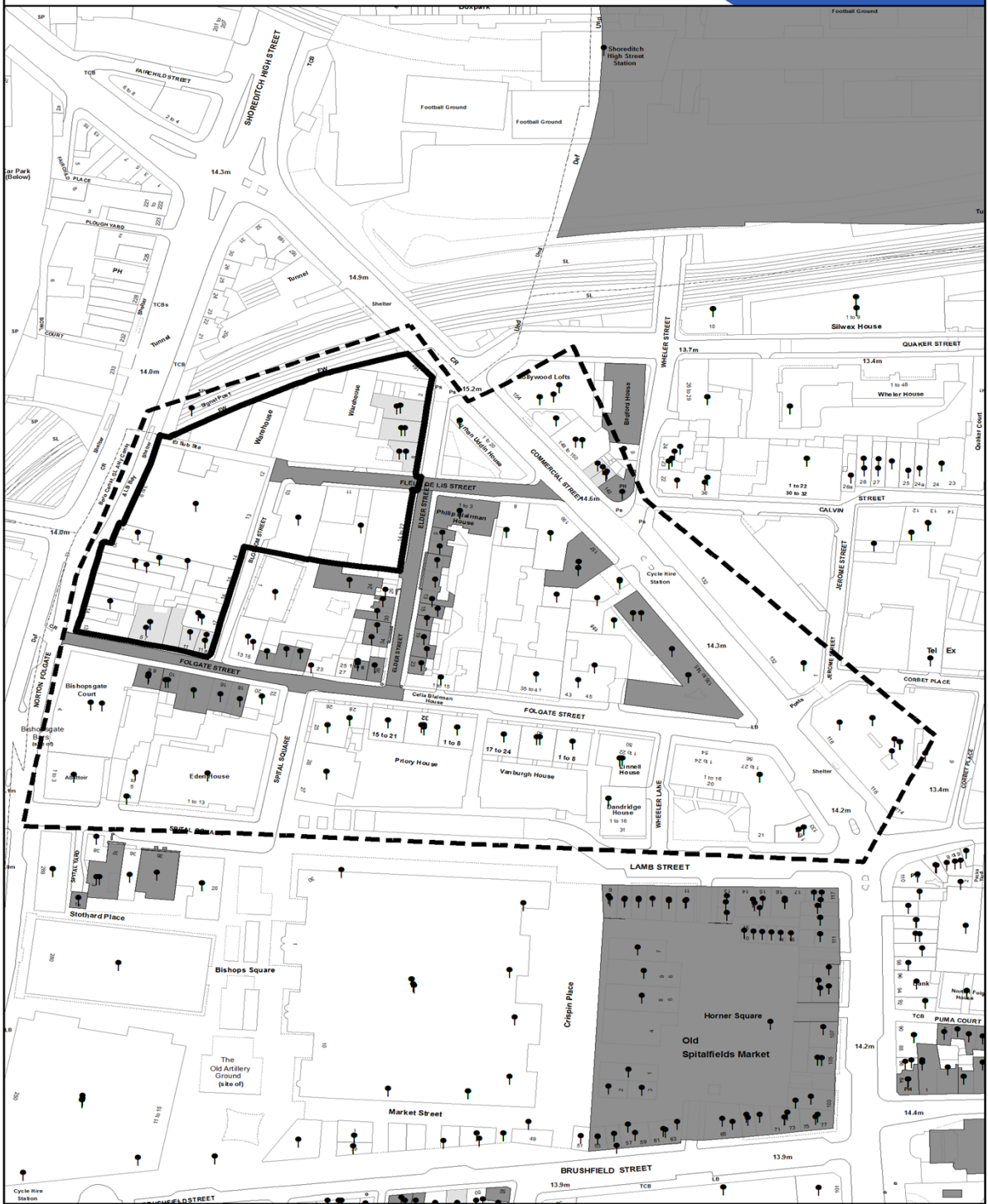
## **11 Conclusion**








11.1 All relevant policies and considerations have been taken into account. The scheme would amount to sustainable development as set out in the NPPF. The fabric and setting of the grade II listed Fleur de Lis Street carriageway would be preserved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The character and appearance of the Elder Street Conservation Area would be both preserved and enhanced in accordance with section 72 of the Act. Scheduled Ancient Monument has been granted by the Secretary of State. Whilst in some instances less than substantial harm to designated heritage assets has been identified this would be outweighed by the public benefits that would ensue.

11.2 The proposal complies with the development plan when considered as a whole. In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission and listed building consent should be granted for the reasons set out and the details of the decisions set out in the RECOMMENDATIONS at the beginning of this report.

# Planning Application Site Map

## PA/14/03548



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:2,200
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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