

Committee: Development	Date: 8 June 2016	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Esha Banwait	Ref No: PA/16/00065
	Ward: Spitalfields and Banglatown

1.0 APPLICATION DETAILS

Location: 34-41 Folgate Street, London, E1 6BX

Existing Use: Officer (B1 Use)

Proposal: Refurbishment and reconfiguration of existing use B1(a) Office, with rear extension to provide additional office floorspace, new roof to refurbished courtyard and formation of new use class A1 unit, fronting Folgate Street alterations to elevations.

Drawings: 2048_X_GA(B1)01_PL REV. P02; 2048_X_GA(00)01_PL REV. P02; 2048_X_GA(01)01_PL REV. P02; 2048_X_GA(02)01_PL REV. P02; 2048_X_GA(03)01_PL REV. P02; 2048_X_GA(04)01_PL REV. P02; 2048_X_GA(05)01_PL REV. P02; 2048_X_GE(EA)01_PL REV. P02; 2048_X_GE(NO)01_PL REV. P02; 2048_X_GE(SO)01)PL REV. P02; 2048_X_GE(WE)01_PL REV. P02; 2048_X_GS(AA)01_PL REV P01; 2048_X_GS(BB)01_PL REV. P01; 2048_X_GS(CC)01_PL REV. P01; 2048_X_GA_(SP)02_PL REV. P01; 2048_X_GA(B1)02_PL REV. P03; 2048_X_GA(00)02_PL REV. P03; 2048_X_GA(01)02_PL REV. P03; 2048_X_GA(02)02_PL RV. P03; 2048_X_GA(03)02_PL REV. P03; 2048_X_GA(04)02_PL REV. P03; 2048_X_GA(05)02_PL REV. P03; 2048_X_GE(EA)02_PL REV. P03; 2048_X_GE(NO)02_PL REV. P03; 2048_X_GE(SO)02_PL REV. P03; 2048_X_GE(WE)02_PL REV. P03; 2048_X_GS(AA)02_PL REV. 02; 2048_X_GS(BB)02_PL REV. P02; 2048_X_GS(CC)02_PL REV. P02; 2048_X_GA(BA)03_PL REV. P01, 2048_X_GA(00)03_PL REV. P01; 2048_X_GA(01)03_PL REV. P01; 2048_X_GA(02)03_PL REV. P01; 2048_X_GA(03)03_PL REV. P01; 2048_X_GA(04)03_PL REV. P01; 2048_X_GA(05)03_PL REV. P01.

Documents: - Design & Access Statement (8 January 2016);

- Daylight and Sunlight Report (January 2016);
- Flood Risk Assessment (13 November 2015);
- Transport Statement (January 2016);
- Planning Statement (January 2016);
- Biodiversity Survey (December 2015);
- Construction Management Plan (January 2016);
- Energy Strategy (December 2015);
- Historic Building Report (January 2016);
- Historic Environment Assessment (October 2015);
- Plant Noise Assessment Report (8 January 2016);
- Statement of Community Involvement (8 January 2016);
- Structural Stage 3 Report (14 December 2015);
- Sustainability Statement (15 December 2015);
- Servicing and Refuse Collection (March 2016)

Applicant: Stargas Nominees Limited & Beegas Nominees Limited as trustees

Freeholder: EDF Energy Plc; London Borough of Tower Hamlets Highways Authority; Stargas Nominees Limited; Beegas Nominees Limited

Historic Assets: Site is within:

- Elder Street Conservation Area

Site includes:

- 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, Wheeler Street.
- Grade II listed carriageways of Folgate Street & Elder Street.
- Locally listed buildings Nos. 144-146 Commercial Street.
- Scheduled Ancient Monument of St. Mary Spital

2.0 EXECUTIVE SUMMARY

2.1 This report considers a planning permission application for the comprehensive refurbishment, and internal reconfiguration works for the existing office five storey office building (B1 use) located at 34-41 Folgate Street.

- 2.2 The proposal seeks to increase and enhance the existing office space whilst providing a well-designed building façade fronting onto Folgate Street. The new façade is considered to sympathetically respond to its historical context and setting by way of detailed design and materials resulting in a significant improvement to the site frontage, the streetscape of Folgate Street and consequently the Elder Street Conservation Area.
- 2.3 The proposed refurbishment and extension works are considered to be respectful of its local context and the proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.
- 2.4 In land use terms the proposal is considered acceptable and the proposed development positively contributes to the local economy as it facilitates an increase in the overall employment within the City Fringe OAPF and the Central Activities Zone which complies with the objectives of these land-use designations. The proposed retail (coffee shop) component is considered to compliment the office use given the small size of this retail unit.
- 2.5 Officers consider that any adverse heritage impacts, are minor and of a less than substantial harm. Officers have assessed what harm there is by giving it the requisite importance and weight to it in accordance with the relevant legal and planning policy framework as set out in more detail later on in this report. Ultimately, Officers find that the harm would be considerably outweighed by the heritage and public benefits of the scheme.
- 2.6 The scheme, overall, would deliver a net benefit in heritage terms, enhancing the site's presence along Folgate Street and within the Elder Street Conservation. The proposed scheme seeks to remodel the existing façade fronting on Folgate Street and create an integrated and a connected office layout within Folgate Court. The resultant scheme is considered to enhance and preserve the appearance of the Elder Street Conservation, its historic setting and the surrounding Grade II Listed assets.
- 2.7 The application site is located within a dense urban environment comprising a number of residential dwellings that are situated in close proximity to the site, however, subject to conditions, there the amenity of surrounding residents is not considered to be unduly affected by the proposed development.
- 2.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

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

The prior completion of a legal agreement to secure the following planning obligations:

Financial contributions:

Total financial contribution: £92,830 (subject to indexation) plus monitoring contribution.

3.3 Conditions:

- a. Time Limit 3 years;
- b. Compliance with plans and documents;
- c. Opening hours of coffee shop (use class A1) restricted to 07:00 – 18:30 Monday to Friday.
- d. Artificial lighting spillage maximum levels (post curfew);
- e. no access to the roof areas at rear other than for maintenance;
- f. Overlooking mitigation measures
- g. Technical specification and noise output of all plant and mechanical equipment, including details of visual and acoustic screens;
- h. Servicing and Waste Management Plans for the office and coffee shop;
- i. Construction Logistics Plan and Construction Management Plan;
- j. Travel Plan for office use and retail use;
- k. BREEAM Excellent, Sustainability & Energy Statement Compliance, details of PV array;
- l. Biodiverse roof and sustainable drainage provisions;
- m. Details of 50 cycle spaces, changing rooms and showers;
- n. Details of all demolition, construction and alterations works including full schedule of features to be reinstated, retained and relocated
- o. Samples and details of all external materials, including brick samples (provided on site), shopfronts, fenestration, doors. Detailed drawings of any new and reinstated features;
- p. Removal of permitted development rights for any alterations works, erection of structures or boundary enclosures, no painting of brickwork or masonry.

3.4 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site relates to 'Folgate Court' which comprises of three amalgamated office blocks (B1(a) use) situated around a central courtyard. The site fronts onto

Folgate Street and is also currently accessed via Folgate Street. Each of the four office blocks that form the application site comprise separate cores which are accessed via the central courtyard.

- 4.2 The application site is 0.3ha. 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 High Street to the north and Bishopsgate to the south.
- 4.3 The application site also sits within the Central Activities Zone (CAZ), the London Plan Tech City & City Fringe Opportunity Area and abuts the Bishopsgate Road Corridor Employment Area.
- 4.4 Folgate Court currently comprises of a collection of three to five storey building blocks. The five storey building block has a modern facade fronting Folgate Street.
- 4.5 The site was originally developed as brewery in the 18th century, which was later replaced by warehouse building in the late Victorian period. Historically, the site was in industrial use which was replaced with offices in more recent years (1990s).



Figure 1 – photograph of the site as existing and a bird's eye view of the application site

- 4.6 The site is located within the Elder Street Conservation Area which is a designated heritage asset and recognised as one of the most significant Conservation Areas within the Borough. The local townscape is of important historic character with a large number of Grade II listed assets within the vicinity of the application site as shown on the below plan.
- 4.7 To the east is 135-153 Commercial Street, which turns the corner into Folgate Street and adjoining 45 Folgate Street, adjacent to the site, and to the west (on the south side of Folgate Street) is nos. 6-8, 10-18 and on the north side of Folgate Street) is nos. 17-21 and 27 which are Grade II Listed. At the junction of Elder Street of Folgate Street are two Grade II Listed cast iron cannon bollards. To the west of the side, there are a number of Grade II Listed buildings along Elder Street, on the west side nos. 32 & 34, 28 & 30 and 26, and on the east side Nos. 23, 19-21, 17, 15, 9 and 11, 5 and 7. Additionally, Nos. 1 and 3 Fleur de Lis Street are also Grade II Listed. Heritage assets in the vicinity of the application site also include the Grade II Listed cobbled road surface of Folgate Street and Elder Street.

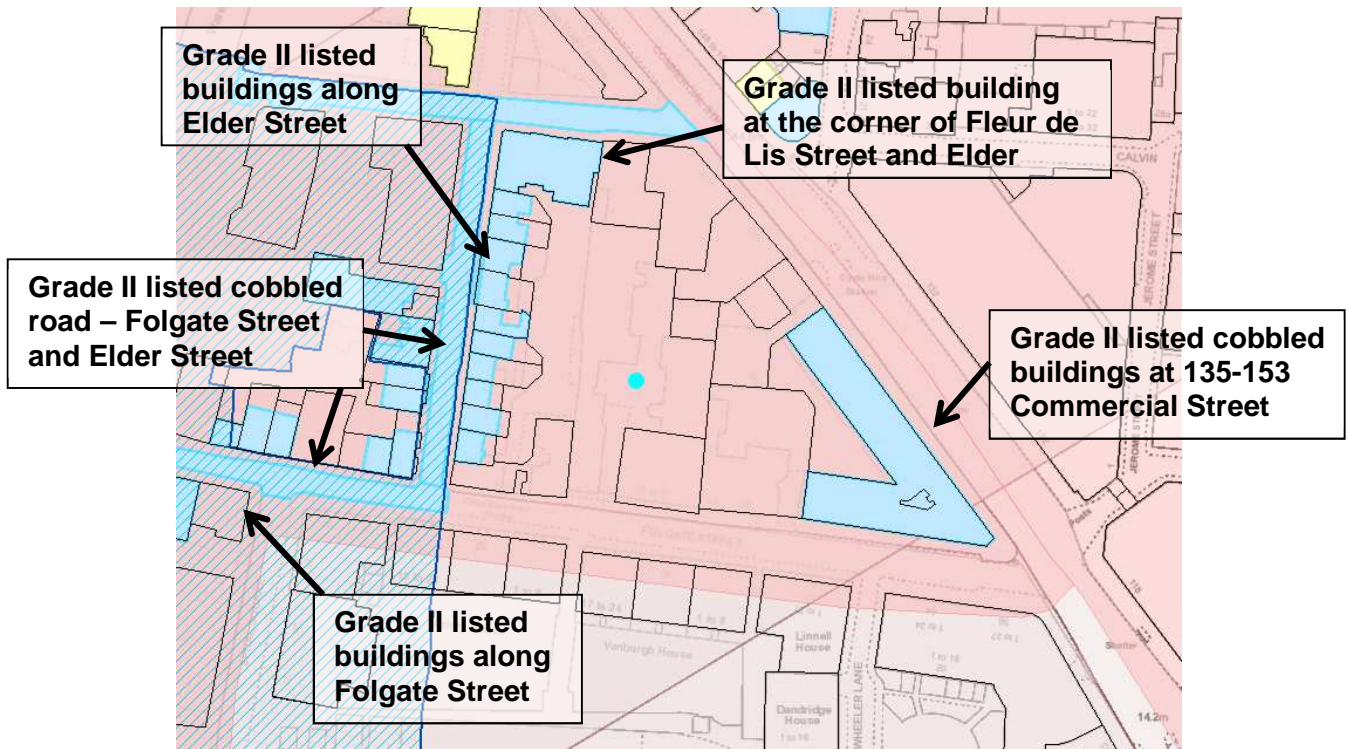


Figure 2 – location of the application site in relation to heritage assets. The extent of the Elder Street Conservation Area has been highlighted in a pale colour. Scheduled Ancient Monuments in indicated in blue hatching.

- 4.8 The local area, in particular the south side of Folgate Street is typically characterised by a terrace of properties in the ‘Arts and Crafts’ style circa 1904. These are well maintained, good examples of this period and currently occupied. At ground floor nos. 5-7 Folgate Street is a dental clinic and immediately adjacent at the corner of Folgate Street and Blossom Street is the ‘Water Poet’ Public House which has office accommodation above. These buildings are all locally listed.
- 4.9 Folgate Street is an LBTH adopted highway and the site benefits from excellent public transport accessibility (PTAL of 6b) as it is within walking distance of Liverpool Street Underground Station, Shoreditch High Street Overground Station and number of bus routes and cycle hire docking stations along Commercial Street and Bishopsgate/Norton Folgate. 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.

Background and Planning History

- 4.10 This site has an extensive planning History. Relevant planning consents for the site include:
- PA/57/00073: planning permission granted on 13th of June 1957 for the erection of a warehouse with ancillary offices at 39-41 Folgate Street.

- PA/57/00075: Planning permission granted on 8th of August 1957 for the erection of the building comprising a ground and first floor warehouse with 2nd and 3rd floors for light industrial use at nos. 39-41 Folgate Street.
- PA/57/00076: Planning permission granted on 16th of December 1957 for the erection of the building comprising a ground and first floor warehouse with 2nd and 3rd floors for light industrial use at nos. 39-41 Folgate Street.
- PA/63/00061: Planning permission granted on the 16th of November 1963 for the erection of a building comprising part basement, ground and three upper floors on the site of no 35-37 Folgate Street and for its use as a warehouse with ancillary office.
- PA/80/00116: Planning permission refused on the 6th of June 1980 for the change of use to offices.
- PA/80/00115: planning permission granted on the 5th of August 1980 for the use for storage, bleaching, packing and testing of tea and for office purposes.
- BG/93/00016: Planning permission granted on the 20th April 1993 for the change of use of part of second and whole of third floor to business use.
- BG/94/00012: planning permission granted on the 18th of February 1994 for the change of use of ground floor of 34+41 and first and second floors of 39-41 to business use (B1) and/or storage uses (B8).
- PA/99/00264: Planning permission granted on the 16th of November 1999 for the erection of fourth floor addition and alterations to the existing retained building (fronting Folgate Street), and the erection of 2 no. three storey (Class B1) buildings to the rear of the site.
- PA/99/00265: Planning permission granted on the 16th of November 1999 for the demolition of buildings and structures to the rear of no. 35-41 Folgate Street.
- PA/00/00910: Planning permission granted on 5th of December 2000 for the retention of the existing rear means of escape stair tower and the enlargement of the approved fourth floor extension (as an amendment to the planning permission dated 16th of November 1999 ref: PA/99/00264).

4.11 Relevant planning history for the surrounding area include:

45 Folgate Street

- PA/15/00074: Planning permission granted on the 13th of March 2015 for a rear extension to the existing office building at ground to fourth floor level, together with alterations to front and rear facades and the replacement of the mansard roof.
- PA/14/03548: Planning permission refused on the 21st July 2015 for the redevelopment of the site to provide a mix of uses including 40 homes. This application was refused on the basis of lack of affordable housing provision and detrimental impacts on the Elder Street Conservation Area.

Tune Hotel, 13-15 Folgate Street

- PA/14/00760: Planning permission granted on the 11th March 2015 for a rear extension to facilitate an additional 31 hotel rooms.

Site bounded by Norton Folgate, Fleur de Lis Street, Blossom Street and Folgate Street, Norton Folgate, E1

- PA/10/02764: Planning permission granted on the 5th October 2011 for the redevelopment of the former Nicholls and Clarke site and adjoining depot site for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height measuring 48.40m AOD (plus plan), to provide approximately 18,775 sqm of B1 (Office); approximately 1816 sqm of A1 (retail) and A3 (restaurant) and approximately 663sqm of A4 (Public House), together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed offstreet servicing and parking facilities.

5-7 Folgate Street

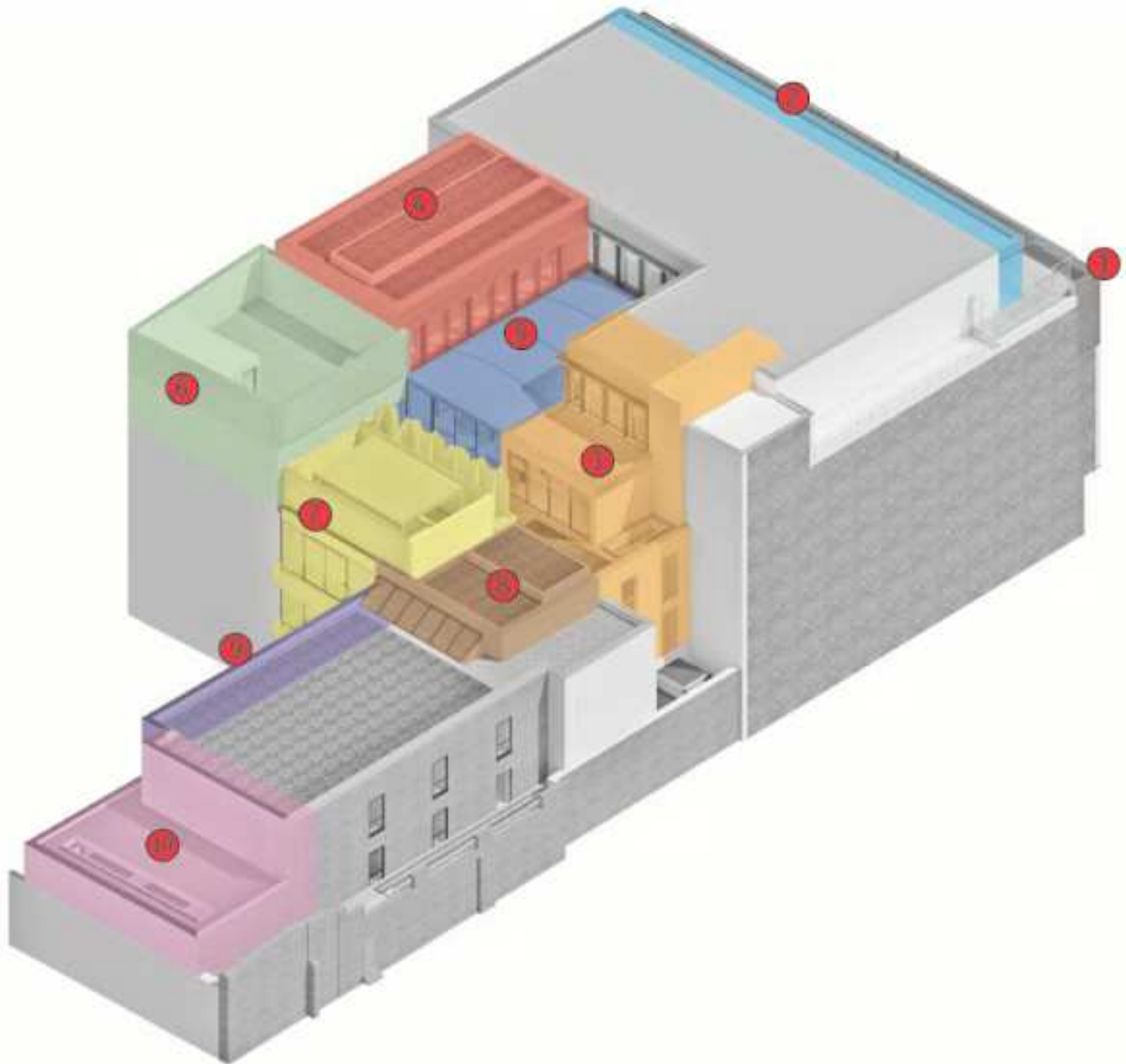
- PA/09/01671: Planning permission granted on the 1st of December 2009 for the change of use of the ground floor unit from B1 office to D1Cosmetic Clinic.

Proposal

- 4.12 The application proposes a comprehensive refurbishment of the existing office buildings that form part of Folgate Court and reconfiguration works to create more efficient internal office space. The proposal also includes in the construction of one to three storey vertical extension of the existing buildings situated around the central courtyard facilitating an uplift of 916sqm of office floor space. The proposed extensions typically seek to match the existing five storey height of the primary building fronting on to Folgate Street.



Existing massing



Proposed massing

1. *New brick façade*
2. *Level 4 office extension (500mm to south)*
3. *Level 1 to level 4 office extension*
4. *Level 3 and 4 office extension and new green roof*
5. *ETEF roof at level 4 over ground floor courtyard*
6. *Level 3 office extension and level 4 plant*
7. *Ground to level 2 office extension and level 3 plant*
8. *Small roof extension and skylight*
9. *Ground to level 2 office extension and new green roof*
10. *Ground and level 1 office extension*

Figure 3 – schematic Birdseye view of the existing and proposed building height and massing.

4.13 The proposed works allow for the refurbishment and reconfiguration of the existing central courtyard in order to facilitate an integrated internal office layout by interlinking the four office buildings that form part of Folgate Court. The new central courtyard would function as the focus point with existing and proposed officer space reconfigured to sit around this space.

- 4.14 The reconfigured courtyard will also comprise of a new transparent roof creating a central atrium whilst facilitating communal amenity/social space for Folgate Court that can be enjoyed in all seasons. The roof canopy will not protrude or extend beyond the existing building height on site.
- 4.15 The central courtyard will continue to be accessed via the main entrance located on Folgate Street and will also provide access to a small garden area located along the northern end of the site which is proposed to be re-landscaped to provide an enhanced green open space serving the office development.
- 4.16 In addition to the proposed increase of office (B1(a) use) floorspace, the scheme also seeks to include 67sqm coffee shop (A1 use) to be used by an independent operator. This component of the scheme will be located at ground floor level fronting immediately adjacent to the primary building entrance, fronting onto Folgate Street. The proposed coffee shop would be accessed directly off Folgate Street or via the proposed sliding doors to be located on the western side of the building entrance passage.
- 4.17 The proposed scheme also involves in the replacement of the existing primary façade of Folgate Court which fronts onto Folgate Street. The proposed replacement building façade is shown below:



Existing Façade



Proposed Façade

Figure 4 – Existing site fronting onto Folgate Street and artist impression showing the proposed scheme.

- 4.18 The proposed scheme also seeks to provide a total of 50 secure cycle parking spaces, provision of biodiverse green roofs and an improved building performance achieving BREEAM excellence.

5.0 POLICY FRAMEWORK

5.1 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:

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan (MALP 2015)

2.10 Central Activities Zone (Strategic Priorities)
2.11 Central Activities Zone (Strategic Functions)
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
6.9 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

5.4 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

5.5 **Managing Development Document 2013**

DM1 Development within the Town Centre Hierarchy
DM2 Local Shops
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

5.6 **Other Material Planning Documents**

- 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
- 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

6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application. The responses are summarised below.

LBTH Environmental Health – Noise

6.3 No comments received.

LBTH Biodiversity

- 6.4 The site has no significant existing biodiversity value, and the buildings are not suitable for bats. There will, therefore, be no significant adverse impacts on biodiversity. Sedum roofs are proposed for a large proportion of the buildings which could benefit to biodiversity if best practice guidance is followed. Full details should be secured via condition.

LBTH Energy & Sustainability

- 6.5 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO₂ emission reductions in accordance with policy DM29 of the Managing Development Document 2013 requirements. It is recommended that the proposals are secured via appropriate conditions.

LBTH Waste

- 6.6 No objections.

LBTH Highways

- 6.7 There are no objections in principle to the proposal. However, further information is required before the application can be approved by the Highways Group. The proposal is for 50 spaces which is shortfall of the required 67 spaces under the London Plan 2015.
- 6.8 With regards servicing the applicant states that this will remain as the current situation. However, with the inclusion of a 'coffee shop' will inevitably increase the servicing requirements. They state that this can be done on street where the current double yellow lines allow for 40 minutes loading. I am advised by the parking section that in LBTH 20 minutes are allowed for loading / unloading on double yellow lines (unless there are associated loading restrictions, in which case no permitted loading is allowed). It is suggested for an informative to come forward on any permission which states that any servicing from the public highway can only be carried out where safe and legal to do so.
- 6.9 Submission of a construction management plan should be secured via a condition.

LBTH Borough Conservation Officer

- 6.10 The existing altered post war front façade detracts from the historic character of Folgate Street. The existing grey concrete colour of the upper floors and the pronounced horizontal emphasis of the front facade are at odds with the surrounding Conservation Area character. The oddly shaped, sloping brick pilasters are a discordant element which further set the building apart from its surroundings.
- 6.11 The proposed remodelling of the front facade will enable the building to sit much more comfortably within its historic context. The intrusive sloping fronts of the ground floor pilasters would be removed and the upper floor fenestration remodelled so that the alien horizontal emphasis is removed. The drawings indicate a rich facade of intricately detailed brickwork and decorative screen details which has the potential to enhance the Conservation Area. The redesigned front elevation would not mimic surviving historic context (or recent historicist facades) but the use of brick rather than concrete (an important and very welcome change) would visually link it to

surrounding development.

- 6.12 It is important that conditions are attached to any permission to ensure the necessary architectural quality: the conditions should include samples of all external materials and the construction of a brick panel to illustrate the treatment of the front facade.

LBTH Environmental Health – Air Quality

- 6.13 The construction phase may have impacts on air quality including dust and emissions from construction vehicles. Measures for mitigating these must be included in a Construction Environmental Management Plan.

LBTH Sustainable Urban Drainage

- 6.14 No comments received.

LBTH Employment and Enterprise

- 6.15 According to the application form, this re-development proposal is just below the threshold (1,000sqm) to qualify for S106 employment and enterprise obligations. Therefore, no contributions are sought from Economic Development on this application.

Spitalfields Community Association

- 6.16 No comments received.

Elder Street Resident's Association

- 6.17 No comments received.

Spitalfields Society

- 6.18 The proposed replacement façade is considered to be an improvement to the existing 60's horizontal styling however there are serious concerns relating to the vivid red colour of the proposed brickwork. The colour and detailing of the brickwork seems entirely at odds with the immediate context which is London stock brick with rubbed red arches and string courses.
- 6.19 This is a terraced street and not a main street or a stand-alone building site and as such the proposal should be more modest and the building should appear to be a background to the streetscape rather than a statement design.
- 6.20 The detailing and design should be of the highest quality and relevant conditions should be imposed in order to secure a high quality design given the location within the Elder Street Conservation Area.
- 6.21 There are concerns about the daylight and sunlight qualities to the properties to east of the project along commercial street in particular and the loss of westerly skies by the revised bulk and massing. These buildings are largely apartments with a high occupational density whose aspect to the rear courtyards is their only real asset as the front is onto a busy commercial street. We are also concerned that the properties to the west are not adversely affected in a similar manner in particular the courtyard and trees planted therein.

Historic England

- 6.22 This application should be determined in accordance with national and local policy guidance, and on the basis of the Borough's specialist conservation advice.

St George's Resident's Association

- 6.23 The site is located close proximity to residences located along the south side of Folgate Street who will be affected by the building activity, deliveries and servicing for the future occupants.
- 6.24 The proposed red brickwork is considered to be intense and not in keeping with the more muted colours of existing buildings along Folgate Street. Key concern also relates to the change of use to A1 (retail) component of the application seeking to introduce a coffee shop fronting onto Folgate Street. In order to protect the amenity of the adjoining residents, assurance is required relating to hours of operations, alcohol sales and deliveries. There is concern because many retail premises have been granted licences for sale of alcohol and that this premise might follow. The primary concern relating to the coffee shop is entry onto Folgate Street extending sales to the general public.
- 6.25 Additionally, there are concerns relating to the traffic movements and necessary reversing manoeuvres along Folgate Street given that this is a particularly narrow street. A clear construction management plan including considerate constructor's scheme implementation, keeping residents informed should be secured. Priory House and Vanburgh House windows fronting onto Folgate Street are single glazed therefore, these properties are likely to be particularly affected.
- 6.26 There are also concerns relating to noise nuisance caused by deliveries and refuse collections, office premise lights being left on at night and issues of overlooking. Additional nuisance to the surrounding residents will also include environmental issues particularly regards to noise levels, hours of working, generation of air-borne particulates, dirt and street litter.
- 6.27 In order to protect residents from the inevitable nuisance, the following recommendations are suggested:

During demolition and rebuilding:

- All plant movement, including deliveries and removal of waste materials, is between 9:00am and 6:00pm from Monday to Friday inclusive only, and not at all at weekends or on Public Holidays.
- Site workers do not arrive before 8:00am, do not stand in the street smoking, eating and drinking, and that they behave in a considerate manner by not shouting or playing loud music from vehicles or whilst working on the site.
- Nearby homes are protected from air-borne dust by enclosing the working site with fine mesh screening and by regular spraying of pavements and road.
- Security lighting is not directed into homes, and that workers and security staff respect the privacy of residents on the opposite side of the street.
- Workers respect residents in all the nearby homes and do not misuse Elder

Garden, which is privately owned and maintained at cost to our owners.

Post Occupation:

- All deliveries and refuse collections be between 8:00am and 6:00pm (weekdays only).
- Staff and delivery drivers respect residents by not congregating on the street or sitting on residents' walls and entrance stairs to smoke and talk loudly.
- Staff respect and do not misuse Elder Garden as the cost of upkeep is charged to our residents.

7.0 LOCAL REPRESENTATION

7.1 Public consultation took place in accordance with statutory requirements. This included a total of 252 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. In light of the objections received for this application relating to lack of public consultation, a second round of public consultation was undertaken involving 252 letters being sent to the neighbours again. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses: Objecting: 35 Neutral: 1 Supporting: 0

Summary of issues raised:

7.2 The following issues were raised in objection to the proposal:

- a) Creation of an active frontage along Folgate Street by way of including a shop (A1 use) fronting onto Folgate Street.
- b) Noise and odour nuisance from cafe
- c) Nuisance during the construction phase
- d) Proposed red brick for the replacement façade with emphasis on large modern windows is considered to be unsympathetic to the existing Folgate Street streetscape
- e) Impacts on the Elder Street Conservation area as a result of the proposed refurbishment works
- f) Significant reduction of daylight and sunlight distribution within habitable rooms of immediately surrounding residential dwellings, in particular flats located at no. 157 Commercial Street.
- g) Loss of privacy/ direct overlooking into habitable rooms
- h) Increased littering on the street
- i) Light pollution

- j) Noise impacts from the new centrally located plant and associated machinery
- k) Additional massing is inappropriate for the conservation area
- l) Noise impacts from social use of the central courtyard
- m) Lack of public consultation

Applicant's Consultation

- 7.3 The applicant has submitted a Statement of Community Involvement describing the extent of public consultation that took place during the development of the proposals, prior to submission of the planning application.
- 7.4 Formal consultation meetings/ events were held on the 7th, 9th, 16th and 21st of December 2015 with local residents of Elder Street, Spitalfields Historic Buildings Trust, Owen Whalley (Head of LBTH Planning and Building Control) on behalf of Mayor John Biggs and Trustees of the Spitalfields Historic Buildings Trust. The meeting was advertised within a pre-determined area surrounding the application site by way of newsletters and a consultation website.
- 7.5 These meetings have influenced the proposal, as described within the submitted Statement of Community Involvement.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
 - 1. Land use
 - 2. Heritage and design
 - 3. Amenity
- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, planning obligations, biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

- 8.3 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.4 According to paragraph 9 of the NPPF, 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.
- 8.5 Paragraph 18 of the NPPF states that the Central Government is committed to securing economic growth in order to create jobs and prosperity. The planning

system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.

- 8.6 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The London Plan projects demand for office workplaces for 67,000 people within inner London (excluding the Central Activities Zone and the north of the Isle of Dogs) which translates into floorspace demand of 0.86 million sqm. Specifically for the Central Activities Zone and the north of the Isle of Dogs, the London Plan projects demand for office workplaces for 177,000 which translates into floorspace demand of 2.30 million sqm.
- 8.7 These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues 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.
- 8.8 The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place.
- 8.9 Policy DM15 of the Managing Development Document seeks to supported provision of employment floor space in suitable locations. Policy DM16 provides basis to support the growth of existing and future businesses across the borough through maximising and delivering investment and job creation.
- 8.10 The application site sits within the City Fringe Opportunity Area designated by the London Plan. Priorities for the area are addressed in the GLA's City Fringe Opportunity Area Planning Framework (December 2015).The City Fringe is an area characterised by a mix of small and medium sized enterprises, often within the technology and 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. The OAPF also identifies the site as located within the 'Inner Core Area' where there is the highest demand for employment floor space.
- 8.11 The application site is situated just outside of the Bishopsgate road corridor Preferred Office Location (POL) which pursuant to Policy SP06 is area to be promoted for major office development as key focus with supporting gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 8.12 The existing buildings that form part of Folgate Court currently comprise a 3,859sqm of office (B1 use) floorspace which at present is vacant. Folgate Court in its current form comprises of three amalgamated building blocks which currently facilitates a challenging internal layout which hinders efficiency and circulation within each block and in-between the three blocks. As such, the quality and standard of office accommodation which Folgate Court provides in its current form is unappealing and undesirable for business in this age.
- 8.13 Pursuant to the site's planning history, the principal of office use has already been established at this site given the commercial tenants who have occupied and

operated from Folgate Court and it is evident that the application site commenced its operation in office use in 1993.

- 8.14 The proposed development seeks to provide an uplift of existing office (B1 Use) floor space by 916sqm (including a coffee shop (A1 use)) by way of comprehensive refurbishment, reconfiguration and building extensions of the existing buildings located to the eastern and western side of the central courtyard. The current layout of the buildings that form part of Folgate Court suffers from incoherent internal circulation and piecemeal access via the central courtyard resulting in an inefficient office layout. The purpose of the proposed refurbishment and building extension works is to facilitate reconfiguration of Folgate Court to provide an integrated high quality office space that has the potential for subletting each floor plate to commercial tenants.
- 8.15 Given the site is located adjacent to a Preferred Office Location and is within the City Fringe OAPF and the Central Activities Zone (CAZ), it is to be noted that the application proposal scheme does not result in the loss of any employment floor space. The proposal in fact seeks to uplift in the quantum and quality of office accommodation by 916sqm which would consequently also increase employment capacity.
- 8.16 The proposed uplift in the existing B1 office floor space is calculated to be 849 sqm which is anticipated to accommodate a minimum of 71 new full time employees which is welcomed in this location, and provides economic benefits for the borough.
- 8.17 The application also includes the provision of a retail (A1 use) component to operate as a coffee shop that would be located at ground floor level fronting onto Folgate Street. The proposed coffee shop (A1 use) component will be 67sqm which would be occupied by an independent operator. The proposed trading hours of the coffee shop are as follows:
- Monday to Friday: 7am – 6.30pm*
- Saturday, Sunday and Public Holidays: Closed*
- 8.18 Although this retail element is a small fraction of the gross internal area of this site, it will also contribute to employment floor space as it will cater for 3.5 additional full time employees within Folgate Court. Given the site location within the Central Activities Zone (CAZ), City Fringe OAPF and adjacent to the Bishopsgate Road Preferred Office Location, the provision of an on-site coffee shop/retail component is considered to compliment the host office (B1) building use.
- 8.19 Given the site location with the CAZ, it is to be noted that the London Plan policies support a mix of use within the CAZ location. London Plan policy 2.10 'Central Activities Zone' supports improvements to the retail offer for residents and visitors. This policy is also supported and applied by the Tower Hamlets Core Strategy Policy SP10. Additionally, the City Fringe OAPF 2015 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 the development.
- 8.20 In this instance, the provision of a 67sqm retail floor space to operate as a coffee shop does not result in the loss of net office (B1 use) floor space nor does it undermine this existing use of the host building. The proposal is therefore considered



Proposed Site Layout (Ground Floor Level)

Figure 7: Existing and Proposed Site Layout

- 8.24 The purpose of the new central atrium is to facilitate a central circulation core for the site users and provide a social/amenity space for the office staff/employees. The existing courtyard provides a less useable amenity space for the employees as it is exposed to the elements being unsheltered. The proposed central atrium will comprise of a glazed lightweight roof located four storeys above ground providing an improved and a more useable space for the employees, being weather-proof.
- 8.25 The central atrium will comprise a total of four lifts (including one bike lift) located along the western end of the central atrium, immediately adjacent to the entrance passage. The new lifts will provide access to the upper storeys of all building blocks.
- 8.26 The northern area of the central courtyard to be retained will be converted into an external garden space comprising a vertical green wall providing outdoor amenity space for the building employees as shown below in figure eight.



Figure 8: rear garden comprising a green vertical wall

- 8.27 The proposed works also comprise of a minor extension of the existing east building and west building block and up to three store in-fill extension with the south building block to facilitate an integrated, connected and an efficient internal office layout that will circulate around the central atrium at all levels. Both, the existing east and west building comprise of an externally located spiral staircase which currently provides access to the upper storeys of these buildings which are proposed to be removed.
- 8.28 The proposed works involve a vertical extension of the existing west building block to create a four storey building, and the side extension to the northern side and southern side to provide increased office floor space connecting to the south building. The new fourth storey of the building will facilitate a biodiverse green roof that will only be accessed for maintenance purposes.
- 8.29 The proposed works also involve a vertical extension of the existing east building to a part four storey and a part five storey building. The total height of the new five storey building element will also comprise a biodiverse roof and will not extend above the existing height of the five storey south building. The new roof of the four storey element of the east building will accommodate the existing plant and associated machinery that would also only be accessed for maintenance purposes.
- 8.30 The new east building would also comprise of a side extension at all above ground floors connecting to the new west building. The new west-east link will comprise two balconies located on the second floor, one facing south into the central atrium and one facing north into the outdoor garden space.
- 8.31 In addition to the proposed extensions of the west block and the east block, the proposal also involves significant internal refurbishment works in order to internally connect all of the four building blocks resulting in a donut shape internal layout around the central atrium. The resulting scheme thereby converts three amalgamated building blocks into one large integrated office space, significantly enhancing the site layout and increasing internal office space.

- 8.32 With regards to the existing roof extension located on the primary south building, the proposal seeks to refurbish this structure in line with the proposed remodelled Folgate Street Façade and the refurbishment and extension works at the east and west building blocks. The existing purpose of the roof extension as a light pavilion will predominantly remain unchanged as the refurbished extension seeks to retain its light weight character by way of floor to ceiling windows. The existing frosted windows at this level will remain unchanged.
- 8.33 The proposal also seeks to extend the roof extension in depth on the southern side encroaching into the existing roof terrace in the foreground area by 0.5m. The overall height of the roof extension will remain unchanged. The retained roof terrace located on the third floor of the south building will remain unchanged.
- 8.34 The location of the south building roof extension is the most sensitive given that it fronts onto Folgate Street. However, the existing roof extension is already limited in view at street level along Folgate Street and given that the proposed extension only seeks to bring the south elevation forward by 0.5m, the resultant change is considered to have a negligible impact on the streetscape of Folgate Street and on the Elder Street Conservation Area as the roof extension would still remain limited in view, and subservient to the host building.
- 8.35 With regards to the proposed extension works associated with the east and west building blocks, it is to be noted that by virtue of the existing site layout, the east block, the west block and the central courtyard are not visible from the front (south) elevation of the site. It is also to be noted that the new part four and part five storey height of the west building block and the new four storey height of the west building block would not protrude or extend beyond the 5 storey building height of the south building blocks. Therefore, the resulting heights and new massing arrangements would still remain out of view from Folgate Street and the surrounding public realm.

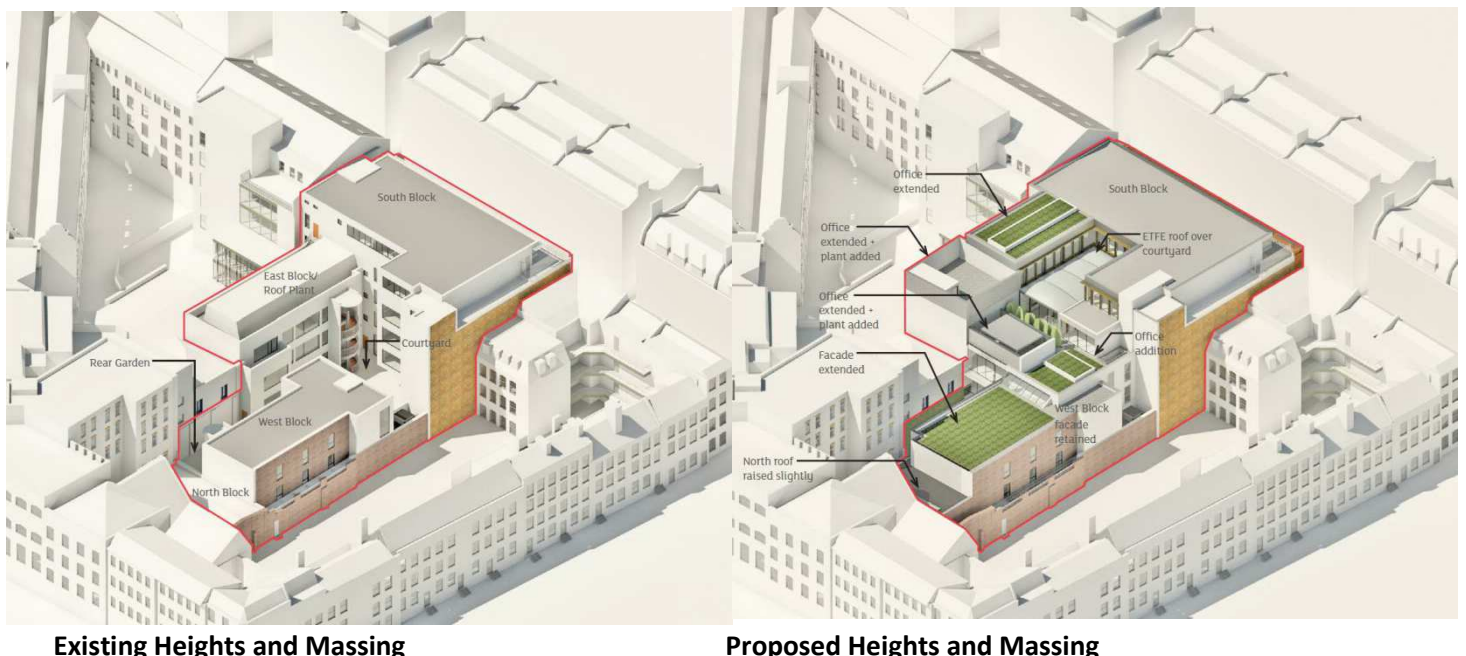


Figure 8: Massing and Height Illustration

- 8.36 The application site is tightly surrounded by four and five storey building on all sides, therefore the proposed increased in the building heights is considered to be

appropriate and acceptable in this setting and it is not considered to have a detrimental impact on the surrounding historic environment.

- 8.37 It is however noted that the eastern site elevation would be visible from the rear gardens of the Grade II Listed residential terraces located on the western side of Elder Street. The key element of the proposed scheme that would be visible is the new three storey infill extension block situated between the west building block and the south building block. The new infill extension block will appear as a single building block when viewed from the rear of the residential terraces located on the eastern side of Elder Street rather than the piecemeal built form which currently exists on site. The purpose and external appearance of this infill extension is modest and is subordinate to both, the south and west building blocks. Therefore, the resultant change along the western, site elevation when viewed from the private gardens of nos. 19, 17, 15 and 13 Elder Street is not considered to have a detrimental visual impact on historic character of these Grade II Listed terraces nor the Elder Street Conservation Area.
- 8.38 The proposed extension of the east building block and the new massing arrangements along the eastern elevation of the site would be visible from the rear of the Grade II listed building at no. 135 Commercial Street and its rear car park. However, the new extension structure on the east building block is considered to be subservient to the host building by virtue of its scale. Therefore, no detrimental impacts on the historic character of no. 135 Commercial Street or views of the site from the rear car park are anticipated.
- 8.39 Overall, the proposed massing and extensions of the building blocks that form part of Folgate Court is considered to be subordinate and sympathetic within its historic setting. The majority of the proposed massing arrangements and increase in heights would not be visible along Folgate Street, the public highways surrounding the application site and consequently the Elder Street Conservation area.
- 8.40 By way of the new glazed atrium roof and the introduction of new skylights on the existing and new building roofs, the new office space will also benefit from improved daylight and sunlight distribution within the new reconfigured layout. The provision of both outdoor and indoor social/amenity spaces alongside the provision of biodiverse roofs and vertical green walls, the resultant refurbishment works and reconfiguration works are considered to provide an integrated, connected and a more efficient layout of the office blocks that would facilitate a high quality working environment for the future employees that is fit for a modern day office

Heritage & Design

- 8.41 The National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 8.42 Paragraph 131 of the NPPF states that in determination of planning applications, local planning authorities should take account of:
- 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; and

- The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.43 The nearby listed buildings and the Elder Street Conservation Area are designated heritage assets. Paragraph 132 of the NPPF states that great weight should be given to the conservation of such assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. According to paragraph 134, 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.
- 8.44 Further to the above requirements, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings and to give considerable weight and importance to any harm caused by development proposals to the same.
- 8.45 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.46 The Core Strategy policy SP10 aims to protect and enhance the Borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the Borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.
- 8.47 With regard to development within a heritage asset, policy DM27 specifies that development should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 8.48 In this case, the application site is located within the Elder Street Conservation Area and there area designated heritage assets in the area, the grade II listed carriageway of Fleur de Lis Street, Elder Street and part of Folgate Street, the Scheduled Ancient Monument of St. Mary Spital and the Grade II Listed Building located on the south side of Folgate Street, corner of Folgate Street and Commercial Street and Terraced along Elder Street. The significance of those assets has been assessed in the submitted Heritage Appraisal that has been reviewed by the Council's Design and Conservation Officer who found the conclusions of the appraisal to be appropriate.
- 8.49 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.

- 8.50 The conservation area and the local townscape are of a strong historic character. The Elder Street and Folgate Street is referred to specifically within the Appraisal:

“Elder Street and Folgate Street, at the centre of the Conservation Area, include most of the surviving 18th century developments and contain many original 3 storey brick houses. Their value comes from the consistent proportions of the street, the richness of the brick textures, the refinement of the architectural details, the harmonious relationship of the buildings and the prevailing domestic residential character.”

Analysis

Façade treatment

- 8.51 The application site itself is not listed, but it is located within the Elder Street Conservation Area. Elder Street Conservation Area is an important asset to the borough in terms of its rich history, remnants of an ancient monument and high quality architecture dating from the 13th to 9th centuries.
- 8.52 Folgate Court forms part of the setting of a number of listed buildings, however, the commercial buildings that form part of Folgate Court themselves do not exhibit remnants of history or architectural elements of any particular heritage interest.
- 8.53 Pursuant to the planning history, it is evident that the buildings of Folgate Court have undergone significant alterations and additions over past three decades which has resulted in the current post war primary building façade which fronts onto Folgate Street. The existing façade comprises of grey concrete clad upper storeys with pronounced horizontal panes is unsympathetic to the modest and historic architecture of the adjoining terraces and buildings. The existing sloping brick pilasters at the ground floor level is also a discordant element to the current architectural style of the host building and negatively adds to the historic streetscape of Folgate Street.
- 8.54 The Elder Street Conservation Area outlines that the most effective way to secure historic environment is by ensuring that buildings can continue to positively contribute to the surrounding environment. However in this instance, the existing building façade does not comfortably form part of the historic setting nor does it complement the historic streetscape of Folgate Street.
- 8.55 The proposed scheme seeks to remove the existing intrusive sloping brick pilasters and the alien horizontal architectural emphasis. The replacement façade primarily constitutes of intricately detailed brickwork, simple and slim line fenestration details along with decorative screen details. The combination of these architectural elements is considered to be a significant improvement to the existing façade on site. An artist impression of the proposed replacement façade is shown below.



Existing Façade



Proposed Façade

Figure 5: Façade

- 8.56 It is noted that the replacement façade does not seek to reinstate historic architectural elements similar to those surviving in the surrounding area however visually it seeks to sit comfortably within the streetscape of Folgate Street by introducing a primarily brick façade.
- 8.57 The Borough's Design and Conservation Officer has reviewed the proposal and considers the replacement façade to be a significant improvement to the existing façade. The proposals have also been reviewed by Historic England who have raised no objections to the proposals and have advised for the proposed refurbishment works to be determined in accordance with the local policy and guidance.
- 8.58 The existing façade of the application site is not considered to make a positive contribution given its setting within a significant historic setting and the location within the Elder Street Conservation Area. The replacement façade is considered to enhance the appearance of the site and its relationship with the prevailing streetscape of Folgate Street as it steps away from the horizontal emphasis and seeks to introduce vertical hierarchy which follows the regular gridded pattern which is typically exhibited by historic Buildings.
- 8.59 The proposed ground floor treatment involves in the removal of the existing brick pilasters with raking columns, cladded overhang and the metal grilled gate to the existing under croft which is welcomed. The replacement treatment seeks to align the main elevation gridding at ground floor level and utilising the under croft as the primary building entrance leading into the central atrium. The entrance passage will comprise of glazed windows and decorative panels that will match those located on the upper storeys.



Existing Ground Floor Treatment



Proposed Ground Floor Treatment

Figure 6: Ground Floor Treatment

- 8.60 The replacement of the existing undercroft with the primary site entrance is considered to be a significant improvement as the existing building entrance appears to be lost within the ground floor treatment in its current form. The proposed arrangement also enables the site to have improved connection with the surrounding public realm.
- 8.61 The existing roof extension structure with a front terrace will also undergo refurbishment works in line with the new remodelled façade. The proposal seeks to retain its predominantly glazed appearance by proposed floor to ceiling windows finished in bronze metal frames that will align with then proposed gridding along the host building façade. Whilst this element of the building is limited in view, the proposed vertical portions along the roof extension will ensure that the vertical emphasis of the front elevation façade is maintained when visualised from a bird's eye view.
- 8.62 Whilst the proposed façade detailing such recessed darker brick with dark grey anodised metal channels, perforated and patterned metal panels and black window frames provide a more contemporary character to the replacement façade, the proposed brickwork creates a significant visual link with the surrounding historic context. This approach is considered to be sympathetic in this setting and is considered to preserve and enhance the appearance of the Elder Street Conservation Area.
- 8.63 It is acknowledged that a number of objections received raise concerns relating to the red colour of the proposed brickwork on the new façade. Whilst the proposed burnt red brickwork creates a striking façade, it is also considered to create a visual link to the existing red brick detailing on the immediately adjoining historic buildings. The proposed burnt red brickwork together with the contemporary style detailing of the new windows and its layout is considered to make a positive contribution to the Elder Street Conservation Area.
- 8.64 The proposed brickwork and detailing have been reviewed by the Borough's Design and Conservation Area who considers the new façade to sit comfortably within its historic context. It is noted that the proposed façade does not seek to recreate or mimic the surrounding historic area but merely seeks to create a visual link to the historic setting and enhance the prevailing streetscape. Whilst the proposed

remodelled façade is considered to be appropriate and acceptable, a pre-commencement condition will be included requiring the submission of all external facing material samples for approval to ensure that the detailing of the external appearance and finishing treatment will preserve and enhance the appearance of the Elder Street Conservation Area. The final brick colour will be determined through the discharge of a condition requiring brick samples to be provided on site and viewed by planning/ conservation officer/s. The submission of this detail will also include the detailing of the proposed decorated and metal panels.

- 8.65 As such, subject to conditions, the proposal would comply with the aforementioned policies and, overall, benefit the heritage significance of the local designated and non-designated heritage assets.

Amenity

- 8.66 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.

- 8.67 The below aerial photograph shows the bird's eye view of the application site and illustrates the very close relationship between the surrounding properties. Whilst the application is located within the City Fringe OAPF and the CAZ adjacent to the Bishopsgate Road Preferred Office Location, the application site is located in close proximity to a number of residential properties on all sides.

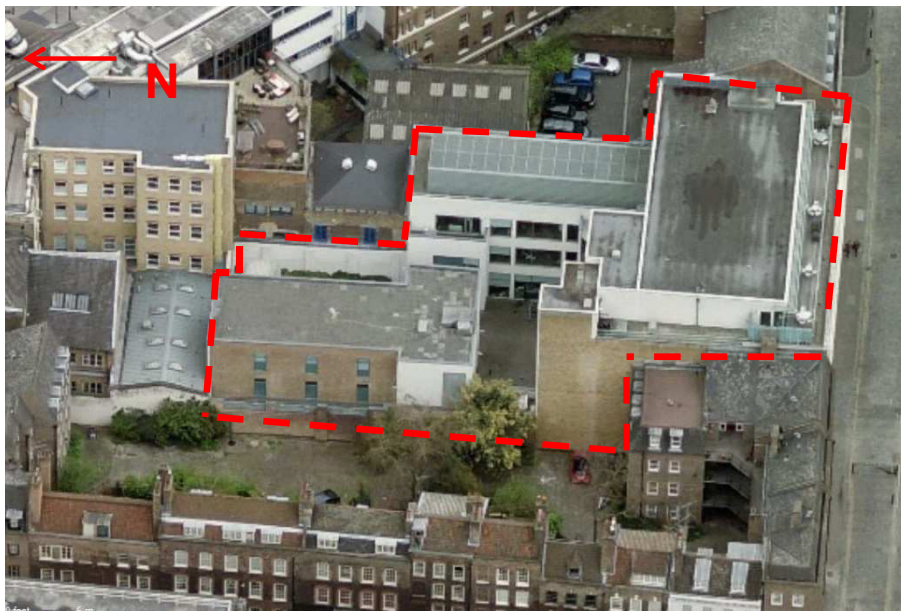


Figure 9: Bird's eye view of the application site

- 8.68 The closest residential properties to the application site are the residential flats located on the upper ground levels of no. 135 - 145 Commercial Street, 157 Commercial Street and 159 Commercial Street to the north and north east of the site,

1-3 and 8 Fleur de Lis Street to the north, the residential terraces on the east side of Elder Street located to the west of the site and no. 50 to no. 32 Folgate Street to the immediate south of the site. Figure 10 below outlines the total distances between the application site and the surrounding residential dwellings.

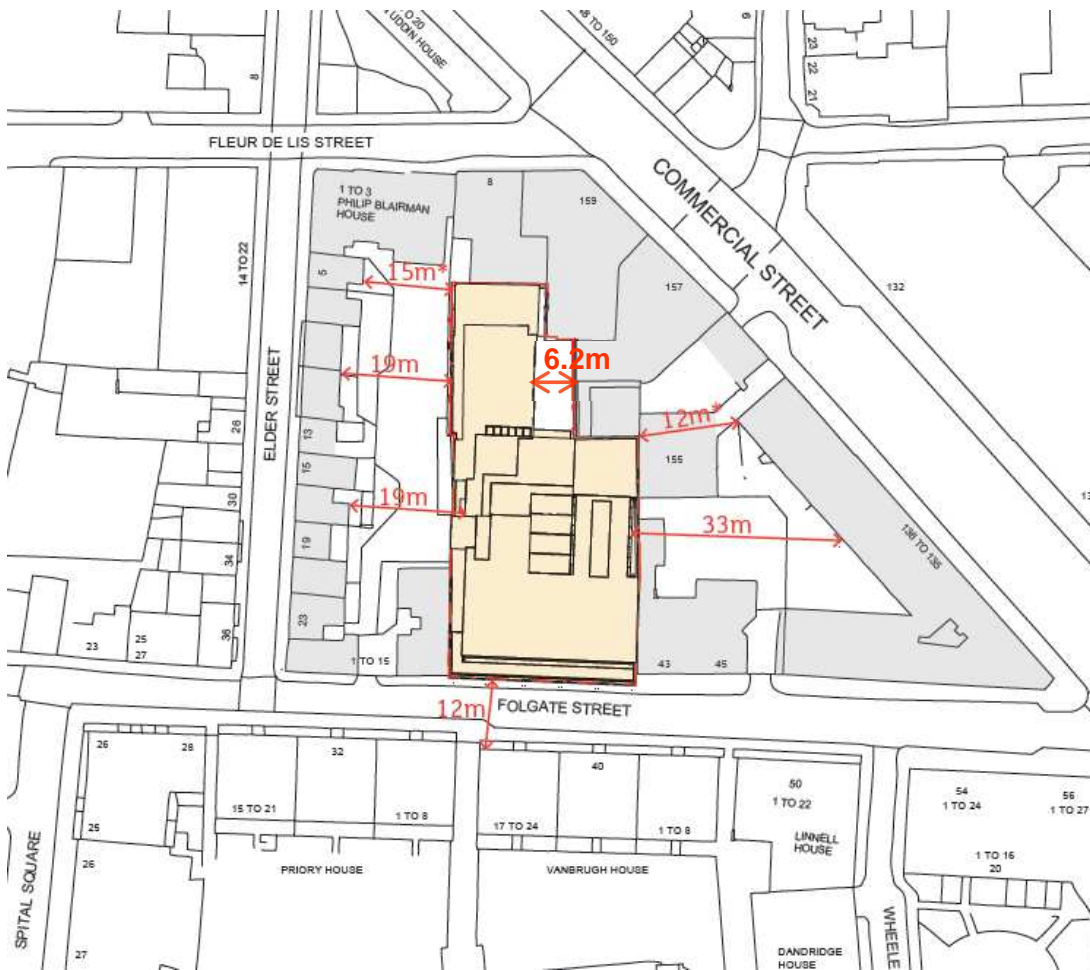


Figure 10: Separation distances between the site(as proposed) and the surrounding residential

Daylight, Sunlight and Overshadowing

8.69 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.

8.70 A Daylight and Sunlight Assessment prepared in accordance with BRE guidance has been submitted with the application. This assessment has been prepared on the assumption that all of the windows of the identified properties serve habitable rooms. The submitted assessment considers the impact of the development on the following properties:

- 1-15 Folgate Street
- 23 Elder Street
- 21 Elder Street
- 19 Elder Street
- 17 Elder Street
- 15 Elder Street
- 13 Elder Street
- 9 to 11 Elder Street
- 5 to 7 Elder Street
- 1 to 3 Elder Street
- Part of 157 Commercial Street
- 135 to 145 Commercial Street

8.71 Given that the proposal does seek to alter the existing height and massing arrangements on the south building that would impact the primary (front) building elevation fronting on to Folgate Street, no alteration to the existing light distribution within the residential properties located to the south side of Folgate Street, in particular 1-15 Folgate Street is anticipated.

8.72 In any case, the submitted assessment considers daylight, sunlight and overshadowing impacts on all of the above listed properties and confirms the habitable rooms of properties along Elder Street, 1 to 15 Folgate Street and 135-145 Commercial Street will not experience any perceptible difference in comparison to the existing daylight and sunlight conditions. However, the habitable rooms of the properties located within 157 Commercial Street fail to meet the BRE requirements. The properties within no. 157 Commercial Street comprise windows serving habitable rooms along the west elevation which share direct outlook into the application site which require further consideration.

157 Commercial Street

8.73 The submitted assessment outlines that the two habitable room windows located on the western elevation of no. 157 Commercial Street fail to meet the BRE guideline. The two identified windows within the report W1/191 and W2/191 are those located at first floor level will experience a loss of VSC pursuant to the BRE recommendations.

8.74 Window W1/191 will experience a loss of 25.45% and W2/191 will experience loss of 25.73% against BRE guidance acceptable loss of 20%. It is therefore evident that the bedrooms served by windows W1/191 and W2/191 will experience some level of reduction in light distribution. Whilst these recording losses will have an impact on the light distribution within the habitable rooms of the ground floor area, the recording losses are just above 25% which is a minor shortfall compared to the recommended 20%.

8.75 Additionally, at second floor windows W3/192, W4/192 and W5/192 serve an open plan living room which is also served by two additional windows on the northern elevation. As such the daylight distribution on this room is only marginally affected. Windows W3/192, W4/192 and W5/192 on the flank elevation at second floor level will experience a loss of VSC however given that this habitable room is a dual aspect

room being served by five windows and the two on the northern elevation (windows W1/192 and W2/192) will experience no change.

- 8.76 Therefore, the impacts on the overall light distribution within the habitable rooms of no. 157 Commercial Street are not considered to be unduly detrimental impact on the amenity of the residents of the flats located within no. 157 Commercial Street. On balance, the overall impacts of the resultant scheme are considered to be acceptable given its setting within a dense urban location within the CAZ and City Fringe OAPF.

Outlook & Sense of Enclosure

- 8.77 The closest residential properties to the application site are 5-23 Elder Street, 1-3 and 8 Fleur de Lis Street, 26- 40 Folgate Street and the upper storeys of 135-145 Commercial Street, 157 Commercial Street and 159 Commercial Street. However, given that majority of the proposed works for Folgate Court involving extension structures are associated with the existing west building block and east building block, the only properties that are likely to be impacted upon by the proposed development are those comprising views into the central courtyard of Folgate Court.
- 8.78 The primary properties that back onto the central courtyard are nos. 157 Commercial Street, 159 Commercial Street and no. 8 Fleur de Lis Street. However, by virtue of existing layout and block arrangement, the only property which experiences direct overlooking is the rear elevation of no. 157 Commercial Street. The windows located along rear elevation of no. 157 Commercial Street (on above ground floors only) serve habitable rooms currently directly overlook the east elevation of the existing west block which also comprises of large windows serving office floorspace. The existing separation distance between both building blocks is 8m.
- 8.79 The application proposal seeks to remove the existing spiral staircase located along the east elevation of the west block and replace it with a 2m wide side extension to match the existing building line of southern part of west building block. Effectively, the separation distance between the new east elevation of the west building block and the rear elevation of no. 157 Commercial Street will be 6.2m.
- 8.80 However, the proposed windows along the new east elevation of the west building block are considerably smaller compared to the windows of the existing office building on site. Additionally, the resultant courtyard space situated in between the west building block and the rear of no. 157 Commercial Street is proposed to be upgraded to a green garden space comprising of green vertical walls.
- 8.81 Therefore, it is considered that whilst the separation distance between the west block and no. 157 Commercial Street would be reduced from approximately 8.7m to 6.2m, by reason of the new smaller window sizes and the inclusion of green space and elements within the courtyard space, the resultant outlook from the upper ground floor windows of 157 Commercial Street is considered to be an improvement to the existing outlook.
- 8.82 The setbacks shown above Figure 10 are considered to safeguard the outlook of the residents to the rear of Folgate Court, ensuring that the offices would not appear overbearing and that sky visibility would not be significantly affected.

Light Pollution, Overlooking & Privacy

- 8.83 The site setbacks from the surrounding properties as shown in Figure 10 above would largely remain unchanged except for the separation distance between the new

reconfigured west building block and the rear elevation of no. 157 Commercial Street. Pursuant to the proposed development scheme, this separation distance would be reduced by approximately 2.5m resulting in a new separation distance of 6.2m.

- 8.84 As noted above, there are existing windows along the rear elevation of no. 157 Commercial Street which serve habitable rooms. However, the existing west block in its current form already comprises of large windows which serve office floor space and whilst the new reconfigured west block will comprise of windows along its east elevation, the new windows are much smaller in size. Additionally, the existing rear elevation windows of no. 157 Commercial Street are high level windows, which already by way of design help mitigate direct overlooking between these habitable rooms and the new west building block within Folgate Court.
- 8.85 Whilst, the application site already comprises of up to 5 storey building blocks which operate as offices, several objections have been raised relating to light pollution, overlooking and privacy intrusion as a result of the proposed refurbishment works. Therefore, a condition has been included requesting submission of a scheme to safeguard against light pollution and overlooking – this can include design measures such as automatic blinds, louvres and/or obscured glazing which would be secured by condition to protect the amenity of surrounding residents.

Noise and Other Amenity Considerations

- 8.86 The proposed coffee shop (A1) element of the proposed scheme will be located at ground floor level fronting onto Folgate Street, immediately opposite residential dwellings. It is acknowledged that several objections have been received relating to the introduction of a coffee shop along Folgate Street as it would increase noise and odour emissions within the area. Whilst the application site is commercial located within the CAZ and the City Fringe OAPF and is surrounding by premises in commercial use, the setting along Folgate Street does exhibit the typical character of an inner-city residential street. However, the proposed coffee shop would only occupy a small component of the new refurbished Folgate Court and the operation of the coffee shop would only be during the standard operation hours of an office.
- 8.87 In order to safeguard the amenity of the residents located to the south of the application site, in particular 1-15 Folgate Street, a condition has been included to restrict the operation hours of the coffee shop from Monday to Friday between 7am – 6.30pm only. Given that the proposed coffee shop is categorised as an A1 use, no commercial kitchens or ventilations would be installed on premise resulting in any detrimental odour emissions within the immediate area.
- 8.88 On balance of the setting of the new coffee shop within a large commercial premise and the overall scale of this use, no undue impacts on the surrounding residences are anticipated in terms of noise subject to conditions.
- 8.89 It is noted that several representations have raised concerns relating to adverse noise impacts from the introduction of new second floor balconies within the south block, in particular the north facing balcony and the utilisation of the central atrium and rear garden. Given the close proximity to the residential dwellings, a condition has been included to ensure that the proposed social/amenity spaces within Folgate Court would not extend beyond the standard operation hours of the office.
- 8.90 Additionally, representation relating to noise from the proposed location of the plant and associated machinery on the rooftop of east building block has been raised due to its close proximity to the residential dwellings located within no. 157 Commercial

Street and no. 134-145 Commercial Street. The application is supported with an acoustic report which outlines that in the worst case scenario, the plant noise limits at the worst would be L_{Aeq} 45dB during the day and L_{Aeq} 43dB below the levels of a noise sensitive premise compared to the standard requirement of a 10dB below the lowest background measure noise. These levels are considered to be acceptable for an urban setting as the anticipated noise emissions would not have a detrimental impact on the amenity of the surrounding residents and will be secured by way of a compliance condition.

Construction Impacts

- 8.91 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

Conclusion

- 8.92 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies. Appropriate conditions have been included to mitigate any impacts and safeguard the amenity of these residents.

Highways, transportation and servicing

- 8.93 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. 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.
- 8.94 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.95 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.96 The site benefits from an excellent public transport accessibility (PTAL of 6b) as it is within walking distance of Liverpool Street Station, Shoreditch High Street Overground Station and there are numerous bus routes running along Bishopsgate/Norton Folgate and Commercial Street. Cycle Superhighway runs along the A10 and there are numerous TfL cycle hire docking stations nearby, within 50m of the application site.
- 8.97 The application site currently facilitate 24 secure cycle parking spaces which will be increased to a total of 50 cycle parking spaces as part of the proposed scheme for the office use alongside showers and changing facilities. Whilst the proposed increase in the provision of cycle parking spaces is welcomed, the total provision represents a shortfall of 17 spaces pursuant to the standard requirement outlined in

Table 6.3 of the London 2015. It is acknowledged that the proposed shortfall is due to physical limitations presented by the existing building environment on site. Given that the proposal involves in the refurbishment of the existing commercial premises that form part of Folgate Court to provide a high quality office space within the City Fringe OAPF and the CAZ within an excellent PTAL location, the resulting shortfall is considered to be acceptable on balance.

- 8.98 In accordance with policy, there would be no car parking provided and, as the vicinity of the site is within a controlled parking zone and the site benefits from very good accessibility, it is unlikely for many office workers to commute by car. However, a condition has been included requiring submission of a detailed travel plan, tailored to the future occupants.
- 8.99 Given the uplift in the existing commercial (B1 use) floorspace, in accordance with the Use of Planning Obligations in the Funding of Crossrail SPG would be secured by the Crossrail top-up financial contribution.
- 8.100 Whilst the proposed scheme is primarily to refurbish the existing office buildings that form part of Folgate Court, the proposed scheme also seeks introduce a small A1 use which is likely to incur in additional delivery and servicing requirement. In order to manage the impact of deliveries and servicing of the development, in accordance with the Transportation & Highway Officer's recommendation, a condition is included requiring submission of a Delivery and Servicing Management Plan.
- 8.101 To mitigate the highway & transportation impacts during the construction phase, submission of a Construction Logistics Plan has been reserved by condition.
- 8.102 The waste storage arrangements have been confirmed as acceptable by the Waste Strategy Officer. A condition requesting submission of a Waste Management Plan has been included.
- 8.103 Overall, subject to conditions and the Crossrail S106 planning obligation, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts.

Sustainability and Energy Efficiency

Energy Efficiency and Sustainability Policy Requirements

- 8.104 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.105 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and

- Use Renewable Energy (Be Green).

- 8.106 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.107 The submitted Folgate Court Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand and integration of renewable energy technologies. As the scheme is for a refurbishment of the existing office space the baseline for the development has been taken as the existing energy use. The current proposals are anticipated to achieve CO2 emission reductions of 33.6% through Be Lean Measures and 16.5% through the integration of air source heat pumps to meet the space heating and hotwater requirements. The cumulative CO2 savings from these measures are proposed to be in accordance with policy DM29 requirements and deliver a 50.1% reduction in CO2 emissions compared to the existing building.

Sustainability

- 8.108 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 71.85%. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.
- 8.109 Conditions to secure the delivery of the energy & sustainability proposals and achievement of BREEAM Excellent have been included.

Biodiversity

- 8.110 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.111 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed in its detailed design. A condition to this effect has been included in accordance with the recommendation of the Council's Biodiversity Officer.

Planning Obligations

- 8.112 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 8.113 The NPPF requires that planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

8.114 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.

8.115 The entire financial contributions calculated in accordance with LBTH and GLA guidance are as follows:

- a) Crossrail Levy top-up contribution of circa £92,830 (subject to indexation) based on the proposed B1 office and A1 retail uses.

8.116 This application is not liable for any non-financial contributions as it is not a major development i.e. the proposed office extension is under 1,000sqm.

8.117 All of the above obligations are considered to be in compliance with aforementioned policies and the NPPF and Regulation 122 tests.

Financial Considerations

8.118 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the 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.

8.119 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.

8.120 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy of:

- a) London Mayoral CIL of 32,060 (subject to indexation); and
- b) LBTH CIL of £81,100 (subject to indexation)

8.121 These financial benefits are material considerations of some weight in favour of the application.

Health Considerations

8.122 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.123 The proposal raises no unique health implications and would not prejudice the opportunity of neighbours or members of the public to benefits from appropriate living conditions and lead healthy and active lifestyles.

Human Rights Considerations

8.124 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- 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".

8.125 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as a local planning authority.

8.126 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. 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.

Equalities Act Considerations

8.127 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, gender 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. 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

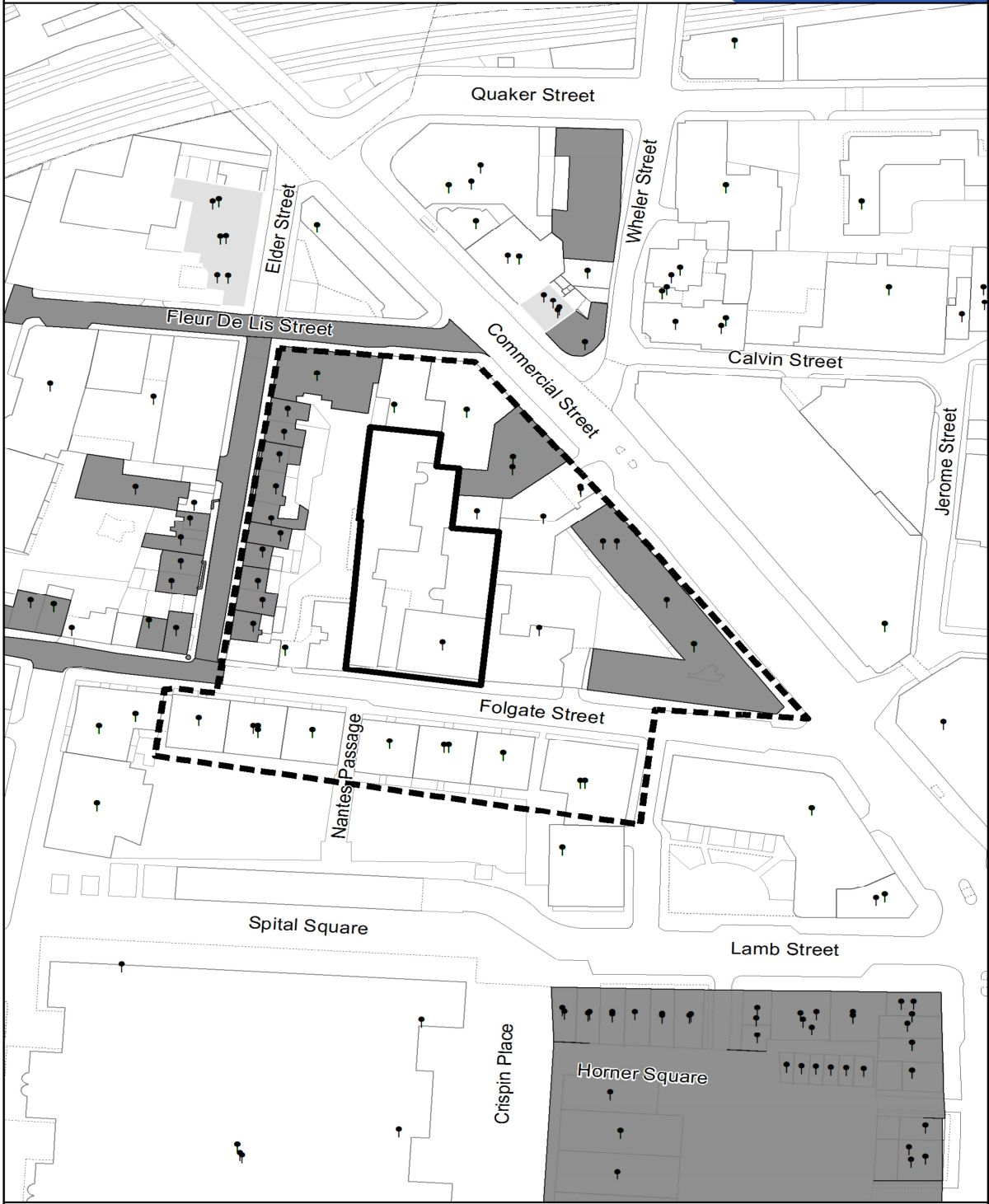
10.0 CONCLUSION







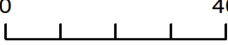
- 10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

11.0 SITE MAP

- 11.1 Please refer to the next page of this report.

Planning Application Site Map
PA/16/00065



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0  40 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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