

Land at Blossom Street, Spitalfields

in the London Borough of Tower Hamlets

planning application no. PA/14/03548 & Listed Building Consent PA/14/03618

This addendum sets out various factual updates, clarifications and corrections which need to be considered in conjunction with the Representation Hearing Report originally published on 8 January 2016.

Following the publishing of the report, The GLA has received a letter with representations dated 12 January 2016 from the applicant's agent DP9, (appended to this addendum) which highlights a number of points of clarification with regards to the report's heritage assessment as well as some minor factual corrections. Officers have taken the representations into account and comment as follows:

Heritage assessment

Para.254 – The 'Loss of Conservation Area buildings' conclusion should confirm that the loss of No. 14 Norton Folgate would not result in any harm to the Elder Street Conservation Area.

For the purposes of clarity, GLA officers are of the opinion that the aspects of the proposals that would lead to 'less than substantial harm' to the Elder Street Conservation Area are the loss of Nos. 3 – 9 Shoreditch High Street and the massing effect of block S2 in the townscape visual impact assessment (TVIA) view looking west along Fleur de Lis Street.

Para.239 – This paragraph sets out some of the public benefits that would outweigh the 'less than substantial harm' to the Elder Street Conservation Area (to which considerable weight has been attached). GLA officers recognise that there are other benefits from the proposed scheme in addition to those listed, including full and partial building retention and repairing the listed carriageway of Fleur de Lis Street; and reference to these other benefits is made elsewhere in the report.

Paras. 238 – Where reference is made to NPPF para 133, this should be a reference to NPPF para 134 states that *'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.'*

Para. 211 – The last sentence of this paragraph should state: *For the reasons given in this report, it is officer's opinion that there is no harm caused to the neighbouring Brick Lane and Fournier Street Conservation Area or the South Shoreditch Conservation Area, while there would be 'less than significant harm' caused to the Elder Street Conservation Area.*

Para. 416 – The second to last sentence should state: *officers have concluded that the proposal will result in ‘less than substantial harm’ to the conservation area, but will not result in any harm to neighbouring listed buildings or their setting.*

Paras. 254, 274, 292, 295 – Where variations to the language are used with respect to the degree of harm caused to the Elder Street Conservation Area, such as *slight harm* or *some harm*, throughout the report, officers can confirm that this should be replaced with *less than substantial harm* in line with the terminology used within the NPPF.

Para. 1, Bullet 2 – of the *Reasons for approval* should state that: *Whilst the development would cause ‘less than substantial harm’ to the Elder Street Conservation Area and would result in the loss of some undesignated heritage assets at the site, this harm, having paid special attention to the desirability of preserving or enhancing the character or appearance of the Elder Street Conservation Area and giving the harm identified considerable importance and weight, is outweighed by the public benefits of the scheme. No harm would be caused to neighbouring heritage assets.*

Para. 1 – Bullet 10 – This should state that: *GLA officers are of the view that there would be no harm caused to the listed building heritage asset, resulting from the applicant’s intention to carefully remove and store listed stone setts during the construction phase and repair and reinstate them to follow the historic layout of the carriageways.*

Para. 292 – This should state that: *Whilst the proposal would result in changes to the Elder Street Conservation Area and the settings to some of the neighbouring heritage assets, this would lead to ‘less than substantial harm’ to the conservation area only and, having paid special attention to the desirability of preserving or enhancing the character or appearance of the Elder Street Conservation Area and giving the harm identified considerable importance and weight, this would be outweighed by the high quality of design of proposed buildings and the wider public benefits achieved by the development.*

Para. 204 – Additional text clarifying the Court of Appeal’s ruling is proposed: *The same considerable importance and weight should be afforded to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area under section 72 of the Listed Buildings Act 1990.*

Minor factual clarifications

Para. 3 – The training, employment and enterprise contribution of £1,061,805 is based on calculations within Tower Hamlets Council’s updated Planning Obligations SPD (June 2015). The calculations have taken into account the total amount of floorspace proposed following the recent design amendments of November 2015.

The £90,000 towards cycle hire contribution has been requested by TfL to address the increasing number of daily cycle trips (622) to and from the site that the development would create. Para. 385 of the report sets out the justification for this site specific contribution and confirms that this would not constitute transport infrastructure that would be funded through the Borough CIL.

Additional text to be added before para. 4 –

Crossrail

The Developer shall pay to the Council the Crossrail Contribution, which has been calculated at £4,391,560, in accordance with the following terms and for the avoidance of doubt the Crossrail Contribution payable shall be nil of the total amount payable by the Owner in respect of the Mayoral CIL Charge being greater than the Crossrail Contribution:

The Developer shall pay the Crossrail Contribution to the Council less any Mayoral CIL payment to be applied as a credit (which credit shall not include any CIL surcharge payable under Part 9 of the Community Infrastructure Levy Regulations) upon implementation.

Para. 166 – Reference to GVA should be replaced with DS2.

Para. 211 – Reference to Section 73 of the Planning (Listed Buildings and

Conservation Areas) Act 1990, should be replaced with *Sections 72 and 73 of the 1990 Act.*

Para. 234 – the reference made to the applicant's conclusion on the impact caused by the loss of undesignated heritage assets is incorrect. This should be replaced with: *the applicant believes that the proposals will cause no harm to any undesignated heritage assets.*

Para. 246 – Reference to sub-plot S1c should be replaced with S1a.

Para. 291 – This should be replaced with: *Officers are of the opinion that in this view the proposal would alter the appearance of the conservation area, but would result in no harm to the character or appearance of the Elder Street Conservation Area or the setting of the listed building.*

Para. 416 Conclusion - wording should be replaced by the following wording:

"This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy and concludes that the proposed development is acceptable in terms of land use principle (employment, mix of uses and retail); design (including urban design, views (strategic and local), public realm and open space and demolition within a conservation area), heritage; inclusive design; sustainable development: environmental issues (including residential amenity); transport; and, mitigating the impact of the development through planning obligations.

As explained in the report and this addendum report, officers conclude, having had special regard to the desirability of preserving listed buildings or their setting in accordance with section 66 of the Listed Buildings Act 1990, that the proposed development will not cause any harm to the listed buildings or their setting.

As explained in the report and this addendum report, officers conclude, having paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, that the proposed development causes less than substantial harm to the Elder Street Conservation Area. The officers have given the less

than substantial harm identified considerable importance and weight. It is acknowledged, that the harm identified gives rise to a strong statutory presumption against granting planning permission.

The officers conclude that there is no harm to the adjacent Brick Lane Conservation Area, Fournier Street Conservation Area and South Shoreditch Conservation Area.

The officers conclude that in spite of the strong statutory presumption against granting planning permission, the proposed development is considered to be in overall conformity with the development plan and that the harm identified is outweighed by the public benefits identified.

Further points of clarity

For the avoidance of doubt, where reference is made to the building heights of the previous planning applications for the site, it is confirmed that the 2007 scheme included a ten-storey element (plus plant); and the 2011 consented scheme includes a nine-storey element (plus plant). The proposed residential block S3 of the current scheme is four storeys, with an additional two storey setback element along its western edge.

2007 appeal scheme:

While this scheme was refused on appeal, the Inspector's findings, as listed in para. 44 of the report, set out a number of factors that are relevant to the current proposals including the appropriateness of a ten-storey building; the quality of permeability through the site; the benefits of the proposed repair work to the Blossom Street warehouses and locally-listed buildings. It is GLA officer's view this assessment should be given some (albeit limited weight) as part of the planning history of the site.

2011 'fallback' scheme:

In distinguishing the consented 2011 scheme and to the extent that the 2011 scheme has been approved, eg demolition of certain buildings (as listed in para. 46 of the report), and has been carried forward into elements of the current scheme, the 2011 scheme (which is the subject of a certificate of lawfulness as explained in para 48 of the report) is a material consideration in the decision whether to grant or refuse the current scheme. It is GLA officers' view therefore, that the 2011 should be given some weight in the decision making process.

Tower Hamlets Council's reasons for refusal and Alec Forshaw's assessment of the amended scheme

For the avoidance of doubt, the content of the reasons for refusal of the Tower Hamlet's committee meeting on 21st July 2015 and the follow-up meeting of 27th August 2015 are addressed in the representation hearing report. This is also the case with regards to the content of Alec Forshaw's assessment of 26th November 2015.

As set out in the 'Heritage' chapter of the report, GLA officers are of the view that the proposals would result in *less than substantial harm* to the Elder Street Conservation Area and no harm would be caused to the neighbouring listed buildings, or the listed carriageways. The loss of undesignated heritage assets on the site is acknowledged and detailed in the report, and it is concluded that the high quality design of their

replacement buildings along with the wider public benefits of the scheme will outweigh their loss.

Copies of both documents are appended to this report addendum.

Other clarifications

- **Para.92 bullet 8** – should read: *proposals will cause substantial harm to the heritage asset.*
- **Para. 126** – should read: *The application site comprises a variety of building forms and uses as set out in paragraphs 5 to 16 of this report...*
- **Para. 164** – should read: *As set out in Table 3, the percentage of family units proposed across all tenures is 22.5 per cent.*
- **Para. 181** – should read: *As detailed in paragraph 96 of this report, the Spitalfields Community Group state that the full retention of Nos. 12 and 13 Blossom Street is encouraging...*
- **Para. 211** – should read: *As detailed in paragraph 5 of this report, the entire site is located within the Elder Street Conservation Area...*
- **Para. 255** – should read: *As discussed in paragraph 17 of this report...*

Representations to the Mayor

Since the publication of the representation hearing report on the 8th January 2016, the Mayor is advised that he has received 2 further representations objecting to the proposals.

Appendix

1. **Appraisal of revised scheme, Alec Forshaw, 26 November 2015**
2. **Tower Hamlets Strategic Development committee decision, 27 August 2015**
3. **DP9 response letter to the hearing report, 12 January 2016**

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