23 September 2015

Land at Blossom Street, Spitalfields
in the London Borough of Tower Hamlets
planning application no. PA/14/03548 & PA/14/3618

Strategic planning application stage 2 referral

The proposal
Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court, and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed-use purposes comprising buildings of between 4 and 13 storeys to provide B1 (office), A1 (retail, A3 (restaurants and cafes) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking and ancillary and enabling works, plant and equipment. The proposal includes an application for Listed Building Consent (Local Authority reference PA14/3618). This includes works to the public highway (Fleur de Lis Street) including repair and replacement, where necessary, of the carriageway and pavement, installation of cycle parking, hard landscaping and all necessary ancillary and enabling works, plant and equipment.

The applicant
The applicant is British Land, the architects are AHMM, Duggan Morris, DSDHA, Stanton Williams and East.

Strategic issues
Tower Hamlets Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council’s draft decision notice, the development has a significant impact on the implementation of the London Plan, has a significant effect on more than one borough, and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008.

The Council’s decision
In this instance Tower Hamlets Council has resolved to refuse permission.

Recommendation
That Tower Hamlets Council be directed that the Mayor will act as the local planning authority for
the purposes of determining the above application, the application for Listed Building Consent.

**Context**

1. On 6 February 2015 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1B and 1C of the Schedule to the Order 2008: 1B: “Development… which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres”; 1C: “Development which comprises the erection of a building more than 30 metres high and is outside the City of London.”

2. On 18 March 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority, considered planning report PDU/2656b/01, and subsequently advised Tower Hamlets Council that whilst the application was generally acceptable in strategic planning terms, the application did not comply with the London Plan for the reasons set out in paragraph 96 of the above-mentioned report; but that the possible remedies set out in paragraph 96 of that report could address these deficiencies.

3. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4. On 21 July 2015 Tower Hamlets Council resolved that it did not accept its officers’ recommendation to grant permission, and was minded to refuse planning permission for the application. At a subsequent planning committee meeting on 27 August 2015 the Council resolved to refuse permission, for the reasons set out in paragraph six of this report, and on 10 September 2015 it advised the Mayor of this decision.

5. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 23 September 2015 to notify the Council of his decision and to issue any direction.

6. In summary, the Council’s draft decision notice cites the following reasons for refusal:

   - The development would result in the total and partial loss of and unsympathetic alteration to a significant number of heritage assets which make a positive contribution to the character and appearance of the conservation area. As a result the proposal would result in ‘less than substantial’ harm to the Elder Street conservation area and Brick Lane and Fournier conservation areas. The public benefits associated with the proposals, which include additional employment floorspace provision, additional housing and bringing back vacant buildings into active use, would not overcome the identified harm to the conservation area.

   - The proposals by reason of the low proportion of housing compared to employment floorspace within the scheme fails to adequately address the borough’s housing needs in accordance with strategic objective seven of the Council’s Core Strategy which requires the delivery of housing to meet the objectives set out in the London Plan. This, combined with the low percentage of affordable housing would fail to ensure the development contributes to the creation of socially balanced and inclusive communities.

7. The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.
Article 7: Direction that the Mayor is to be the local planning authority

8 The initial policy test regarding the Mayor’s power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

9 The policy test consists of the following three parts, each of which must be met in order for the Mayor to take over the application:

a) significant impact on the implementation of the London Plan;

b) significant effects on more than one borough; and

c) sound planning reasons for his intervention.

10 Parts (a) and (b) of the test identify the impact an application would have on the Mayor’s policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor’s intervention, having regard to the Council’s draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

11 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

12 There are significant impacts on the implementation of the London Plan with respect to London’s economy and London’s transport for the reasons set out in the following paragraphs.

London’s economy

13 London is a world city with a key role in the global economy. As such, it fulfils functions and attracts investment that other cities in the United Kingdom – and in Europe – do not. It has a distinctive role to play in the spatial development of the country and continent as part of a polycentric network of cities and urban areas, and the Mayor recognises the importance of ensuring London does this in ways that promote sustainable success at European, national and city region levels. He recognises the importance of this to the continued prosperity and well-being of London and its people (London Plan, paragraph 2.7).

14 Projections within the London Plan suggest that, despite changes to the economy in recent years, the total number of jobs in London could increase from 4.9 million in 2011 to 5.8 million by 2036 – growth of 17.6 per cent or an additional 861,000 jobs over the period as a whole. Chapter one of the London Plan makes clear that this growth is fundamental to London’s endurance as a national and international economic driving force, and crucial to meet the needs of a growing and changing population.

15 London Plan Table 4.1 establishes the demand for office based jobs and floorspace up to 2031. Within the Central Activities Zone (CAZ) and the north of the Isle of Dogs there is expected to be a demand for 177,000 office jobs (58% of total office based employment growth), and up to 3,070,000 sq.m. of office floorspace. Paragraph 2.46 of the London Plan states “It will be important to ensure an adequate supply of office accommodation and other workspaces in the CAZ/Isle of Dogs suitable to meet the needs of a growing and changing economy. The projected
increase in office-based employment in the CAZ/Isle of Dogs could create significant demand for new office space.”

The London Plan states that the City Fringe opportunity area provides particular scope to become a business hub of major international significance and should nurture the employment, business and creative potential of the digital-creative sectors while ensuring the provision of suitable levels of commercial floorspace, supporting uses and related infrastructure to meet the needs of this growing cluster. Table 1A.1 within the London Plan indicates that the City Fringe opportunity area has capacity to provide 70,000 new jobs by 2031.

The application site forms part of the CAZ, and is situated in a distinctive part of the City Fringe opportunity area, on the boundary of the City of London and the London Borough of Hackney and in an area where sites typically a context of existing built form and heritage assets. The whole site falls within the Elder Street Conservation Area, and as such any new development opportunities need to protect the significance of the conservation area itself and a number of heritage assets, including listed buildings that are within the vicinity of the application site. Nevertheless, given the proximity to the City of London, and the location’s high public transport accessibility, the site has employment generating potential which reaches beyond the Tower Hamlets borough boundary. The consultation draft City Fringe Opportunity Area Planning Framework (2014) identifies the application site as a key site within the inner core area where demand for employment floorspace is highest. The potential net additional demand across the opportunity area between 2013 and 2023 is forecast at between 288,000 sq.m. and 385,000 sq.m.

This application provides 34,807 sq.m. of office floorspace which includes 5,604 sq.m. of Co-working/Small and Medium Enterprise (SME) space and 18,772 sq.m. of ‘grow-on’ space. 1,440 sq.m. of small business space; 1,126 sq.m. of retail space, 3,566 sq.m. of restaurant/café uses and 553 sq.m. of drinking establishment. The proposals include an uplift of 27,100 sq.m. in B1 office space across the development site which will provide a platform for significant job regeneration and contribute to London Plan targets.

The application would, therefore, broadly accord with the strategic aspirations for the site expressed within the consultation draft City Fringe Opportunity Area Planning Framework (Consultation draft 2014), and would contribute to the delivery of CAZ priorities with regard to the need to ensure adequate office capacity to meet future demand. It would generate employment and contribute to increasing the offer presented by the CAZ, serving to increase London’s world city status, a key economic policy objective of the London Plan. In addition, the provision of significant office floorspace on this site, within the CAZ, would ensure a major development site would fulfil its potential, as part of a finite number of opportunities within the City Fringe, to meet CAZ priorities.

London’s Transport

The Mayor recognises that transport plays a fundamental role in addressing the whole range of his spatial planning, environmental, economic and social policy priorities. It is critical to the efficient functioning and quality of life of London and its inhabitants (London Plan, paragraph 6.2).

London Plan policies 6.4 and 6.5 identify that the implementation of Crossrail is the Mayor’s top strategic transport priority for London over the plan period. London Plan paragraph 6.21 states that Crossrail is essential to the delivery of the strategic objectives of the London Plan given that demand for public transport into and within central London is nearing capacity. The employment growth expected up to 2036 will further increase this demand, and unless this is addressed, continued development and employment growth in central and eastern London will be threatened. In particular, Crossrail is critical to supporting the growth of the financial and business
services sectors in central London and in the Isle of Dogs, where there is market demand for additional development capacity.

22 The funding arrangements for Crossrail announced by Government make clear that the project will not proceed without contributions from developers. A funding agreement between the Mayor, Transport for London and the Government envisages that a total of £600,000,000 might be raised towards the cost of the project from developers, as follows:

- £300,000,000 from use of planning obligations or any similar system that might replace them; and,
- £300,000,000 from the Community Infrastructure Levy.

23 The site falls within the Central London Contribution Area for Crossrail, as defined by the Mayor’s supplementary planning guidance Use of Planning Obligations in the Funding of Crossrail, which acts in support of London Plan Policy 6.5. Within the Central London Contribution Area a charging level of £137 per sq.m. is applied to new office floorspace, £88 per sq.m. for new retail floorspace and £60 per sq.m. for new hotel floorspace.

24 The application includes an uplift in office and retail floorspace at the site, and gives rise to a £4,374,570 contribution towards Crossrail. The applicant remains in discussion with the Council on Section 106 contributions. Therefore, the application has the potential to contribute towards the delivery of Crossrail, thus helping to deliver the Mayor’s principal transport policy priority within the London Plan.

Policy test 7(1) (b): Significant effects on more than one Borough

25 There are significant economic and transport effects on more than one borough for the following reasons.

Economic effects

26 London Plan Policy 2.10 makes clear that the distinct offer of the CAZ, which comprises the boroughs of the City of London, Westminster, Camden, Islington, Hackney, Southwark, Lambeth, Kensington and Chelsea and Tower Hamlets is based on the rich mix of local as well as strategic uses forming the globally iconic core of one of the world’s most attractive and competitive business locations. The implication of this is that the value of the CAZ is worth more than the sum of its constituent parts, and to support London’s world city role it must act as unified economic zone.

27 London Plan Table A1.1 identifies that the City Fringe opportunity area provides particular scope to support London’s critical mass of financial and business services and clusters of other economic activity.

28 The cross-borough nature of these strategic functions is borne out by the pooling of associated London Plan targets for growth, as highlighted above, across the CAZ and City Fringe opportunity area respectively.

29 The site is within the City Fringe opportunity area, which straddles four boroughs (City of London, Hackney, Islington and Tower Hamlets) and forms part of the CAZ, which straddles ten boroughs (Camden, City of London, Hackney, Islington, Kensington and Chelsea, Lambeth, Southwark, Tower Hamlets, Wandsworth and Westminster) which collectively form a globally recognised core, and one of the world’s most attractive and competitive business locations. The site lies on the edge of the borough boundary with the City of London and Hackney and provides
particular scope to support London’s critical mass of financial and business services and clusters of other economic activity.

30 The provision of high quality office floorspace in this key City Fringe location complements the offer within the CAZ, and supports an internationally competitive business cluster. Development at this site, and the jobs and office floorspace it would deliver has a clear relationship with the other City Fringe opportunity area and CAZ boroughs in ensuring that the Zone as a whole continues to maximise the strategic employment function of London to support its world city role.

Transport effects

31 As set out in paragraphs 20 to 24, this application, by virtue of its financial contribution towards Crossrail, would assist in the delivery of a cross-borough strategic transport project vital to the longer-term development of the capital.

Policy test 7(1)(c): Sound planning reasons for intervening

32 Notwithstanding parts (a) and (b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council’s draft reasons for refusal, together with the outstanding issues identified by the Mayor in his original comments which are examined in more detail within paragraphs 50 to 77 of this report, there are sound planning reasons to take over this application.

Central Activities Zone

33 London Plan Policy 2.10 sets out the Mayor’s policy on the CAZ and states that the Mayor will, and boroughs and other relevant strategic partners should, enhance and promote the unique international, national and London-wide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world’s most attractive and competitive business locations.

34 The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the City Fringe opportunity area, broadly deliver the indicative quantum of development and jobs expressed for the site within the consultation draft City Fringe opportunity area planning framework, and contribute towards meeting London Plan projections for office space demand and employment growth within the Zone.

Opportunity Area

35 London Plan Policy 2.13 sets out the Mayor’s policy on opportunity areas. London Plan paragraph 2.58 states that opportunity areas are the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Table A1.1 sets out the strategic policy direction for the City Fringe opportunity area. This states that the City Fringe opportunity area contains a number of accessible, relatively central sites, including Bishopsgate and South Shoreditch, with significant development capacity and provides particular scope to support London’s critical mass of financial and business services and clusters of other economic activity. Minor extensions of the CAZ should assist the realisation of development capacity and exploit public transport accessibility through Crossrail One stations at Liverpool Street and Whitechapel, and at the London Overground stations.

36 The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the City Fringe opportunity area, broadly deliver the indicative quantum of development and jobs expressed for the site within the consultation draft City Fringe opportunity area planning framework, and contribute towards meeting the indicative estimates for employment capacity within the City Fringe opportunity area.
**Promoting jobs and growth**

37 The principle of providing a high-quality, office-led mixed use development on this CAZ site, within an opportunity area, is strongly supported in strategic planning terms. Due to the constraints to large-scale office development in City Fringe locations, suitable development opportunities, on appropriate sites, must be promoted. The provision of a significant amount of high quality office accommodation in this location would help to meet the future demands of the business and financial sector, and will enable London to maintain and expand its world city role, in accordance with national, regional and local policies. The proposal would also contribute towards meeting employment targets within the CAZ and City Fringe opportunity area.

38 Failure to promote appropriate development could potentially impact upon the economic health of the Central Activities Zone as whole.

**Matters the Mayor must take account of**

39 As the application does not include development falling within Category 1A of the Schedule to the Order, the Mayor is not specifically required by the terms of the Order to take account of (a) the Councils’ current and past performance against applicable development plan targets for new housing, including affordable housing. Notwithstanding this, the inclusion of housing, including 30 per cent of affordable housing on site is welcomed in the context of this principally office-led scheme and the following assessment includes details of Tower Hamlets housing targets. Paragraph 7(3)(b) states that the Mayor must assess the extent to which the Council is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application. In this instance, targets with respect to **offices** and **employment** are most relevant but consideration has also been given in respect of **housing** targets.

**London Plan targets**

- **Offices**: London Plan Table 4.1 identifies demand for up to 3,070,000 sq.m. of office floorspace in the CAZ and the north of the Isle of Dogs by 2031.

- **Employment**: London Plan Table 1.1 projects a 14.4% growth in employment within Tower Hamlets by 2036, and provides an adjusted triangulated forecast benchmark for 2011 of 246,000 jobs. London Plan Table A1.1 indicates the City Fringe Opportunity Area has capacity to provide 70,000 new jobs by 2036.

- **Housing**: London Plan Table 3.1 states that the housing target for Tower Hamlets is a minimum of 3,931 homes per year.

**Tower Hamlets targets**

- **Offices**: Tower Hamlets Core Strategy (2010) objective SO15 states that it seeks to “support the thriving and accessible global economic centres of Canary Wharf and the City Fringe which benefit the regional and local economies” and supporting policy SP06 states that the Council intends to “focus larger floor-plate offices and intensify floorspace in Preferred Office Locations” while also supporting “the provision of a range and mix of employment uses and spaces in the borough by retaining, promoting and encouraging flexible workspace in town centre, edge-of-town centre and main street locations.” This includes locations in Canary Wharf, and areas of the City Fringe. This site is within a Preferred Office Location.

- **Employment**: Tower Hamlets Core Strategy (2010) supporting policy SP06 states that the Council seeks “to maximise and deliver investment and job creation in the borough, by:
supporting, maximising and promoting the competitiveness, vibrancy and creativity of the Tower Hamlets economy…; and promoting the creation of a sustainable, diversified and balanced economy by ensuring a sufficient range, mix and quality of employment uses and spaces, with a particular focus on the small and medium enterprises”.

- **Housing:** Tower Hamlets Core Strategy (2010) supporting policy SP02 sets out the borough’s affordable housing targets that 35-50 per cent of homes should be affordable, subject to viability assessment. The targeted tenure split within the affordable element is 70:30 (affordable rented: intermediate). This is reflected at Policy DM3 of the Managing Development Document (2013) which also sets out the requirement for maximising the delivery of on-site affordable housing.

40 While the Tower Hamlets Core Strategy does not include specific targets for office floorspace or employment levels in the Borough’s portion of the CAZ or City Fringe opportunity area, or across the Borough as a whole, relevant policy targets are set out in the London Plan and as shown above, these targets are strategic and not disaggregated by borough. For office floorspace the target is shared between the Central Activity Zone and the Isle of Dogs, and for employment opportunities the target relates to the whole of the City Fringe opportunity area, which straddles three other boroughs. Nevertheless, a consideration of the Council’s performance in terms of the provision of office space and generation of employment is set out below. It is also noted that the application site is recognised by Tower Hamlets as a Preferred Office Location.

**Offices**

41 Tower Hamlets Annual Monitoring Report (2012-13), Figure 30, indicates that across the Borough office completions grossed 2,629 sq.m. between April 2012 and March 2013. This is however set against a borough-wide net reduction of 37,028 sq.m. of B1 office floorspace, should all approvals be completed, over the same period resulting predominantly from office to hotel and office to residential conversions across the borough. Figure 32 of the monitoring report indicates that, within the Borough’s portion of the CAZ, no office completions where completed between April 2012 and March 2013 and GLA held data within the London Development Database confirms that no office development has been completed within the Borough’s portion of the CAZ up until March 2015.

42 GLA held data within the London Development Database provides an insight on the longer term trends within the Borough. It is noted that London Development Database data indicates that during the period between April 2004 and March 2008 borough wide completions resulted in a net gain of 111,489 sq.m. of office floorspace and this fell to 91,106 sq.m. for the period April 2008 to March 2015.

43 The same data also indicates that within the Borough’s portion of the CAZ, completions between April 2004 and March 2011 resulted in a net gain of 92,554 sq.m. of office floorspace, however this has now fallen to a net loss of 5,257 sq.m. of office floorspace for the period April 2008 to March 2015.

**Employment**

44 Tower Hamlets’ Research Briefing on Local Employment by Industries briefing document (2014) cites recent figures which indicate that in 2012, approximately 240,000 jobs were located in the borough, which is an increase of 15 per cent from 2009. The City Fringe and Isle of Dogs account for approximately 81 per cent of all employment in the borough at 195,000 jobs. It is noted that the period between April 2008 to March 2009 saw a Borough-wide net loss of 6,905 jobs. Comparable local employment figures prior to April 2008 are not readily available.
The table below sets out the performance of Tower Hamlets for net conventional completions compared to the London Plan benchmark for conventional supply (as indicated in the AMR). This shows that Tower Hamlets delivered less than half of the conventional homes required over the last five years.

The table below also shows that the record of planning approvals over the past 5 years has been healthy within the borough, only falling below the London Plan target in 2010.

Tower Hamlets

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Net Completions (units)</th>
<th>Net Approvals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Market</td>
<td>Social &amp; Affordable Rent</td>
</tr>
<tr>
<td>2006</td>
<td>1,538</td>
<td>439</td>
</tr>
<tr>
<td>2007</td>
<td>1,443</td>
<td>526</td>
</tr>
<tr>
<td>2008</td>
<td>1,382</td>
<td>544</td>
</tr>
<tr>
<td>2009</td>
<td>1,807</td>
<td>379</td>
</tr>
<tr>
<td>2010</td>
<td>981</td>
<td>191</td>
</tr>
<tr>
<td>2011</td>
<td>189</td>
<td>547</td>
</tr>
<tr>
<td>2012</td>
<td>696</td>
<td>172</td>
</tr>
<tr>
<td>2013</td>
<td>580</td>
<td>73</td>
</tr>
<tr>
<td>Total</td>
<td>8,616</td>
<td>2,871</td>
</tr>
</tbody>
</table>

Table 1: Tower Hamlets housing completions and approvals

Affordable Housing

The delivery of 2,052 affordable units in Tower Hamlets over the five years equates to a rate of 32% of total completions and 15% of the total monitoring target. Tower Hamlets have a 50 per cent affordable housing target in their Core Strategy.

Consideration of performance against development plan targets

Based on the above information, Tower Hamlets Council has a good historic record in assessing and permitting planning applications for office floorspace in the Borough and the CAZ area, and the Borough has seen a good level of recent employment growth to offset a proportion of the losses during 2008-09. Notwithstanding this, recent trends have seen a decline in the delivery of new office floorspace both borough-wide and in the Borough’s portion of the CAZ, and the Council’s latest self-assessment within its Annual Monitoring Report (2012-13) finds that performance with respect to providing additional employment floorspace (including B1[a] office) is currently off target with a net loss of 27,073 sq.m. of approved office floorspace. It is also noted that employment levels within the Borough would currently fall short of the indicative employment projections forecast within Table 1.1 of the London Plan. It is likely that recent challenges to delivering office floorspace and employment growth are linked to broader economic trends, and
within this context it is particularly important that strategic office development, in suitable but finite CAZ and City Fringe locations, is delivered to support London’s globally competitive business cluster and promote growth.

**Outstanding strategic planning issues**

49 Notwithstanding the above, regard must be had to the strategic planning issues raised at consultation stage. Following the initial consultation to the Mayor, the applicant has responded to comments made by GLA and Council officers and made revisions to the scheme accordingly. An update with respect to each of the strategic issues raised at consultation stage is provided under the respective sections which follow.

**Mix of uses**

**Office**

50 As discussed at consultation stage, the site is located within the Central Activities Zone (CAZ) and is also within the City Fringe opportunity area. Given the site’s potential for delivering high quality office floorspace, including varying office typologies to meet specific needs to support London’s economic development and world city role while contributing towards the key employment objectives of the draft City Fringe planning framework, officers welcome the nature and scope of this office-led scheme. The applicant was however advised that the 2014 draft OAPF prioritises the need for an appropriate balance of small and medium sized enterprises (SMEs) and a proportion of flexible affordable workspace suitable for occupation by micro and small enterprises. GLA officers also requested the provision of mechanisms within the Section 106 agreement to ensure that a reasonable amount of affordable workspace is secured as part of any future planning consent. In response, the applicant has provided further confirmation on the breakdown of employment (B1) office floorspace proposed as detailed below.

<table>
<thead>
<tr>
<th>Typology</th>
<th>Range (sq.m.)</th>
<th>Floorplate count</th>
<th>Sq.m.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artist’s studio</td>
<td>Less than 92</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Co-working / SME</td>
<td>92–371</td>
<td>28</td>
<td>5,604</td>
<td>23.0</td>
</tr>
<tr>
<td>Grow-on space</td>
<td>371-929</td>
<td>8</td>
<td>3,907</td>
<td>16.0</td>
</tr>
<tr>
<td></td>
<td>929-1393</td>
<td>9</td>
<td>9,615</td>
<td>39.4</td>
</tr>
<tr>
<td></td>
<td>1393-1858</td>
<td>3</td>
<td>5,250</td>
<td>21.5</td>
</tr>
<tr>
<td></td>
<td>1858-2787</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Corporate space</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Table 2: Proposed B1 typologies (source: Tower Hamlets committee report 21 July 2015)*

51 Table 1 demonstrates that the scheme is designed to include a range of new build and retained office floorspace with the largest footplates not exceeding 1,858 sq.m. It is acknowledged that this is 929 sq.m. below the GLA’s threshold for corporate floorspace and as stipulated by the applicant, by comparison typical floorplates for recent office-led development in the immediate vicinity of the site, such as the Tea Building and Principal Place, are significantly higher than that of the Blossom Street proposals.
23 per cent of proposed office floorspace is identified for co-working space and SMEs with the remainder targeted at ‘grow-on’ space to support maturing businesses which have grown in size from the scale of smaller start-up companies. The draft City Fringe OAPF recognises the need to provide for the growth and expansion of smaller businesses and also identifies the benefits of focusing them around business clusters to encourage innovation and shared resources. The 39 per cent of total office floorspace identified for SME and grow-on space of up to 929 sq.m. is acknowledged and alongside the design of footplates to enable further sub-division to accommodate incubator space gives potential to contribute towards achieving the objectives of the draft City Fringe OAPF.

At the initial consultation stage the applicant was asked to investigate existing workspace models designed to accommodate a range of business sizes in order to establish how proposed workspace typologies would be managed post-construction, and where appropriate, provide evidence of agreement from workspace providers. In response, the applicant has confirmed that they currently have a number of established relationships with specialist providers and are currently exploring opportunities to accommodate a workspace provider within the development. As commented at initial consultation stage, GLA officers would expect to ensure a reasonable amount of affordable workspace is secured as part of the Section 106 agreement.

Retail

As detailed at the initial consultation stage, the scheme includes a net decrease in A1 floorspace from 1,482 sq.m. to 1,086 sq.m. This loss of retail floorspace raises no specific strategic issues given that much of the existing retail uses are in a derelict condition and under-utilised, particularly along the Norton Folgate and Commercial Street frontages of the site. It is also recognised that the proposed retail spaces will include a variety of unit sizes to accommodate a variety of commercial needs, while also contributing to an improved sequence of public realm across the site through an increase of active frontages.

The applicant was advised to provide further detail on the companies to locate within the scheme and details of a management strategy for the retail units including how this will support the aims of a retail leasing strategy to satisfy the requirements of London Plan Policy 4.9. In response, the applicant has confirmed that a number of measures have been put in place in order to support and attract a successful balance of occupiers, including independent retailers to meet the needs of local residents and visitors to the area. These measures include the sub-division of floorspace to provide a range of unit sizes and further flexibility through subdivision of units, taking into account servicing, access and ventilation requirements. Enhanced specifications of internal fit-outs are to be provided to encourage independent retailers with limited budgets and the applicant is also investigating the provision of flexible leasing arrangements for independent operators alongside delayed marketing of the units in order to attract start-up businesses who may not be able to commit to pre-lets in advance of occupation.

Housing

As commented at the initial consultation, the proposed housing contribution of 40 units with 30 per cent affordable units (based on habitable rooms) is strongly supported in the context of this employment-led scheme. London Plan Policy 4.3 states that mixed-use development within the CAZ should include a mix of uses, including housing and residential development is also recognised as being appropriate as part of a mix of uses within the City Fringe. Given the site’s location in the ‘inner core’ of the opportunity area and on the edge of the City, GLA officers acknowledge the proposed balance of uses weighted in favour of employment. The proposed housing would also contribute towards the Mayor’s annual housing target of 42,000 homes per year and Tower Hamlets annual monitoring target of 23,931 units.
Heritage

57 If the Mayor assumes responsibility as planning authority, it will be necessary to assess the scheme’s effect on heritage assets, having due regard to the statutory duty referred to in paragraph 59, relevant heritage policies of the development plan including policies 7.8 and 7.9 on the historic environment of the London Plan and relevant provisions of the NPPF.

58 As detailed in the Stage One report, the application site lies directly opposite a number of listed buildings and conservation areas. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ and with regards to conservation areas, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This should be given significant or special weight in the balance of making planning decisions. The NPPF identifies that the extent and importance of the significance of the heritage asset is integral to assessing the potential harm, and therefore acceptability. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These aims are detailed in London Plan Policy 7.8 which requires the identification, conservation, restoration and re-use of heritage assets.

59 At Stage One, having had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 and in relation to special attention being paid to the desirability of preserving or enhancing the character or appearance of the conservation areas; GLA officers were broadly supportive of the heritage-led design strategy underpinning the proposals and this is based on an analysis of existing heritage assets across the application site. While the proposals will result in a significant increase in scale within development zones S1 and S2, ranging between ten and thirteen storeys, it is considered that this is mitigated by a high quality architectural response to the site based on the retention and refurbishment of existing historic warehouse structures, including the retention of all principal warehouse facades. As commented at Stage One, the proposed scale of taller elements is recognised as remaining recessive in relation to the established and emerging scale of development to the north and west of the site, including the Bishopsgate Goods Yard scheme, Principal Place and Broadgate Tower. The general retention of the historic street pattern and the revisions made to the scheme during the pre-planning process including the retention of No. 15 Norton Folgate and the 1927 warehouse façade and improved articulation to block S1 were all recognised as positive aspects and amendments at Stage One. It is further noted that the applicant has worked to introduce improved articulation to the eastern façade of block S1 to address officer’s concerns regarding the potentially overbearing massing effects of this block.

Urban design

Scheme layout and form/massing

60 As detailed in the Stage One report, the proposals demonstrate a high level of site analysis which includes a thorough analysis of the architectural and heritage significance of all buildings across the site. This has formed the basis of a clear strategy for retention and renewal. The applicant has also sought to work with and enhance the existing street pattern, utilising and introducing a series of courtyard spaces which form a successful sequence of public realm and contribute to improved local permeability. This is strongly welcomed.

61 At Stage One, the form and massing strategy was broadly supported, raising no specific issues in strategic urban design terms given the emerging scale of development to the north and
west of the site. GLA officers did however raise concern with regards to the potential overbearing
massing impact of block S1 and in particular the negative impact its eastern frontage may have on
the setting and character of Blossom Street. In response, the applicant has indicated through the
submitted townscape and visual assessment document that the eastern façade of S1 cannot be
seen from street level as a result of the relatively tight-knit urban grain and while a portion of the
building can be seen in longer range views from Commercial Street and Fleur De Lis Street, these
particular views will be seen in the context of larger-scale commercial office buildings including the
Broadgate Tower and the emerging Principal Place scheme. It is understood that the applicant has
revisited the design of the upper levels of the eastern elevation of S1, introducing three vertical
bays defined by brick piers to align with the Shoreditch High Street elevations. Further discussion
is needed on this point to ensure that these amendments fully address concerns raised at Stage
One.

62 The applicant has now confirmed that the taller elements within development zone S2
would not appear visible in the background of designated view 9 of London Plan Table 7.1. A plan
has been submitted to demonstrate this.

Residential quality

63 As commented at initial consultation stage, the layout and massing extent of the residential
element within zone development zone S3 was broadly supported and gives potential for a high
quality of residential accommodation and a well-proportioned building form that acknowledges the
predominant scale and articulation of neighbouring heritage assets. Notwithstanding this, the
applicant was asked to ensure that all units are designed to achieve acceptable ADF levels,
particularly units located at lower ground level with living spaces fronting into the sunken
courtyard. In response, the applicant has conducted a full ADF study which confirms that while
these units will receive limited daylight penetration; this is to be mitigated through the provision of
proportionately large windows and double height kitchen areas to provide residents with a sense of
openness. It is understood that the Council have had the findings of the assessment independently
reviewed where it was concluded that the residential block as a whole met an acceptable level of
daylight/sunlight penetration.

64 The applicant was also advised to reconfigure the layout of duplex units along the Elder
Street edge of the block to provide individual front door access to each unit. This would align more
successfully with the character of neighbouring listed residential buildings and optimise passive
surveillance to the street. It is disappointing that the applicant has not pursued this advice,
acknowledging that the access to the residential core and the high quality of residential design in
general mean that the proposed layout arrangement is workable in this instance.

65 The applicant has provided confirmation on the location of wheelchair accessible units
which make up 10 per cent of the total number of units and are distributed across private and
affordable tenures.

Inclusive access

66 At initial consultation stage, the scheme was recognised as demonstrating an acceptable
level of detail to secure an inclusive environment, while working with the heritage based
constraints of the site. It is understood that a car parking management plan is to be secured by
condition to address the allocation of blue badge spaces (given space limitations) and any
additional demand in accordance with London Plan Policy 7.2.

Energy

67 The proposed approach to sustainability was broadly supported at consultation stage,
however, further information was required before the carbon savings could be verified.
In response to comments raised at initial consultation stage, the applicant has provided an overheating analysis using the Chartered Institute of Building Services Engineers (CIBSE) Technical Memorandum (TM) 52 and the results provided demonstrate that all residential units modelled will meet the CIBSE criteria. This is welcomed. The applicant has also updated the energy strategy to account for proposed cooling systems, demonstrating compliance with Part L 2013. This is welcomed.

At Stage One, the applicant was advised to remove carbon emission savings from Heat Pumps as they are considered renewable technology in the energy hierarchy. The applicant was also advised to note the requirement for the baseline emissions to be determined using a gas boiler as the heating source. The applicant has not provided updated information on this issue and given that heat pumps are recognised as a renewable technology, the savings should be included in the ‘be green section’ of the strategy rather than the ‘be lean’ section. The ‘be lean’ section should assume a gas boiler for heating and electrically powered equipment for cooling.

At Stage One, the applicant’s intention to adopt a fabric first approach for the refurbished buildings was supported. However, the emission figures for the refurbished elements of the development should be separated from the new buildings as they are not technically Part L 2013 emissions and therefore do not count towards the target emission savings. The applicant has not updated the energy statement to reflect this. While the extensive improvement measures proposed for the existing buildings are welcomed, the applicant should note that the London Plan target is reported against a Part L 2013 baseline using compliant software and so the improvement measures calculated through the benchmarks cannot be counted towards the target. Therefore, in order to verify carbon dioxide savings the applicant should update the site wide carbon emission figures of Tables seven and eight in the energy statement to include only the new build elements i.e. emissions calculated through Part L compliant software. Should there be a shortfall from the 35 per cent carbon emission target following the update to the emission figures, the applicant should liaise with the Council regarding how the remaining carbon emission savings will be met. This could include discussion around whether the savings from the energy efficiency measures proposed for refurbishment could be counted towards the target. Finally, it is noted that the applicant has stated that the new build figures have been quoted throughout the report. However, the figures include air source heat pumps in the ‘be lean’ section and as outline above, the tables should be updated to include the heat pump savings in the ‘be green’ section. These issues remain outstanding and require further investigation if they are to be addressed before the application can be recognised as being in full compliance with London Plan energy policies.

Transport

At Stage One, a number of issues were raised including car and cycle parking, access and servicing arrangements, and off-site mitigation measures against expected increase in pedestrian and cycle trips. Although TfL encouraged the scheme to be car free in such an assessable area, seven basement car parking spaces, including two disabled spaces are proposed for the proposed 40 residential units. This is nonetheless considered reasonable given the resulting minimal traffic impact.

The development includes 436 basement cycle spaces, and 54 visitor spaces at surface level for commercial use with 80 residential spaces. TfL notes that the short-term visitor provision is roughly half that required by the 2015 London Plan standards. That said, the space constraints within the site limit the scope for any more stands and therefore the shortfall is accepted. Cyclist access to the basement for plots S1 and S2 would be via a gully adjacent to the staircase rather than by lift. TfL will explore with the applicant as to whether an alternative access strategy can be developed in accordance to the latest London Cycle Design Standards and in line with London Plan policy 6.9 B (a).
TfL has worked with the applicant to secure modifications to the existing loading bay and
disabled parking bay along with footway improvement on Shoreditch High Street adjacent to the
site frontage. TfL is content with the proposal in principle subject to the outcome of a stage one
road safety audit. TfL also supports the principle that the final submission and implementation of
a delivery and servicing plan (DSP), construction management plan (CMP) and safeguarding of
London Underground assets should be secured by conditions.

The applicant has committed to deliver improvements to both Blossom Street and Fleur de Lis Street by removing obsolete drop kerbs as well as restoring the footway. TfL also acknowledges
the proposed narrowing of the kerb radii at the junction of Elder Street with Commercial Street to
improve pedestrian safety. TfL expects all highway improvements to be delivered by the developer
entering into an agreement with respective highway authorities and secured by planning
obligation.

At the consultation stage TfL requested contributions towards the following infrastructure
to encourage sustainable travel:

(a) £20,000 toward cycle improvements along Commercial Street
(b) £2,000 toward Legible London signage
(c) £90,000 toward increasing level of service at existing cycle hire docking station in the
vicinity;

TfL submitted detailed justification to Tower Hamlets Council to show that the substantial
increase in cycle trips from this development would benefit from enhanced docking station
capacity. Tower Hamlet Council consider that other than the cycle improvements on Commercial
Street, the contributions requested are for non-site specific infrastructure that will be met by their
Community Infrastructure Levy (CIL), and therefore should not be secured by Section 106
agreement as this would constitute duplication of contributions.

Under the Mayors Crossrail SPG, Tower Hamlets Council calculates that a contribution of
£4,374,570 should be secured toward Crossrail and this would be included in any Section 106
agreement.

Response to consultation

Tower Hamlets Council publicised both applications by issuing notifications to 1,256
addresses neighbouring properties, as well as issuing site and press notices. A number of external
bodies were also notified.

All representations received in response to the Council’s local consultation process are
considered in detail within the Council’s committee reports, and all representations have been
made available to the Mayor.

Responses from local residents

In response to the public consultation the Council received 550 letters of objection from
local residents, local heritage groups as listed below and individual responses from outside of the
borough.

The Council received seven letters of support for the application from local residents and
The Ministry of Start-ups.

In summary, the objections raised to the application relate to: the loss of 75 per cent of the
Elder Street Conservation Area; insensitive façade retention with loss of historic interiors an
insensitive repair; the new buildings are too large and out of context with their surroundings; a
change from small scale multi-use to primarily office uses is not suitable for local people; the development would be a fundamental change to the character of a significant part of historic Spitalfields; the proportion of housing and affordable housing is too low; the development would result in a detrimental impact on tourism and local business; the consultation process failed to respond meaningfully to local objections.

83 In summary, the comments made in support of the application relate to: The development would result in a significant enhancement to the already permitted plans for the Nicholls and Clarke site and create a harmonious relationship with surrounding buildings; the development would safeguard heritage and bring back in to use abandoned properties in various states of dereliction; the development would restore buildings to residential use with forty new residential properties of which 25 per cent meet the criteria for affordable housing; the development would address past concerns about the lack of facilities being provided for smaller start-up businesses; the development would be in keeping with the desire to see more residents in the area to keep the character quiet and residential; the proposed one way traffic system running through the conservation area would be more consistent with the narrow streets and result in a safety enhancement for pedestrians; the proposed interior courtyard and garden spaces would be in keeping with the character of the conservation area; Norton Folgate is currently unattractive and unsafe to walk around and does not attract may tourists; British Land have conducted themselves well during the consultation period.

Responses from statutory bodies, local groups and other organisations

84 Historic England (HE) supports the proposals. Their comments can be summarised as follows: The development site comprises a large area that retains a strong historic character and several unlisted buildings that contribute positively to the Elder Street conservation area’s character. The proposals entail significant intervention that will change the appearance of the area. When considered cumulatively, the changes will, on balance, enhance rather than detract from the character of the conservation area. Where harm is identified, this harm is minor and is far outweighed by the public benefits of the scheme. These heritage benefits include the repair and restoration of all the buildings or their most significant elements; benefits arising from re-introducing buildings to currently empty spaces, reinforcing the historic street pattern; benefits arising from re-introducing permeability through the site; and the re-activation of frontages and uses into buildings that have been empty and decaying for decades. The design of proposed buildings is of high quality and would be complementary to the established character of the conservation area, thereby enhancing the historic environment in this part of Tower Hamlets.

85 Historic England (Archaeology) raised no objection but identified that the site overlies the Scheduled Monument of the medieval Priory and Hospital of St Mary Spital, and the applicant will require appropriate permissions from the Inspector of Ancient Monuments for London. Impact on undesignated heritage assets above and to the north of the Scheduled area can be expected and would require management through the planning process. Affected non-designated heritage assets are likely to include Roman remains connected with funerary and industrial activity fronting Norton Folgate. Many of the buildings proposed for demolition are of nineteenth and early twentieth century local heritage significance and should be recorded before demolition. Should consent be granted, then archaeological impacts should be covered by a condition to include recording of the buildings as well as a staged programme of investigation into buried deposits.

86 Metropolitan Police Crime Prevention raised no objection and welcomed the extra footfall the proposal would bring into the area. Some concern was raised with regards to a lack of surveillance along Elder Passage and Blossom Yard which could result in antisocial behaviour. Secured by Design standards should be considered as a planning condition for the residential element.
London Underground Limited raised no objection but recommended a condition requiring details of the layout and construction of all sub-ground works including basement and foundations.

The Georgian Group objected to the proposals on the grounds that the scheme does not respect the scale or materials of the conservation area and fails to demonstrate appropriate enhancement.

The Society for the Protection of Ancient Buildings object to the proposals and advise that historic buildings on the site should be treated in a more sensitive and responsible manner. Historic buildings should be treated as assets that form a valuable part of the local streetscape and add to the distinctive character of the local area. They ask for a full review of the scheme in order to deliver a fully heritage-led scheme that protects the special character of the Norton Folgate area.

The Spitalfields Society do not raise any specific objection to the proposals but raise concern with regards to the amount of footfall the scheme will generate through the Elder Street conservation area. A study of impact of footfall is therefore recommended and it is noted that the submitted transport assessment has undertaken an analysis of the predicted trips to and from the site. They are supportive of the introduction of a one-way traffic system through the conservation area though request that no changes should be made to the gates on Folgate and Elder Street. It is noted that the gates fall outside of the application site and are therefore unaffected by the proposals. The Society requests that the Council should impose light emission rules between 11pm and 7am and operating hours should run no later than 11pm for restaurants serving alcohol. Finally assurance is sought that construction impacts will be minimised and that all retail, restaurant and residential property should be constructed with the highest noise proofing specifications.

Network Rail do not raise any specific objection but request that any building to be situated within two metres away from Network Rail’s boundary should not drain onto Network Rail land and a 1.8 metre high trespass fence should be erected next to the railway with lighting designed so as not to detract from railway signalling. It is also highlighted that there is potential for noise and disturbance from the railway line to the proposed buildings and the development should be considered in the context of the potential for additional rail services/night time train running. Finally, landscaping should be considered in the context of the railway line to ensure no impact on its operation.

The Spitalfields Trust raised objections for reasons summarised below:

- The proposals would conflict with Tower Hamlets Core Strategy Objectives SO22, SO23 and Policy SP10 relating to the protection and conservation of heritage assets and their context.

- The proposals would conflict with the Elder Street Conservation Area Appraisal. The development would be detrimental to the conservation area because of the high level of demolition, particularly between Blossom Street and Norton Folgate, and would include inappropriate scale of new buildings, damage to the setting of listed buildings and historic views and the replacement of finely grained incremental development with larger blocks.

- The proposed land use is a poor balance between large floor plate office uses and smaller uses which define the character of the existing site.

- The proposals fail to reuse existing buildings and will result in a high level of demolition including substantial excavation.

- The proposals will cause substantial harm to heritage assets including the loss of the historic fabric and plan-form and substantial harm to the character and appearance of the conservation area.
- Proposed employment uses would be mostly Grade A offices. The high cost of construction is unlikely to result in cheap rented accommodation for start-up businesses or small firms.

- The proposals conflict with the NPPF and do not deliver the ‘optimum viable use’.

- The current proposal is more damaging than the 2011 consented scheme and should be considered on its own merits.

93 The Spitalfields Community Group objected to the proposals on the grounds that the demolition of 72 per cent of the existing buildings on site would cause substantial harm to the Elder Street conservation area and harm non-listed and locally listed buildings. Proposed buildings between nine and thirteen storeys fail to respect the predominant height of the conservation area. The fine grain of the area replaced by large floorplates, façade retention and an inadequate mix of uses. The proportion of housing is too low with an insufficient level of affordable housing. Retail uses are outweighed by offices which are not aimed at local people. The same concerns are raised as highlighted by The Spitalfields Society on footfall, traffic control measures and light emissions.

94 The East End Preservation Society raise concern that the proposals will cause substantial damage to the heritage assets within the Elder Street conservation area and have not been open to meaningful public scrutiny.

95 Natural England raised no objection but advise that the proposal is unlikely to affect any statutorily protected sites of landscapes.

96 The Huguenot Society object on the grounds that the site is one of the few remaining places where Huguenot ancestry and culture is preserved. The proposals threaten to change and destroy this heritage forever and note that the expansion of the City has already resulted in destruction of most historic Huguenot sites.

97 The Ministry of Start-ups (affordable start-up workspace) support the proposals and are acutely aware of the lack of business space in the area which leads to rising rent levels. They support the proposed floorplate sizes and note that 60 per cent of the development would provide commercial space under 325 sq.m. They recognise that the existing warehouse buildings are not viable as commercial spaces but keeping the facades is essential. The preference would be to see additional commercial floorspace.

98 Save Britain’s Heritage object to the proposal as it would devastate Spitalfields which is itself an urban success story. The proposal would result in almost complete loss of one third of the Elder Street conservation area, preserving only a few facades with a loss of affordable business accommodation. Proposed replacement buildings are out of scale with the character of the conservation area and the Council’s preservation policies. There is a lack of affordable housing with a low proportion of housing overall.

99 The London Fire and Emergency Planning Authority, Tower Hamlets Primary Care Trust, City of London Corporation, London Borough of Hackney, London Bus Services Limited, Council for British Archaeology, Ancient Monuments Society, Twentieth Century Society, Victorian Society, St Georges Residents’ Association (Spitalfields), Spitalfields Joint Planning Group, Spitalfields Community Association and Elder St Street Residents’ Association where also consulted and did not provide comments on the application.

Representations made directly to the Mayor

100 At the time of writing this report the Mayor has received 137 objections from local residents, employees and business owners. An online campaign setup via Spitalfields.com has also been set up to allow campaign groups to make representations directly to the Mayor and the majority of objections sent have been received via this campaign.
A separate letter from the Spitalfields Trust has been sent to the Mayor which includes details of an alternative scheme that has been drawn up for the site, commissioned by the Spitalfields Trust.

One FOI request, received on 16 September, has been sent to the Mayor requesting information on all discussions relating to the application between the Mayor, Deputy Mayor, the GLA and British Land.

Three key correspondence cases have been received by the Mayor to date, all objecting to the proposals. These include representations from the Spitalfields Trust, Miriam Margolyes OBE and the Society for the Protection of Ancient Buildings.

The issues raised within the representations to the Mayor are included within the summary of objections presented in paragraph 82.

The Mayor will be notified of any additional representations received after this report is drafted, at the decision making stage.

Summary

The statutory and non-statutory responses to the Council’s consultation, and those representations made directly to the Mayor, do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report. The local implications of the consultation responses have been considered by the Council, however, should the Mayor take over and determine this application, in acting as the local planning authority, the Mayor would also need to consider the local implications of the representations.

Legal considerations

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and Listed Building Consent. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. The Mayor should be aware that determining the application will require a reasonable level of resource within the GLA Planning team and TfL. Should the Mayor decide to act as the local planning authority, officers would seek to sign an appropriate Planning Performance Agreement with the applicant, part of which could be the provision of funds to meet the costs of the Mayor and GLA/TfL to undertake detailed technical assessments and workstreams in order to properly determine the application.
Conclusion

109 Having regard to the details of the application, the matters set out in the committee reports and the Council’s draft decision notice, the development has a significant impact on the implementation of the London Plan, has a significant effect on more than one borough, and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008.

for further information, contact the GLA Planning Unit Development & Projects:

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Land at Blossom Street, Spitalfields
in the London Borough of Tower Hamlets

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<th>Strategic planning application stage 1 referral</th>
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<th>The proposal</th>
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<td>Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially-led mixed use purposes comprising buildings of between four and thirteen storeys to provide B1 (office), A1 (retail), A3 (restaurants and cafes), A4 (public house) and residential Units; together with new public open spaces/landscaping, new pedestrian routes, works to the public highway and public realm, provision of off-street car parking, and all necessary ancillary and enabling works, plant and equipment.</td>
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<th>The applicant</th>
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<td>The applicant is <strong>British Land</strong>, the architects are <strong>AHMM, Duggan Morris, Stanton Williams, DSDHA</strong> and <strong>East</strong>, the agent is <strong>DP9</strong>.</td>
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<th>Strategic issues</th>
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<td>The principle of commercially-led development on this site is strongly supported in strategic planning terms. Outstanding issues with regards to mix of uses, housing, urban design, energy and transport should, nevertheless, be resolved before the application is referred back to the Mayor.</td>
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<th>Recommendation</th>
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<td>That Tower Hamlets Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 96 of this report; but that the possible remedies set out in paragraph of this report could address these deficiencies.</td>
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**Context**

1. On 6 February 2015 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 19 March 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2. The application is referable under the following Categories of the Schedule to the Order 2008:
   - Category 1B: “Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises the erection of buildings outside Central London and with a total floorspace of more than 15,000 sq.m.”
   - Category 1C: “Development which comprises the erection of a building more than 30 metres high and is outside the City of London.”

3. Once Tower Hamlets Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5. The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

**Site description**

6. The application site is made up of a collection of smaller development sites within an area of land defined by Shoreditch High Street/Norton Folgate to the west, the railway cuttings emanating from Liverpool Street Station to the north and Commercial Street to the east. The entire site is located within the City Fringe opportunity area and within the Central Activities Zone (CAZ). The site lies at a prominent transition point between Shoreditch to the north and the City of London further along Bishopsgate to the south. Liverpool Street Station is located approximately 500 metres to the south. The former Bishopsgate Good Yard site lies beyond the railway line and immediately to the north of the site.

7. The development zones within the application site are identified as S1, S2 and S3. S1 is made up of an existing urban block consisting of the former Nicholls & Clarke warehouse buildings, nos. 13-20 Norton Folgate and the locally listed nos. 5-11a Folgate Street. Development zone S2 consists of the Blossom Street warehouse, Nicholls & Clarke’s northern depot site which includes a 1927 warehouse, and the locally listed nos. 4-8 Elder Street. S3 is made up of the Nicholls & Clarke eastern depot site and nos. 14-22 Elder Street.

8. While there are no statutorily listed buildings within the application site, the southern edge of development zone S1 and the south and eastern edges of zone S3 are within the setting of a number of grade II listed 18th Century three and four storey town houses. There are also a number of buildings within the application site which while not being designated as heritage assets, possess historical and/or architectural merit. The most significant of these include the 1887
Blossom Street warehouse at the north of the site within S2 and close to the railway cuttings; no. 15 Norton Folgate (a re-fronted Georgian house); nos. 16-19 Norton Folgate; the late Victorian warehouse along the eastern side of Blossom Street; and the remains of no.161 Commercial Street in the north eastern corner of the application site, in S2. It is also noted that the carriage ways, including the original stone setts, of Elder Street, Folgate Street and Fleur De Lis Street are listed.

9 The site lies within the Elder Street Conservation Area and development zones S1 and S3 lie within an area designated as a Scheduled Ancient Monument (Priory and Hospital of St Mary Spital). The southern portion of the development site is located within the background assessment area of the strategic viewing corridor from King Henry’s Mound to St Paul’s Cathedral. The area also falls within the Central Activities Zone and is identified as within the City Fringe Opportunity Area in the London Plan, and identified as one of a number of Mixed Use Opportunity Sites in the Tower Hamlets Core Strategy document. As such the site may be seen as occupying a transitional position at the intersection of two spheres of influence - that of the developing City Fringe to the west and that of the Conservation Area to the east.

10 The nearest section of the Transport for London Road Network is the A10 Bishopsgate which is immediately to the west. There are 13 bus routes within 300m of the site, with Shoreditch High Street station (London Overground) and Liverpool Street station (National Rail Services to East London and East Anglia and Central, Circle, Metropolitan and Hammersmith & City Underground Lines) both within 750m. Liverpool Street Station will also be served by Crossrail. The site has a public transport accessibility level of 6, on a scale of 1 to 6, where 6 is excellent.

Details of the proposal

11 The proposal involves the redevelopment of the three defined parcels of land including the Nicholls and Clarke depot sites to form a commercially led mixed use scheme including 34,807 sq.m. of B1 office floorspace, 1,086 sq.m. A1/A3 floorspace and 40 residential flats. The proposed development includes the retaining, conservation and adaption of a number of buildings recognised as having historic or architectural merit across the site. A number of new buildings are proposed to replace the existing buildings that are identified as having lesser value or significance in relation to the character of the conservation area. The new additions range from four to ten storeys in height and include a thirteen-storey office tower within development zone S1c, at the north west corner of the application site.

Case history

12 A planning application (LPA Ref PA/06/02333) was referred to the previous Mayor in 2007 (PDU/1612), that sought planning and conservation area consent for the redevelopment of the site to erect buildings between four and ten storeys plus plant (43 metres), and retention and conversion of a selection of existing buildings, to provide a mixed-use development to contain nine residential units (1x studio flat, 1x1 bed flat and 7x2 bed flats), B1 (Office) (including small/medium enterprise units), A1 (Retail) and A3 (Restaurant & Cafe) and A4 (Public House) with associated open space and servicing.

13 The application was recommended for approval, but Tower Hamlets Planning Committee resolved on 21 June 2007 to refuse planning permission and conservation area consent. The reasons for refusal were:

“The proposal by reason of its bulk, scale and height would fail to either preserve or enhance the character and appearance of the Elder Street Conservation Area contrary to policies DEV 25 and DEV 28 of the LBTH adopted (1998) UDP and policies CP49 and CON2 of the emerging LBTH Core Strategy and Development Control Submission Document (November 2006).”
14 As a result, appeals were lodged and the Inspector, whilst accepting the proposed mixed use and the quality of the design, formed the view that four Victorian properties, nos. 16-19 Norton Folgate that were proposed for demolition, made a positive contribution to the conservation area and should be retained rather than demolished. The Inspector consequently dismissed the appeals.

15 A subsequent application (PA/10/02764 & PA/10/02765) which included the Nicholls and Clarke site between Fleur De Lis Passage and Folgate Street and the western section of the current application’s S3 site, was approved by Tower Hamlet’s planning committee in May 2011 and supported by the Mayor (PDU/2656). This scheme proposed the redevelopment of the two adjacent sites for commercially-led mixed use purposes, comprising buildings between four and eight storeys (plus plant), to provide B1 (Office), retail and restaurant floorspace. This scheme retained and incorporated nos. 16 to 19 Norton Folgate, the Arts and Craft style buildings along the north side of Folgate Street, including the public house on the corner of Folgate/Blossom Street, and the frontages of warehouses along the western edge of Blossom Street.

16 A pre-application meeting was held at City Hall on 20 May 2014 where the principle of commercially led development was strongly supported in strategic planning terms. The applicant was however advised to continue to develop the architectural response to proposed new build and retained building elements to ensure that the significance of various heritage assets across the site and conservation are were protected.

**Strategic planning issues and relevant policies and guidance**

17 The relevant issues and corresponding policies are as follows:

- **Mix of uses**  
  - London Plan
- **Housing**  
  - London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG, Shaping Neighbourhoods: Character and Context, SPG
- **Affordable housing**  
  - London Plan; Housing SPG; Housing Strategy
- **Density**  
  - London Plan; Housing SPG
- **Urban design**  
  - London Plan; Shaping Neighbourhoods: Character and Context, SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG
- **Inclusive design**  
  - London Plan; Accessible London SPG
- **Heritage**  
  - London Plan
- **Transport**  
  - London Plan; the Mayor’s Transport Strategy
- **Climate Change**  
  - London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaption Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy.

18 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Tower Hamlets Core Strategy (2010), the Tower Hamlets Managing Development Document (MDD) (2012) and the London Plan (Consolidated with Alterations since 2011).

19 The following are also relevant material considerations:

- The draft City Fringe OAPF (2008)
2014 draft City Fringe OAPF

**Mix of uses**

**Employment**

20 The principle of a high density, mixed use commercially led development at a location of excellent public transport accessibility is consistent with the site’s location within the Central Activities Zone (CAZ) and City Fringe Opportunity Area. A new draft planning framework for the Opportunity Area was published for consultation in December 2014, this draft is distinct from the 2008 draft version and provides further detail and information with regards to the commercial requirements and character of the area. London Plan Policy 2.13 and Table A1.1 identify the City Fringe as capable of providing an indicative employment capacity of 70,000 jobs and 8,700 new homes, alongside having the potential to become ‘a business hub of major international significance.’

21 The proposals include an uplift of 27,100 sq.m. in commercial B1 office space across the development site which will provide a platform for significant job generation while contributing towards London Plan targets, which is welcomed. As discussed at the pre-application stage, further detail is however needed on the scope of office spaces to be included as the nature and varying scale of the proposal means that a range of unit sizes and office typologies can be accommodated across the scheme. The 2014 draft OAPF prioritises the need for an appropriate balance of small and medium sized enterprises (SME) and a proportion of flexible affordable workspace that is suitable for occupation by micro and small enterprises. GLA officers would require the provision of mechanisms forming part of a Section 106 agreement to ensure that a reasonable amount of affordable workspace is secured. The applicant is encouraged to investigate existing workspace models designed to accommodate a range of business sizes in order to inform the submission of how proposed workspaces are to be managed post-construction, and where appropriate, provide evidence of agreement from workspace providers. The applicant should engage with workspace providers at the earliest possible opportunity to ensure that the size and design of units will be fully useable and financially viable. A list of providers is available on the GLA website: [https://www.london.gov.uk/priorities/business-economy/for-business](https://www.london.gov.uk/priorities/business-economy/for-business)

**Retail**

22 London Plan Policy 2.10 states that the Mayor will support and improve the retail offer within the CAZ for residents, workers and visitors. Policy 2.11 requires the identification and enhancement of retail capacity in order to meet strategic and local need, and this is primarily focused on CAZ frontages. Policy 4.7 provides more general requirements for focusing retail uses on Town Centres and where they are proposed on the edge of or outside of the centre, they will be subject to an impact assessment. In this instance, while the site lies outside of a town centre, it is within the CAZ where retail development is supported.

23 The proposals involve a reduction in retail floorspace of 396 sq.m. in relation to the existing quantum, resulting in a proposed 1,086 sq.m (GIA) of retail floorspace. It is noted that the existing retail uses concentrated along Norton Folgate and Commercial Street are generally of low quality and in need of refurbishment with the sole operating retail unit in use as a cafe. The slight reduction in retail floorspace is therefore outweighed by the proposed qualitative improvements alongside the provision of a variety of unit sizes to support a range of tenants. This mix of units would support the objectives of the CAZ and help to contribute towards the vitality of street based activity across the site. The applicant should provide a holistic approach to inform a suitable mix of retail/SME uses where the provision for small start-up companies would support the introduction of retail uses of a similar character for instance, while also giving an incentive for small start-up companies to locate within the development. The applicant should provide further detail on the
management strategy for the units and how this will support the aims of a retail leasing strategy in order to satisfy the requirements of London Plan Policy 4.9. The retention of the Water Poet pub is supported.

Housing

Housing mix

24 London Plan Policy 3.8, together with the Mayor’s Housing SPG seeks to promote housing choice and seek a balanced mix of unit sizes in new developments, with particular focus on affordable family homes. The proposal provides a range of different sized units including family sized units as outlined in the table below:

<table>
<thead>
<tr>
<th>Private units</th>
<th>No. of units</th>
<th>%</th>
<th>Local policy requirement</th>
</tr>
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<tr>
<td>1-bed</td>
<td>7</td>
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</tr>
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<td>Total</td>
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<th>No. of units</th>
<th>%</th>
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<tr>
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<td>1</td>
<td>17</td>
<td>30% (inc. studios)</td>
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<tr>
<td>2-bed</td>
<td>2</td>
<td>33</td>
<td>25%</td>
</tr>
<tr>
<td>3-bed</td>
<td>3</td>
<td>50</td>
<td>30%</td>
</tr>
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</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>100</td>
<td>100%</td>
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<table>
<thead>
<tr>
<th>Intermediate units</th>
<th>No. of units</th>
<th>%</th>
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<td>50</td>
<td>25% (inc. studios)</td>
</tr>
<tr>
<td>2-bed</td>
<td>2</td>
<td>50</td>
<td>50%</td>
</tr>
<tr>
<td>3-bed</td>
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</tr>
<tr>
<td>Total</td>
<td>4</td>
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<td>100%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Total units</th>
<th>No. of units</th>
<th>%</th>
<th>Local policy requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Residential mix (source: Planning Statement December 2014, DP9 for British Land)

25 The residential element of the scheme has been designed to support a welcome mix of unit sizes for a relatively modest housing contribution such as this, and includes an acceptable proportion of family sized units across all tenures, satisfying the requirements of London Plan Policy 3.8 and 3.11.

Affordable housing

26 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In this case, Tower Hamlet’s Core Strategy requires a minimum of 35 per cent affordable housing provision with a preferred tenure split of 70 per cent affordable/social rent and 30 per cent intermediate. The proposal includes a contribution of 26.8 per cent based on habitable rooms with a tenure split of 60:40, in line with the Mayor’s preferred split as detailed in Policy 3.11.

27 On balance, and in light of the relatively modest number of residential units resulting
directly from the heritage-led nature of the wider scheme and the strategic requirement to prioritise commercial office based uses within the City Fringe, the level of affordable provision is welcomed. Notwithstanding this, the results of the financial viability appraisal, submitted to the Council alongside the application, should be independently verified to ensure the maximum level of affordable housing has been achieved.

Children’s play space

28  Children and young people need free, inclusive, accessible and safe spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

29  Applying the methodology within the Mayor’s Play and Informal Recreation SPG (2012), and based on the unit types and tenures set out in table one, the development will generate a child yield of 12 requiring a total of 120 sq.m of playspace, 56 sq.m of which should be door-step play for the under-five’s. The application documents confirm that 120 sq.m of dedicated external playspace will be provided at ground level within the proposed residential courtyard and through opportunities for incidental play on private terraces. The courtyard space will offer a secure, south facing and overlooked environment and is therefore supported in meeting on-site play requirements for under-5 year olds. Further information is however required to understand how the courtyard space will be designed to cater for both playspace requirements and the amenity needs of all residents. The Council should also attach suitable conditions to secure final details of the landscaping and playspace equipment to be provided.

Residential quality

30  Policy 3.5 of the London Plan provides that the quality and design of housing developments should meet the highest standards both internally and externally and with regards to the surrounding context. New dwellings should also conform with the Mayor’s space standards as defined in Table 3.3 of the London Plan and within Annex One of the Housing SPG. The application documents demonstrate that the minimum floor space and floor-to-ceiling height standards would be met or exceeded, together with compliance with the Lifetime Homes standard, which is welcomed and this should be secured by condition.

31  The residential element of the proposal is contained within development zone S3 and currently consists of the Nicholls and Clarke eastern depot site and nos. 14-22 Elder Street. The applicant intends to demolish the existing buildings and replace them with a new four storey building (with fourth and fifth storey setbacks) following a similar footprint and massing envelope to that of the existing building. This includes utilising an existing rear service yard, to provide a courtyard communal amenity space for future residents. This follows the pattern of historic residential development of the immediate surroundings while providing the opportunity for a proportionately high amount of amenity space on a constrained site, which is welcomed.

32  The submitted floorplans demonstrate that the majority of ground floor units are accessed directly from the street, optimising pedestrian activity around the full perimeter of the block, in line with the ‘best practice’ principles of the Mayor’s Housing SPG. This is welcomed. Notwithstanding this, there are a number of duplex units along the Elder Street edge in particular arranged with bedrooms at ground floor with living spaces above. The applicant is encouraged to consider reconfiguring these units to locate kitchen/living spaces at ground level in order to optimise passive surveillance and street-based activity. This would also enable the development to respond more successfully to the predominant character and entry arrangements of the listed town houses along Elder Street.
Residential cores are accessible from all three street facing sides of the block and designed so as to be legible and sheltered from the street. This is in line with the principles of the Housing SPG and welcomed. Furthermore, the provision of three communal cores within a relatively constrained site area is welcomed and this results in no more than five units sharing the same core. Single aspect north facing units are avoided with the inclusion of through units along the Fleur De Lis Street edge of the block and all single aspect units are designed to achieve efficient depths to optimise daylight/sunlight penetration which is welcomed. The applicant should however give particular attention to the lower ground living spaces and provide confirmation that these units will achieve meet the minimum ADF guidelines. All units should be designed to achieve a minimum 2,600mm clear floor to ceiling heights.

Private amenity space is provided for each dwelling by way of balconies and private roof terraces, which comply with minimum space requirements, and this is further supplemented communal courtyard garden. All private amenity spaces are located on the interior of the block to maintain the character of the conservation area and protect the setting of listed buildings. Following daylight/sunlight studies, the building has been designed to incorporate inset balconies to prevent overshadowing to living spaces and optimise privacy levels. This is supported.

**Urban design and heritage**

Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (Policy 7.4).

**Ground floor layout**

The proposal demonstrates a high level of site analysis, including a thorough analysis of the architectural and historic significance of a range of buildings across the site, which is welcomed and this has helped to establish a clear strategy for retention and renewal. The existing street pattern is utilised and introduces a series of new courtyard spaces arranged around a new pedestrian route linking Norton Folgate with Commercial Street and the emerging Bishopsgate Goods Yard development directly to the north of the application site. This has the potential to improve and enhance connectivity across the site, while providing the opportunity to utilise its character and tight-knit urban grain, offering a variety of new public realm that provides enclosure, high levels of active frontage and the potential for community hubs. This is welcomed as the future success of the scheme will be dependent on utilising the existing character of the site while also drawing on pedestrian activity from surrounding established routes through the inclusion of legible and well-defined openings. The location and orientation of pedestrian routes has been informed by a local movement analysis and the proposed public realm upgrades have been designed to optimise and encourage movement through the site, drawing on established desire lines as well as increasing the width of footway along Norton Folgate to enable increased pedestrian capacity.

The intention to enhance Fleur De Lis Passage with active frontages is strongly supported. This provides a welcome balance between utilising existing historic routes and introducing new ones and provides a future link between the public realm of the emerging Principal Place scheme to the west. In response to pre-application discussion, the entrance lobby and core of the commercial ‘Triangle’ block have been reconfigured to enable active frontage and views into the lobby to be maximised. This is welcomed and will increase opportunities for passive surveillance, encouraging movement along Fleur De Lis Passage.
The deliveries and servicing link with access onto Norton Folgate and Blossom Street provides an efficient means of access and allows the quality of all public facing edges of the blocks to be optimised. The applicant should confirm that ‘back of house’ areas to ground floor commercial units will be internalised and located along the link in order to achieve this.

In addition to the intention to enhance pedestrian movement and activity, through the site, the scheme responds to the emerging context of the Principal Place development by maintaining the established building line along the western edge of the site and introduces a clean line of active retail/cafe frontage set within a colonnade. This is welcomed as it has the potential to form a strong backdrop of activity to the future Principal Place public realm, while also drawing on pedestrian activity from further along Bishopsgate/Shoreditch High Street and forming a transition zone to the more intimate spaces and street patterns within the site. The relocation of the entrance point into the communal courtyard of S1 to the underside of nos. 18 and 19 Norton Folgate is supported, as this provides an improved connection with the end of the colonnade link, while aligning more successfully with the historic approach to the site along Worship Street.

Form, massing and architecture

The massing and heights strategy across the development site is broadly supported, raising no specific strategic issues. As detailed in paragraph nine, the taller elements of development zone S2 may appear visible in the background assessment views of designated view 9 of London Plan Table 7.1. The applicant should provide a visual analysis to determine whether the proposals will result in any visual impact within the viewing corridor. Proposed taller elements, ranging between ten (S1) and thirteen storeys (S1c) in height are contained along the western edge of the site, with the tallest thirteen storey block located at the visually prominent convergence of Shoreditch High Street and Norton Folgate. Submitted visuals on the approach towards the site from the north illustrate how the scale and proportions of this block denote the transition point between the high rise buildings along Bishopsgate and the predominantly low-rise nature of development along Shoreditch High Street/Great Eastern Street. An east to west transition in scale is also maintained and the collective massing arrangement of blocks S1 and S1c provide an acceptable scale that is civic in nature and mediates successfully between the scale of the neighbouring Bishopsgate Tower/emerging Principal Place development and that of the wider conservation area.

The massing composition of the western elevation of block S1 has been subject to further design development, resulting in an improved and better proportioned appearance that draws directly from the scale of neighbouring plot widths along Norton Folgate. This approach is supported.

The eastern elevation of block S1 is less well resolved and currently creates a potentially overbearing massing arrangement, with the building appearing to turn its back onto Blossom Street and the wider conservation area. Further work is needed to demonstrate how this edge of block S1 can form a more successful form and massing relationship in relation to Blossom Street and in longer views from Fleur De Lis Street. This can be achieved through the use of setbacks to the facade as demonstrated along the block’s western edge.

The proposed corner block S1a has been subject to further design development and refinement following pre-application discussion, resulting in more restrained and clean-lined response to its heritage-sensitive location, with subtle articulation provided through variations in brick tones and deep set window reveals. The form and proportions of the building have been carefully tailored to provide additional height to acknowledge the corner of Folgate Street/Norton Folgate while also responding to the scale and proportions of the neighbouring...
Arts and Crafts building.

Heritage

44 The proposal is directly adjacent to a number of listed buildings and within a conservation area as detailed in paragraph eight and nine of this report. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which is possesses’ and in relation to conservation areas special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This should be given significant or special weight in the balance of making planning decisions. The NPPF identifies that the extent and importance of the significance of the heritage asset is integral to assessing the potential impact, and therefore the acceptability. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These aims are detailed in London Plan Policy 7.8 which requires the identification, conservation, restoration and re-use of heritage assets.

45 The proposals include a number of new buildings that will impact on the setting of listed and locally listed heritage assets and the character and appearance of the conservation area to varying degrees. This is particularly relevant for the proposed frontages along Folgate Street and Elder Street where new additions to the streetscape need to be carefully considered in terms of scale, proportions and architectural detailing to avoid harming the setting of grade II-listed townhouses and the wider conservation area.

46 Following pre-application discussion with GLA and Tower Hamlets officers, English Heritage and local conservation groups the scheme has evolved to address a number of issues relating to the design of some of the proposed buildings, as detailed above, and the extent of demolition of the historic fabric where it was considered that more of it should be retained. The revised scheme has addressed most of these issues which is welcomed and the proposed development is now substantially improved and is fully supported in strategic heritage terms.

47 As described in paragraph eight the site consists of a number of heritage assets and lies within the Elder Street Conservation Area. A rich public realm of setted carriageways, bollards, and manhole covers also survives as part of the historic street layout. Collectively, these heritage assets make a positive contribution to the character of the conservation area and have been identified and interpreted within the applicant’s design and access statement. The setting of the site is also sensitive with immediately adjoining listed buildings east of the development site on Folgate Street and Elder Street.

48 The proposals retain either all of the principle historic buildings on the site or their frontages, with the exception of Nos.3-9 Shoreditch High Street which has a characterful 1930s cream faience facade. The retention of this facade would be preferable but the precedent of the 2011 permission to demolish this is noted, and on balance the high design quality of the replacement block (Block S1) which rises to a height of ten storeys, with its high quality brick elevation onto Norton Folgate helps to compensate this loss.

49 As described previously in this report, the proposed buildings forming part of development zone S1 will introduce a significant increase in scale in relation to the existing buildings on the site but remain recessive in scale to the Broadgate Tower and emerging Principal Place development.
immediately to the west. The latest proposals also represent a substantial improvement on the consented scheme through the demonstration of high quality of design and rich (largely traditional brick) facing materials, and therefore, on balance, result in a development which is acceptable in this location on the edge of the conservation area.

50 The retention and incorporation of the late 19th and early 20th century frontages on Blossom Street is welcomed, as is the contextual infill replacing the 1960s Nos. 16-17 Blossom Street which is of limited architectural or heritage value. The retention and refurbishment of the locally listed Arts & Crafts style Nos.9-11 Folgate Street and Nos. 16-19 Norton Folgate Street is a very positive aspect of this scheme which will significantly enhance the character and appearance of this part of the Elder Street Conservation Area. The loss of No.15 Norton Folgate proposed as part of the May 2014 version of the scheme has now been re-considered and the decision by the applicant to amend the plans to enable the retention and restoration of this c.1800 building is welcomed as its scale and proportions provide visual contrast between the proposed S1a corner building and the retained nos.16-19 North Folgate, while enhancing the character of the street scene and wider conservation area. Given the degree of alteration to the adjacent No.14, its loss is accepted.

51 The design amendments to the Norton Folgate/Folgate Street elevations of block S1a are welcomed and concerns raised at pre-application with regards to the over complexity of the layered ‘architectural taxonomy’ approach have been addressed as detailed earlier in this report. The intention to angle the building’s roofline to open up views of the Arts and Crafts chimney to the neighbouring building is welcomed however this element of the building would benefit from further refinement as the scheme evolves further.

52 Block S2 redevelops a partially vacant site, retaining the architecturally significant facades of both the 1927 warehouse and No. 161 Commercial Street, incorporating them within a taller 10 storey development which is set back at an angle, reducing the impact of the new-build storeys above. The scheme includes the welcome restoration of Nos.4-8 Elder Street, and considered as a whole is acceptable, rejuvenating this long-neglected city block.

53 Loom Court is a 1970s Georgian-style L-shaped office block on Fleur De Lis Street which sits comfortably in its context and makes at least a neutral if not positive contribution to the character of the conservation area. Its demolition is however considered acceptable given the high quality of the proposed replacement development (Block S3) which is closer in spirit to the character of its 18th and 19th century neighbours, with a well-considered scale, proportion and imaginative elevational treatment, appropriate vertical emphasis, and commendably contextual palette of materials - this element of the scheme will significantly enhance the character and appearance of the Elder Street Conservation Area.

54 In conclusion, the applicant has developed a scheme that is designed to preserve and enhance the Elder Street Conservation Area. The largest block (S1) is a substantial building but its scale has been mitigated by a well-considered and high quality design approach across the rest of the application site, through the retaining and refurbishing of important historic buildings or retaining the facades of others and integrating within larger developments behind. The development of long vacant sites and under-occupied buildings will greatly benefit this corner of the conservation area, as will the retention of the historic street pattern (and fabric) and creation of a new thoroughfare and public courtyard space between Blossom Street and Shoreditch High Street. The revisions produced to address concerns such as the retention of No. 15 Folgate and the 1927 warehouse facade and greater articulation to block S1 fronting Norton Folgate, are all welcomed and represent significant improvement to the scheme as a whole.

55 The revised scheme accords with both the NPPF (paras 131 and 132) and the Policies 7.8 and 7.9 on the historic environment within the London Plan, and this development should both
preserve and enhance the character of the Elder Street Conservation Area and the setting of heritage assets on the site and within the vicinity. This is subject to the further design improvements relating to the eastern frontage of S1. Notwithstanding this, the proposals demonstrate a high quality of design and place making and respond successfully to the site’s heritage sensitive location.

**Inclusive design**

56 The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum). Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and Deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. Further information can also be found in the consultation draft of the Accessible London SPG: (http://www.london.gov.uk/priorities/planning/consultations/draft-supplementary-planning-guidance-on-accessible-london)

57 A detailed access report for each individual development zone within the application site is included as part of the application, providing details of how the proposals are designed to be fully inclusive for all, in line with the objectives of Policy 7.2 which is welcomed.

**Public realm**

58 The existing streetscape of the sight presents many barriers to disabled and older Londoners and it is welcomed that this will be improved as part of the development. The design of the landscaping and the public realm is crucial to how inclusive the development is for many people. The applicant has confirmed that key pedestrian routes into and towards the site will include signage to provide appropriate way-finding measures, ensuring key routes from nearby public transport facilities to all new proposed entrance points are safe and fully legible. This is welcomed.

59 In response to the historic nature of the streetscape and the associated complexities of altering a listed environment, the application includes a thorough public realm assessment that balances the need to protect heritage assets and historic features, while implementing a materials and surfacing strategy to enable inclusive access across the site. This includes the widening of footways along Norton Folgate and Blossom Street, with the latter to be surfaced with reclaimed setts to provide an even surface and respond to the setting of the listed carriageways. This approach is supported and all approaches and entrance points across the site are designed to comply with Approved Document Part M of the building regulations.

**Parking**

60 The proposals include the provision for two disabled car parking spaces on Shoreditch High Street which can be utilised by employees and visitors to all commercial related uses across the development site. The residential element within zone S3 includes two disabled parking spaces at basement level, both located for ease of access to the residential core. The latter equates to a ratio of 1:2, falling below the London Plan’s requirement for one parking space for every wheelchair accessible unit, but is acceptable given the very limited parking provision. However, a management plan will be necessary to address the allocation of blue badge spaces and any additional demand. It is noted that TfL has sought additional blue badge provision for the commercial element as detailed in the ‘Transport’ section of this report, GLA officers would welcomed further discussion on this matter, with the aim of meeting the objectives of London Plan Policies 3.8, 6.13 and Table 6.2.
Residential Units

61 The applicant has confirmed that all residential units will be designed to the Lifetime Homes standard and that 10% will be wheelchair accessible or easily adaptable homes. This is welcomed and, in line with London Plan Policy 3.8 Housing Choice. The applicant has confirmed that the majority of units will be designed to meet the Lifetime Homes Standards, with the exception of a small proportion of duplex units at ground and fourth floors where oversized bedrooms are included to be used as living spaces where necessary.

62 Typical flat layouts of wheelchair accessible units have been provided for a range of unit sizes and tenure types. This is welcomed. Further clarity is however needed to demonstrate where the wheelchair accessible homes are located and how many there are. These should be distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled people (unless the Council through its Accessible Housing Register work can advise on the need in this part of the borough for a particular size of wheelchair accessible home).

Play space

63 Children and young people need free, inclusive, accessible and safe spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan seeks to ensure that all children and young people have access to such provision.

64 An indicative design for an informal play structure has been included, however further detail is required to understand how this and other play equipment will be designed to encourage inclusive playspace facilities. Further information is available in the Play and Informal Recreation SPG which supports the implementation of the London Plan Policy 3.6.

Conservation and heritage assets

65 The opportunity to identify and implement improved levels of inclusive access for disabled and older people should be taken when an historic or listed building or heritage asset is to be re-used, refurbished, or its setting is altered. Using specialist access and conservation advice to establish an initial access strategy can help to ensure proposals are appropriate and effective.

66 Concerns raised at pre-application stage with regards to stepped access to the retained locally listed buildings within zone S2 have been addressed through the provision of ramped access to the rear of these buildings. This is welcomed and sufficient information has been provided in the design and access statement to demonstrate how level or ramped access has been achieved to all areas of the scheme.

Energy

67 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting. The demand for cooling will be minimised through solar control glazing. The applicant should provide evidence of how policy 5.9 has been addressed to avoid overheating and minimise cooling demand.
The applicant has stated that the residential units will be provided with mechanical cooling whilst also stating that the dwellings will not need mechanical cooling and as such cooling has not been included in the Part L calculations. The applicant should update the models to include the proposed cooling systems and subsequently the emission figures to include for all proposed mechanical systems in order to be in line with Part L procedure. The applicant should also note that when determining the baseline emissions cooling is provided by electricity.

In addition the applicant should provide an overheating analysis, such as CIBSE guidance TM52 and TM49, using sample dwellings to demonstrate that the passive design measures proposed are sufficient to avoid significant overheating risk (without the need for mechanical cooling) now or in the future. The applicant should also consider removing the cooling system in order to maximise the carbon savings.

The applicant has included heat pumps in this section of the hierarchy. The applicant should remove carbon emission savings from Heat Pumps as they are considered renewable technology in the Energy Hierarchy. The applicant should also note the requirement for the baseline emissions to be determined using a gas boiler as the heating source, see link for latest guidance on preparing energy statements: [link to GLA guidance]

It is welcomed that the applicant is adopting a fabric first approach for the refurbished buildings. However, the emission figures for the refurbished elements of the development should be separated from the new buildings as they are technically not Part L 2013 emissions and therefore do not count towards the target carbon emission savings. The applicant should revise the energy statement to include for the comments above and provide sample SAP worksheets (both DER and TER sheets) and BRUKL sheets including efficiency measures alone to support any savings claimed.

London Plan Policy 5.10 details the Mayor’s target for increasing the amount of greened surface area within the CAZ by at least five per cent by 2030. It is noted that a brown roof is proposed on block S2 which is welcomed, however the proposed extent of roof space across the site provides the opportunity for further greening and planting opportunities and the applicant should therefore provide further details as to how the proposals will contribute to achieving this target.

Transport

The proposal includes seven basement car parking spaces (five standard and two disabled spaces), to be accessed from Fleur De Lis Street, for the proposed 40 residential units. However, TfL strongly recommends that the proposals should be designed as ‘car free’ in line with London Plan Policy 6.13 which promotes car free development in high PTAL locations.

While TfL welcomes the ‘car free’ commercial elements of the scheme, it considers that additional disabled parking should be provided on site for the commercial elements supplementing the existing disabled bay on Shoreditch High Street, in line with London Plan policy 6.13. Notwithstanding the above, a car parking management should be secured to regulate car parking activities on site, including electric vehicle charging point provision and disabled parking.

The transport assessment (TA) predicts that the proposed development would result in a total of 1,461 two-way person trips being generated in the AM peaks and 1,334 in the PM peaks; of which nine and eight car trips were predicted for the AM and PM peaks respectively. TfL considers this to be reasonable for a site in a central and highly accessible location such as this.
The transport assessment also predicts that the majority of trips will be made by public transport, walking and cycling. It is estimated that the proposal will generate 2,049 daily underground trips, 3,365 rail trips, 764 bus trips, 900 walking trips and 622 cycle trips. This reflects the importance of providing high quality, safe pedestrian and cycle facilities and connections in order to facilitate travelling by non-car based transport modes.

TfL welcomes the proposal to convert Blossom Street and Elder Street to one-way southbound and eastbound routes to discourage rat running. The proposed widening of the western footway by 1.87 metres on Elder Street at its junction with Commercial Street is also supported. To improve wayfinding, TfL recommends that Tower Hamlets secure a contribution of £3000 towards providing an additional Legible London styled finger-post sign on Blossom Street.

The proposed overall provision of 586 cycle parking spaces is generally in line with London Plan standards. However the number of short stay cycle parking spaces should be increased by 35 spaces. The applicant should also review the design of the access to cycle storage areas as a wheeling ramp is not considered acceptable for regular, high volume use. Provision of adequate shower and changing facilities for the commercial element should be secured by condition.

TfL also seeks clarification on the likely impact on cyclists’ safety of the widened footway-level inset loading and disabled parking bays, located beside the development on Shoreditch High Street. These could create conflicts between manoeuvring vehicles and cyclists using the ‘advisory’ cycle lane which currently operates in this location. TfL’s advice on designing out the potential problems is given in the servicing paragraphs below. In addition, TfL recommends contraflow cycling should be allowed on the northern section of Elder Street, to link with the existing contraflow cycle lane on Quaker Street. This will encourage cyclists to avoid Commercial Street.

The proposed development is estimated to generate up to 622 cycle trips per day. In order to mitigate the demand for these additional cycle trips, TfL is seeking section 106 contributions to help address cycle/pedestrian improvements in this area. The ‘Shoreditch Triangle Better Junction’ scheme includes a segregated cycle lane to Shoreditch High Street, improved junction safety at the Shoreditch High Street/Commercial Street/ Great Eastern Street junction. TfL is seeking a contribution of £730,000 towards this scheme which is comparable to that sought from other nearby developments, such as the Bishopsgate Goods Yard site. TfL is also developing a cycle lane scheme for Commercial Street and seeks a contribution of up to £20,000 toward this improvement.

There are three existing Cycle hire docking stations in the vicinity of the site, TfL expects that the proposed development will generate significant cycle hire demand from these stations, therefore it is seeking an operational contribution of £90,000 toward operating cycle hire facilities in the vicinity, this is ensuring an adequate level and quality of service be provided to cycle hire users.

As there are already numerous London Underground, Overground and bus services accessible from the site, TfL raises no site specific concern about public transport capacity. The developer has nonetheless, offered to relocate the southbound bus stop and shelter on Shoreditch High Street. The feasibility of this proposal will need to be further investigated, discussed and agreed with Network Rail and TfL.

An indicative delivery and servicing plan (DSP) has been submitted supporting the application. The development will be serviced from on street loading bays on Blossom Street, Fleur De Lis Street and Shoreditch High Street. The latter facility will be widened to three metres, with some modifications and the retention of two disabled parking bays. TfL recommends the creation of a buffer zone between the cycle lane and bay or increasing the width of the cycle lane to minimise any risk to cyclists.
TfL is also concerned that the cumulative number of deliveries will exceed the capacity of the bay. TfL is not convinced by the short dwell-times for unloading envisaged by the applicant therefore the framework delivery & servicing plan (DSP) should address this matter by ensuring that all deliveries to buildings not fronting Norton Folgate, be undertaken from Fleur de Lis street.

The DSP should also set out that any other servicing shall only be undertaken outside the weekday AM and PM peak periods, and be restricted to a maximum 7.5T vehicle. A delivery booking system shall also be implemented and rigorously enforced to avoid congestion and illegal parking on the TLRN. The implementation of these measures should be secured by section 106 obligation by Tower Hamlets Council, in consultation with TfL; in line with London Plan policy 6.14.

TfL welcomes that a framework construction logistics plan has been submitted. TfL expects that the finalised construction management plan (CMP) and construction logistics plan (CLP) will be secured by condition and/or through the s106 agreement as appropriate and should accord with TfL guidance. London Underground (LUL) has confirmed that it has no objection to the proposal; however the detailed design of all building structure be submitted for LUL’s review and approval prior to construction commences on site, ensuring it would not have an adverse impact to LUL’s assets and infrastructure.

A framework work place and separate residential travel plan has been submitted. These are of good quality and passed the TfL ATTrBute assessment exercise. TfL however suggests that higher targets for walking should be adopted. As part of the drive to encourage the take up of cycling for local residents, TfL also strongly encourages that free cycle hire memberships being offered to residents for a minimum of three years by the developer. These measures should be secured by Tower Hamlets Council within the s106 agreement.

All highway alterations proposed by the developer for the TLRN, including works to the Elder Street/ Commercial Street junction, and the Shoreditch High Street loading bay and footway shall be delivered by way of the developer enters into s278 agreements with TfL.

**Community Infrastructure Levy**

In accordance with London Plan policy 8.3 ‘Community Infrastructure Levy’, the Mayor has agreed a CIL Charging Schedule which came into operation on 1 April 2012. It will be paid by most new developments in Greater London. Boroughs are arranged into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floorspace respectively. The Mayor CIL rate for the London Borough of Tower Hamlets is £35 per sqm. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised.

London borough councils are also able to introduce CIL charges which are payable in addition to the Mayor’s CIL. Tower Hamlets’s scheme will be adopted on 1 April 2015. See the Council’s website for more details.

The site is located within the Central London Charging area as set out in the Mayor’s Supplementary Planning Guidance (SPG) ‘Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy’ (April 2013). The SPG states that contributions should be sought in respect of uplift in floor space for B1 office, hotel and retail uses (with an uplift of at least 500sqm). To calculate the net increase in chargeable floor space, account will only be taken of any building in lawful use for a continuous period of six months within the twelve months before planning permission is granted. Based on the applicant’s proposed floor space, TfL requests a contribution of £3,762,100 to be secured within the section 106 agreement.
The Mayor’s CIL charge will be treated as a credit towards the Section 106 liability referred to above. As the CIL charge will not be confirmed until development is about to commence, the section 106 agreement will need to be worded so that if the section 106 contribution based on the assumed CIL proves incorrect the contribution is adjusted accordingly (assuming it is still more than the CIL).

**Local planning authority’s position**

The Council’s view is not known at this stage.

**Legal considerations**

Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

**Financial considerations**

There are no financial considerations at this stage.

**Conclusion**

London Plan policies on are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development:** The principle of a high density, mixed use commercially led development at a location of excellent public transport accessibility is strongly supported and the proposals are consistent with the site’s location within the Central Activities Zone (CAZ) and City Fringe Opportunity Area.

- **Mix of uses:** Further discussion is needed with regards to the scope and types of office spaces to be included in order to meet the OAPF’s priority for an appropriate balance of small and medium sized enterprises, including a suitable proportion of flexible affordable workspace. GLA officers would require the provision of mechanisms to form part of a Section 106 agreement to achieve these objectives. The applicant should provide further detail on the management strategy for the retail units to include how this will support the aims of a retail leasing strategy in order to satisfy the requirements of London Plan Policy 4.9

- **Housing:** GLA officer would welcome further discussion on the findings of an independently led assessment of the submitted financial viability assessment, to ensure the maximum reasonable amount of affordable housing is provided.

- **Urban Design:** The layout and heritage-led design principles underpinning the scheme are broadly supported, however further work is needed to address the massing relationship
between block S1 and the scale and setting of Blossom Street and the wider Elder Street conservation area. The design concerns expressed above need to be addressed before the scheme is referred back to the Mayor, in order to comply with the design principles of London Plan Chapter 7.

- **Heritage:** The proposals are broadly supported in strategic heritage terms following discussion and consultation with English Heritage. The applicant is encouraged however to revisit the detailing and articulation of the western facade of Block S1 to provide a richer and more varied visual composition.

- **Inclusive design:** Further discussion is needed in light of TfL comments on the provision of blue badge parking bays, a management plan is also required.

- **Energy:** The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals and they are considered to be broadly acceptable. However, further information is required before the carbon savings can be verified, as detailed above.

- **Transport:** The proposals are recognised as being in broad compliance with London Plan transport policies. Further discussion is needed with regards to the provision of additional disabled car parking for commercial uses alongside a submission of a car parking management plan. A number of other measures should also be addressed and secured within a Section 106 agreement, as detailed above.

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