

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 29 November 2018 at 7.00 p.m.  
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

The meeting is open to the public to attend.

**Members:**

Chair: Councillor John Pierce  
Vice Chair : Councillor Abdul Mukit MBE  
Councillor Dan Tomlinson, Councillor Dipa Das, Councillor Kevin Brady, Councillor Val Whitehead, Councillor Zenith Rahman and Councillor Rabina Khan

**Substitutes:**

Councillor Kyrsten Perry, Councillor Asma Begum and Councillor Marc Francis

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 27 November 2018**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Wednesday, 28 November 2018**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 20)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 25 October 2018.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

There are no items.

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>23 - 26</b>	
<b>5 .1</b>	<b>Central House, 59 - 63 Whitechapel High Street, London E1 7PF (PA/18/01914)</b>	<b>27 - 96</b>	<b>Whitechapel</b>

Proposal:

Retention, refurbishment, part-four and part-five storey side extension, six storey upward extension and change of use of the vacant, existing building from an education facility (D1 use class) to office accommodation (B1a use class) with flexible units (A1/A2/A3/A4/D1/D2 use classes) at ground floor.

Officer recommendation:

That the Committee resolve to APPROVE planning permission subject to any direction by The London Mayor, obligations and conditions.

**Next Meeting of the Strategic Development Committee**

Thursday, 10 January 2019 at 6.30 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Asmat Hussain Corporate Director of Governance and Monitoring Officer, Telephone Number:  
020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 25 OCTOBER 2018**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor John Pierce (Chair)  
Councillor Dan Tomlinson  
Councillor Dipa Das  
Councillor Kevin Brady  
Councillor Val Whitehead  
Councillor Zenith Rahman  
Councillor Marc Francis (Substitute for Councillor Abdul Mukit MBE)

**Other Councillors Present:**

Councillor James King

**Apologies:**

Councillor Abdul Mukit MBE  
Councillor Rabina Khan

**Officers Present:**

Solomon Agutu	(Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	(Area Planning Manager (East), Planning Services, Place)
Graham Harrington	(Principal Planning Officer, Place)
Piotr Lanoszka	(Team Leader, Planning Services, Place)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Marc Francis declared a non disclosable personal interest in agenda item 82 West India Dock Road, E14 8DJ (PA/18/01203). This was on the basis that he had sat on the Committee on two previous occasions (13th July 2017 and 2nd February 2010 meetings) where proposals for the site were considered. Councillor Francis also reported that whilst he had not received representations, there was extensive lobbying on the 2017 application and representations were made by a person who became a donor for the Labour Party in the local election.

## 2. MINUTES OF THE PREVIOUS MEETING(S)

Update report tabled for this item

The Committee **RESOLVED**

1. That the minutes of the meeting of the Strategic Development Committee held on 20<sup>th</sup> September 2018 be agreed as a correct record and signed by the Chair subject to the following amendment to minute item 5.1 Former London Chest Hospital, Bonner Road, London, E2 9JX (PA/16/03342 and PA/16/03343) as detailed in bold below:

Questions to Officers (paragraph 3)

It was also clarified that the new policies in **paragraph 175** of the NPPF relating to the loss of **veteran** trees would not wholly apply to this application, given the tree would not be lost as a result of the proposed development, but would be **re-located under a very detailed and carefully considered technical re-location strategy**. Officers also considered that the public benefits of the application would warrant the relocation. Therefore, Officers considered that the proposals complied with the requirements in the NPPF with regard to the protection of trees. It was also pointed out that retaining the tree in its current location would require substantial changes to the application and would impact on the viability of the scheme.

**It was also explained that there were special circumstances to allow the consideration of the re-location of the mulberry tree, because if left in its current location, that would have a fundamental impact on the redevelopment of the northern part of the site.**

2. That the Strategic Development Committee notes the content of the update report regarding ward Councillors representations in respect of the London Chest Hospital application and, confirms that there is no requirement to revisit the Committee's resolution of 20 September 2018 and that the contents of the update report for this item be recorded appended to the minutes.

## 3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Corporate Director, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

#### **4. DEFERRED ITEMS**

There were none.

#### **5. PLANNING APPLICATIONS FOR DECISION**

##### **5.1 82 West India Dock Road, E14 8DJ (PA/18/01203)**

Update report tabled.

Jerry Bell (Planning Services) introduced the planning application for the erection of a part 7-storey, part 28-storey and part 30-storey building comprising a hotel use, residential use and flexible retail and community floorspace other associated works.

##### Officer's presentation

Graham Harrington (Planning Services) presented the report describing the site location and the character of the surrounding area.

The Committee noted the planning history for the site including the scheme approved in 2010 for a hotel led scheme. They also noted details of the scheme refused by the Committee in July 2017 for a part hotel/residential scheme and the reasons for this. It was noted that the site was not within the Conservation Area but there were a number of listed buildings in the area.

The Committee noted the key differences between the proposal and the refused scheme in terms of the height, design, scale and massing amongst other issues.

The Committee noted the key features of the application including: the two uses, the proposed layout, the servicing plans, the communal amenity space and play space. The Committee noted details of the elevations, the wider landscaping master plan and the public realm works that covered adjoining areas of land.

Consultation had been undertaken resulting in a number of representations in support and objection. The principle grounds of support and objection were noted as set out in the Committee report

It was noted that the proposed land use would be appropriate for the site location and was consistent with policy for the area. The proposals would generate a number of new jobs. In terms of housing, the level of affordable housing equated to 35.2% of the proposed housing (by habitable room) and was policy compliant. The proposed housing mix was noted. Sufficient child play space would be provided on site to accommodate the number of children expected to occupy the development. The plans would also deliver the required amount of communal open space and play space for the site.

Officers considered that the impact on occupiers of neighbouring homes would broadly be acceptable. There would be some daylight and sunlight impacts to properties at Cayman Court and Compass Point. However, the assessment showed that the windows to the rooms mostly effected were mainly bedrooms and the separations distances were reasonable.

The proposal would be of a good quality design, with variations in the design, height scale and form to fit in with the area. Details of the materials submitted at this stage would be secured by condition.

There had been a thorough assessment of the impact of the proposal on heritage assets and the impact on views as detailed in the Heritage Assessment in the Environmental Statement. Overall, Officers considered that the impact on the Conservation Area and listed buildings would be acceptable and met the tests in policy. Officers considered that the level of harm to heritage assets would be less than substantial and the public benefits would outweigh this harm. In considering this point, the Committee noted verified views of the application from the surrounding area compared to the refused scheme. Officers also felt that the micro climate impact would be acceptable.

Highways and Transport matters were considered acceptable, including the access and servicing arrangements, capacity issues on the public transport network, the cycling plans and the net loss of car parking space. There were conditions to manage construction traffic.

Officers were recommending that the application was granted planning permission.

The Chair then invited registered speakers to address the Committee.

#### Objectors presentation

Inti Van Ritchie (local resident) and Helen Kenney, (Vice Chair of the Limehouse Community Forum) spoke in objection to the development. Concerns were expressed about: the excessive height, scale and massing of the development in relation to the surrounding area. There was no precedence for a building of this scale in this area. The concerns with the refused application in respect of these issues had not been addressed. The development would be of a poor quality design given the choice of and location of the material. The Council's Conservation and Design Advisory Panel (CADAP) had expressed concerns about the impact of the proposal.

The glazing would have a detrimental effect on the setting of the Conservation Area. It would also negatively impact on the setting of the St Anne's Church and block views of the flag. The proposals would overshadow neighbouring properties and result in a greater loss of sunlight and daylight to neighbouring properties. The poor results could not be mitigated by the design of the proposal.

Concerns were also expressed about increased traffic congestion on local roads from the proposal and the adequacy of the wider landscaping plans. It was also considered that there was no guarantee that the CIL contributions would be spent on local projects and that there would be employment opportunities for residents.

Councillor James King spoke in objection to the application. He advised that he was speaking on behalf of the local residents who had signed the petition opposing the development. He expressed concern about the provision of an excessively tall building at this site without adequate community benefits. This would set a dangerous precedent in the area and the Borough. The proposals should be reviewed to provide a more suitable development.

#### Applicant's presentation

Rachel Haugh who was a resident of Tower Hamlets and also part of the applicant's team, spoke in support of the development. She considered that the development would transform the site and deliver a number of improvements. The developer had considered the Committee's concerns with the refused application, who had not objected to the land use. The applicant had made a number of changes to the application to address the concerns, as detailed in the Committee report, in relation to its size, height, design to better respond to the local area and address any micro climate issues. There would be a range of public benefits including: the provision of high quality housing to address the pressing housing need in the Borough. The proposals had a strong level of local support. All of occupants of the development would have access to the facilities. There would also be to landscaping improvements, and CIL contributions.

Nessa Abdin, who as a local resident and football coach, also addressed the Committee in support of the application. He considered that the plans would deliver a range of training and employment opportunities for local people that would have a huge positive impact.

#### Officers responses to Member Questions

In response to questions about the number of wheel chair accessible units, it was reported that 7 of the residential units would be wheelchair user dwellings. It was also noted that 3 on street Blue Badge parking bays were proposed. Transport for London had made comments about the provision of such spaces and the applicant had stated that additional spaces could be provided if needed.

Regarding the sunlight and daylight assessment, it was confirmed that the assessment had been independently assessed in accordance with the Council's practices and policies, and the results were set out in the Committee report. It was confirmed that some properties at Cayman Court and Compass Point would experience moderate adverse impacts. No properties should experience such impacts further afield. The impacts were not that unusual for a proposal in an urban setting.

In relation to the quality of the child play space, it was confirmed that it was normal practice to reserve details of the play space to enable the plans to be considered in more detail. Officers were however satisfied with the initial plans in terms of the quality and the quantum of the play space on site. As a result, Officers did not consider that there was any need for the provision of pocket parks in the public realm (as proposed as part of the 2017) application. There would be significant public realm and soft landscaping improvements.

In response to further questions, it was confirmed that all of the residents would be able to access the gym (as well as the communal open space and play space). The Council would also work with the applicant to maximise the number of local jobs for residents.

In response to questions about the appropriateness of the height, it was noted that the Mayor of London's comments were generally supportive in terms of the height, layout and massing of the application as set out in the report. Officers were however mindful of the issues regarding the height, but were of the view the plans were acceptable in this respect given amongst other issues: the site being within the London Plan Isle of Dogs Opportunity Area and its proximity to the Westferry DLR station. The development would play a key part in providing a landmark building for the station. It would also provide an opportunity to secure contributions that could enhance the West India Dock Road/Westferry Junction.

In response to questions about the CIL funding, the Committee noted legal advice regarding whether or not the funding could be allocated in the local area

In terms of the affordable housing, the scheme was a Mayor of London's fast track scheme, on the basis that the level of affordable housing exceeded 35% by habitable rooms required by the Mayor of London's Viability SPG . Such schemes would be subject to an early review, in the event that the agreed level of affordable housing was not made within two years of the planning permission being granted.

Regarding the 2017 application, Officers confirmed that they had drawn comparisons with the scheme including the differences in the amount of affordable housing due to the changes in the number of residential units. Officers considered that the issues with the previous scheme had been overcome and the proposals complied with policy.

A Member commented that the amount of affordable housing referred to in the refused scheme (paragraph 6.12, 8th bullet point) was incorrect. The figure should be 40.2%. Graham Harrington apologised for error, but stressed that that this did not affect the Committee's consideration of the application before it.

Officers were also mindful of the air quality issues, given the proximity of the site to a busy road. To minimise such impacts, it was proposed that the residential accommodation be located on the first floor upwards, and that mechanical ventilation was introduced at the lower floors of the proposed development.

In response to further questions, it was noted that the site comprised a mixture of public highway land and housing land and that land ownership issues were not a material consideration.

#### Objectors responses

Regarding the sunlight and daylight impacts, an objector considered that a number of properties would be significantly affected. The Officers report underestimated the impacts. It was also reiterated that the height conflicted with the policy for the site in the London Plan and the Local Plan. The development would set an unwanted precedent for this type of development in residential areas elsewhere.

#### Applicant's responses

In response to questions, the applicant's agent provided reassurances about the design of the proposal. The plans had been purposely designed to match the local context and the materials would act like a screen for the residential properties to minimise any environmental impacts. It was felt that the micro climate issues had been adequately mitigated and there were no issues in this regard now.

On a vote of 5 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at 82 West India Dock Road, E14 8DJ for the erection of a part 7-storey, part 28-storey and part 30-storey building comprising 15,639 sq.m (GIA) hotel (Use Class C1) floorspace (consisting of 400 bedrooms), 8,537 sq.m (GIA) residential (Use Class C3) floorspace (consisting of a total of 66 homes; comprising 30 x 1 bed, 28 x 2 bed and 8 x 3 bed homes) and 71 sq.m (GIA) flexible retail and community floorspace (Use Class A1/D1), creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works (PA/18/01203) SUBJECT to

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report, subject to the changes to the planning obligations set out in paragraphs 1.1 and 1.2 of the update report
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report subject to the changes to the conditions set out in paragraphs 1.3 of the update report.

The meeting ended at 8.25 p.m.

Chair, Councillor John Pierce  
Strategic Development Committee



**LONDON BOROUGH OF TOWER HAMLETS  
25<sup>th</sup> OCTOBER 2018 STRATEGIC DEVELOPMENT COMMITTEE**

**UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND  
BUILDING CONTROL**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
n/a	PA/16/0334 2  PA/16/0334 3	<b>Former London Chest Hospital, Bonner Road, London, E2 9JX</b>	Planning and listed building consent applications for demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units (Use Class C3) and 428sqm non-residential institution space (Use Class D1) with the new residential units located within an enlarged main hospital building and within the erection of three new buildings rising to a maximum of 8 storeys with associated works to built heritage, selected removal of TPO trees, plus new tree planting and landscaping works, provision of 9 disabled car parking spaces and other works incidental to the development.

**1. BACKGROUND**

- 1.1 On 20 September 2018, the Strategic Development Committee considered a report in respect of planning and listed building consent applications for the redevelopment of the London Chest Hospital.
- 1.2 The section of the report dealing with Local Representation said that 412 individual written representations were received on the planning and listed building consent applications. 386 of these were letters of objection pertaining to the planning application, 3 were letters of support to the planning application and 23 were letters of objection relating to the listed building consent application.
- 1.3 The report also confirmed the petitions that had been received including on-going on-line petitions, the number of signatures and the issues raised.
- 1.4 The report listed 29 matters on which objections had been raised.
- 1.5 The SDC resolved to grant planning permission and listed building consent, subject to the outcome of the Stage 2 Mayor of London referral and the prior completion of a Section 106 legal agreement.

## 2. REPRESENTATIONS FROM WARD COUNCILLORS

- 2.1 Following the meeting a concern has been raised that the report did not distinguish who had made the objections and whether any were from ward Councillors.
- 2.2 A review of the case file shows that the overall number of objections reported included representations received from Councillor Eve McQuillan for herself and on behalf of Councillors Sirajul Islam, Gabriela Salva McCallan, Mohammed Ahbab Hossain and Tarik Khan (Bethnal Green and St Peter's Ward councillors).
- 2.3 The representations from the councillors raised the following issues:
- **The Lack of affordable housing:** The amount of affordable housing has increased from 28% to 30%. However, given the borough's acute housing need, this is not enough. 30% is well below the Mayor of London's target of 50% affordable housing, and well below the level set by the Tower Hamlets Local Plan Policy SP02 which requires 35% - 50%.
  - **The height and density of the proposed buildings:** The buildings will still reach 6 and 8 storeys, far higher than the neighbouring buildings which reach 4 storeys at their highest. The revised plans have not reduced the height of the buildings and will cause harm to the existing community.
  - **Loss of trees:** The plans propose the removal of 28 trees along St James' Avenue. There will be an environment impact, effect on air quality and losing the trees will dramatically change the character of St James' Avenue. Removal of the Mulberry Tree is likely to risk its survival. The
  - tree is part of the heritage of the area, and is thought to date back to the Tudor period.
  - **The impact on the Victoria Park Conservation Area and destruction of heritage:** The high, dense blocks would deprive the landmark listed hospital building of its open landscaped space, which would also affect the open character and setting of Victoria Park Conservation Area.
  - Ward Councillors did not object to the site being used for housing in principle and recognised the borough's acute housing need. However, any development on this site must not harm the existing community and must be inclusive.

- 2.4 An additional representation from Cllr McQuillan raised concern about the lack of consultation on the changes to increase the amount of affordable housing and the viability assessment was not made public.

### **3. ADVICE**

- 3.1 All of the planning issues raised by the ward Councillors were included in the 20 September report and dealt with in the assessment of the application. The applicant's viability report is a public document on the planning register.
- 3.2 Whilst there is no prescribed format for the structure of reports to planning committees, it has been custom and practice in Tower Hamlets to note the issues raised by councillors, separately to those raised by residents or members of the public. Due to an oversight, this did not happen in this case. The committee report was published five clear days before the meeting in accordance with the constitution and it is regrettable that this oversight by officers had not been spotted by the ward councillors before the meeting.
- 3.3 This report has been prepared to ensure that the objections and representations made by the councillors on behalf of their communities, becomes a matter of public record.
- 3.4 As no new material considerations or further planning issues have been raised in the omitted representations, this does not affect the decision made on the application.

### **4. RECOMMENDATION**

That the Strategic Development Committee notes the content of this report, confirms that there is no requirement to revisit the resolution of the SD Committee on 20 September 2018 and this is recorded appended to the minutes.

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## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

**How will the applications be considered?**

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:  
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

**How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 Council’s Constitution

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 November 2018	<b>Classification:</b> Unrestricted	
<b>Report of:</b> Corporate Director Place		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 The Committee is required to determine planning applications in accordance with the development plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70 (2) of the Town and Country Planning Act 1990(TCPA 1990. This section requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; to have regard any local finance considerations, so far as material to the application; and to have regard to any other material considerations
- 3.2 What does it mean that members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the development plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan. This is because it is the Council's own plan and in adopting the Plan, the Council was representing to the community and to applicants, that this plan was going to guide Committee decision making.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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### 3.3 The Local Development Plan and Other Material Considerations

The relevant Development Plan policies against which committee is required to consider each planning application are to be found in

- The London Plan 2016
- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010
- The Managing Development Document adopted in 2013

The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in NPPF 2018 is a material consideration.

The purpose of a planning officer's report is not to decide the issue for the committee but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members should take. Part of a planning officer's expert function in reporting to this committee is to make an assessment of how much information to include in the report. Applicants and Objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application. The purpose of officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise members what weight, in their professional opinion, to give those representations. Ultimately it is for members to decide whether the application is in accordance with the Development Plan or other material considerations

### 3.4 Local Finance Considerations.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the 1990 Act defines a local finance consideration and both New Homes Bonus payments (NHB) and Community Infrastructure Levy (CIL) fall within this definition.

Although NHB and CIL both qualify as "*local finance considerations*", the key question is whether they are "material" to the specific planning application under consideration..

The prevailing view is that "in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. To be material a consideration must relate to the planning merits of the development in question.

Thus NHB or CIL money will be 'material' to the planning application when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. Specific legal advice will be given during the consideration of each application as required.

### 3.5 Listed Buildings and Conservation Areas

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.



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Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

### **3.6 Trees and Natural Environment**

Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

Section 40 of the Natural Environment and Rural Communities Act 2006(Duty to conserve biodiversity) *“must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*

Section 17 of the Crime and Disorder Act 1998(Duty to consider crime and disorder implications) *“duty .....to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)”*

Section 144 Greater London Authority Act (to have regard to the London Mayor’s Transport strategy)

Section 149 of the Equality Act 2010 (Public Sector Equality Duty). This is a duty to have “due regard” to among other matters the need to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”..

The Human Rights Act 1998. This sets out the basic rights of every person together with the limitations placed on these rights in the public interest.

### **3.7 Third Party Representations**

Under section 71(2)(a) of the Town and Country Planning Act 1990 and article 33(1) of the DMPO the Committee is required, when determining an application, to conscientiously take into account any representations made within specified time limits. The officer report directs members to those representations and provides a summary. In some cases, those who have made representations will ask to address the committee.

Members are reminded that other areas of legislation covers aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.

The Committee has several choices when considering each planning application

- To grant planning permission unconditionally
- To Grant planning permission with conditions
- To Refuse planning permission
- To defer the decision for more information (including a site visit)

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**4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

**5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 5.1

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 29 November 2018	<b>Classification:</b> Unrestricted
<b>Report of:</b> Director of Place	<b>Title:</b> Applications for Planning Permission	
<b>Case Officer:</b> Rikki Weir	<b>Ref No:</b> PA/18/01914	
	<b>Ward:</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Central House, 59-63 Whitechapel High Street, London, E1 7PF

**Existing Use:** Education facility (D1 use class)

**Proposal:** Retention, refurbishment, part-four and part-five storey side extension, six storey upward extension and change of use of the vacant, existing building from an education facility (D1 use class) to office accommodation (B1a use class) with flexible units (A1/A2/A3/A4/D1/D2 use classes) at ground floor.

**Drawings and documents** Refer to Appendix 2

**Applicant/Owner:** Frasers (Central House) Limited

**Historic Buildings:** Whitechapel Art Gallery (Grade II\* listed), 88 Whitechapel High Street, Whitechapel Public Library, 32 and 34 Commercial Road (Grade II listed), 85 Whitechapel High Street (Locally listed)

**Conservation Area:** Adjacent to Whitechapel High Street Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against its adopted planning policies as set out in the London Borough of Tower Hamlets (the Borough) adopted Core Strategy (2010) and Managing Development Document (2013) (Local Plan). It has also assessed the application against strategic development plan policies as set out in the London Plan MALP (2016) and National Planning Policy Framework (NPPF) (2018) and all other material considerations including supplementary planning guidance including the Mayor of London's City Fringe Opportunity Area Planning Framework (2015) and the Borough's interim planning guidance, Aldgate Masterplan (2007).

## 2.2 Officers have determined that:-

- (a) In land-use terms, the scheme is consistent with policy and strategic framework guidance documents for Aldgate and the City Fringe as a predominately office-led mixed-use redevelopment within the Borough. The commercial ground floor uses are complementary to the office space set above in the context of the Central Activity Zone (CAZ).
- (b) The existing building is vacant at present but contains approximately 10,565sqm higher education floorspace consisting of teaching space, offices and ancillary spaces. It is understood that there were 60 full time employees on site previously. In employment terms, with the substantial increase in office floorspace (17,769sqm) and the provision of 699sqm ground floor retail and commercial uses (offered on a first refusal basis to local businesses), the proposed development is predicted to accommodate 1247 full time employees. It is estimated that the operational phase of the development could generate £131m gross value added (GVA) per annum once complete. 10% affordable workspace (1777sqm) would be provided, with 25% of this space to be offered on a first refusal basis to local businesses at increased discount, in excess of emerging policy requirements. Planning obligations have also been agreed in order to secure skills training, employment opportunities, and construction-phase and end-phase apprenticeships for local people, ensuring that the proposal accords with the development plan.
- (c) The implementation of the scheme will complement and expand the geographic extent of 'Tech City' digital businesses from its City Fringe origins in the Old Street/Shoreditch technology hub to help solidify a positive hub at Aldgate, also located in the City Fringe Opportunity Area.
- (d) In terms of public realm improvements, active frontage would be re-introduced to Whitechapel High Street and Commercial Road with further improvements to the Manningtree Street frontage and on White Church Passage. Enhanced paving around the site has been agreed, as well as the removal of the upstand for the disused pedestrian subway, significantly improving the pedestrian environment.
- (e) In terms of local views, scale, massing, overall appearance and layout, the proposal is considered to be broadly acceptable. The scheme's design provides an architectural treatment to the elevations of a very high quality finish that will contribute positively to the architectural form and character of the Aldgate area, in a manner that is distinctive yet complimentary to the existing townscape. The retention of the existing building, which is a building of architectural merit in its own right, will be beneficial to the character of the locality and the proposed additional height would provide a satisfactory transition between the scale of buildings in Whitechapel High Street Conservation Area and the Aldgate tall buildings cluster that is centred to the west of the site but also arcs along the eastern end of Commercial Road to the south east of the site.
- (f) The proposed building does not adversely impact on any strategic views.
- (g) In terms of the impact to the character and appearance of surrounding listed buildings and conservation areas, on balance no significant adverse impacts would result.

- (h) For the reasons set out above ((d) to (g) inclusive) the proposal is considered to satisfy the criteria for consideration of tall buildings set out in both the Borough's adopted Local Plan and London Plan, which seek tall buildings to be appropriate to their context, contribute to distinctive and high quality place-making and minimise environmental impacts.
- (i) In view of the central urban context, existing density of buildings and economic benefits arising from this proposal, on balance, the development would not on balance have an undue degree of significant adverse impacts on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure having regard to the grain of development in this locality.
- (j) In respect of transportation, with the mitigation measures secured by legal agreement, no outstanding highway and transportation impacts are raised by the scheme. The scheme benefits from generous pavement widths on its main active frontages. Sustainable forms of transport are facilitated by this scheme including an improved pedestrian environment around the site, adequate cycle parking on-site, additional visitor cycle parking around the site and increased cycle hire dock station capacity.
- (k) In terms of energy use, carbon reduction, enhancements to biodiversity the scheme is considered to provide a sustainable form of development.
- (j) The scheme would be liable to both the Mayor's and the Borough's community infrastructure levy.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to APPROVE planning permission subject to:

- A. Any direction by The London Mayor
- B. The prior completion of a legal agreement to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of £498,420 towards training and development of unemployed residents
- b) A contribution of £90,616 towards training and skills needs of local residents in accessing construction phase job opportunities
- c) A contribution of £112,680 towards Carbon Offsetting
- d) A contribution towards monitoring (£500 per head of term item), in accordance with Planning Obligations SPD.

Total Contribution financial contributions £701,716 plus monitoring contribution.

#### Non-financial contributions

- e) Highways improvement works (including short stay cycle parking) to be secured via s278 and s106 agreements (public realm/shared surface treatment improvements)

- f) Provision of 10% affordable rented (90% of market rent) workspace (1,777sq.m) for the life of development, including a capped maximum 25% of the affordable workspace to be made available, on a first refusal basis, to local businesses at 75% of market rent.
- g) The ground floor commercial units (A1-A4, D1 and D2 use class) will be made available, on a first refusal basis, to local businesses.
- h) A minimum of 11 NVQ level 2 or above apprenticeships to be delivered during the construction phase of the development
- i) At least 5 apprenticeships to be delivered during end-user phase of the development
- j) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- k) 20% of goods and services during construction are procured from businesses in the Borough
- l) Compliance with Code of Construction

That the Corporate Director of Place has delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

That the Corporate Director Place has delegated power to impose conditions and informatives on the planning permission to secure the following matters

### 3.2 **Conditions**

#### **Prior to Demolition**

- Construction, Logistics & Environment Management Plan
- Ground contamination
- Noise Mitigation Measures
- Archaeology

#### **Prior to Construction**

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology

#### **Prior to Construction of Superstructure above ground level**

- Details of Materials and treatment of elevations
- Use of Cranes
- Impact of the development upon existing water supply capacity & infrastructure
- Scheme of highway works
- Details of wind mitigation measures

#### **Prior to first occupation of building**

- Landscaping incorporating details of biodiversity enhancements
- Delivery and Service Management Plan
- Secure by Design accreditation
- End User Travel Plan

#### **Compliance Conditions**

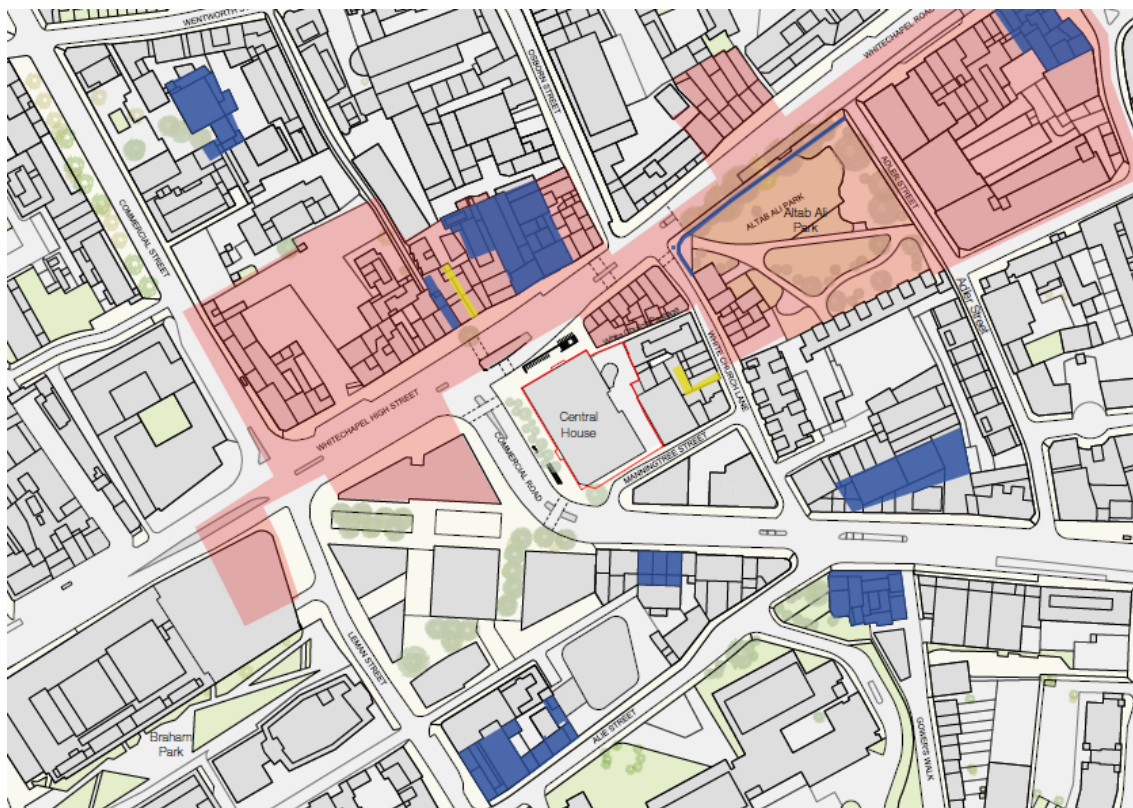
- Time limit for consent
- Accordance with the approved plans
- Life of development retention and maintenance of disabled car parking space

- Life of development retentions of bicycle spaces and maintenance of associated changing room & shower facilities
  - Service bay door/gate/equivalent
  - Energy measures implemented in accordance with the energy strategy
  - Building achieving BREEAM excellence standard
  - Capacity to energy system connect to district heat network
  - For life of development roof top terraces to be readily accessible and available during daylight hours for use by occupants of the development
  - A minimum of 60% of the glazing surface area to each of the individual ground floor flexible use retail frontages to be maintained wholly transparent and free of window transfers or other blanket obstructions set within 1 m of glazing
  - No plant or other infrastructure set above the maximum AOD height
  - Retractable cleaning gantry
  - Details of Public Art
- **Any additional conditions as directed by the Corporate Director of Place**

### 3.3 Informatives

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames Water
- 5) License for cleaning gantry

## 4. SITE AND SURROUNDINGS



**Figure 1: Site in relation to Conservation Areas (red), listed buildings (blue), locally listed buildings (yellow) and green spaces (green)**

- 4.1 The application site is located in Aldgate and covers an area of approximately 0.22 of a hectare. The site is bounded by Whitechapel High Street (to the north), Commercial Road (to the west), Manningtree Street (to the south) with a servicing ramp marking the eastern boundary. The existing Central House is a 6 storey educational facility (D1 use class) building of 10,565sqm. The building was last occupied by the Sir John Cass School of Art, Architecture and Design, London Metropolitan University (LMU) until August 2017 when they formally vacated to relocate to north London.
- 4.2 The existing building was designed by architects Cecil Lush and Alfred Lester. The building was initially developed as a six storey factory to serve as modern accommodation for the rag-trade warehouses, showrooms and workshops which once dominated the local area. The building's intention was to zone industrial uses set away from large residential populations.
- 4.3 The application site lies with the London Plan's Central Activities Zone (CAZ) as well as the City Fringe Opportunity Area. The site is in an area of archaeological importance or potential importance.
- 4.4 The building on site is not listed nor located within a conservation area. However, there are conservation areas and listed buildings in close proximity. The nearest conservation area (CA) is Whitechapel High Street CA set just to the north of the site located on the opposite side of Whitechapel High Street and to the west across Commercial Road. The nearest statutory listed buildings to the site are to the north across Whitechapel High Street, most notably Whitechapel Art Gallery, a Grade II\* listed building.
- 4.5 The proposed development would be visible in distant LVMF London Panoramas from Assessment Points 2A.1 (Parliament Hill to St Paul's), 4A.1 (Primrose Hill to St Paul's), 5A.2 (Greenwich Park to St Paul's) and 6A.1 (Blackheath Point to St Paul's).
- 4.6 The surrounding area is very diverse in its architectural style and building scale. It covers a diverse spectrum, from small-scale commercial/residential uses in terraces of four storeys to the east along Whitechapel High Street and White Church Passage to modern commercial office towers with substantial floorplates in the Borough's Local Plan Aldgate Preferred Office Location (POL). The built character and townscape of this part of Aldgate is changing rapidly with an increasing trend towards larger building massing through office led schemes and residential led mixed use development schemes. These transformation in built form have arrived in tandem with substantive improvements to the public realm of Aldgate as a whole, including the place-making scheme of Aldgate Place that creates a major east west pedestrian route where once lay a one way gyratory system.
- 4.7 To the west of the site, is the recently completed office block known as Aldgate Tower (93m AOD). Standing immediately opposite the site on the east side of Leman Street is the currently being built out Aldgate Place development (a mixed use residential led development with a significant quantum of retail/commercial space at ground floor (rising to a maximum 92.90m AOD) and 15-17 Leman Street (88.60m AOD). Aldgate Place will act as a publicly accessible focal point at the heart of Aldgate at street level.

### **Proposal**

- 4.8 The proposal would involve the comprehensive refurbishment of the existing 6 storey building along with a 6 storey upward extension and the addition of 4 storey infill



buildings on White Church Passage and Manningtree Street. The existing building is vacant and it is proposed that the redeveloped site would contain ground floor lobby/reception spaces plus flexible use commercial spaces (A1-A4/D1 Use Class) and 11 storeys of office space set above, rising to a maximum height of 62m AOD. The new 4 storey building would also contain a double storey basement containing plant rooms, cycle storage, shower and changing room facilities.

- 4.9 The applicant's architects described the design concept as informed by Rachel Whitehead's work, in particular a piece titled 'Monument' (a Trafalgar Square Fourth Plinth), in which a resin cast of the historic stone plinth was placed upside-down on the plinth to form a mirror image. In a similar manner, a new volume is proposed above the existing mass which has the same simple rectangular footprint and storey levels. The detailed articulation of both masses will accentuate the perception of a mirrored image through aspects of correlation (the banding of glazing and cladding) and contrast (the cladding colour and inverted framing element at the base and top).
- 4.10 The central, external staircases at the north and south ends of the original building would be removed, simplifying the building mass and allowing the horizontal bands of glazing and concrete to extend continuously around its exterior. The new volume above would have a similar horizontal emphasis in its alternate patterning of glazing and cladding and would appear as if suspended above the lower element, with a recessed, glazed level set in between.
- 4.11 The ground floor will contain a loading bay and a built-in disabled car parking bay. These vehicle bays will all be entered/exited from Manningtree Street. On ground floor the scheme has a series of reception and commercial spaces fronting the whole lengths of Whitechapel High Street, White Church Passage and Commercial Road.
- 4.12 Public realm improvements would be delivered outside the site on Whitechapel High Street, Commercial Road and Manningtree Street via legal agreement. The improvements would involve soft landscaping and shared surface treatment, new pavement, plus the removal of the disused upstand for the Aldgate Underground station subway.
- 4.13 The site benefits from the highest level of public transport accessibility (PTAL 6b). Three London Underground Stations and a Docklands Light Railway Station are located within a reasonable walking distance, including Aldgate East U located 40 m away. The site is well-served by buses. Cycle docking stations are located adjacent to the site and Cycle Superhighway route 2 (Bow to Aldgate) runs along Whitechapel High Street, whilst Cycle Superhighway route 3 (Barking to Tower Gateway) is also relatively nearby, running along Royal Mint Street.

## **5. RELEVANT PLANNING HISTORY**

- 5.1 A variety of applications including those for minor works have been submitted over the course of time. The current building was originally consented in 1963 ([PA/62/00731](#)). More recent and noteworthy applications are referred to below:

### **On Site**

- 5.2 [PA/13/03150](#): Erection of two structures on roof of Central House as part of a roof garden: 1) 6m high tower. 2) 2.2m high shelter. Permitted – 28/04/2014.
- 5.3 [PA/09/02990](#): Change of use of part of the ground floor and basement from bank

(Use Class A2) to education (D1 non-residential institution). Partial refurbishment of the ground floor, basement and first floor lightwell, including the replacement of external glazing, relocation of the building entrance and removal of signage. Permitted – 21/04/2010.

- 5.4 PA/06/00286: Change of use of ground floor units 1, 5 and 6 to teaching and associated university use. Permitted – 18/04/2006.
- 5.5 PA/99/00552: Alterations including new canopy, glazed frontage and signage to main entrance and new plant at roof level. Change of use of shop units 1, 2, and 6 to student exhibition space. Permitted – 02/11/1999.
- 5.6 PA/64/00722: The erection of a building comprising basement and ground floors, with five floors over on site above. Permitted – 12/08/1964.
- 5.7 PA/62/00731: The erection of a building comprising basement and ground floors, with five floors over on site above. Permitted – 20/04/1963.



**Figure 2: Existing building in its emerging tall building context**

**Surrounding Sites**

- 5.8 The following planning decisions on surrounding sites are noted as most salient to this application.

*Aldgate Place, Land bounded by Whitechapel High Street, Leman Street, Buckle Street and Commercial Road*

- 5.9 PA/13/00218: Demolition of existing buildings and creation of a mixed use

development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and leisure (use class D2) uses; creation of new pedestrianized street, public open spaces, children's play spaces and associated car and cycle parking together with associated highways works and landscaping. Permitted – 18/10/2013.

*Aldgate Tower and former Marsh Centre at 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street*

- 5.10 PA/04/01190: Refurbishment and extension of existing Marsh Centre Building, demolition of other remaining buildings and redevelopment to provide new office accommodation. Permitted – 13/12/2004.

*Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street*

- 5.11 PA/07/01201: Demolition of existing buildings and erection of two buildings of 7 and 28 storeys to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1(business), formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site. The application is supported by an Environmental Impact Assessment (EIA). Permitted – 14/03/2008.

*15-17 Leman Street and 1A Buckle Street*

- 5.12 PA/11/03693: Redevelopment of site comprising the construction of a 23 storey, 251 bedroom hotel (GEA 10,836sqm, Class C1) including ancillary cafe, bar and restaurant (Class A3/A4) with associated servicing and access. Permitted – 14/06/2012.
- 5.13 PA/09/02430: Redevelopment of site comprising the construction of a 23 storey hotel (GEA 10,836sqm, Class C1) including ancillary cafe, bar and restaurant (Class A3/A4) with associated servicing and access. Refused – 11/02/2010. Appeal dismissed – 17/12/2010.

*Former Goodman's Fields*

- 5.14 PA/09/00965: Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential, and construction of an additional storey to 75 Leman Street. Overall scheme comprises 754 residential units, student accommodation, hotel, primary care centre, commercial uses, public open space, landscaping, car parking and associated works. Permitted – 17/02/2011.

*1 Commercial Street and 111-120 Whitechapel Road*

- 5.15 PA/05/00229: Erection of a building comprising basement plus 23 storey building (with roof terrace) providing (i) parking, plant and 755m<sup>2</sup> of Class A1, A2 or A3 (retail, office and food and drink) uses at basement level; (ii) 1,367m<sup>2</sup> of either Class A1, A2, A3, D2 (retail, food and drink, and leisure) uses on the ground floor; (iii) 1,609m<sup>2</sup> of either Class A1, A2, A3, B1, D1 (retail, food and drink, offices or leisure (D2) uses on the first floor; (iv) 8,430m<sup>2</sup> of offices (Class B1) on the 2nd to 6th floors; and (v) 217 residential units on the 7th to 22nd floors, together alterations to the entrance of the

Aldgate Station Underground Station - Amendment to scheme approved in September 2002 (Ref: PA/02/0074). Permitted – 29/08/2006.

*Enterprise House, 21 Buckle Street*

- 5.16 PA/16/03552: Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store. Refused – 15/11/2017. Appeal under consideration.
- 5.17 PA/15/01141: Demolition of existing office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet ) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use Class) serviced apartments (2,985sq.m) together with ancillary facilities, associated cycle parking and basement. Refused – 11/12/2015.

*Former Beagle House, Braham Street*

- 5.18 PA/15/01209: Demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA)) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping. Permitted – 06/04/2016.

*2-6 Commercial Street, 98 and 101-105 Whitechapel High Street and Canon Barnett Primary School*

- 5.19 PA/18/02615: Demolition of 98 –105 Whitechapel High Street, 2 - 6 Commercial Street and the western annex of the Canon Barnett Primary School; retention of the façade of 102 -105 Whitechapel High Street; to facilitate a redevelopment to provide buildings ranging from ground plus 3 –19 storeys, comprising office floorspace (Class B1), retail floorspace (Class A1-A5), educational floorspace (Class D1); relocation and expansion of the existing school playground; associated car and cycle parking, hard and soft landscaping and other associated works. Under consideration.

*60 Commercial Road*

- 5.20 PA/10/01481: Demolition of existing building and erection of a 19 storey building plus basement to provide for plant room; 200sqm retail/commercial/community unit (class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation on upper floors (comprising 417 rooms) and ancillary uses; associated servicing & landscaping. Permitted – 22/12/2010.

*Land at 27 Commercial Road and 29-37 White Church Lane*

- 5.21 PA/13/02338: Demolition of existing buildings and creation of a development, of a 19/21 storey hotel, comprising 269 bedrooms and associated bar and restaurant facilities, with one disabled parking space (on site), 24 cycle parking spaces at basement and ground level and a service/drop off bay off White Church Lane. Permitted – 15/08/2014.

*34-40 White Church Lane and 29-31 Commercial Road*

- 5.22 PA/15/02527: Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 17 upper storey building (72.5m AOD metre) with basement to provide a flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 39 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works. Amended Description: Following a reduction in the proposed height of the proposed scheme (by 1 storey) and provision of 3 less proposed residential units. Permitted – 16/12/2016.

**6. POLICY FRAMEWORK**

- 6.1 In determining the application, the Council (and the Mayor of London, should he decide to take over the application) has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70(2) of the Town & Country Planning Act 1990).
- In relation development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990)
- To pay special attention to whether the development would preserve or enhance the character or appearance of the surrounding conservation areas (Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

- 6.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

6.3 **LBTH’s Core Strategy (CS) (2010)**

Policies:	SP01 Refocusing on our town centres
	SP02 Urban Living for Everyone
	SP03 Creating Healthy and Liveable Neighbourhoods
	SP05 Dealing with Waste
	SP06 Delivering Successful Employment Hubs
	SP07 Improving Education and Skills
	SP08 Making Connected Places
	SP09 Creating Attractive and Safe Streets and Spaces
	SP10 Creating Distinct and Durable Places
	SP11 Working Towards a Zero-carbon Borough
	SP12 Delivering Placemaking (Aldgate)
	SP13 Planning Obligations

#### 6.4 **LBTH's Managing Development Document (MDD) (2013)**

Policies:	DM0	Delivering Sustainable Development
	DM1	Development within the Town Centre Hierarchy
	DM2	Protecting Local Shops
	DM9	Improving Air Quality
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM16	Office Locations
	DM19	Further and Higher Education
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transportation of Freight
	DM22	Parking
	DM23	Streets and the Public Realm
	DM24	Place-sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Achieving a Zero-carbon Borough and Addressing Climate Change
	DM30	Contaminated Land

#### 6.5 **LBTH's Supplementary Planning Guidance/ Other Documents**

- Planning Obligations SPD (2016)
- Aldgate Masterplan Interim Guidance (2007)
- Aldgate Connections (2015)
- LBTH (Local Plan Evidence Base) Tall Buildings Study (February 2018)
- LBTH (Local Plan Evidence Base) Affordable Workspace Policy Review (February 2018)

#### 6.6 **London Plan, Consolidated with Minor Alterations (March 2016)**

- 1.1 Delivering the Strategic Vision and Objectives for London
- 2.1 London in its Global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use Developments and Offices
- 4.7 Retail and Town Centre Development
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction

- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/  
Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (July 2014)
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)
- City Fringe Opportunity Area Planning Framework (December 2015)
- Crossrail Funding (March 2016)
- Mayor's Climate Change Adaptation Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Mayor's Water Strategy

## 6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2018 (NPPF)
- The National Planning Policy Guidance (NPPG)

### **Emerging policy and guidance**

#### **Draft Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits**

- 6.9 Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. The Local Plan was submitted to the Secretary of State for examination on 28 February 2018. Weighting of draft policies is guided by paragraph 48 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly, as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. The Regulation 19 version of the emerging plan was considered by an Inspector at an Examination in Public in September 2018. The new Local Plan gains more weight as it moves through the process to adoption; however, the weight given to it is a matter for the decision maker, and approach accords with the advice set out in paragraph 48 of the NPPF.

#### **Draft London Plan: The Spatial Development Strategy for Greater London**

- 6.10 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The draft London Plan has been submitted to the Secretary of State for examination and the Examination in Public is scheduled for early 2019. The Mayor of London published minor suggested changes on 13 August 2018. The current 2016 consolidation London Plan is still the adopted Development Plan. However, the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however, the weight given to it is a matter for the decision maker.

## **7. CONSULTATION RESPONSES**

- 7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 7.2 The following were consulted and made comments regarding the application, summarised below:

### **Internal LBTH Consultees**

**Sustainability Officer**



- 7.3 The scheme is designed to achieve a BREEAM Excellent score of 72.50% which should be secured by condition. The proposal is anticipated to deliver a 33% reduction in CO2 emissions which is below the policy requirement set out in the Local Plan of 45%. To address this shortfall to meet Policy DM29 requirements a £112,680 offset payment is required to meet current policy requirements. Subject to securing the carbon offset payment via legal agreement and the stated BREEAM Excellent rating by condition no objection is raised.  
*(Officer Comment: Noted and planning obligations and conditions will reflect these comments)*

#### **Biodiversity Officer**

- 7.4 No objection subject to a condition that landscaping will maximise the benefits of biodiversity to contribute to achieving the objectives of the Borough's Local Biodiversity Action Plan LBAP. The greater biodiversity enhancements to the scheme shall include a:
- greater expanse of bio-diverse green roofs;
  - inclusion of nest boxes for appropriate bird species, such as house sparrow, swift and black redstart;
- (Officer Comment: Noted and the sought planning condition will be imposed)*

#### **Urban Design Team**

- 7.5 Central House is a striking, robust and bold concrete building with an asymmetrical composition formed of 6 bays (to the north and south) and 10 bays to the east and west. Projecting external stair cores on the north and south elevations articulates the building and adds visual interest. It is described by Pevsner as being "...one of few post war efforts to provide new working conditions within a multi-purpose building." Therefore the decision to retain and incorporate it is welcomed and supported.

#### Height

- 7.6 Following extensive discussions and several iterations of the design a 6 storey roof extension (plus roof garden) is now being proposed. The option allows for the existing building to be retained, refurbished and reused.

Whilst it is acknowledged that the extension would double the height of the existing building, it is considered that its location and its transitional relationship between the lower scaled finer grain historic buildings (in the conservation area) and the larger taller scale buildings to the west and south, provide scope for an increase in height.

#### Layout

- 7.7 The site is rectangular with clear street frontages. The proposal is organised to take advantage of the high level of pedestrian footfall to the north by locating retail and commercial frontage. This will further activate the Whitechapel High Street frontage and provide a continuous link to the consented Aldgate Place streets and squares. The retail units wrapping around the corner of Whitechapel High Street and Commercial Road further strengthens the two edges of the block activating streets and the passage.

#### Architecture

- 7.8 The extension's inverted design is a simplified/stripped back version of the existing building. The design in terms of its vertical emphasis, the proportions of the glazing and the projecting balconies on the eastern elevation provide clear references to the original building.

7.9 To create proportions that are more similar to the original building, the proportions of the vertical spandrels could have done with further refinement. Nevertheless, it is considered that by itself, these refinements would not significantly impact this aspect of the scheme. Whilst it would have been nice to have had greater visual definition between the old and new, for example by having the recessed section of the extension spanning over two floors, it is still considered that the proposal would result in a high quality building and as result this aspect of the design can be supported.

7.10 The sections and indicative materials show the scope for the extension to be of high quality. To ensure that this is realised, plans scaled at 1:10/1:5 of details such as but not limited to windows, spandrels, parapets, balustrades, balconies, terraces, thresholds, rainwater goods, and material transitions should be conditioned. Further information about the proposed materials (including samples) should also be conditioned.

#### Landscaping

7.11 The roof terrace is welcomed. However there is some concern that the terrace, particularly on the north side is predominantly hard landscaped, and as such may not achieve the vision depicted in the precedent images or some of the visualisations provided for the scheme. Furthermore there is concern that without additional planting, poor comfort levels within this space could reduce its usability. To address these concerns additional soft landscaping on the north side of the terrace shall need to be secured by planning condition.

7.12 The inclusion of balconies/terraces is supported. It is important to ensure the vision of soft landscaping presented to officers for these balcony and terraces is realised and a planning condition will be required to secure this. Soft landscaping managed by the management company/site owner rather than the building tenants will best secure that.

#### Lighting

7.13 The introduction of some external lighting is welcomed. However further details will need to be provided by planning condition to secure sensitive lighting options and avoid light pollution that may impact adversely on neighbours amenity or visually upon views and the setting of heritage assets.

#### Public Art

7.14 The introduction of public art within the central recessed area is supported. Nevertheless given the potential visual prominence it is important that this is carried out in a way that would not date the building or detract from the neighbouring conservation area.

The proposal to incorporate public art within the entrance and ground floor area may also be supported; however a sensitive approach is needed. Further information about the design and exact location of all public art will need to be provided to the Council for consideration. This can be secured by way of condition.

#### Summary

7.15 The proposed design is supported, subject to necessary conditions as mentioned above.

#### **Employment & Enterprise Officer**

7.16 No objection subject to S106 agreement to secure £498,000 towards training and development of unemployed local residents, £90,616 to support and/or provide

training and skills needs of local residents in accessing construction phase job opportunities and a set of non-monetary obligations set out below:-

- to ensure the developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- 20% of goods/service during construction are procured from businesses in the Borough
- A minimum 11 apprenticeships are delivered during the construction phase of the development
- A minimum of 5 end-use phase apprenticeships to be delivered

*(Officer Comment: Noted, the sought planning obligations (set out in section 15 of this report) will be imposed)*

### **Environmental Health**

#### Noise Officer

7.17 As long as the recommendations made by Hoare Lea are adhered to [8.1 &10.0]:

a. Protecting the building from external noise:

- Full mechanical ventilation [3.7.2]
- Glazing options [outlined in 8.1]

b. Protecting the local sound scape from noise associated with the proposed plant and equipment [3.7]:

Then the local policy requirements [3.6 to 3.6.2.2 inclusive] are projected as being met in line with BS8233:2014 and BS6472. Full details are requested by condition to be submitted.

*(Officer Comment: Noted and the sought planning condition and informative will be imposed)*

#### Air Quality Officer

7.18 No objection subject to conditions in order to control surplus energy sale, construction plant and machinery, NRMM, dust management strategy. The air quality assessment submitted with the application is accepted.

*(Officer Comment: Noted and the sought planning condition will be imposed)*

#### Land Contamination Officer

7.19 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy.

*(Officer Comment: Noted and the sought planning condition will be imposed)*

#### Food Safety Officer

7.20 General advice provided in regards to legislation.

#### Smell/Pollution Officer

7.21 No objection, subject to a condition regarding odour from fixed plant and equipment details of the extract ventilation systems.

*(Officer Comment: Noted and the sought planning condition will be imposed, subject to approval).*

## **Highways & Transportation Officer**

- 7.22 The proposed development is deemed suitable in terms of use and scale with regards transportation issues. The applicant and their transport consultants have been pro-active in their dialogue with both LBTH and TfL and this is welcomed and has added to the submission.
- 7.23 Although there would be a reduction in accessible parking, the proposal does meet the minimum criteria contained in the MDD. Additional accessible parking would be preferable, but it is accepted that the area proposed for parking and loading is constrained and it is not possible to provide further on site spaces. There should be a condition attached to any planning permission which may be granted which states that this parking space can only be used by registered blue badge holders working / visiting the development and details of how this will be managed - allocated or bookable - needs to be provided. A condition requiring the applicant to retain and maintain cycle storage facilities for their approved use only for the life of the development should also be included. All internal stores, doorways, corridors and aisle widths must meet the specifications of the London Cycle Design Standard guidance and full details of the cycle provision must be provided and approved via a suitable planning condition.
- 7.24 Numerous options regarding the Manningtree Street layout have been discussed with officers. Should planning permission be granted, a Delivery and Service Management Plan is required to be submitted for approval as a planning condition.
- 7.25 Proposed changes to Manningtree Street and the reduction in general parking should lead to a general improvement in the pedestrian environment. The scheme would provide improvements to the public realm in regards to paving and carriageway works which would be secured through the s278 agreement.
- 7.26 The current cobbled street also requires upgrading and the Highways Authority, along with TfL, seek changes to the junction layout, and for this to be funded as part of the s278 agreement between the applicant and the relevant Highway Authorities. Improvements to White Church Passage to improve the environment in that area particularly where this fronts the development are also sought. The cumulative impact of the demolition and construction works alongside other construction works taking place, needs to be accounted for.
- 7.27 The relevant plans need to be secured via condition and should be submitted in plenty of time and take into account the lead in times required for potential traffic orders and parking suspension. A full Travel Plan should be submitted if planning permission is granted and secured via a planning condition. In summary, subject to the above, there are no in principle objections to the proposal.

## **Waste & Recycling Officer**

- 7.28 Following receipt of amended details, no objection subject to planning condition securing Waste and Service & Delivery Plan.

## **Surface Water Drainage Officer**

- 7.29 No objection, subject to further information on surface water drainage and an assessment of the hydrological and hydrogeological context, secured by planning condition.

## **External Consultees**

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

- 7.30 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant. This response relates to designated heritage assets only.

### **Greater London Archaeology Advisory Service (GLAAS)**

- 7.31 The planning application lies in an area of archaeological interest. I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage [post determination] archaeological condition could provide an acceptable safeguard.  
*(Officer Note: Noted and the sought planning condition will be imposed, subject to approval.)*

### **Metropolitan Police Designing Out Crime Officer**

- 7.32 No objection, subject to a condition for the scheme to achieve Secure by Design accreditation and implement counter terrorism measures.  
*(Officer Comment: Noted and the sought planning conditions will be imposed)*

### **Greater London Authority**

#### **Strategic overview**

- 7.33 Whilst the principle of the proposal is supported, subject to further detail demonstrating that the relocation of LMU's operations to their Holloway Campus is sufficient to satisfy the policy requirements in relation to loss of education facilities and securing a satisfactory off-site housing contribution. The urban design and heritage approach is supported. a Crossrail contribution of approximately £2.5 million should be secured, expanded cycle docking station capacity be delivered and other matters in including inclusive design, climate change, flood risk, drainage and water should also be addressed

#### **Loss of education use**

- 7.34 In light of the London Plan and draft London Plan policies on education and improving opportunities for all, consideration must be given as to whether the loss of education floorspace may be accepted and if so, whether the reinvestment of the funds from the sale of Central House in, and relocation of the facilities to, LMU's Holloway campus sufficiently mitigate against this loss.
- 7.35 Following discussions with the applicant, additional information has been provided to the GLA detailing the ongoing consolidation process being undertaken by the London Metropolitan University and how the disposal of the Central House site fits into the institutions wider strategic plans. It is understood that the educational facilities previously offered at the Central House site have moved to a distinct site, outside of the London Borough of Tower Hamlets, and whilst this may be regrettable for the borough, at London-wide level, there would appear to be no net loss of higher education facilities. The borough should however be satisfied that there is no longer a need for the specific educational facilities in this location.
- 7.36 It is also noted that the Council is seeking, as part of a package of wider benefits, commitments over and above those usually secured with respect to apprenticeships, both during the construction and operational phases of the development, which would help to compensate for the loss of the educational facility

in this location. This approach is supported and full details should be set out in the committee report and secured through the Section 106 agreement for the site.

#### Employment

7.37 Within this part of the CAZ and throughout the City Fringe OA there is a concern over the loss of office space to housing. Aldgate has recently been the subject of much residential development and the introduction of a commercially led scheme with no residential uses provides an opportunity to help rebalance the land-uses in the area and help secure Aldgate's future as an employment centre. An office led mixed-use scheme with no residential floorspace is therefore considered acceptable in this case.

7.38 With respect to affordable workspace provision, it is understood that the applicant has revised their offer since the publication of the GLA Stage 1. The deeper level of discount, along with the commitment to give first refusal to local businesses to both the affordable elements and the ground floor is supported by GLA officers. It is also noted that the approach of securing affordable workspace provision over and above the local policy position, as a proxy for a payment in lieu of affordable housing (as required by existing London Plan policy), is an approach consistent with previous strategic applications within the City Fringe and accords with the wider objectives of the OAPF.

#### Retail and leisure uses

7.39 Provided that the issue relating to the loss of education floorspace can be addressed then the proposed mix of land uses in this part of the City Fringe could be supported.

#### Urban design and heritage

7.40 The proposals have been subject to a number of massing/heights iterations and while GLA officers were broadly supportive of a taller building to align with the scale of the Aldgate cluster, the latest scheme is more successful in terms of responding to the characteristics and heritage context of the site. The intention to retain the existing structure to form a plinth for a new build extension is welcomed and creates a distinctive architecture in this prominent location at the junction of Whitechapel High Street and Aldgate East.

7.41 The form/massing configuration is successful with the new build element matching the proportions of the retained structure. The simple, refined and high quality materials palette is strongly supported and contrasts successfully with the retained structure and neighbouring heritage assets, most notably the Whitechapel Gallery. The use of tactile tiling and brickwork to the lower rise elements along White Church Passage is welcomed and consistent with its distinctive historic character.

#### Strategic views

7.42 The assessment of the new scheme against the LVMF views has demonstrated the scheme will not have a material impact on views. The improvement over the pre-application scheme in this regard is very welcome. In terms of local views, the setback level creates clear distinction between old and new and the proposed additional height mediates between the low rise scale of development along Whitechapel High Street and the high rise Aldgate cluster.

#### Historic environment

7.43 Officers are content that there is no negative impact on designated or non-designated heritage assets and that the proposals accord with London Plan Policy 7.8 and draft London Plan Policy HC1.

Inclusive design

- 7.44 Allocated space for disabled refuge on the escape stair and handrails to lifts and stairs should be suitably detailed in line with Part M.

Climate change

- 7.45 The site heat network will be supplied from a single energy centre. Further information on the floor area and location of the energy centre should be provided. The nature of the scheme does not lend itself to a CHP-led heating strategy. In line with the GLA guidance, the applicant should review their heating strategy and provide a more suitable technology to supply the heating loads.
- 7.46 The site is within an area where air quality limits are exceeded; the applicant should ensure that the optimum heating solution has been chosen and that there will be no further impact on the local air quality levels from the proposed technology.
- 7.47 Evidence of all communication with the local authority associated with the discounting of any PV array installation should be provided. Otherwise, the applicant is required to maximise the site's potential for renewable energy technologies and therefore install the feasible PV panel area identified.
- 7.48 The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions but also address all comments above and establish an appropriate strategy. This should be done prior to ensuring that any potential short fall in carbon dioxide reductions is met off-site through contribution to the borough's fund.

**TfL**

- 7.49 The analysis shows vulnerable road users were 86% of the serious injured, there was also a death of pedestrian hit by a bus. Therefore the proposal to improve the public realm around the site, low car parking provision and provision of cycle provision will help reduce the dominance of the motor car as required by Healthy Street principals.
- 7.50 TfL can confirm that the trip assumptions are reasonable in terms of person trips and mode of travel. This has been translated into pedestrian comfort level score, which are acceptable to TfL.
- 7.51 TfL request that as part of the highway works to the public realm, proposals to expand the two Cycle Hire dock stations within 300m of the site are funded by the developer. TfL assesses twelve additional spaces are needed to meet the needs of the development, roughly 40% increase in local provision.
- 7.52 TfL would support the removal of the upstand remaining from the disused pedestrian subway. The level difference this covers could be overcome by steps as major re-grading is unlikely to be practicable. This should fit with pedestrian desire lines observed on this part of the highway. Others works maybe required to relay paving on TfL highway and to tie into works on the Council's highway, once the main construction works and external cladding completed.
- 7.53 Any development will be liable for Mayoral CIL and Crossrail s106. Based on the summary of proposed floorspace, the indicative Crossrail contribution will be approximately £2.5m. Tower Hamlets Council should identify the precise sum to be secured in the section 106 agreement, noting that Mayoral CIL will be a credit

against this. Tower Hamlets Council should secure by condition a detailed Construction Logistics Plan (CLP) in line with TfL guidance and submitted Construction Management Plan and Should also secure, enforce, monitor, review and ensure the funding of the travel plan through the section 106.

#### Parking

- 7.54 The one accessible car parking space for otherwise car free scheme is acceptable to TfL.
- 7.55 The proposal to provide 284 long stay cycle spaces is welcome, as that is above the minimum required.
- 7.56 TfL has agreed with the developer that on-street cycle provision can be re-distributed from current location and can provide part of the requirements of the development's cycling parking need. These works would be subject to agreement with TfL under section s278 of the Highways Act 1980. TfL request that this provision of short stay is secured by condition and is required before the new office space is occupied.  
*(Officer Comment: Noted and suggested conditions to be added, subject to approval. The substantive issues raised covered later in the report.)*

#### **City of London Corporation**

- 7.57 No comments received.

#### **Twentieth Century Society**

- 7.58 No comments received.

#### **Health and Safety Executive**

No objection.

#### **Thames Water**

- 7.60 No objection in regards to waste water network infrastructure capacity. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

Thames Water requests the conditions should be attached to any approval in respect of:

- Water network upgrades or a housing/infrastructure plan

Development is within 3m of water mains and 15m of underground water assets and so relevant advice should be followed.

*(Officer Comment: Noted and the sought planning conditions will be imposed)*

### **8. LOCAL REPRESENTATION**

- 8.1 280 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in the local press and a site notice was erected outside the application site.
- 8.2 16 letter of objection have been received: 1 letter has been received in objection and 15 letters have been received in support.



### Issues raised in objection

#### 8.3 Summary of issues raised in the one letter of objection:

- Loss of direct and indirect sunlight and daylight to residential windows and private amenity areas
- Significant loss of privacy
- Proposed building will loom over the Conservation Area, causing significant harm

*(Officer Comment: Impact on daylight/sunlight are discussed in section 13 of this report. Impacts on amenity are discussed in section 13 of this report. Impacts on local heritage assets are discussed in section 13 of this report).*

### Issues raised in support

#### 8.4 Summary of issues raised in the 15 identical letters with separate addresses and signatories:

- Proposals will create a contemporary office building with high quality workspace for a range of businesses
- Proposals would bring more people to the area which will benefit local businesses

## **9. MATERIAL PLANNING CONSIDERATIONS**

#### 9.1 The planning application has been assessed against all relevant policies under the following considerations (with report section number in brackets):

- Land Use (10)
- Design (11)
- Heritage (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)

#### **Other Considerations including**

- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Microclimate (22)
- Financial Considerations (23)
- Human Rights (24)
- Equalities (25)

## **10. Land Use**

#### 10.1 Chapter 6 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local

planning authorities should plan proactively to meet the development needs of business.

- 10.2 Paragraph 81 of the NPPF states “*planning policies should:*
- *set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
  - *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
  - *seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
  - *be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*

#### Provision of Office Space in Mixed-use Development

- 10.3 The site is located within the London Plan designated Central Activities Zone (CAZ). London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy.
- 10.4 The CAZ SPG outlines indicative strategic functions supported including:
- Agglomerations of nationally and internationally significant offices and company headquarters connected with finance, business, professional bodies, associations and institutions
  - Centres of excellence for higher and further education and research
  - Retailing, including specialist outlets, of regional, national and international importance
- 10.5 The CAZ is an internationally and national significant office location. The density, scale and mix of business functions and activities in the CAZ is unique. Table 4.1 of the London Plan states that the CAZ will need to accommodate at least 177,000 additional office jobs and 2.3 million sqm office floor space over the period 2011-2013. Table 1.1 of the CAZ SPG states that offices and other CAZ strategic functions should be given greater weight relative to new residential in the City Fringe.
- 10.6 Protecting against the loss of office space within the CAZ is of strategic importance and so a sensitive approach to mixed use development needs to be taken. This is to ensure that the mix of uses support the CAZ strategic functions, incentivise redevelopment and renewal of the office space, maintain an appropriate balance between offices and residential use, encourage active ground floor frontages where appropriate and support a mix of uses that contributes to the unique character of the CAZ.
- 10.4 The site is located within the City Fringe Opportunity Area. Specifically the site is within the Commercial Core of City Fringe (Tech City) and Core Growth Area. Tech City’s role as innovation and start-up hub for the knowledge economy in London is strategically significant. The overarching vision is “*enabling the business cluster to continue to grow as a mix of large corporations, SMEs, micro businesses and start-*

*ups and become the innovation hub driving growth in London and the UK's the digital economy, while delivering housing and other supporting uses such as retail and leisure.”*

- 10.5 Within the core growth areas of the City Fringe are where a continued supply of employment floorspace is required. The provision of affordable workspace is at the core of Tech City in regards to the conversion of existing buildings to office space. The Mayor also supports proposals for new B class employment space, including securing new affordable workspace as a part of major employment developments.
- 10.6 The site is located within the Aldgate key strategic area of the City Fringe. In the Opportunity Area Framework, the site is identified as a key site within Aldgate, offering a key development opportunity. Aldgate is described as offering a gateway from Tech City to the larger, financial, insurance and legal firms in The City. Aldgate is generally characterised as a large floorplate office location; albeit some major residential led schemes came forward following the 2007 global financial crises when local demand for office floor area was poor.
- 10.7 The City Fringe Opportunity Area Framework indicates the potential for the area to deliver 53,000 new jobs and 15,000 new homes along with a vibrant, exciting mix of uses. The conversion of the existing building to office floorspace along with the creation new office floorspace is consistent with development land use policies and general objectives of City Fringe Opportunity Area.
- 10.8 The site is not located within a designated preferred office location (POL). POLs have major office developments as their focus, helping to achieve a sustainable office environment with complimentary supporting uses and with large floor plate offices expected in order to ensure the continued growth of these areas. The Aldgate POL is located in close proximity to the site, across Commercial Road.
- 10.9 Policy DM15 require that development of new employment floorspace will need to provide a range of flexible units including units less than 250sqm and less than 100sqm in order to meet the needs of SMEs.
- 10.10 Objective SO15 sets out support for the thriving and accessible global economic centres of Canary Wharf and the City Fringe and SO16 sets out support for the growth of existing and future businesses in accessible and appropriate locations. Policy SP06 seeks to maximise and deliver investment and job creation in the borough, focus larger floor plate offices in POLs and support the range and mix of employment uses and spaces, including through promoting flexible workspaces and the provision of SME units.
- 10.11 Policy SP12 sets out a vision for Aldgate as *“rediscovering its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. With this it will become an important place where large-scale office uses cluster around the transport interchange at Aldgate and the new green space at Braham Street”*.
- 10.12 The Core Strategy sets out four urban design principles for Aldgate:
- “1. *Reorganise distribution of land uses to focus offices and education uses around the public transport node at Aldgate and facilitate mixed use in other areas.*
  2. *Ensure new development contributes to animating the street level by providing active frontages.*

3. *Promote evening and night-time uses to draw people from the City into the area and contribute to the vibrancy of Aldgate.*
  4. *New buildings should be sensitive and responsive to the setting of the Tower of London and strategic and local view corridors.”*
- 10.13 The Core Strategy supports the proposed development of the site in that it prioritises the creation of a new commercial heart in Aldgate, within which the application site is included, promotes mixed use development alongside commercial buildings and supports new high quality public realm in Aldgate.
- 10.14 The Aldgate Masterplan was published in 2007 in order to provide a comprehensive framework to guide redevelopment and regeneration and lists a number of opportunities for change in Aldgate. The Aldgate Masterplan was intended to act as interim guidance to inform proposed development up to 2017 and hence is a relatively dated supplementary planning document in its approach and place-making principles with respect to major redevelopment and regeneration opportunities for Aldgate. Generally the Masterplan seeks to exercise opportunities to:
- Deliver new and sustainable high density forms of development, linked to public transport and deliver benefits for the community.
  - Improvements to the public realm throughout the area that could strengthen north-south and east-west links between Aldgate and surrounding destinations.
  - Enable new development provides accommodation for a wide range of businesses to strengthen the local economy and support the economic growth of London.
- 10.15 The Masterplan identifies that the site could achieve more variety and activity at street level, improvements to existing station entrances (removal of redundant subways) and to primary pedestrian links and the introduction of high quality public realm.
- 10.16 To conclude, set in the national, strategic (London) and local plan policy frameworks and informed by supplementary and interim planning guidance set out in the Mayor of London’s City Fringe OAPF and the Borough’s own Aldgate Masterplan interim guidance, an office led scheme is supported with relevant adopted land use planning policies as set out in London Plan Policy 2.11 and Policies DM15 and SP06 of the Local Plan for this location.
- Housing*
- 10.17 London Plan Policies 2.11 and 4.3 state that increased office floorspace development within the CAZ should include a mix of uses including housing. Policy SP12 also states that residential uses should form part of mixed use schemes outside of the POL in Aldgate. To this end, the GLA requested an off-site housing contribution in order for this non-residential mixed use development to comply with the above London Plan policies. The Local Plan does not specifically outline the need for an off-site housing contribution in non-residential developments; however the London-wide policy position is understood. In this case, the LPA considers it more appropriate and in line with local aspirations, to seek an enhanced affordable workspace and ground floor commercial units offer, detailed further below.

*Affordable Workspace*

- 10.18 The provision of 10% affordable workspace (approximately 1777sqm) which would be able to be subdivided for SMEs is consistent with Policy DM15 in regards to the redeveloped employment site. The aspiration for affordable workspace provision is affirmed by Draft Local Plan Policy D.EMP 2 which states that within major and commercial mixed use development schemes, at least 10% of new employment floorspace should be provided as affordable workspace. The proposed affordable workspace provision is therefore in line with emerging policy. It is further supported by Draft London Plan Policy E3 which describes how *“in areas where cost pressures could lead to the loss of affordable workspace for micro, small and medium sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones, particular consideration should be given to the need for affordable workspace.”*
- 10.19 The provision of 10% affordable workspace offered at 90% of market rent is consistent with the LBTH Affordable Workspace Evidence Base (February 2018) which outlines that a 90% of market rent offer for 10% of workspace is a viable policy position. In light of the London Plan policy position requesting an off-site housing contribution, the LPA have sought and agreed an enhanced affordable workspace offer, beyond that which is specified in emerging policy. Up to 25% of the affordable workspace would be made available, on a first refusal basis, to local businesses at an increased discount to 75% of the market rent. Overall the proposed affordable workspace provision is considered to be in excess of aspirational policy requirements and is welcomed.
- 10.20 The flexible nature of this type of operation means that the space can be subdivided into different sized units depending on the number of work stations required. The space would range from collaborative open plan desk arrangements, where entrepreneurs and start-ups can take individual desks, to small offices suitable for 3-10 people for example. This type of flexible work space will create an incubator/co-working environment suitable for start-up businesses and SMEs. Lease arrangements would also be flexible ranging from 6-12 months with the option for businesses to take longer terms if they wish. The above details would be secured by section 106 agreement.
- Flexible Commercial Uses at Ground Floor*
- 10.21 The provision of flexible use retail spaces (A1-A4 and D1-D2 use classes) at ground floor (699sqm) is welcomed as it complements the major office floorspace provided above, activating the frontages to Commercial Road and Whitechapel High Street on this prominent corner site thereby help fulfil place-making objectives of the Aldgate Masterplan and complement and create a synergy with the commercial ground floor plane aspects of Aldgate Place development, notably its retail frontage along a, to be completed, newly created pedestrianised street (Drum Street) connecting Commercial Street through to Whitechapel High Street.
- 10.22 In light of the London Plan policy position requesting an off-site housing contribution, the LPA have sought and agreed an enhanced offer on the ground floor commercial units. The entire ground floor of flexible retail/leisure/community floor space would be made available, on a first refusal basis, to local businesses. As the space is flexible with respect to its proposed use, this might include local start-up coffee retailers, art galleries and/or other local start-ups or SME businesses. This opportunity would be secured via section 106 agreement.
- Summary*
- 10.23 The scheme provide a mix of uses and given; (a) the nature of the development, utilizing an existing building; (b) the scheme’s role in strengthening the

concentration of large floorplate office space in Aldgate, supported by the Local Plan (notwithstanding the scheme lies just outside the formally designated Preferred Office Location); (c) the current evident demand for large floor plate offices in Aldgate; (d) the offer of first refusal to local business for the ground floor commercial units and; (e) the generous affordable workspace provision, as detailed above, exceeding the requirements of emerging policy, to serve small enterprises; the proposed mixed-use development is not considered to present an issue in respect of London Plan Policies or Local Plan Policy SP12 given the site specific benefits the scheme affords.

#### Loss of Higher Education Space

- 10.24 Policy SP06 supports the growth and expansion of further and higher education facilities in the borough. In conjunction with the Aldgate Masterplan, this policy specifically identified London Metropolitan University (LMU) as a key regeneration anchor in the City Fringe. Policy DM19 supports the expansion of existing further and higher education facilities within the borough. These policies do not necessarily protect against the loss of higher education space, although they assume the continued presence of LMU.
- 10.25 Policy 3.18 of the London Plan describes how the Mayor will support the provision of further and higher education facilities and that proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.
- 10.26 The Aldgate Masterplan indicated that the site was located in an educational focus zone and that higher education uses associated with LMU would be focused in a new campus in the area north of Commercial Road and south of Whitechapel Road. The Masterplan further stated that the group of development sites on the north side of Commercial Road including Central House at the junction with Whitechapel High Street would be developed as a focus for higher education accommodating the various functions of LMU to strengthen its presence in Aldgate. This was further supported by Policy SP12 in regards to the consolidation of the higher education function of Aldgate. Although these policies based projections around LMU being on-site, subsequently they have relocated in light of significant structural changes in the university resulting in a strategic shift towards a more consolidated approach. Material weight should be given in this instance to the emerging Local Plan which removes reference to a higher education land use focus in Aldgate. Furthermore, as previously specified, the Aldgate Masterplan was an interim guidance document, which has dated in regards to current mix of Aldgate in comparison to how it was in 2007, when the Masterplan was published.
- 10.27 The existing building is 10,565sqm of higher education floorspace and was occupied by the Sir John Cass School of Art, Architecture and Design (LMU) which vacated the site in August 2017 in order to consolidate to a single campus at Holloway. The sale of Central House by LMU has helped to fund improved teaching space and facilities at their Holloway Campus.
- 10.28 In light of significant structural changes, LMU has submitted that it is now approximately half of its previous size, in regards to student population. Additional information has been provided by the applicant which details the ongoing consolidation process being undertaken by the LMU and how the disposal of the Central House site fits into the institutions wider strategic plans. The GLA have confirmed that although the educational facilities have relocated outside of the borough, at a London-wide level, there would appear to be no net loss of higher

education facilities. The GLA have therefore confirmed that the borough should be satisfied that there is no longer a need for the specific educational facilities in this location.

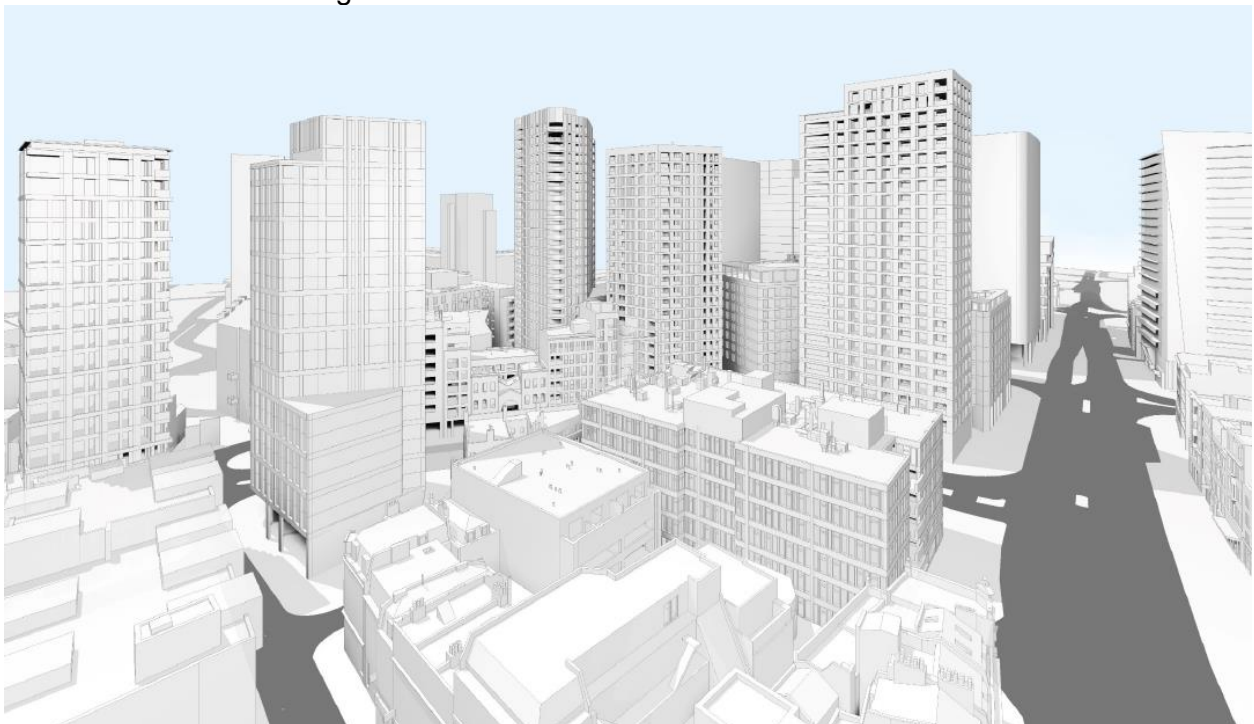
- 10.29 As part of a package of wider benefits, commitments over and above those usually secured with respect to apprenticeships, both during the construction and operational phases of the development, which would help to compensate for the loss of the educational facility in this location have been agreed and would be secured via section 106 agreement.
- 10.30 The existing building was not purpose built as an education facility, although the CASS did move in to part of the building shortly after construction in 1965. As LMU have already vacated the site and taking into account the redevelopment of the site, including retention of the existing building, significant increase in employment density, public realm improvements, the provision of affordable workspace, and the shift away from Aldgate being a focus for higher education, the proposed change of use is acceptable.

## **11. Design**

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 National Planning Practice Guidance sets out seven qualities that well-designed new or changing places should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 11.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 11.4 Policies SP10, DM23 and DM24 seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 11.5 Policy DM26 sets out that proposals for tall buildings should satisfy a range of criteria which will be discussed further below. The Aldgate Masterplan states that development should be designed to preserve or enhance the setting and appearance of the listed buildings and to ensure that there is no overbearing impact on Altab Ali Park.

### Principle of a Tall Building

- 11.6 The proposed development needs to be assessed against tall building development plan policies, as it would be significantly taller than buildings in the adjacent Whitechapel High Street Conservation Area. Policy SP10 identifies Canary Wharf and Aldgate as appropriate locations for tall buildings, as they are part of an existing economic cluster, respond to the existing built character of the area, have a large floor plate office building typology and are in areas of high accessibility. Policy DM26 specifically identifies the Aldgate POL as being appropriate for the tallest buildings, and the CAZ as the next highest in regards to the tall buildings hierarchy. Whilst the site is not located within the POL, it is located within the CAZ and when regard is had for other consented and built out schemes in Aldgate (including a series of buildings located at the western end of Commercial Road located within the CAZ, it is evident that the scheme would form a transition between the Aldgate tall building cluster and Whitechapel High Street Conservation Area.
- 11.7 The City Fringe Opportunity Area Framework identifies Aldgate as an area suitable for tall buildings. The Aldgate Masterplan and the Borough's emerging Local Plan evidence base Tall Building Study (2018) also identifies Aldgate as an appropriate location for tall buildings, to mark the gateway to Tower Hamlets from The City of London. In accordance with Policy 7.7 of the London Plan, a tall and large building could be acceptable in principle on this site, as it sits within the CAZ and the City Fringe Opportunity Area.
- 11.8 The Aldgate Masterplan provides supplementary design guidance to the Local Plan in terms of place-making for Aldgate. The Aldgate Masterplan sets out that the *"proposed cluster of buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate"*. Building heights in the remainder of the Aldgate Masterplan area should decrease away from this 'central cluster' of buildings.



**Figure 3: Existing site and consented tall building context**



11.9 In line with Policy DM26 and the London Plan, all tall buildings are required to demonstrate exceptional design quality and the use of high quality sustainable materials, given their high visibility. It is considered that the proposal would comply with all relevant points of Policy DM26 (Building Heights). The proposed building would be of a height and scale proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings, adjacent to the Whitechapel High Street Conservation Area and the Aldgate POL. The scheme would maintain a clear difference in height with that present within the Aldgate POL. The retention and refurbishment of the existing building is supported, along with the plinth extension in high quality contemporary yet matching materials and style. The scheme is considered to achieve high architectural quality, following extensive pre-application discussions with officers. In light of the above, the development would provide a positive contribution to the skyline, especially taking into account the existing and consented tall buildings in the locality.



**Figure 4: Initially proposed scheme during pre-application**



**Figure 5: Verified view of scheme from corner of Commercial Road and White Church Lane with consented context (Aldgate Place Block B to the left; 27 Commercial Road to the right)**

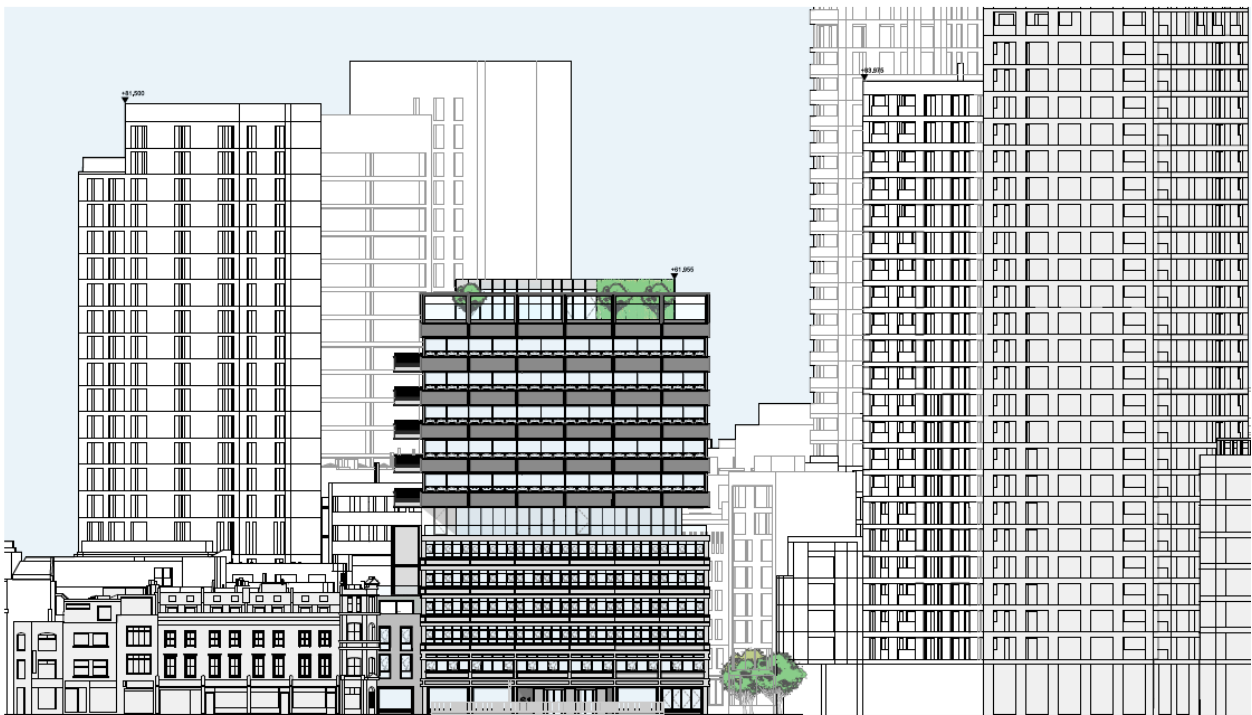
- 11.10 As previously set out in paragraphs 5.9 to 5.23 there are a series of consented tall building schemes within Aldgate. The tallest buildings consented in Aldgate are generally located within the preferred tall buildings cluster (centred around the former Aldgate gyratory), reaching a maximum height of 95.8 metres (AOD) with buildings heights generally arching down in height as they step away from the POL and the heart of the tall building cluster.
- 11.11 The scheme is consistent with the tall building hierarchy in the manner in which it appreciably step downs in height compared with the core area of Aldgate. As shown in Figure 4, the initial pre-application proposal was of a similar height as tall buildings within the POL whereas the current proposal is significantly less, which is requisite to ensure it provides an adequate change in scale and height to serve as an appropriate transition between the Whitechapel High Street Conservation Area and the Aldgate POL. The site's proximity to the Grade II\* listed Whitechapel Art Gallery and the unimpeded views (at upper storeys of the proposed development) from Altab Ali Park require the scale of development to be no greater than is proposed to ensure the proposed scale and massing is acceptable in its local context.

Siting, External Layout and Appearance.

- 11.12 The existing footprint of the building is maintained. However the scheme will benefit the public realm by providing two well-defined and well-activated street frontages, where the previous ground floor internal layout provided for a more limited opportunity for a dynamic and active relationship between the interior of the building and the street. The ground floor layout would be organised to provide a generous

office reception area on the Whitechapel High Street frontage with some affordable workspace on the same side towards White Church Passage and also on the first floor. A1-A4/D1 uses are proposed to re-activate the western Commercial Road frontage along with the Commercial Road and Manningtree Street corner. The ground floor arrangement would provide a much needed additional active edge onto this prominent corner of Aldgate, in line with goals of the Aldgate Masterplan. The scheme would provide to the development servicing access and service areas further east along Manningtree Street. The proposal would also create a new active frontage to White Church Passage, where there is currently a single storey blank wall with graffiti on it.

- 11.13 The existing six storey cuboid shaped building will remain, although the facades would be stripped and a sleeker and more continuous window and bay design would be introduced, along with the removal of external stairwells. The proposal would involve a 6 storey extension on top of the existing structure. The level set above the existing top storey would be set recessed back from the main building edge to create a terrace for the workspace. Public art is proposed to the ceiling of the sixth floor which would be visible from street level and would help to signal the distinction between old and new.
- 11.14 On the east elevation, balconies are provided on each floor from the seventh floor upwards as amenity space for the offices. These are centred on the east elevation and overlook Altab Ali Park. The crown of the roof consists of glazing with dark metal frames that would offer a welcomed open and lightweight appearance. Planned trees and vegetation serving the roof garden would be clearly visible from street level, creating a welcome contrast and helping to complement the carefully detailed topping of the building.

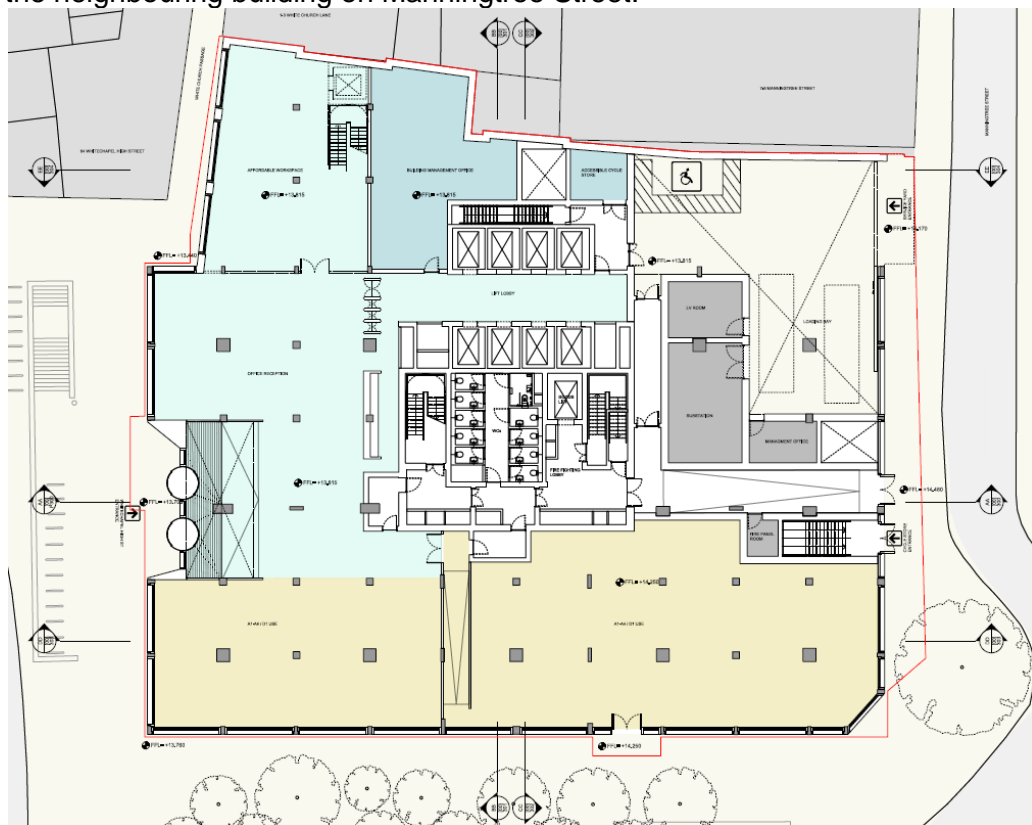


**Figure 5: North facing Elevation (fronting Whitechapel High Street)**

- 11.15 The elevational treatment of the six storey upward extension takes its cues from the structure of the existing building; however a darker metal spandrel panel with metallic gunmetal finish is proposed to contrast with the refurbished pre-cast

concrete panels below. The inset sixth floor would consist of glazed curtain walling. The proposed windows to the upward extension would consist of larger glazing panes to aid the appearance of a lighter materiality to the new vertical extension.

- 11.16 The proposed infill building on White Church Passage is designed to match the proportions of the neighbouring four storey building with mansard roof. The fenestration sizes and alignment provide a contemporary transition between Central House and the neighbouring building on White Church Passage. Green glazed brick is proposed to the White Church Street frontage at ground floor and for the roof storey, this would be intermixed with buff brick with Flemish bond.
- 11.17 The loading bay, waste collection and access to the basement cycle parking will be located on Manningtree Street. Currently there is a lightwell in the foreground of the ground floor on this side, which provides a disjointed layout. The proposals remove the lightwell in order to create a more sensitive and activated relationship with the street scene. There would be a wraparound retail unit frontage at the corner of Manningtree Street and Commercial Road. Adjacent to the retail frontage on Manningtree Street would be an entrance to the basement cycle parking and changing room facilities, a rear entrance to the ground floor office space, and then two louvre vents for the servicing area. The four storey infill building on Manningtree Street would present a large loading bay door, although the form and proportions of the upper floors are considered to relate and transition well between Central House and the neighbouring building on Manningtree Street.



**Figure 6: Proposed ground floor plan**

- 11.18 Overall the design and architectural approach to the development of the site is well considered, carefully detailed and shall relate well to the scale, height, design and proportions of neighbouring developments. This architectural approach is welcomed by the Council's Urban Design Team.

## **12. Heritage**

- 12.1 The statutory requirement to consider new developments impact upon the setting of listed buildings and character and appearance of conservation areas is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the statutory duty. This held that where a decision maker finds that a proposed development would harm the setting of listed buildings and/or harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh such harm.
- 12.2 Section 16 of the NPPF headed "Conserving and enhancing the historic environment" contains guidance in consideration of development proposals and their effect on the historic environment. Section 16 of the NPPF is consistent with the aforementioned statutory duty in demanding determining planning authorities afford great weight to the impact of development upon the significance of heritage assets.
- 12.3 Paragraph 185 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 12.4 Paragraphs 189 and 190 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.5 Paragraph 193 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given should be proportionate to the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 12.6 Paragraphs 193-196 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.7 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

(paragraph 195). The Planning Practice Guidance tells us that the test of whether a proposal causes substantial harm is very high and will often not arise. The Court has ruled in *Bedford BC v Secretary of State for Communities and Local Government* [2013] that such harm is that which would have such a serious impact that its significance was either altogether or very much reduced.

- 12.8 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 196).
- 12.9 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and London World Heritage Sites SPG – Guidance on Settings (March 2012); Policies SP10 and SP12 of the Core Strategy and DM24, DM26, DM27 and DM28 of the Borough’s MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. In addition, the Historic Royal Palaces have produced the ‘Tower of London World Heritage Site Management Plan’ which guides the consideration of development affecting the Tower of London and refers to the townscape view and Mayoral policies concerning the London View Management Framework (LVMF).
- 12.10 London Plan Policies 7.11 and 7.12 and Policies SP10, DM26, DM28 seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Townscape, Heritage and Visual Impact Study containing verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon the strategic views of the Tower of London World Heritage Site.

#### Impact on Conservation Areas and Neighbouring Listed Buildings

- 12.12 The site is not listed nor is it located within a conservation area. However the Whitechapel High Street Conservation Area is located adjacent to the site, on Whitechapel High Street and across Commercial Road.
- 12.13 The nearest statutory listed buildings are
- Whitechapel Art Gallery (Grade II\*) approximately 37m to the north, adjacent to Whitechapel Library (Grade II)
  - 88 Whitechapel High Street (Grade II) approximately 40m to the north-west
  - 32-34 Commercial Road (Grade II) approximately 36m to the south-east
- 12.14 As set out in further detail earlier in this section of the report, planning policy requires that new development proposals should seek to avoid resultant adverse impacts on the character, fabric or identity of identified designated heritage assets or their setting.
- 12.15 The proposed building is considered to provide a satisfactory transition between the Whitechapel High Street Conservation Area and the Aldgate POL. This view is shared by the Borough’s Conservation and Urban Design Team. The retention and refurbishment of the existing building is considered to be a benefit of the scheme, along with the high quality contemporary extensions proposed.
- 12.16 With the benefit of a Visual Impact Study submitted with verified views of the scheme, in particular from Whitechapel High Street, Altab Ali Park and Commercial

Road, the scheme has been assessed, in particular, in regards to its impact upon the local townscape and the setting of the Whitechapel High Street Conservation Area. It is considered that the proposed upward extension of the existing building would cause some harm to the character and appearance of the Whitechapel High Street Conservation Area in regards to the scale of development in close proximity to heritage assets.

- 12.17 Overall it is considered that, in regards to the retention of the existing building and high quality extensions, along with the measured, stepped transition in height just outside of the tall buildings cluster, and with the good separation distance to listed buildings, the proposal would lead to less than substantial harm to the significance of the Whitechapel High Street Conservation Area. Weighted against the public benefits of the proposal, the impacts on the heritage assets are considered to be acceptable in optimising the viable use of the site, in accordance with paragraph 196 of the NPPF.



**Figure 6: Verified view of scheme with Whitechapel High Street Conservation Area in foreground and consented context (27 Commercial Road to left, Aldgate Place Block B to right)**



**Figure 7: Verified view of scheme with Whitechapel High Street Conservation Area in background and consented context (2 Whitechapel High Street to left with Aldgate Place Block B in foreground and 27 Commercial Road to the right)**

- 12.18 With regard to the impact of the proposed scheme upon the setting of the listed buildings, the development is considered to cause some harm. The proposal could be viewed in relation to Whitechapel High Street listed buildings from the corner with Commercial Road. The proposal could be viewed in relation to 32-34 Commercial Road from land to the west of the site on Commercial Road. The retention of the existing building aids the relationship of the development with nearby listed buildings. The proposed development is also adequately separated from the three listed buildings (77-82 and 88) on Whitechapel High Street and the one (32-34) on Commercial Road and the proposed relationship is aided by the diverse range of building styles and heights in the locality. Overall it is considered that the proposal would lead to less than substantial harm to the setting of the listed buildings. Weighted against the public benefits of the proposal, the impacts on the listed buildings are considered to be acceptable in optimising the viable use of the site, in accordance with paragraph 196 of the NPPF.

Strategic Views and London View Management Framework (LVMF)

- 12.19 The scheme will not be visible in relation to the Tower of London World Heritage Site) and as such the scheme shall not affect its Outstanding Universal Value.
- 12.20 The Proposed Development would be visible in LVMF London Panoramas from Assessment Points 2A.1 (Parliament Hill to St Paul's), 4A.1 (Primrose Hill to St Paul's), 5A.2 (Greenwich Park to St Paul's) and 6A.1 (Blackheath Point to St Paul's). With the height, scale and massing of the proposed development in relation



to its surrounding built context, it is considered that the scheme would not have an adverse impact on these views.

### Archaeology

- 12.21 The site lies in an area of archaeological interest. The site lies in an area where deeply buried remains of the Roman eastern cemetery can be expected to have extended into. It is unclear from the geotechnical data provided as to the exact nature of the deposits beneath the basement and as such, Historic England have recommended that a condition securing investigation of the pile cap locations and any other groundworks would be appropriate. Historic England have advised that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. It is considered that a two-stage archaeological condition would provide an acceptable safeguard.

## **13. Amenity**

- 13.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

### 13.2 Future Users

The scheme is acceptable in these terms in the following ways:

- The scheme is designed with regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to all the ground floor and lifts, toilet and showering facilities services and on site disabled car parking provision
- The development has considered noise and air quality to ensure a suitable internal environment for future users of the building
- The development is provided with accessible outdoor terraces,
- The development shall provide high quality office space that benefits from good levels of daylight, sunlight and outlook.

- 13.3 As such, a satisfactory level of amenity is achieved to the proposed commercial spaces.

### Neighbours Amenity

- 13.4 To the east of the site, a number of residential properties are located in the area bounded by Manningtree Street, White Church Lane and Whitechapel High Street, also including White Church Passage. The footprint of the existing building would remain the same, however it would extend to a taller height with infill extensions on White Church Lane and Manningtree Street.

- 13.5 The majority of nearby residential units are located over 20m away from the proposal; mainly across Commercial Road and Whitechapel High Street. Taking

account of this minimum separation distances, it is not considered that the development would give rise to any significant adverse impacts in regards to overlooking, outlook or undue sense of enclosure, to the majority of surrounding residential units.

- 13.6 1-3 White Church Passage is located directly opposite the proposed four storey infill extension on White Church Passage at a distance of approximately 5m. As such the scheme would result in significant loss of outlook, increased sense of enclosure and loss of privacy to three residential units and 7 windows rooms are reported in the DSA to serve bedrooms. Currently these 3 flats look over a single storey wall and over the servicing ramp to the side of Central House, towards Manningtree Street. From an officer's site visit and discussions with an interested party, it is understood that there may be 1 living room on the first and second floor that would be impacted by the development.
- 13.7 It is understood that, historically, a building of a similar height as 1-3 White Church Passage stood where the infill building is proposed. Having regard to that historic relationship and more generally the prevailing pattern of development on White Church Passage being characterised by closely knitted buildings with the same separation distance as proposed, this proposed relationship is considered by officers, on balance, to be acceptable. In arriving at this conclusion officers have taken into account that the affected flats benefit from triple aspect outlook, as these properties appear to be conjoined with 65A Whitechapel High Street.
- 13.8 8 White Church Passage and 7-8 Manningtree Street would also experience some impacts on amenity due to their close relationship with one another (approximately 11m separation at upper floors) and the application site. 7-8 Manningtree Street has some side-facing windows directly facing the existing building in close proximity. However these window openings were installed without the benefit of planning consent; an Enforcement Notice has been served (on 10/06/2015) regarding these windows and a planning application (PA/17/00026) to regularise them was refused (on 23/02/2017). Therefore we would not be taking these windows into account when assessing impacts on amenity.
- 13.9 It is considered that there would be impacts on the amenity of north-facing windows of 7-8 Manningtree Street and south-facing windows of 8 White Church Passage by way of increased sense of enclosure with the additional height. 7-8 Manningtree Street north-facing windows would also experience a reduction in outlook with the proposed infill building on White Church Passage being approximately 11m away. 8 White Church Passage would experience a similar situation with the infill building on Manningtree Street. However the loss of outlook would be indirect and based on existing separation distances (11m) being maintained around these properties, it is considered that these impacts would fit within the prevailing pattern of the locality.
- 13.10 Overall it is considered that the proposed development would not significantly adversely impact on the amenity of neighbours generally; and in which cases where harm has been identified above, there are also mitigating factors which would help to reduce the impacts on residential units in general.

#### Effect on Daylight and Sunlight to Neighbouring Dwellings

- 13.11 Policies DM25 and SP10 seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

- 13.12 The application is supported by a Daylight and Sunlight Assessment (DSA). The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' ('BRE handbook') provides guidance on daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "*is to help rather than constrain the designer*". The document provides advice, but also clearly states that for calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The BRE handbook emphasises the VSC assessment as the primary method of assessment.
- 13.13 VSC is a daylight measure that represents the amount of visible sky that can be seen from the mid-point of a window, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window; however it does not take into account the number or sizes of windows to a room.
- 13.14 The BRE handbook suggests that a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20 reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Major significance
- 13.15 It should, nevertheless, be noted that the 27% VSC target value is a target applied for all building typologies and urban environments. It could be considered that in an inner city urban environment, VSC values in excess of 20% may be considered as reasonably good, and that VSC in the mid-teens may also be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.
- 13.16 No-sky line (NSL) is a separate daylight measure assessing the distribution of diffuse daylight within a room, otherwise known as daylight distribution (DD). The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. Where large parts of the working plane lie beyond the NSL, the internal natural lighting conditions will be poor regardless of the VSC value, and where there is significant movement in the position of the NSL contour following a development, the impact on internal amenity can be significant.
- 13.17 When comparing the NSL for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 13.18 Average daylight factor (ADF) is a measure of the adequacy of diffuse daylight within a room, and accounts for factors such as the size of a window in relation to the size of the room; the reflectance of the walls; and, the nature of the glazing and number of windows. A small room with a large window will be better illuminated by

daylight compared to a large room with a small window, and the ADF measure accounts for this.

- 13.19 BRE guidelines confirm that the acceptable minimum ADF target value depends on the room use. That is 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Notwithstanding this, it could be considered that, in practice, the principal use of rooms designed as a 'living room/kitchen/dining room' is as a living room. Accordingly, it would be reasonable to apply a target of 1.5% to such rooms.
- 13.20 Annual probable sunlight hours (APSH) is a measure of direct sunlight that a given window may expect over a year period. The BRE handbook recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. The BRE handbook recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

Impact on Residential Dwellings

- 13.21 The Council's appointed daylight and sunlight consultant (Council's Consultant) has assessed the DSA and is satisfied that the study has included all relevant neighbouring properties. The table below shows the properties which would experience negligible, minor adverse or minor/moderate adverse daylight and sunlight impacts.

**Figure 8: Properties experiencing minor/moderate or lesser impacts**

Negligible Impact on Daylight	Negligible Impact on Sunlight
<ul style="list-style-type: none"> <li>• 77-82 Whitechapel High Street</li> <li>• 87 Whitechapel High Street</li> <li>• 89 Whitechapel High Street</li> <li>• 90 Whitechapel High Street</li> <li>• 92-93 Whitechapel High Street</li> <li>• 94A Whitechapel High Street</li> <li>• 95-96 Whitechapel High Street</li> <li>• Whitechapel Fire Station, Commercial Road</li> <li>• 34-40 White Church Lane</li> </ul>	<ul style="list-style-type: none"> <li>• 94A Whitechapel High Street</li> <li>• 87 Whitechapel High Street</li> <li>• 34-40 White Church Lane</li> <li>• 32-34 Commercial Road</li> <li>• Altitude Point</li> <li>• Aldgate Place Block D</li> <li>• Aldgate Place Block E</li> <li>• Aldgate Place Block F</li> </ul>
Minor Adverse Impact on Daylight	Minor Adverse Impact on Sunlight
<ul style="list-style-type: none"> <li>• 69-70 Whitechapel High Street</li> <li>• 83 Whitechapel High Street</li> <li>• 85 Whitechapel High Street</li> <li>• 19 White Church Lane</li> <li>• 30-30A Commercial Road</li> <li>• 30B Commercial Road (GL Hearn report minor to moderate adverse)</li> <li>• 32-34 Commercial Road</li> <li>• Altitude Point</li> <li>• Aldgate Place Block D</li> <li>• Aldgate Place Block E (GL Hearn report minor to moderate adverse)</li> <li>• Aldgate Place Block F</li> </ul>	<ul style="list-style-type: none"> <li>• 84 Whitechapel High Street</li> <li>• 90 Whitechapel High Street</li> <li>• 92-93 Whitechapel High Street</li> <li>• 95-96 Whitechapel High Street</li> <li>• 5-9 White Church Lane</li> <li>• Whitechapel Fire Station, Commercial Road</li> <li>• Aldgate Place Block B</li> </ul>

Minor/moderate Adverse Impact on Daylight	Minor/moderate Adverse Impact on Sunlight
<ul style="list-style-type: none"> <li>• 65A Whitechapel High Street</li> <li>• 84 Whitechapel High Street</li> </ul>	<ul style="list-style-type: none"> <li>• 65A Whitechapel High Street</li> <li>• 69-70 Whitechapel High Street</li> <li>• 83 Whitechapel High Street</li> <li>• 85 Whitechapel High Street</li> <li>• 89 Whitechapel High Street</li> <li>• 19 White Church Lane</li> </ul>

- 13.22 The Council's Consultant suggests that the properties with moderate adverse impact or above require further explanation.
- 13.23 At 5-9 White Church Lane, the development would impact on rear windows for 4 flats with 2 affected windows serving single aspect kitchen/diners which would see moderate VSC reductions (33% loss for third floor W4 and 31% loss for fourth floor W3) and major NSL reductions (53% loss for third floor W4 and 63% loss for fourth floor W3). The Council's daylight and sunlight consultant has assessed the impact on sunlight to affected windows as minor adverse and the impact on daylight as moderate adverse. In terms of mitigation factors, from checking floor plans it would appear that these 4 flats benefit from quadruple aspect outlook and their main living rooms would look towards Whitechapel High Street, which would be much less impacted by the development. Furthermore from floor plans, it would appear that the most impacted single aspect kitchen/diners would be too small to count as habitable rooms. Often a kitchen less than 13sqm is not considered to be a habitable room in planning assessments.
- 13.24 With regards to 15 White Church Lane, this would experience moderate VSC (33% loss for second floor W1 and for third floor W1) and moderate (37% loss for third floor W1) to major (48% loss for second floor W1) reductions in NSL to 2 rear windows. Both windows would also experience major reductions in annual sunlight but would remain unaffected to winter sunlight. The Council's Consultant has assessed the impact on daylight and sunlight to affected windows as moderate adverse. In terms of mitigation factors, it is considered that these 3 flats would benefit from dual aspect outlook, and the DSA reports that the main habitable room windows (living rooms) serving the two affected flats would remain unaffected by the proposed development as they face out to White Church Lane.
- 13.25 With regards to 19 White Church Lane, 1 rear window (that the DSA reports as a bedroom) at third floor (W1) would experience a minor reduction in VSL (24%), a moderate reduction in NSL (39%) and a major reduction in annual sunlight (48%) but would remain unaffected for winter sunlight. The Council's Consultant has assessed the impact on daylight to affected windows as minor adverse and the impact on sunlight as moderate adverse. As with No 15, the affected flat benefits from being dual aspect outlook and the main living room windows serving the flat would be unaffected (it is reported by the DSA) as they face White Church Lane (which faces away from the development).
- 13.26 16-24 White Church Lane is a 6 storey mixed use development comprising of 85 residential units, located on the other side of White Church Lane. There would be BRE compliance in regards to VSC for 59 of 64 assessed windows. 5 windows would experience moderate adverse impacts on VSL. 43 of the 54 assessed windows would comply with BRE handbook for NSL. Of the 11 remaining windows, 6 would experience major reductions and 5 would experience moderate reductions. The Council's Consultant has assessed the impact on daylight to affected windows as moderate adverse. Lower existing values are found at the site, partly as a result

of the scale of existing surrounding built development and also from projecting design features of the building, which can self-obstruct light to windows, making them more susceptible to higher ratio reductions when new development is introduced.

- 13.27 In regards to impacts on sunlight, 23 windows located on the third floor and upwards would not comply with BRE handbook for annual sunlight although they would not experience reductions in regards to winter sunlight. The Council's Consultant has assessed the impact on sunlight to affected windows as moderate adverse. In the existing situation, the first and second floors currently receive no annual sunlight at all and none of the existing windows assessed meet BRE handbook for both annual and winter sunlight. The scale of existing surrounding built development and also the projecting design features of the building make it more susceptible to higher ratio reductions and help explain existing achieved low sunlight levels. The existing failure to comply with BRE handbook sunlight targets to windows needs to be taken into consideration.
- 13.28 1-3 White Church Passage, is located only approximately 5m away from the proposed 4 storey infill extension on White Church Passage. South-facing windows facing the infill extension on White Church Passage would all experience major adverse impacts on VSC (7 windows experiencing losses between 52% and 88%) and NSL (8 windows experiencing losses between 51% and 92%) and all the windows would lose all or the vast majority of their annual sunlight (8 windows experiencing losses between 86% and 100%) and their winter sunlight. 1-3 White Church Passage appears to consist of 3 residential units and from further analysis, it appears that these are conjoined with 65A Whitechapel High Street. The windows experiencing major adverse impacts would be rear windows, which, the DSA has reported, serve bedrooms. It is understood that the main living rooms would benefit from north or west facing windows, and these would only be negligibly impacted by the development. As previously mentioned, from an officer's site visit and discussion with an interested party, there may be a living room at first and second floor level serving these flats, although there may be another living in these properties towards Whitechapel High Street.
- 13.29 Whilst these 3 units (located at 1-3 White Church Passage) would experience major adverse daylight and sunlight impacts, on balance, officers consider that these impacts do not provide a reason of refusal when consideration is given to mitigating factors. The 3 units appear to benefit from triple aspect outlook, with the habitable room windows to the west and north being only negligibly impacted by the development. Furthermore, it is considered that the major adverse impacts on windows occur as a result of the existing and historic tight and constrained building relationships on White Church Passage.
- 13.30 With regards to 11-13 White Church Lane, all rear facing windows would experience impacts on daylight. 9 rear windows would experience moderate VSC reductions (losses between 34% and 40%) with 1 major reduction (43%). The existing VSC levels are low (7 windows below 15 when 27 is recommended in the BRE handbook). It is considered that as the existing levels of daylight are at a below average level for an urban location, this can potentially unfairly hinder potential development making them more susceptible to higher ratio reductions when new development is introduced. From viewing floor plans of the building, it appears that these rear windows serve kitchens and bedrooms and not living rooms, which are considered by the BRE handbook, to have a greater need for light.

- 13.31 All rear windows (10) facing the development from 11-13 White Church Lane would experience major annual sunlight reductions, ranging from 56% to 100%. Windows on the first floor currently do not receive winter sunlight. Remaining winter sunlight is lost for 3 windows with 2 others experiencing major losses. Although major losses in daylight and sunlight have been recorded for rear windows of these 3 flats, it is considered that the occupants of each unit would continue to achieve the current levels of daylight and sunlight within at least one habitable room, with floor plans within the building showing that living rooms are facing away from the development, towards White Church Lane, and so they would not be affected. When considering the overall impacts on amenity, the dual aspect outlook of the units should also be taken into consideration.
- 13.32 In regards to 8 White Church Passage and 7-8 Manningtree Street, these are linked together at ground floor level. 8 White Church Passage is adjacent to the proposed 4 storey infill building on White Church Passage. Most of the windows for these buildings face towards the north and so they would not be impacted in regards to sunlight. No major adverse impacts in regards to VSC have been reported, although 5 of 24 windows would experience moderate reductions. The Council's Consultant has assessed the impact on daylight to windows as moderate adverse. The windows that would experience moderate reductions appear to serve bedrooms (according to the DSA). Major reductions are reported in NSL to 3 windows, including 2 assumed (by the DSA) living room/kitchen/diners although these appear to be only single aspect in outlook and are rooms approximately 11m in depth which can help to explain the larger proportional losses in daylight distribution.
- 13.33 In regards to sunlight at the above site, as previously mentioned, most of the windows face north and would not be impacted. 3 out of 8 windows would experience major reductions in annual sunlight; however the DSA reports that these windows serve bedrooms. 2 windows would experience minor reductions with 1 experiencing a moderate reduction. The building experiences very little winter sunlight at present and those windows that do receive winter sun (3 out of 8 windows) would not experience a material reduction. The Council's Consultant has assessed the impact on sunlight to windows as moderate adverse. No sunlight failings are reported to main habitable room windows. Furthermore it is considered that 8 White Church Passage is partially self-obstructed by the linked 7-8 Manningtree Street which is in close proximity to the rear and creates a tightly constrained existing urban grain, which could unduly inhibit the potential of neighbouring development.
- 13.34 Block B to the consented Aldgate Place is consented as a 25 storey development of 159 market tenure residential units. 45 out of 288 windows tested would experience major VSC losses. 208 out of 288 windows would be BRE compliant for VSC. 23 of 152 windows would experience major NSL losses. 107 out of 152 windows would be BRE compliant for NSL. Aldgate Place Block B is not currently built out; as such there are no current residents who would experience a reduction in daylight from existing levels, making the VSC and NSL assessments not applicable. BRE guidance recommends ADF as the appropriate measure to establish whether the rooms will benefit from adequate diffuse daylight. In relation to the existing Central House, 120 of the 152 windows facing the site would achieve the minimum ADF value for their room type. Following the proposed development, 11 additional windows (serving 11 units) from Block B facing the site would no longer achieve the minimum ADF value set for the relevant room use. The Council's Consultant has identified 8 living room/kitchen/diners that would have very low levels of ADF for their room type.

- 13.35 The Council's Consultant has assessed the impact on daylight to Aldgate Place Block B windows as major adverse. In regards to mitigating factors, it should be taken into consideration that the 8 living rooms identified above would already have ADF levels below BRE room type recommendations at present. Consideration has been given to the design features of Block B that accentuate the daylight impacts of the proposed development, namely recessed balconies which have the effect of self-obstructing windows within the development and for the 11 additional units which would no longer meet ADF recommendations. Taking into account the proportion of windows which fail to meet minimum ADF in the existing situation compared to the proposed, and taking into account that the additional windows which fail ADF are in dual aspect units with self-obstructing balconies, it is considered that the impact on daylight to Aldgate Place Block B could be acceptable.
- 13.36 The Council's Consultant has assessed the impact on sunlight to windows as minor adverse as 21 assessed windows would be BRE compliant while 5 would experience major reductions.

#### Impact on Commercial Buildings

- 13.37 At the Whitechapel Gallery, 77-82 Whitechapel High Street, the results are compliant for annual sunlight but there are significant reductions in winter sunlight effectively almost removing winter sunlight from the elevation. With the orientation of buildings, any tall building on a development site will materially affect winter sunlight as a result of the low sun angles during those months but it is appropriate that the summer sunlight remains good.

#### Effect on sunlight/overshadowing on Altab Ali Park

- 13.38 The effect of the proposed development on the sunlight amenity of Altab Ali Park has been assessed using the Permanent and Transient Overshadowing assessment methods. The BRE handbook suggest that at least 50% amenity areas should receive 2 hours of sunlight on the 21 March. If, following new development, the area which can receive 2 hours of sunlight on 21 March is below 50% and less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. Altab Ali Park will continue to receive at least 2 hours of sunlight on 21st of March to 79% of its area with the proposed development in place, in compliance with BRE handbook, and the resultant impacts are there considered to be negligible.

#### Surrounding Context of Localised Daylight and Sunlight Impacts

- 13.39 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressures being placed on the LPA to maximise the full potential of development sites, daylight and sunlight infringements may occur. The Council's Consultant considers that due to the nature of buildings and street patterns, the current levels of daylight and sunlight enjoyed by existing residential occupiers is generally below the absolute targets set out in the BRE Guidelines. It is therefore fair and appropriate for the Council to apply a degree of flexibility when applying the recommendations, as set out in the BRE handbook. However, judgements as to the acceptability of daylight and sunlight infringements need to be determined on a case by case basis, when balanced against other material planning considerations.
- 13.40 As a general measure, the Council's consultant has advised that reductions in daylight in excess of 40%, especially where daylight is already below standard,



would represent a serious loss of daylight and corresponding amenity. That being said, there have been situations where the Council has accepted reductions in daylight in excess of 40% on balance, especially where development delivered specific regenerative benefits which were considered to outweigh the harm caused by the reductions in daylight/sunlight. Furthermore although major adverse daylight impacts have been reported against BRE guidance, these do not coincide with the scheme imposing other amenity impacts to residential neighbours such as loss of privacy by closing of a separation distance, unacceptable loss of outlook or undue sense of enclosure. The exceptions are very few affecting only 3 flats and prevail in and around White Church Passage where the long established character of the urban blocks is tight and intimate relationships exist between units set above ground floor commercial uses.

- 13.41 In this instance, the development is considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements is not, on its own, considered sustainable by officers particularly given that the scheme delivers significant economic benefits and an enhanced public realm which would outweigh the harm caused, it is considered.
- 13.42 In coming to this “on balance” decision, Members should consider two main issues. First, there will be significant losses of amenity to the residential properties along White Church Lane and White Church Passage, and second, properties may be reliant on light that passes around rather than over the new building, requiring an appropriate design solution if neighbouring sites are to be redeveloped in this urban context. Moreover, the proposed development should be considered in context of the wider regeneration of the Aldgate area as any development proposal with a similar footprint which exceeds the existing building heights is likely to have a significant adverse impact on neighbouring properties in terms of loss of daylight and sunlight levels.
- 13.43 In regards to surrounding development which have been consented in recent years, similar or greater impacts on daylight, sunlight and amenity have been found to be acceptable. Twelve nearby developments and their resultant impacts on amenity have been outlined in a table shown in the DSA.
- 13.44 Although, it is acknowledged that there would be some major daylight and sunlight impacts on neighbouring properties, on balance, taking into account the dense and tight urban grain directly to the east of the site, within the Whitechapel High Street Conservation Area; the preferred retention of the existing building; the proportion of rear and side windows which could be seen as being unneighbourly in regards to potential future development; the level of impacts being within the prevailing pattern for such major development in the surrounding area; and mitigating factors relating to each neighbouring building mentioned above, it is considered that the impacts on daylight and sunlight to residential properties in this Core Growth Area could be acceptable. For the reasons above, it is considered that the proposed development would accord with Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013).

## **14. Highways and Transportation**

- 14.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy

- 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in Policy DM20 which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 14.2 Policies SP08, SP09 and DM20 together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 14.3 The applicant has submitted a Transport Statement that contains details of servicing, a waste strategy, a draft travel plan and a draft construction management plan.
- 14.4 The vehicular access to the development for servicing and waste collection will be from Manningtree Street and this street also provides the access to the disabled car parking bay that is built into the shell of the building. A dedicated ramped entry/exit to the basement bicycle parking spaces will be accessed from Manningtree Street. Greater pedestrian footfall is anticipated on Manningtree Street, in part a product of the presence a retail unit at ground floor bookending the Manningtree Street ground floor frontage at Commercial Road.
- 14.5 Set within the above development proposal context and with the scale of the building increased as compared to the existing context, it is considered appropriate that the scheme improves the overall quality of the public realm all around the site, on Whitechapel High Street, Commercial Road, Manningtree Street and White Church Passage with a comprehensive new treatment to the pavements and removal of the upstand remaining from the disused pedestrian subway.
- 14.6 The scheme will provide 284 long stay cycle parking spaces in the basement with 50% Sheffield stands with the remainder in stackers. The scheme will also provide staff shower and changing room facilities in the basement to meet the demands of cyclists. Short stay visitor cycle parking would take the form of on-street parking stands, which may be located on central traffic islands and on the pavement outside the site. TfL have also requested that two nearby Cycle Hire dock stations are expanded, although this application secures no funding mechanism to deliver TfL request for expanded cycle hire docking stations.
- 14.7 TfL are satisfied with the proposed highway provisions subject to a section 278 agreement to secure public realm improvements including the location of short stay cycle parking and cycle dock hire station expansion. Securing cycle docking hire expansion via a s106 agreement would be contrary to the Council's Community Infrastructure Levy Regulation 123 list requirements. The proposed cycle parking provision for the scheme complies with London Plan Policy 6.9 and shall be secured by planning condition.
- 14.8 The scheme complies with relevant Chapter 6 (Transport) London Plan policies and Policies SP08, SP09 and DM20 of the Local Plan.
- 14.9 Planning conditions will be imposed to secure submission of a detailed construction & environment management plan, an end-user servicing and delivery management plan, and a travel plan to ensure the scheme encourages use of sustainable modes of transportation and to safeguard that both construction phase and end-user

servicing requirements minimise their impacts upon neighbours, the surroundings road network and safeguards pedestrian and other road users safety.

## **15. Planning Obligations**

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 15.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 15.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 15.4 The Planning Obligations SPD was adopted in 2016. The Boroughs main priorities are:
- Affordable Housing and Wheelchair Accessible Housing
  - Student Housing Development
  - Employment, Skills, Training and Enterprise
  - Transport and Highways
  - Public Access and Children's Play Space
  - Environmental Sustainability
- 15.5 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and the street scene.
- 15.6 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts.
- 15.7 The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:
- Employment, Skills, Training and Enterprise
  - Environmental Sustainability
- 15.8 The applicant has agreed to provide 11 construction phase and 5 end phase apprenticeships.
- 15.9 The applicant has agreed to provide 10% (1,770sq.m) of the total B1 floor space of the scheme as affordable rented workspace at 90% of market rent and on flexible terms, managed by a co-worker operator for the life of development, including a capped maximum 25% of the defined affordable workspace to be made available,

on a first refusal basis, to local Borough residents and local borough businesses at 75% of market rent.

- 15.10 The applicant has agreed to small and medium sized enterprise businesses, based and established in the Borough, would have rights of first refusal for the flexible use (A1 to A4 and D1 and D2) ground floor commercial units on first occupancy of the development and when these units come back on market for re-letting.
- 15.11 The developer has also agreed, to accord with the requirements set out in the Borough's Planning Obligations' SPD, to make reasonable endeavours to (a) procure at least 20% of goods and services locally, (b) use 20% local (i.e. Borough) labour in construction and (c) provide at minimum 20% of end phase jobs to residents of the Borough.
- 15.12 The applicant has also agreed to mitigate the site specific impacts of the development including an upgrade to the public realm on Whitechapel High Street, Commercial Road, Manningtree Street and White Church Passage, mainly revolving around pavement improvements and the removal of the upstand for the disused pedestrian subway along with the provision of short stay cycle parking.
- 15.13 The financial contributions agreed with the applicant are summarised in the following table:

<b>Heads of Terms</b>	<b>s.106 financial contribution</b>
Training and Skills of local residents in accessing the job opportunities created through the construction phase of new development	£90,616
Training and development of unemployed residents	£498,420
Carbon off-setting	£112,680
Monitoring	£500 per head of term item
Public Realm Improvements	Exact monetary value to be confirmed but shall be met in full by applicant and secured in s.278 agreement

- 15.14 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

## **OTHER MATERIAL CONSIDERATIONS**

### **16. Noise and Dust**

- 16.1 A Noise Impact Assessment has been submitted with the planning application. The report outlines the significant levels of noise associated with the location of the block being on the junction of Whitechapel High Street (A11) and Commercial Road (A13) – two significant roads serving traffic in and out of London to the East.
- 16.2 The site has been surveyed on two occasions to which have confirmed the original readings have not changed significantly in the past two years. Noise sensitive receptors have been identified and limits identified at 1 meter from the property façade to ensure compliance with LBTH published requirements.

16.3 As long as the recommendations made by Hoare Lea are adhered to regarding protecting the building from external noise in terms of full mechanical ventilation and glazing options; protecting the local sound scape from noise associated with the proposed plant and equipment; then the local policy requirements are projected as being met in line with BS8233:2014 and BS6472, subject to conditions to ensure the operation of fixed plant does not impact on residential amenity in accordance with London Plan policy 7.5; Core Strategy (2010) policy SP03 and MDD (2013) policy DM25.

16.4 Measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

16.5 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

## **17. Contaminated Land**

17.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.

17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

## **18. Flood Risk & Water Resources**

18.1 The NPPF, Policy 5.12 of the London Plan, and Policies DM13 and SP04 relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water, the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Local Plan.

## **19. Energy and Sustainability**

19.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.

- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 The London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 19.4 The scheme is designed to achieve a BREEAM Excellent rating. The proposal is anticipated to deliver a 33% reduction in CO2 emissions which is below the policy requirement set out in the Local Plan. To address this shortfall to meet Policy DM29 requirements a £112,680 offset payment is required to meet current policy requirements.
- 19.5 To conclude, the scheme complies with Chapter 5 of the London Plan and Policy DM29 subject to the imposition of planning conditions to (i) deliver energy strategy and CO2 savings to at least 33% and submission of as built calculations to demonstrate delivery of the energy efficient measures; (ii) carbon offsetting payment of £112,680; (iii) submission of the final BREEAM certificate to demonstrate scheme delivered to a BREEAM Excellent standard.

## **20. Biodiversity**

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Local Policies SP04 and DM11 seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 20.2 An ecology assessment was submitted with the application. The Council's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition to secure biodiverse roofs and nesting boxes. The completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

## **21. Waste**

- 21.1 A draft Waste Management Strategy is submitted with the application. A refuse storage area is proposed at basement level with a dedicated lift to the servicing area and loading bay at ground floor level. Waste/recycling collections will be made by a private contractor and accessed through the service bay facilities.
- 21.2 The draft Waste Management Strategy has been reviewed by the Council's Waste Team and is considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

## **22. Microclimate**

- 22.1 A Wind Microclimate Study was submitted with the application. The Council appointed a consultant to review this study. The methodology adopted is considered to be suitable. The overall approach and conclusions reached in the submitted study are accepted based on the information provided to date.
- 22.2 The Council's appointed consultants have requested further information in relation to surrounding receptors and additional information requested shall be reported in the Committee Update Report and will inform how microclimate effects will be addressed and mitigated by planning condition. Further clarification on roof top landscaping is required, as is the opportunity to provide external seating at ground floor level and wind tunnel modelling of impacts on neighbouring receptors.

## **23. Financial considerations**

### Localism Act (amendment to S70(2) of the TCPA 1990)

- 23.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 23.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 23.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme.
- 23.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm).
- 23.5 Based on the summary of proposed floorspace, the indicative gross Crossrail contribution will be approximately £2.5m. The approximate net Mayoral CIL contribution is estimated to be around £614,750 and is to be credited from the Crossrail contribution, which would leave a net Crossrail contribution of approximately £1,885,250.
- 23.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for applications determined from 1st April 2015. This is a

standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £1,361,062.

## **24. Human Rights**

- 24.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 24.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 24.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 24.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 24.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 24.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 24.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.



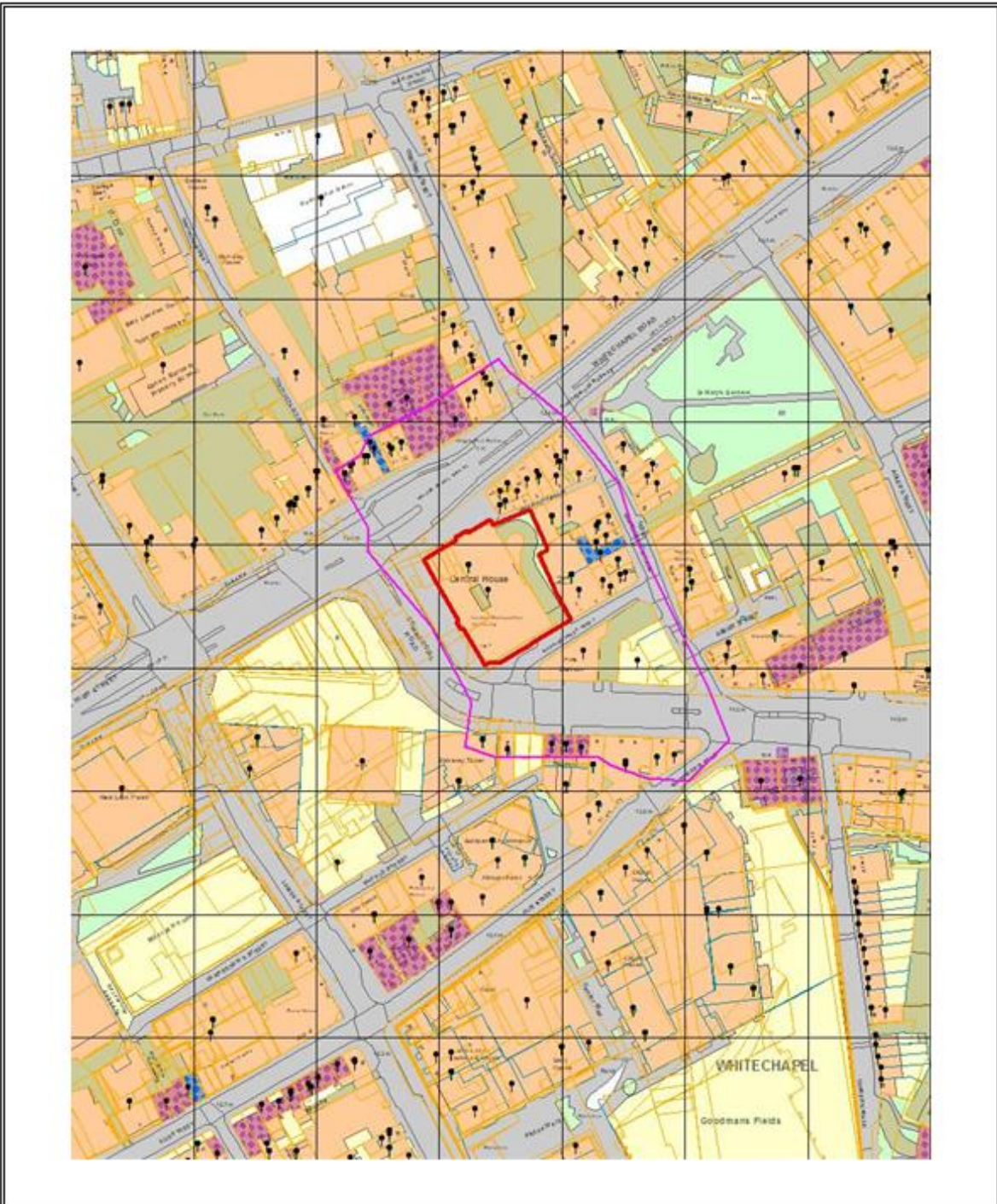
## **25. Equality**

- 25.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.
- 25.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 25.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.
- 25.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development.
- 25.5 Although there would be a reduction in accessible parking, the proposal does meet the minimum criteria for the land uses proposed, as outlined under Local Plan requirements.
- 25.6 The scheme is designed with regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to all the ground floor and lifts, toilet and showering facilities services and on site disabled car parking provision

## **26 Conclusion**

- 26.1 All other relevant policies and considerations have been taken into account. Planning Permission should be APPROVED subject to conditions and legal agreement for the reasons set out in this report.

**APPENDIX 1: SITE MAP**



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

**Planning Applications Site Map**  
**PA/18/01914**

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**TOWER HAMLETS**  
London Borough  
of Tower Hamlets

Scale : 50m grid squares

Date: 07 November 2018

## **APPENDIX 2: List of documents and plans for approval**

### **EXISTING DRAWINGS**

(01)\_P002 Rev P01, (01)\_P099 Rev P01, (01)\_P100 Rev P01, (01)\_P101 Rev P01,  
(01)\_P102 Rev P01, (01)\_P103 Rev P01, (01)\_P104 Rev P01, (01)\_P105 Rev P01,  
(01)\_P106 Rev P01, (01)\_P107 Rev P01, (01)\_P200 Rev P01, (01)\_P201 Rev P01,  
(01)\_P202 Rev P01, (01)\_P203 Rev P01, (01)\_P204 Rev P01, (01)\_P300 Rev P01,  
(01)\_P301 Rev P01, (12)\_P109 Rev P01, (12)\_P110 Rev P01, (12)\_P111 Rev P01,  
(12)\_P112 Rev P01, (12)\_P113 Rev P01, (12)\_P114 Rev P01, (12)\_P115 Rev P01,  
(12)\_P116 Rev P01, (12)\_P117 Rev P01, (12)\_P200 Rev P01, (12)\_P201 Rev P01,  
(12)\_P300 Rev P01, (12)\_P301 Rev P01,

### **PROPOSED DRAWINGS**

CH0501-GRA-00-DR-L-1101 Rev P02, CH0501-GRA-00-DR-L-1301 Rev P01, (00)\_P001  
Rev P01, (00)\_P002 Rev P01, (00)\_P098 Rev P01, (00)\_P099 Rev P01, (00)\_P100 Rev  
P01, (00)\_P101 Rev P01, (00)\_P102 Rev P01, (00)\_P103 Rev P01, (00)\_P104 Rev P01,  
(00)\_P105 Rev P01, (00)\_P106 Rev P01, (00)\_P107 Rev P01, (00)\_P112 Rev P01,  
(00)\_P113 Rev P01, (00)\_P200 Rev P01, (00)\_P201 Rev P01, (00)\_P202 Rev P01,  
(00)\_P210 Rev P01, (00)\_P211 Rev P01, (00)\_P212 Rev P01, (00)\_P213 Rev P01,  
(00)\_P220 Rev P01, (00)\_P221 Rev P01, (00)\_P222 Rev P01, (00)\_P223 Rev P01,  
(00)\_P300 Rev P01, (00)\_P301 Rev P01, (00)\_P302 Rev P01, (00)\_P303 Rev P01,  
(00)\_P304 Rev P01,

### **SUPPORTING DOCUMENTS**

- Air Quality Statement prepared by Ramboll dated 12/07/2018;
- Archaeological Statement prepared by UCL Centre of Applied Archaeology dated 06/2018;
- Bat Survey Report prepared by Greengage dated 07/2018;
- Construction Management Plan prepared by Mace dated 07/2018;
- Daylight/Sunlight Assessment prepared by GL Hearn dated 26/07/2018;
- Design and Access Statement prepared by Alfred Hall Monaghan Morris (including Access and Inclusivity Statement prepared by Peter Connell Associates Ltd) dated 26/07/2018;
- Ecological Assessment prepared by Greengage dated 07/2018;
- Economic Benefits Assessment prepared by Lichfields dated 07/2018;
- Energy Strategy prepared by Hoare Lea dated 26/07/2018;
- Engineering Design Report prepared by Robert Bird Group dated 23/07/2018;
- Foul Water Statement prepared by Robert Bird Group dated 20/07/2018;
- Geotechnical and Geoenvironmental Interpretative Report dated 06/2018;
- Heritage Statement prepared by KM Heritage dated 07/2018;
- Noise Statement prepared by Hoare Lea dated 23/07/2018;
- Planning Statement prepared by Lichfields dated 27/07/2018;
- Statement of Community Involvement prepared by becg dated 06/2018;
- SUDS/Surface Water Drainage Report prepared by Robert Bird Group dated 26/10/2018;
- Sustainability Statement prepared by Hoare Lea dated 26/07/2018;
- Townscape and Visual Impact Assessment prepared by Tavernor Consultancy dated 07/2018;
- Transport Statement and Draft Travel Plan prepared by Motion dated 23/07/2018;
- Utilities Overview Report prepared by Hoare Lee dated 23/07/2018;
- Wind Microclimate Desk Study prepared by BMT dated 03/07/2018.

**APPENDIX 3: Existing site photos**



**Figure A: View from corner of Commercial Road and Whitechapel High Street**



**Figure B View of north elevation**



**Figure C** View of west elevation (above)



**Figure D** View of west elevation from Aldgate Place development site



**Figure E View of Manningtree Street elevation from Commercial Road(Above**



**Figure F View of east elevation from White Church Passage**

**APPENDIX 4: Proposed Images**



**Figure G: View of refurbished east elevation**



Figure H View from Whitechapel High Street looking east





**Figure I** View of Whitechapel High Street and White Church Passage elevations



**Figure J** View of east elevation from Altab Ali Park



**Figure K** View of White Church Passage infill



Figure L View of Manningtree Street elevation



**Figure M** Ground floor plan with public realm improvements

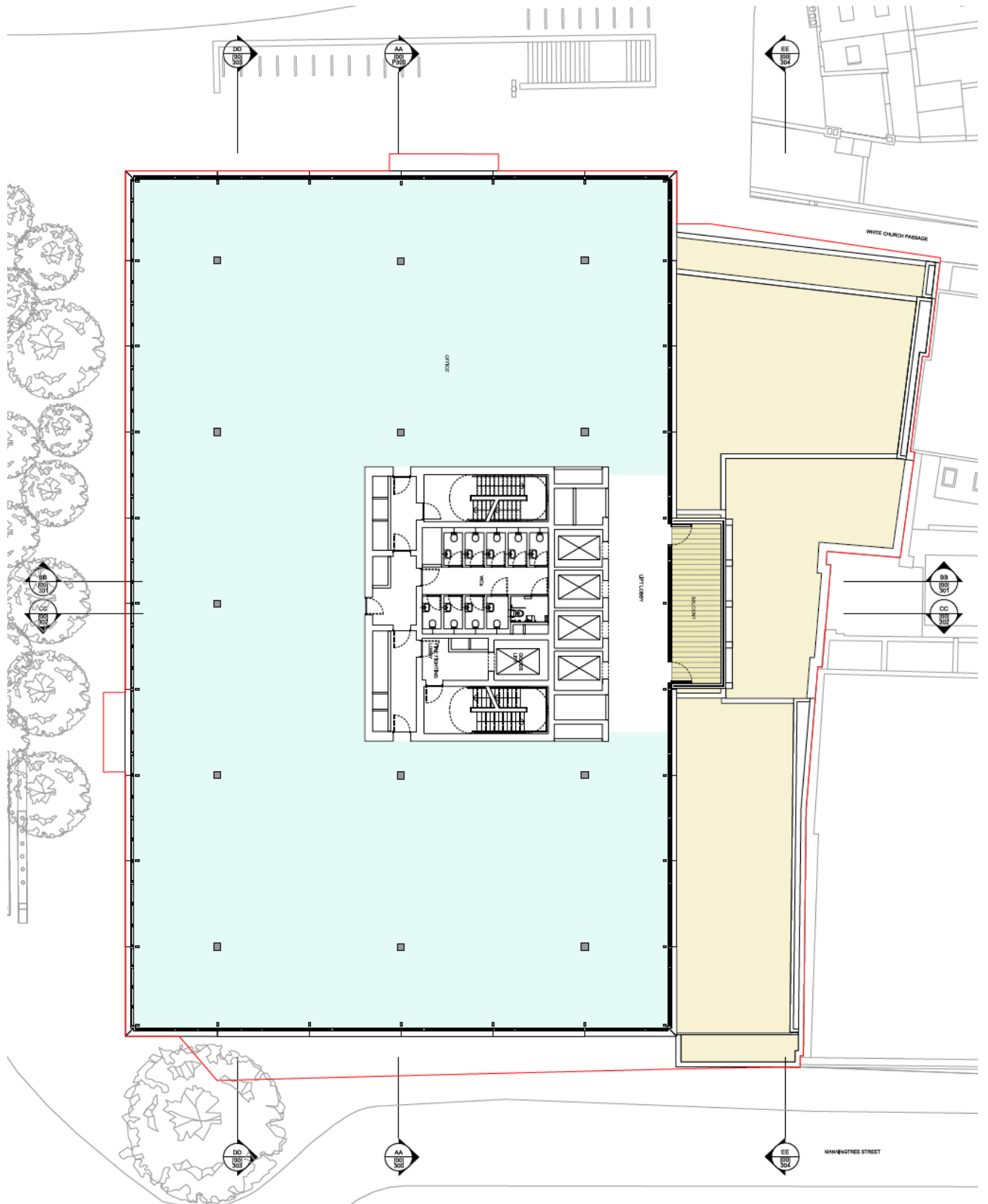
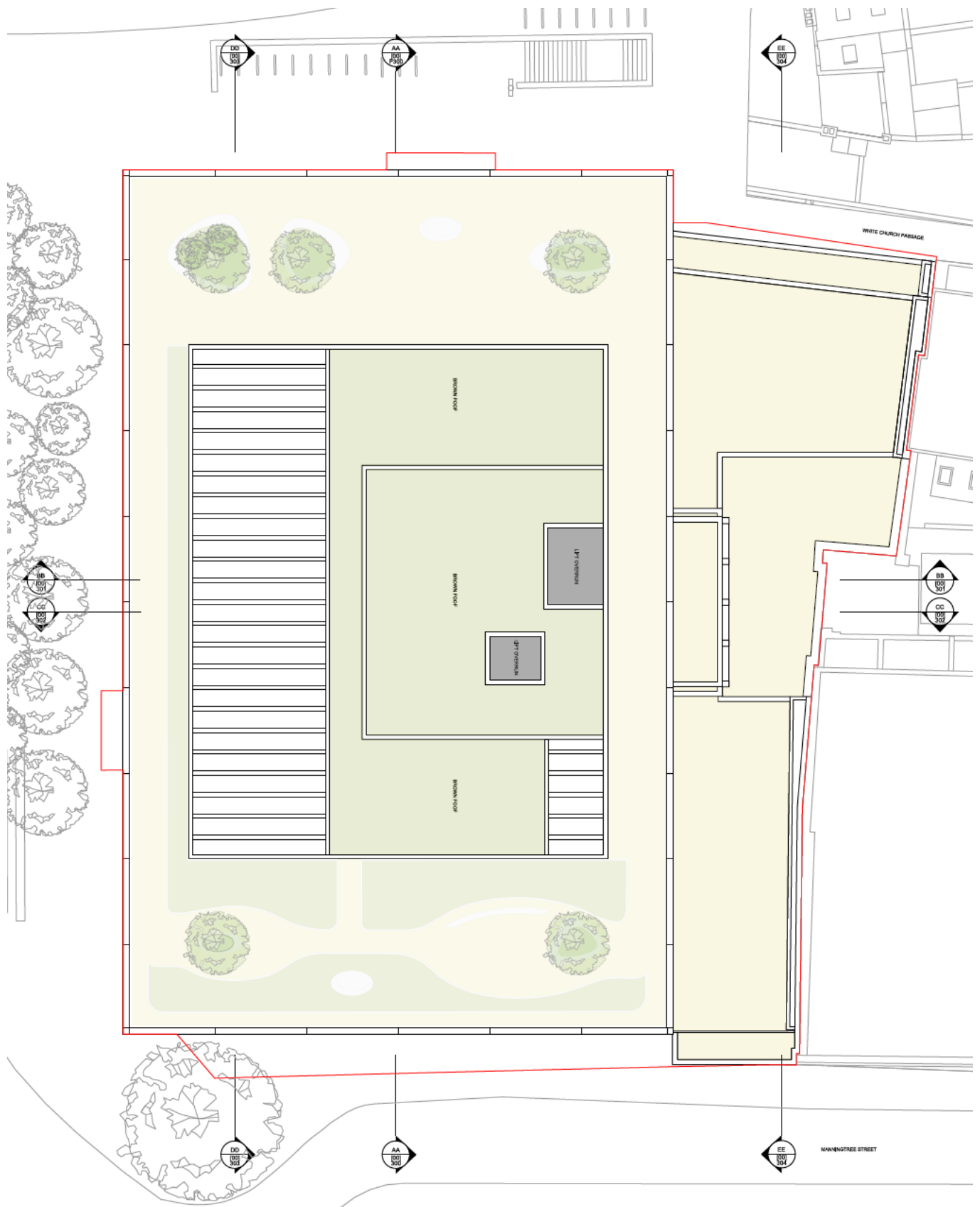


Figure N: Plan for floors 7 – 11



**Figure O: Roof level**

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