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**Application for Planning Permission**[click here for case file](#)

<b>Reference</b>	PA/18/01544
<b>Site</b>	Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London
<b>Ward</b>	Spitalfields and Banglatown
<b>Proposal</b>	Demolition of existing substation and construction of a part 8/16/24 storey building with basement, including 913 rooms of purpose built student accommodation (sui generis); 430sqm of exhibition space (Use Class D1); 120sqm of incubator floorspace and 1380sqm of office space (Use Class B1) at ground, first, second and third floor levels; together with cycle parking; landscaping and public realm improvements.
<b>Summary Recommendation</b>	Grant planning permission subject to conditions and obligations and GLA Stage II approval
<b>Applicant</b>	Unite Students and The Cromlech Property Co. Ltd
<b>Architect</b>	Architecture PLB
<b>Case Officer</b>	Max Smith
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 18/06/2018</li><li>- Reconsultation on amendments to design 16/10/2018</li><li>- Further amendments received to address archaeology concerns – 18/04/2019</li><li>- Historic England advise archaeology issues resolved subject to conditions – 17/05/2019</li></ul>

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**EXECUTIVE SUMMARY**

The application site is located in the Central Activities Zone, and is scheduled to fall within the Preferred Office Location and the Aldgate Tall Building's Zone in the emerging Local Plan. It is therefore considered a site suitable in principle for a high density mixed use scheme, including a tall building.

The application is for a building 24 storeys in height (86.6m AOD), primarily to accommodate 913 purpose built student rooms and associated communal space. The lower floors of the building would also contain office and incubator space (Use Class B1) and a public exhibition

space (Use Class D1). The building would be completed in a mix of brick colours with modulated frontages to break up the building's substantial massing. At ground floor level the building would be set back from the current site boundaries and new public realm and wider pavements on all sides of the building. Glazing to the double height exhibition space at ground floor level would create a visual link through the building.

The northern part of site was previously part of a larger site that contained Cromlech House, a 1960s office block of up to 9 storeys. However, that building was demolished following the grant of permission in 2013 the Travelodge, which occupies much of the former site of Cromlech House. The southern part of the site has been vacant for a much longer period. Permission was previously granted for a 17 storey office block on the site in 2008, renewed in 2014, but not implemented.

The site is considered appropriate for student housing as it is very well served by public transport (PTAL = 6b), yet would not be suitable for general housing due to site constraints. A survey of demand for student accommodation accompanying the application shows that of the approximately 20,000 students resident in the Borough, a third are accommodated in general housing. The proposal would therefore contribute to housing supply by providing an alternative choice of housing for students. Policy requires student housing to have an undertaking in place to provide for a specific educational institution and King's College London has indicated an interest in securing this. In line with emerging policy in the London Plan, a Financial Viability Assessment has been conducted which demonstrates that 10% of the student rooms can be provided as affordable in line with the emerging London Plan's definition.

The office and incubator space is appropriate given the site's location in the Central Activities Zone. Whilst a greater proportion of commercial floorspace would be preferred, given the quality of the space and the fact that it would be 100% affordable are sufficient to overcome any concerns in this regard.

There are no residential buildings immediately adjacent to the site as such the scheme raises no significant daylight/sunlight impacts. It is not considered that the building would create an over-concentration of student accommodation in Aldgate, as existing accommodation is dispersed

In design terms, the building is considered to be of high quality architecturally, responding appropriately to its context in scale, bulk and massing. Neighbouring heritage assets would not be harmed, with the building almost entirely screened in protected views of the Tower of London by development currently under construction at the Minories Bus Station site. The well preserved remains of the 16<sup>th</sup> Century Boar's Head Inn and Playhouse, considered to be of national importance, have been discovered under the site in the course of archaeological investigations. The scheme has been adapted to accommodate these remains, which would be preserved in situ under the site, including the creation of a double storey height visitors' centre/exhibition/performance space on the ground floor above the site of the remains.

The site would be entirely car free, with no parking permits available for occupants and servicing to take place on Goulston Street to the east of the site. The applicant has demonstrated very limited demand for disabled parking, though a commuted sum would be provided to create one or two additional on-street spaces if necessary. Cycle parking would be provided for the student accommodation at half the level required. On balance this is considered acceptable given the constraints placed on the site by archaeological remains. The applicant has committed to provide additional cycle storage through the Travel Plan should a need be demonstrated later in the life of the development. The creation of new public realm and the widening of pavements would contribute to accommodating pedestrian volumes around the site.

Overall the development is considered to provide significant benefits in terms of its contribution to meeting housing supply, job creation and cultural benefits from the new exhibition space. The design would be of a high standard and a presently unsightly vacant gap site would be removed. Public realm would be extended and enhanced. The scheme would comply with relevant Development Plan policies and approval is recommended.



*Figure 1: Site location (prior to clearance)*

## **1. SITE AND SURROUNDINGS**

1.1 The application site is approximately 0.23ha and is bound by roads on three sides; Middlesex Street to the west, Whitechapel High Street to the south and Goulston Street to the east. Immediately to the north a Travelodge hotel has recently been constructed. The site itself has been cleared as part of the construction of the Travelodge and now only contains an electricity substation. The area surrounding the site has a mixed character, with commercial, residential and office uses in buildings of various heights.

1.2 The site is located in the Central Activities Zone and the City Fringe Opportunity Area. The boundary of the City of London is immediately to the west, on the opposite side of Middlesex Street.

- 1.3 The site does not contain any listed buildings and is not in a conservation area. The southern boundary of the Wentworth Street Conservation Area is a short distance to the north, with the Whitechapel High Street Conservation Area 150m further to the east along Whitechapel High Street. The nearest listed buildings to the site are two Grade II\* terraced properties at 46-490 Whitechapel High Street to the west.
- 1.4 In transportation terms, the site has the highest possible Public Transport Accessibility Level (PTAL) of 6b, being located within 200m of the Aldgate and Aldgate East Underground Stations. Whitechapel High Street abutting the site to the south is part of the Transport for London Road Network (TLRN).

## **2. PROPOSAL**

- 2.1 Full planning permission is sought for a building rising to 24 storeys on this site. The building would primarily contain student accommodation, with 913 rooms in a mixture of 'cluster' and studio flats and associated communal space and cycle storage.
- 2.2 The building would also contain a total of 1380sqm of office (Use Class B1a) floorspace spread across the ground, first, second and third floors, a 430sqm double height exhibition space/visitors' centre (Use Class D1) on the ground floor, with a public viewing gallery at 1<sup>st</sup> floor level and 120sqm of 'incubator' floorspace (B1) at ground and first floor level at the southern end of the site.
- 2.3 The building would be L shaped in form, with its main frontage onto the Middlesex Street Gyratory. It would have a mix of 8 storey, 16 storey and 24 storey elements, with the tallest section occupying the southern part of the site. It would be completed mainly in brick of contrasting shades, divided into vertical bays.
- 2.3 The existing electricity substation would be reconstructed within the new building. Plant would be located at basement and second floor level. No off-street parking is proposed. 565 cycle parking spaces would be provided at basement level and on each floor of the building. 39 short stay spaces for visitors would be provided at ground floor level.
- 2.4 The scheme would include a series of public realm works and landscaping around the proposed building, with parts of the site allowing for increases in pavement width. To the west, adjacent to the gyratory, the width of the pavement would be increased by approximately 10m and to the south along Whitechapel High Street by between 4m and 5m. To the north the site would contribute to expanding the existing pedestrian link connecting Goulston Street and Middlesex Street. Additional trees, benches and landscaping features would be provided within this new public realm, with the applicant also offering to finance improvements immediately beyond the site, in particular the pedestrian area dividing the gyratory from the northern part of Middlesex Street to the west of the site.
- 2.6 Floorspace for the scheme is set out in the table below:

<b>Existing Uses</b>	<b>Floorspace (approximate sqm – GIA excluding plant)</b>
None (cleared site)	0
<b>Proposed Uses</b>	
Student accommodation (sui generis)	26,930sqm
B1(a) Offices	1,380sqm
'Incubator' space (B1)	120sqm
Visitors' centre/exhibition space (D1)	430sqm

### *Amended plans*

- 2.5 Planning permission was originally sought for a scheme comprising 1052 student bedrooms with 441sqm of incubator floorspace and 2462sqm of office floorspace and a café/restaurant in a part 18/21/24 storey building. However, the scheme was subsequently amended to accommodate both design concerns raised by officers and an objection from Historic England following the discovery of archaeological remains on site.



*Figure 2: CGI of scheme - view north towards site from Mansell Street*

### 3. RELEVANT PLANNING HISTORY

#### Application site:

- 3.1 PA/05/00471: Redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m<sup>2</sup> office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15,002m<sup>2</sup> floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access. Approved 13/06/2008
- 3.2 PA/11/01463: Application for a new planning permission to replace extant planning permission dated 13th June 2008, reference PA/05/471 for redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m<sup>2</sup> office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15,002m<sup>2</sup> floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access. Granted 02/05/2014.
- 3.3 PA/12/02045: Demolition of the existing buildings and erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development. Granted 04/07/2013. Conditions have subsequently been discharged and the scheme built out.

#### Relevant nearby site: 15 - 16 Minories & 62 Aldgate High Street London EC3N 1AX

- 3.4 City of London ref: 13/01055/FULMAJ: Demolition of 15 Minories and 62 Aldgate High Street and redevelopment to provide a Class B1 office building with Class A1 retail (18,537sq.m). Extension and recladding of 16 Minories and change of use from offices (Class B1) to a hotel (Class C1) with Class A3 restaurant or Class D1 (health)/ Class D2 (community) use (17,367sq.m). Erection of new residential building (Class C3) providing 87 units (7829sq.m.). Relandscaping of open space and public realm improvements. Granted 30/06/2014.

### 4. PUBLICITY

- 4.1 A total of 502 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.
- 4.2 Neighbours were also re-consulted on 19<sup>th</sup> October 2018 in respect of amendments to the scheme.
- 4.3 16 letters of objections have been received in relation to the proposed scheme. The concerns that were raised following both initial consultation and re-consultation are set out below.
  - Loss of light to neighbours
  - Reducing the breeze to the neighbouring estate.
  - Limiting views of the sky, already reduced by other tall buildings
  - Too many tall buildings

- Anti-social behaviour from student accommodation; partying, drinking drug abuse etc.
- There are already problems with drug abuse and students on Goulston Street.
- Student accommodation on Frying Pan Alley a minute away already causes problems.
- Students are a transient population and will not contribute to making the Algate Area more residential in character.
- There are already a large number of hostels in the area, contributing to a transient population.
- Proposal is out of scale with immediately adjacent buildings.
- Overbearing in appearance and detract from sense of place.
- Impact on traffic infrastructure of area, including cycle highways and pedestrians areas.
- Aldgate East is already a hotspot for homeless people. Increasing the population will lead to even more seeking donations.
- The demographics of the area will be changed.
- Building is significantly higher than the former building on the site.
- Loss of privacy.
- Tower Hamlets lacks green spaces
- It would be better to have business or community members who will put down roots.
- Previous application was much more modest and appropriate in scale.
- Over population of students, which the area cannot cope with in terms of facilities.
- The skyline is already becoming a complete mess without consistency
- Contrary to OAPF area objective for affordable, purpose-built offices.
- Location is outside of the preferred tall buildings location and outside educational focus area
- If not offices, affordable housing should be provided.
- Public realm comprises three trees, which are already planted. Aldgate gyratory public realm should be the benchmark.
- The area's world class transportation should be employed by businesses that can maximise return.
- The step down in height towards the conservation area is a token gesture.
- It is odd for a student building to be higher than offices in the area.
- The building has no real positive for the neighbourhood apart from a few square metres of empty space and some trees.
- The design reflects the greed of the developer
- If approved, the development would be the largest student accommodation building in the entire Unite Students network.
- Kings College is not present in Tower Hamlets and does not contribute to the local economy.
- The design allows very little flexibility for a different use if the demand for student accommodation falls.
- The previous design for development on the site was more appropriate.
- Students will be subsidised as they don't pay council tax.
- The revised design is a bulky and inelegant form that fails to respond to the local context.
- The height of the building would overpower the nearby Beaufort House.
- The robustness of the daylight/sunlight study is questioned as only 12 windows of the 22 storey Relay building were tested and all were on the 7<sup>th</sup> floor.

## 5. CONSULTEES

### Greater London Authority

5.1 London Plan policies on student accommodation, retail, urban design, access, energy and transport are relevant to this application. Whilst the principle of student accommodation on the site is supported, the proposals do not currently fully comply with the London Plan. The following changes, however, might lead to the application becoming compliant:

- **Principle of development** – The site lies within the CAZ and is identified as a key site within the City Fringe Opportunity Area, where a balance of employment and other land uses is sought. The applicant must provide further details of the ‘incubator’ space, including details of the rental discount and management of the space before a full assessment can be made.
- **Student accommodation** – The provision of student bedrooms on the upper stories of the building does not raise any strategic concerns in principle; however, the applicant must commit to a nominations agreement with one or more academic institutions, in order to evidence need in accordance with draft London Plan Policy H17. In accordance with draft London Plan Policy H17, the applicant’s FVA will be rigorously assessed by GLA officers to ascertain the maximum reasonable amount of affordable housing that the scheme can provide.
- **Urban design** – Whilst the applicant engaged positively at pre-application stage, GLA officers still have concerns regarding the massing of the proposed scheme, when viewed from Goulston Street, and the architectural definition. Internally, the applicant should seek to introduce break out spaces at each floor to improve residential quality.
- **Energy** – The CHP savings appear overstated and must be clarified. Further details of the energy centre must be provided. In addition, a roof plan must be provided, showing the proposed PV panels, the ‘be green’ savings must be clarified and the full BRUKL sheets should be submitted.
- **Transport** – Further information is required on the following: Blue Badge parking; public realm improvements; cycle parking, including details of access routes; and various reports must be secured.

### City of London

5.2 Does not wish to make observations on application.

### London Underground (Infrastructure Protection)

5.3 No objection subject to a condition securing detailed design and method statements for each stage of the development to ensure that there would be no impact on the Underground network.

### London Overground (Infrastructure Protection)

5.4 No comments from an infrastructure protection perspective.

### Royal Historic Palaces

- 5.5 Given that the current proposal (as amended) will effectively be screened in view of the Tower of London by the consented Minorities development now under construction, Historic Royal Palaces has no reason to object.

### Historic England -

- 5.6 No objections in relation to designated heritage assets.

### Historic England – Archaeology

- 5.7 The recent amendments propose much improved elements of preservation and heritage interpretation at the site. The amended proposals for the ground floor could convey the significance of the playhouse to the public and have potential to provide significant benefits to Tower Hamlets residents and visitors. Details of how the spaces would operate will need to be secured by s106.
- 5.8 The reduction in basement extent helpfully limits harm to buried remains and locates it in areas understood to be of lesser heritage significance. The new scheme also allows use of a foundation scheme design and construction management plan to provide safeguarding in other areas. Proposals to archaeologically excavate the affected parts of the site and carefully preserve the playhouse yard area are also acceptable. In view of the significance of the archaeology, a programme of public outreach and controlled site access during development would also be appropriate. This work could be secured by a second condition for phased fieldwork and public outreach. The developer will need to adopt safe archaeological excavation techniques in deep ground that minimise the harm to buried remains before they can be investigated, and which also permit public viewing of remains.
- 5.9 To secure these benefits, the long term management and public use of the display and exhibition space, and its integration with the cultural life of the borough be secured through a S106 agreement. The S106 should require a separate, binding Management Plan that emphasises public access and cultural and educational use of the spaces, both during term time and the university holidays. Conditions to secure foundation design and further archaeological investigations are also recommended.

### London Fire & Emergency Planning Authority

- 5.10 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

### Metropolitan Police – Crime Prevention

- 5.11 Crime prevention and community safety are material considerations I have previously met with the project architects at this stage to discuss their intention around security and Secured by Design and will continue to liaise with them throughout the development. A condition is sought to require Secure by Design accreditation for the development.

### National Air Traffic Services (Safeguarding)

- 5.12 No safeguarding objection to the proposed development.

### Thames Water

- 5.13 No objection with regard to the combined sewer water network infrastructure capacity. The proposed development is located within 15m of a strategic sewer. Thames Water request that a condition requiring a piling method statement be attached to any permission. The Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5.14 Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. A condition should be attached preventing the occupation of any units until confirmation that water network upgrades have been provided or a housing infrastructure and phasing plan has been agreed.

### Transport for London

- 5.15 Overall, TfL considers that the trip generation outputs and methodology are reasonable and in accordance with TfL TA Best Practice Guidance and draft New London Plan Policy T4
- 5.16 No general car parking is to be provided, which is welcome as it accords with draft New London Plan Policy T6. Draft New London Plan Policy T6.5 requires that all non-residential elements of a development should provide at least one on or off street disabled persons parking bays. Given the three elements of this site (student accommodation, office use and retail use), three disabled bays are required. No disabled parking bays are proposed on-site, however the applicant states that Blue Badge holders would be able to use the on-street parking permit bays on Goulston Street. TfL requires further information before this can be accepted.
- 5.17 Public realm improvements are proposed both within the red line boundary of the site and offsite, just outside the red line boundary. This includes providing new seating, footway treatment, and landscaping. These proposals are supported in line with draft New London Plan Policy T2. Given the significant increase in the number of trips associated with the site, the applicant should conduct Pedestrian Comfort Level (PCL) assessments to demonstrate the capacity of surrounding footways and crossings to accommodate the increased footfall during peak hours.
- 5.18 The applicant should provide a Cycling Level of Service (CLOs) audit of key routes in vicinity of the site. Routes to key destinations in all directions should be included in the audit. The audit should identify improvements to the local cycling environment.
- 5.19 Cycle parking: Cycle parking for the student accommodation meets current London Plan standards, which is welcome. The site is located within the City Fringe OAPF and the CAZ, both of which promote cycling as a key mode of transport. It is also adjacent to CS2, which provides a high quality cycle route. Given this location, the applicant is strongly encouraged to explore every opportunity to increase the provision of cycle parking for all uses so that it exceeds current London Plan standards.

## LBTH Environmental Health

### *Noise & Vibration*

- 5.20 Considered acceptable subject to conditions.

### *Air Quality*

- 5.21 Conditions are sought regarding the design of the CHP plant, construction plant and machinery and construction site dust control. A condition is also required to secure details for a ventilation scheme to protect future occupants from external air pollution. Given that the site is within an Air Quality Management Area, the scheme should include mechanical ventilation designed to safeguard users from the ingress of the poor outdoor air quality, either taking air from a clean location or treating the air to remove pollutants.

### *Contaminated Land*

- 5.22 There is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

## LBTH Transportation & Highways

- 5.23 The proposal for car-free development is welcomed. Cycle parking should have step free access. Two lifts capable of transporting bikes should be provided to access the basement to improve the accessibility of these spaces plus a wheeling/push ramp on the steps. Dedicated cycle storage should be provided for each use. The Council's preferred option for cycle parking is the Sheffield stand or a similar hoop design. If 100% Sheffield stands cannot be provided, Transport and Highways will accept a mixture of different stands. At least 50% of cycle spaces have to be Sheffield Stand or a similar hoop design stands. One cycle parking space should be provided for each student, in line with the Council's cycle parking standards.
- 5.24 A condition should be attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development (this will include but not limited to: make changes to yellow line, add or removal of drop kerb and etc.).
- 5.25 The applicant is unable to provide any on-site disabled bays. Therefore, Transport and Highways require the applicant to set aside a commuted sum of money for five years to accommodate any disabled bays (at least one bay to be provided) required for the site. The money will be held by LBTH for five years to carry out the work if required.
- 5.26 A full travel plan should be submitted prior to occupation of the development. Conditions should secure a Construction Management Plan and Delivery and Servicing Plan.

## LBTH Surface Water Run Off:

- 5.27 Flood Risk The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals are acceptable, The proposal primarily makes use of below ground storage and little use of sustainable forms of SuDS techniques. Residual Risk Safe and appropriate flow routes from blockage and exceedance of the drainage system or any pump failure must be evaluated.

This must demonstrate no property flooding or increase in flood risk, either offsite or to third parties. A detailed surface water drainage scheme will need to be submitted to the Council prior to works commencing and should be secured by condition.

LBTH Waste:

- 5.28 The applicant is required to provide information on the volume of waste by litres, size and type of containers to be used to ensure adequate waste capacity has been taken into consideration for all waste streams. Ensuring the bin store is large enough to store all containers with at least 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free. The applicant is required to provide dropped kerbs that are 1.2 meter wide from bin / waste store to each waste collection point. The applicant is required to ensure that there is a maximum 10 metre waste trolleying distance from the bin store to waste collection vehicle. The applicant should consider a storage location for bulky waste.

Other consultees

- 5.29 The following consultees were consulted but did not comment:

- Spitalfields Community Association
- Stepney Street Traders' Association
- Spitalfield Joint Planning Group

## **6. PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. The legal framework is set out at the front of this agenda paper.

- 6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

- 6.3 The key development plan policies relevant to the proposal are:

Land Use: - LP 2.1, LP 2.13, LP 4.1, SP01, SP02, SP03, SP06, DM0, DM1, DM6, DM8, DM15, DM17

(Inner London, opportunity areas and intensification areas, mixed use development, offices, community infrastructure, redevelopment of employment sites, student accommodation)

Design: - LP 7.1-7.12, 7.13, LP7.18, SP03, SP09, SP10, SP12, DM10, DM23, DM24, DM26, DM27

(layout, massing, building heights, materials, public realm, heritage, security)

Amenity: - LP7.6, SP03, SP10, DM25

(Privacy, outlook, daylight and sunlight, construction impacts)

Transport: - LP 6.1, LP 6.3, LP 6.4, LP6.9, LP 6.10, LP 6.12 LP 6.13, SP05, SP08, SP09, DM14, DM20, DM21, DM22, DM23

(Sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment: - LP3.2, LP5.1 - 5.15, LP 5.17, LP 18, LP 5.21, LP 7.14, LP 7.15, LP 7.19, SP03, SP04, SP11, DM9, DM11, DM13, DM29, DM30

(Biodiversity, energy efficiency, air quality, drainage, contaminated land)

Other: - LP 8.2, LP 8.3, SP13

(Planning obligations, Community Infrastructure Levy)

### Emerging Planning Policy

- 6.4 The Examination in Public (EiP) took place in respect of the draft London Plan, resulting in further suggested changes for the policy wording. The current 2016 consolidated 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.
- 6.5 Weighting of draft policies is outlined in paragraph 216 of the National Planning Policy Framework (NPPF) (2018) and paragraph 19 of the National Planning Practice Guidance (Local Plans). The degree of weight that can be attached to the Local Plan will depend upon how much progress has been made with the emerging plan and the number of unresolved objections to it, and the degree of consistency with the NPPF (2018). The more advanced the preparation and the fewer the number of objections to plan policies, the greater the weight it may be given in the determination of planning applications.
- 6.6 As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications. This is because:
  - a. the Local Plan has been subject to three rounds of public consultation in accordance with regulations; both Cabinet and Full Council approved the publication and submission of the final draft Local Plan (on 19 September 2017 and February 21 2018 respectively) and consider that it is both sound (i.e. positively prepared, justified, effective and consistent with national planning policy) and legally compliant;
  - b. the Local Plan is currently undergoing an independent public examination by a government-appointed inspector (Mrs Christa Masters). The examination hearings ran between 6-21 September and 11-15 October 2018;
  - c. the Mayor of London has indicated that the Local Plan (submission version) is in general conformity with the current adopted London Plan (note the draft London Plan which itself reached an advanced stage) and has raised no soundness or

legal objections to the draft Local Plan in response to the regulation 19 consultation stage and examination in public; and

- d. the Local Plan is subject to a number of main modifications in response to the examination in public, which the inspector considers are necessary to make the Local Plan sound. Consultation on the main modifications is now live. At the close of the consultation, the inspector will consider the main modifications and the responses made on them during the consultation period. The inspector will subsequently publish a report. However, the Local Plan does not carry full weight until it has been formally adopted.

#### 6.6 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Draft New London Plan (2018)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- City Fringe Opportunity Area Planning Framework, GLA (2015)
- London View Management Framework Supplementary Planning Guidance, GLA (2012)
- 'Homes for Londoners' Affordable Housing and Viability Supplementary Planning Guidance GLA (2017)
- Wentworth Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- Whitechapel High Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- Whitechapel High Street Conservation Area Character Appraisal and Management Guidelines (draft 2019)
- Tall Buildings – Historic England Advice Note 4 (2015)
- The Setting of Heritage Asset, Historic Environment Good Practice Advice in Planning Note 3 (2015)
- LBTH Tall Buildings Study (draft 2017)
- Air Quality Action Plan, LBTH (2017 - 2022)
- Clear Zone Plan 2010-2025, LBTH (2010)
- Central Activities Zone Supplementary Planning Guidance GLA (2016)
- BRE 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2<sup>nd</sup> edition, 2011)

## 7. ASSESSMENT

7.1 The issues raised by the proposed development are:

- i. Land Use
- ii. Student housing
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment

### Land Use

#### Principle of mixed use student housing led development

- 7.2 *Student accommodation:* Policy SP02 of the Core Strategy (2010) notes that student accommodation should be located close to the universities that they serve or in locations that have good public transport accessibility. Policy DM6 (Student Accommodation) of the Managing Development Documents expands on this, setting out four points for consideration when assessing purpose built student accommodation such as the proposed scheme. In accordance with this policy, student housing; a) must not compromise the supply of land for new homes or the Council's ability to meet its housing targets; b) should contribute to the provision of affordable housing if not providing student accommodation specifically for accredited universities or colleges; c) should not lead to an overconcentration of student accommodation or cause harm to residential amenity and d) it should not place excessive pressure on existing social and physical infrastructure.
- 7.3 With regard to a), the application site does not represent a promising candidate for the supply of non-specialist housing. The site is narrow, bounded on three sides by roads and on the fourth by a pedestrian access, with very limited potential for buildings to be set back from the public realm. This would lead to difficulties in ensuring appropriate privacy for housing and access to private amenity space. The latter would also be compromised by road traffic noise. The narrow shape of the site would also present difficulties for providing open space and associated child play space of sufficient quality. As such is not considered that the development would prevent an alternative residential scheme from coming forward. On the contrary, the Student Needs Assessment accompanying the application suggests that the scheme would contribute to the supply of housing in the Borough by drawing in students who would otherwise be taking up non-specialist housing.
- 7.4 The applicant has indicated that the development is intended to provide for students attending Kings College London and a nominations agreement is being negotiated with that institution. The S.106 agreement would ensure that a nominations agreement was in place securing the student accommodation for Kings College, or an appropriate nominated alternative education provider, before work commences on site.
- 7.5 It is not considered that the development of the site would result in the overconcentration of student housing in this location. There are no other

student housing blocks in the immediate vicinity, with the closest being on Frying Pan Alley to the north and Commercial Road to the east. The impact of the proposal on amenity and local facilities are addressed below.

- 7.6 *Office and 'incubator' floorspace:* The site is located in the Central Activities Zone and was previously partially occupied by offices prior to their demolition in connection with the development of the Travelodge. It is therefore an appropriate location in principle for new office development. The Mayor of London's City Fringe Opportunity Area Planning Framework (2015) designates the site as being within the Inner Core Growth Area, where demand for new office floorspace is expected to be highest.
- 7.7 The scheme proposes 1380sqm of office floorspace (use class B1) and 120sqm of incubator floorspace. The entirety of office floorspace would be let at 90% of market rents, which would meet the Council's definition of affordable, and which the applicant states would be aimed at small and medium sized enterprises. The incubator space would be made available for start up enterprises and secured by the legal agreement at a peppercorn rent. All the commercial floorspace would be fully fitted out and made available for occupation.
- 7.8 The commercial floorspace proposed therefore represents a notable contribution towards the provision of affordable workspace and policy objectives in the CAZ and the City Fringe. This aspect of the scheme is therefore supported. Whilst ideally the development would have contained a greater proportion of commercial floorspace, as was the case before the application was amended to accommodate archaeological remains, given that the site is currently vacant and the quality of the floorspace offered, it is not considered that further B1 floorspace on the site could be insisted upon in policy terms. Policy on sites in Preferred Office Locations requires there to be no net loss in office floorspace rather than seeking a particular amount of floorspace. The site is currently vacant with buildings associated with previous uses having been cleared.
- 7.9 *Visitors' Centre/Theatre Space (Use Class D1):* The creation of new D1 floorspace is supported in the Central Activities Zone. The use of the space would be controlled by a Management Plan in the S.106 for cultural (historic/archaeological) and linked educational purposes and is considered to be a significant benefit of the scheme. Further details of this aspect of the scheme are set out in the *Archaeology* section of this report below.

## **Student Housing**

### Affordable student accommodation

- 7.10 Current planning policy requires student accommodation to contribute to the provision of affordable housing, if not providing accommodation specifically for accredited colleges and universities. As noted above, King's College London have indicated that they are seeking a nominations agreement on this building. Where student accommodation is provided through an educational institution, it is provided at below market rents.
- 7.11 Emerging policy in the draft London Plan (policy H.17) seeks affordable student accommodation to be provided in addition to a nominations agreement being secured with an FE provider, with a maximum sought subject to viability. In the emerging London Plan, affordable student accommodation is defined as that

which is provided at a rental cost for the academic year equal to or below 55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year.

- 7.12 Whilst this is emerging policy and does not have the same weight as the currently adopted plans, the applicant has nevertheless provided a Financial Viability Assessment in response to a request from the GLA at Stage I. This demonstrates that 10% of the student rooms can be provided as affordable in line with the draft London Plan's definition without jeopardising the viability of the scheme. The applicant has further confirmed that the affordable units would be 'pepper-potted' throughout the building and not restricted to particular floors or cluster flats. The FVA has been reviewed by the GLA and is considered acceptable subject to early and late stage reviews. The delivery of the affordable student accommodation and reviews would be secured through the S.106 agreement.

#### Quality of accommodation

- 7.13 Standard of accommodation is considered to be of lesser importance for specialist student housing than for general use housing as it serves a transitory population. It is not necessary for student accommodation to abide by space standards or have amenity space for instance. Nevertheless, the development is considered to provide a reasonable standard of accommodation for students. 1010sqm of internal communal space would be provided, along with a 72sqm roof terrace at 8<sup>th</sup> floor level. The Daylight/Sunlight Assessment shows that all student bedrooms and almost all of the communal amenity space would receive a level of daylight exceeding the minimum requirements set out in the BRE guidelines.
- 7.14 Air quality in this location has been identified as an issue. However, suitable mitigation measures, such as mechanical ventilation, would be in place to address this. Sufficient separation distances would be retained from other buildings to maintain privacy, other than the Travelodge hotel to the north, which has been designed with privacy measures to avoid overlooking towards this site. In line with Development Plan policies, 10% of the student rooms would be wheelchair accessible, which would be secured by condition. A Noise Assessment also recommends measures to ensure appropriate mitigation measures against road traffic noise. The noise and air quality assessments have been reviewed by the Council's Environmental Health Officers and are considered acceptable subject to conditions.

#### **Design & Heritage**

- 7.15 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

#### Suitability of the site for a tall building

- 7.16 The site is located in the Central Activities Zone, where current planning policy indicates that tall buildings should be directed. Furthermore, emerging policy in the Local Plan designates the site as part of the Aldgate Tall Building Zone. There are a number of tall buildings in the immediate vicinity of the site, including 1 Commercial Street (84.3m AOD), Aldgate Tower (93m AOD) and

Aldgate Place (94.9m AOD) to the east and 138 Houndsditch 78.3m AOD) to the west. The tallest of these buildings are in the Preferred Office Location.

- 7.17 The proposed building's height at 86.6m AOD would be marginally lower than those in the adjacent Preferred Office Location and would not appear out of place in this context, following the principle of stepping down from the tallest buildings in the cluster. The principle of a tall building on the site is therefore acceptable.

#### Scale and Mass

- 7.18 The proposal incorporates 8, 16 and 24 storey elements. The lowest sections of the building are located to the north where evidence of historic street patterns, fine urban grain and low-rise buildings are found. Located at the southern end of the site, the height of the taller 24 storey bays are informed by large-scale urban blocks and tall buildings within Aldgate and the City.
- 7.19 The building has been designed to incorporate steps in height. This approach enables the building to provide a sympathetic response to the changes in the height and scale of buildings within the local surrounding area and is supported.
- 7.20 To break up the mass of the building, the façade is broken into vertical bays, and different patterns of glazing and materials are used. This approach has been successful in breaking up the mass of the building where it faces onto the gyratory to the west and onto Whitechapel High Street, where the building presents a relatively thin profile. Officers have previously expressed concerns about the appearance of the massing to the east along Goulston Street and to the north when viewed from the Wentworth Street Conservation Area. Initial concerns about the eastern elevation arose from a combination of the length of the Goulston Street elevation, and the height of the building at the northeast corner. To address this, the delineation between each bay was increased through measures such as adding projecting bays and changing the design of the fenestration. The height of the northeast section of the building was also reduced. These changes helped to ensure this elevation incorporated sufficient variation to help reduce the appearance of its massing.



Figure 3: **CGI** View of development from Wentworth Street Conservation Area

- 7.21 The height reduction at the northeast section of the building also helped address concerns about the width of the northern elevation, in particular when seen from within the Wentworth Road Conservation Area looking south toward the City. From this view, earlier iterations of the building resulted in overly dominant northern elevations that terminated views along Wentworth Street and Goulston Street. The overbearing nature of these façades created an uncomfortable juxtaposition between the historic scale of the conservation area and the larger city scale to its south.
- 7.22 The applicant sought to address concerns about the massing by reducing the height of the bays. The largest reduction in height was the northeast corner of the building. This change achieved a gentle and sympathetic transition in height between the lower scale buildings to the north. In addition to this, the massing was re-distributed, allowing for views of the sky, thereby reducing the perception of the building's massing, and addressing its overbearing relationship with neighbouring buildings. These changes address concerns about the impact on the setting of the conservation area and result in more comfortable massing that allow the proposal to be supported.

#### Detailed Design

- 7.23 The applicant has worked with officers to achieve a high quality well detailed building with a design that mediates between the lower scale buildings in the Wentworth Street Conservation Area to the north and the large scale buildings to the south in Aldgate and The City.
- 7.24 The architectural treatment including the creation of distinctive bays each designed to appear as separate buildings is an approach that has helped to address initial concerns about the massing whilst creating a distinctive building. Interventions such as projecting and recessed bays and shadow gaps articulate the building, while changes in the materiality, colours and fenestration treatment add visual interest. Additionally the use of a consistent architectural approach at the top of the building and the inclusion of subtle variation in the detailing to the lower parts of the building give the proposal a cohesive yet interesting appearance. The CGIs demonstrate the potential to achieve a high quality building which could contribute positively to the local townscape.
- 7.25 To ensure the completed building is of a highest architectural standard (as seen in the CGIs), it is essential that the building is well detailed and high quality materials used. To ensure the quality of the building is maintained it is recommended that the detailing such as but not limited to the design of the ground floor/structural glazing, spandrel panels, windows including reveals, cills, lintels, shadow gaps, colonnades, capping, rainwater goods be secured by way of condition. In addition to this, all external materials including samples should be conditioned.

#### Landscaping & Public Realm

- 7.26 A public realm/landscaping strategy has been submitted. This shows that the building would be set back from the current boundaries of the site with land given up to create new public realm, which would include new planting seats and paving. In association with this, works are proposed for the public highway immediately in the immediate vicinity of the site, which has been included in the site boundary. These would add to existing planting and street trees and

ensure the new public realm was properly integrated with the existing streetscape.



Figure 4: Proposed landscaping and public realm plan

- 7.27 The principle of the proposed works are supported by the Council's Highways officer, subject to detailed design. It is considered that the works would create a suitable setting for the proposed building, though further design development is considered necessary to simply paving details and to ensure a smooth visual transition to the public highway.
- 7.28 Details of materials and planting would be secured by condition, with works to the public highway secured through a S278 agreement.. The landscaping condition would include the submission of planting plans, plant schedules, hard landscaping palette, and details of outdoor/street furniture.
- 7.29 Following discussions between the applicant and officers about the use of spotlights within the colonnades, it was agreed that they would be replaced with feature lighting. It is considered that this aspect of the scheme could be secured via condition.
- 7.30 A Wind Microclimate study by BMT Fluid Mechanics Ltd, including a 'boundary layer wind tunnel study' has been provided in support of the application. This shows that conditions would remain suitable for pedestrian safety and comfort around the site following the development apart from in the seating area to the front of the site. Landscaping and wind mitigation measures are recommended by the study to ensure that this space can be used comfortably, and these will be incorporated into the public realm and landscaping scheme

## Impact On London View Management Framework (LVMF) Views, Townscape and Heritage Assets

- 7.31 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. The application includes a Townscape, Heritage and Visual Impact Assessment (TVIA). This identifies the London View Management Framework (LVMF) views that could be affected by the development.
- 7.32 The TVIA examined the impact of the development on LVMF views from three locations on Queen's Walk, on the opposite side of the Thames to the Tower of London (LVMF 25A, 25B and 25C) to assess their impact on the World Heritage Site. In view 25B, the proposed development would be entirely concealed by foreground buildings at St. Clare House, the Citizen M Hotel and City Grange Hotel. In view 25C, the proposed building would not be visible behind the White Tower itself.
- 7.33 In view 25A, a portion of the highest part of the proposed development would be visible just outside the protected vista to the west. Consented development at the former Minorities Bus Station site in the City of London (ref: 13/01055/FULMAJ – see above), which is currently under construction, would obscure almost all of the proposed development in this view apart from a very narrow sliver at the top of the building. Officers therefore agree with the conclusions of the TVIA that the impact on the protected view would be negligible. It is noted that Royal Historic Palaces agree with this analysis in their consultation response.



*Figure 5: View of development in background of the Tower of London:*

- 7.34 As noted above, the scheme as originally submitted was considered to have some impact on the Wentworth Street Conservation Area to the north. However, following amendments to the treatment and massing of the north facing section of the building, it is no longer considered to have a harmful impact on the conservation area.
- 7.35 A Built Heritage Assessment accompanying the application has identified heritage assets in the vicinity of the site that may be affected. These include the Grade II\* listed Hoop and Grapes public house and 46 Aldgate High Street opposite the site. Given that the local context of the area is characterised by a prevalence of modern tall buildings, the conclusion of the Heritage Assessment that there would not be harm to any heritage assets is supported.

### Archaeology

- 7.36 Development Plan policies require measures to identify, record, interpret, protect and where appropriate present the site's archaeology. The site is located in an Archaeological Priority Area and extensive archaeological investigations have been conducted into the remains on the site.
- 7.37 As noted in the consultation response received from Historic England (GLAAS), very well preserved remains have been found in the middle section of the site that are considered to belong to the Boar's Head, a 16<sup>th</sup> century inn and play house. The heritage value of the site is therefore very high in terms of archaeological and historical significance, with Historic England considering the remains to be equivalent to a scheduled monument. Evidence of clay pipe manufacturing and earlier Roman remains have been found which are also of archaeological interest, though not as great as the remains of the Boar's Head.
- 7.38 The plans as originally submitted would have resulted in damage to the remains, and their significance has delayed the determination of the application and required a redesign of the ground floor and basement. As amended, the basement is significantly reduced in size, allowing the remains of the Boar's Head to be encapsulated and preserved *in situ*.
- 7.39 In addition, as part of the package of proposals to address archaeological concerns raised by Historic England, 430sqm of space would be created on the ground and first floors of the building. This would consist of two parts. The smaller area would be a visitors centre housing exhibits found from the archaeology on the site, interpretation boards and a model of the Boar's Head. A toilet and small (ancillary) shop would be included. At first floor level within this element would be a modern gallery interpretation of the medieval gallery formerly to the Boar's Head. The larger area would be a double height theatre space, with the areas of the stage and galleries of the Boar's Head marked out on the floor and on the glazed walls. This space would be used for performances, exhibitions and community events and would be made available to local community groups and schools.
- 7.40 The amendments have the support of Historic England for the proposals, subject to a S.106 agreement securing a Management Plan enabling public access to the site for the lifetime of the development (unless otherwise agreed in writing) and governing the use of the space. Furthermore, a financial contribution of £50,000 would be made, also secured through the S.106 agreement, to create an archaeological/historic programme for local engagement, in partnership with the Council, Historic England's education team and the Museum of London Archaeology. This is considered an

appropriate response to this exceptional site and constitutes a significant benefit of the scheme.

- 7.41 Conditions would also require a written scheme of investigation for the remainder of the archaeological works, public access to the remains during construction work and details of foundations and piling design to safeguard the remains.

### **Neighbour Amenity**

- 7.42 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

### **Privacy & Outlook**

- 7.43 The application site is not adjacent to any existing residential properties, with office blocks to the west and south, London Metropolitan University buildings to the east and the Travelodge hotel to the north. Consequently there is no prospect of overlooking from the student housing harming the amenities of residents. The Travelodge, which was recently constructed, was designed with the assumption that the application site would also be developed in sure course. Consequently hotel room windows on the south elevation of the hotel are angled so that the privacy of guests would not be compromised. The impact on privacy and outlook would therefore be acceptable.

### **Daylight, Sunlight & Overshadowing**

- 7.44 The application submission is supported by a Daylight and Sunlight, assessment.
- 7.45 The effects on existing surrounding properties from a daylight perspective have been assessed using Vertical Sky Component (VSC) and No Sky Line (NSL) tests. The effects upon sunlight levels have been tested using the Annual Probable Sunlight Hours (APSH) test. Officers are satisfied that this accords with the BRE assessment methodology, as required by policy. It is further noted that an additional test, Average Daylight Factor (ADF), has been applied. As this is primarily a test for new dwellings, officers have focused on the VSC and NSL results.
- 7.46 In terms of overshadowing, this has also been assessed using the BRE methodology, including the two-hours sun-on-ground assessment on 21st March (spring equinox), 21st June (summer solstice) and 21st December (winter solstice).
- 7.47 *Daylight:* Figure 6 below shows the location of the nearest residential properties whilst Table 2 sets out the impact on each.



Figure 6: Location of properties assessed for Daylight/Sunlight

Property	Vertical Sky Component loss %				Total
	Meets criteria (less than 20%)	20.01-29.99% (minor adverse effect)	30-39.99% (moderate adverse effect)	40+ loss (major adverse effect)	
Middlesex Street Estate (Site 1)	105	0	0	0	105
52 Middlesex Street (Site 2)	4	0	0	0	4
1 New Goulston Street (Site 3)	2	0	0	0	2

1-20 Brunswick Street (Site 4)	20	1	0	0	21
Jacobson House, Old Castle Street (Site 5)	57	0	0	0	57
Herbert House, Old Castle Street (Site 5)	95	11	0	1	107
The Relay Building, 114 Whitechapel High Street (Site 6)	13	0	0	0	13
48-49 Aldgate High Street (Site 7)	0	7	0	0	7

*Table 2 – Impact on Daylight for proposed development*

- 7.48 As can be seen from the table, the Middlesex Street Estate, 52 Middlesex Street, Jacobson House, 1 New Goulston Street and The Relay Building would not be subject to loss of daylight in excess of the BRE guidelines to any window. Residents of the Relay Building have queried the robustness of the Daylight/Sunlight Assessment on the grounds that only thirteen windows have been assessed. However, given that these windows are the lowest residential windows on the building (at 7<sup>th</sup> floor level) and all would comply with BRE guidelines, it follows that windows on the higher floors would be impacted even less.
- 7.49 The most impacted building would be Herbert House, where 12 windows of 107 assessed would receive reductions in daylight in excess of the BRE guidelines for VSC. Of these, 7 would have VSC reductions of between 20% and 22%, only marginally above that deemed to be noticeable in the BRE guidelines. The loss of light to 11 of the 12 windows in excess of 20% VSC is accounted for by their position under walkways and overhanging structures at Herbert House. As recommended by the BRE guidelines, the Daylight/Sunlight report includes an assessment of the impact on the windows were there to be no overhanging structures, which shows that all would comply with BRE guidelines.
- 7.50 A single window at ground floor level in Herbert House, believed to serve a living room, would receive a major reduction in VSC of 48.02%. The light to this window is however already heavily constrained due to its proximity to a boundary wall and the presence of other buildings close by. The VSC is currently 0.64% due to these structures and would fall to 0.33% following development. The large percentage fall is therefore caused by a very modest obstruction of light. The Daylight Distribution Analysis (NSL) for this room shows a much less dramatic reduction of 24.4%, which whilst also exceeding the BRE guidelines is considered to be a minor impact. Only two other windows

at Herbert House would receive a reduction in Daylight Distribution above the BRE limits and this would be very minor, not exceeding a 21% reduction. The overall impact on Herbert House is therefore considered to be minor.

- 7.51 48-49 Aldgate High Street is a group of flats at 1<sup>st</sup> to 4<sup>th</sup> floor level above a commercial premises. 7 windows serving 4 livingrooms facing onto the main road would receive losses of VSC of between 20% and 29%, deemed to be significant. A Daylight Distribution Analysis (NSL) shows that the rooms would continue to be well lit, and it appears that some of them would receive light from windows on other elevation that would be unaffected by the development. Given that the lowest VSC to an affected window following the development would be 15.87%, it is considered that the impact on daylight to these flats would be minor.
- 7.52 A single window at 1-20 Brunswick House to the northwest of the site would receive a VSC level reduced by 22.20%. The restrictions on light to this window is mainly due to a canopy above it, with the corresponding window on the first floor below, which does not have a canopy, receiving a VSC reduction of only 2.64%. The impact on this property would therefore be negligible.
- 7.53 *Sunlight:* The Daylight/Sunlight Assessment shows that all assessed windows would comply with the BRE guidelines in terms of Annual Probable Sunlight Hours. There would be a small number of living room windows that would receive a loss of winter sunlight hours greater than recommended by the BRE guidelines, However, these are in locations where very little daytime sunlight is received as present, and as such the impact would not be significant. An overshadowing study has shown that there would be no significant overshadowing to neighbouring amenity spaces, part from a roof terrace serving offices at Beaufort House, which given it serves an office is not of concern in planning policy terms.
- 7.54 To conclude, in summary with respect to both daylight and sunlight the scheme has limited impacts on residential properties, despite the mass and height of the scheme given there are no existing residential properties located immediately next to the site

#### Noise, Vibration and Construction Impacts

- 7.55 Given that the development would be made up of B1 office floorspace and student accommodation, there would not be any proposed land uses that would be likely to give rise to noise and vibration impacts that would be above what would be expected in a central location. Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust, especially given the constrained nature of the site. The distance from the nearest sensitive receptors would reduce the potential for harm however, conditions will be applied securing a Construction Environmental Management Plan and a Construction Logistics Plan to minimise the impact on neighbouring residents during the works.

#### Anti-social behaviour

- 7.56 A number of residents have raised concerns regarding anti-social behaviour from occupants of the student accommodation. The applicant acknowledges the potential for this to impact on neighbours in a draft Student Management Plan submitted with the application. The Management Plan notes that the

student accommodation would have 10 full time staff and would be staffed 24 hours a day whilst in operation. There would be a point of contact for neighbours to make complaints. One recourse available is to evict student tenants who are persistently anti-social.

- 7.57 It is considered that managed and purpose built student accommodation such as this has less potential for anti-social behaviour than students in general accommodation. Furthermore as noted above the building is not directly adjacent to and existing residents. The Student Management Plan would be secured through the S.106 agreement.

### **Transport**

- 7.58 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

### Deliveries & Servicing

- 7.59 The applicant's Transport Statement states that all deliveries and servicing would be undertaken from a new on-street servicing bay to be created adjacent to the site on Goulston Street. The Transport Statement also outlines how students being dropped off by car at the beginning of the academic year would be managed, drawing on experience from other Unite student accommodation, with a drop off point identified, also on Goulston Street. This proposed arrangement has been reviewed by the Council's highways officers and is considered acceptable subject to a condition securing a full Deliveries and Servicing Strategy, which would include the management of student arrivals.

### Parking

- 7.60 The proposed development would be entirely car free, with no off-street parking spaces proposed and no availability of parking permits for occupants of the student accommodation. Whilst ideally an off-street disabled parking space would be provided, it is acknowledged that this would reduce active frontage and limit space on the already constrained ground floor. The applicant has provided evidence demonstrating that there have been no Blue Badge holders in the 27 sites that make up the Unite estate in London over the last 5 years. Furthermore, 11 parking bays have been identified within 50m of the site, including on Goulston Street, which could be used by Blue Badge holders resident in the development. Nevertheless, the applicant has agreed to fund the creation of up to two on-street disabled parking bays should a need arise. A financial contribution (£10,000), secured through the S.106 agreement, would be set aside for five years to accommodate any disabled bays required for the site.

### Cycle Parking and Facilities

- 7.61 The development includes a total of 475 long stay cycle parking spaces, of which 457 would be for the student accommodation and 18 for the commercial and D1 uses. The commercial cycle store would be on the ground floor whilst the student cycle stores would be mainly in the basement, though with smaller cycle stores located throughout the building on the majority of the floors. 36 short stay spaces would be located in the public realm in front of the building.
- 7.62 The current London Plan (2016) seeks a ratio of long stay cycle storage spaces of one per two student bedrooms. The cycle standards in the Local Plan and

the emerging London Plan seeks a ratio of one cycle space per student bedroom. As such, 913 cycle parking spaces are required for the student housing component of the scheme and there would be a shortfall of 456 spaces against policy requirements.

- 7.63 In seeking to justify the shortfall in cycle parking against policy, the applicant has provided evidence of cycle parking uptake in other Unite developments across London. This shows that demand for cycle spaces is approximately 5% per student bedspace. The highest is 18% in a Unite site with poor public transport accessibility. Whilst this data is noted, the cycle parking standards set out in policy represent aspirations for increased cycle use and future proof the development to accommodate greater demand. However, it is acknowledged that the removal of the majority of the basement to address archaeological concerns has reduced the options for satisfactorily accommodating additional cycle storage.
- 7.64 The applicant has agreed that cycle parking would be closely managed and monitored through the Travel Plan, and should the proposed cycle parking not accommodate demand, additional cycle parking spaces would be created at the expense of communal student space. It is considered that, taking into account the constraints of the site and the overall benefits of the scheme, on balance the failure to comply with the Local Plan's cycle parking standards would not warrant refusal of the application in this instance. The Travel Plan would be secured through the S.106 agreement.

#### Pedestrian Access

- 7.65 As noted above, the development would include additions to the public realm on all four sides of the site, increasing pavement widths. Therefore whilst the development would result in additional pedestrian movements in the vicinity of the site, it is considered that the public realm improvements would satisfactorily mitigate the impacts of these. TfL have confirmed that they are no longer seeking a Pedestrian Comfort Level assessment for the development given the recent pedestrian infrastructure upgrades that have taken place close to the site recently. The public realm improvements and access to them would be secured through the S.106 agreement.

#### Construction Impacts

- 7.66 It is acknowledged that the site is heavily constrained and as sought by TfL and LBTH Highways, a Construction Management Plan is required. This would be secured by condition. Thames Water and London Underground have also requested measures to protect their assets, including details of piling and other construction details. These would also be secured by condition.

### **Environment**

#### Energy & Environmental Sustainability

- 7.67 *Energy.* The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50% target beyond Part L 2010 of the Building Regulations. Policy DM29 - Proposed Carbon Emission Reductions.

- 7.68 The Energy Strategy Report (RevB October 2018) submitted with the application demonstrates that the design has followed the principles of the Mayor's energy hierarchy, and seeks to reduce energy demand through energy efficiency measures and supply domestic hot water efficiently through integration of a CHP (serving the whole development) and Air Source Heat Pumps for the space heating and cooling for the commercial areas. A PV array is proposed for the development to generate on-site renewable energy. The proposed design is anticipated to achieve a 37.7% reduction in CO2 emissions. Whilst this is below the policy target of 45% a carbon offsetting contribution can be sought to meet the shortfall in accordance with the adopted Planning Obligations SPD. This would amount to £111,510 and would be secured through the S.106 agreement. The applicant has demonstrated the scheme could be connected to a district wide heating network at a future date if required.
- 7.69 Further details have been provided on the Energy Centre, the CHP plant and the 'be green' calculations in response to the GLA's Stage I report. The GLA have confirmed that they are satisfied with the additional details.
- 7.70 *Environmental Sustainability.* Sustainability Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. Both the student accommodation and the commercial space have been assessed as being capable of achieving BREEAM 'excellent'. This is supported and would be secured by condition.

#### Air Quality

- 7.71 Development Plan policies require major developments to be accompanied by assessments which demonstrate that the proposed uses are acceptable and show how development would prevent or reduce air pollution. The site is in an area of poor air quality.
- 7.72 The Air Quality Assessment notes that the application site has particularly poor air quality due to vehicle emissions, particularly on Whitechapel High Street and the gyratory. A number of mitigation measures are proposed, in particular mechanical ventilation for the lower floors of student accommodation, with air drawn from the rear of the building at a high level. This approach is considered acceptable by the Air Quality Officer, with details to be secured by condition.
- 7.73 Measures to control emissions from the CHP plant, those from construction machinery and dust generated from construction work would be secured by condition.

#### Waste

- 7.74 Development Plan policies require adequate refuse and recycling storage and management and the re-use of demolition and construction materials. A refuse plan has been submitted with the development, indicating refuse collection points on Goulston Street and separate waste storage areas by use type. A bulky waste storage area is indicated in the basement. The Plan is acceptable and would be secured by condition.

#### Biodiversity

- 7.75 Development Plan policies seek to safeguard and where possible enhance biodiversity value. As noted by the Biodiversity Officer, the site has no significant existing biodiversity value with only limited habitat for common birds and invertebrates on the site and the existing structures highly unlikely to be used by bats. Any clearance of vegetation would need to take place outside of the nesting season, and this would be secured by condition.
- 7.76 The scheme has the potential for increasing biodiversity, both through the choice of planting in the public realm, through the inclusion of green roofs and nest boxes for swifts and house sparrows. These details would be secured by condition.

#### Flood Risk & Drainage

- 7.77 Development Plan policies seek to manage flood risk and encourage the use of Sustainable Urban Drainage.
- 7.78 The site is within Flood Risk Zone 1 and is not in a Critical Drainage Area. The applicant's Flood Risk Assessment (FRA) finds a low risk of flooding in relation to tidal, fluvial, artificial drainage, overland and infrastructure failure and the scheme is acceptable from a flood risk perspective. .
- 7.79 As noted by the Council's SuDS officer above, the proposed drainage strategy primarily makes use of below ground storage and little use of sustainable forms of SuDS techniques. Local Plan policies require surface water to be managed at source in line with the SuDS hierarchy and to comply with London and Local Plan. A condition would secure a detailed surface water drainage scheme to take into account options for sustainable drainage prior to the commencement of development.

#### Land Contamination

- 7.80 The assessment has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination at the site and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.
- 7.81 Subject to condition, it is considered that the proposed development would not pose any unacceptable risks to public safety from contaminated land, in accordance with Policy DM30 of the Managing Development Document (2013).

#### **Other**

##### Infrastructure Impact

- 7.82 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £11,567,650 and Mayor of London CIL2 of approximately £1,904,100
- 7.83 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.84 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £115,440 towards construction phase employment skills training
- £64,056 towards end-user phase employment skills training
- £111,510 towards carbon off-setting
- £50,000 towards archaeological engagement

### Human Rights & Equalities

7.85 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.86 The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities. The proposed development allows for an inclusive and accessible development for less able and able residents, employees, visitors and workers. Conditions secure, amongst other things, accessible student flats and new disabled parking if necessary.

## **8. RECOMMENDATION**

8.1 That subject to any direction by the Mayor of London, conditional planning permission is GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

### 8.2 Financial obligations

- £115,440 towards construction phase employment skills training
- £64,056 towards end-user phase employment skills training
- £111,510 carbon offsetting contribution.
- £50,000 contribution towards archaeological/historic engagement
- £8,500 monitoring fee (17 obligations)

Total financial contributions: £349,546.

### 8.3 Non-financial obligations

- Access to employment
  - 20% local procurement
  - 20% local labour in construction
  - 15 construction phase apprenticeships
  - 1 end use apprenticeship
  - 100% of B1 floorspace to be 'affordable' (90% of market rents) and 30% of B1 floorspace to be available at 70% of market rates for local businesses for first 2 years. Incubator space to be available at peppercorn rent. All commercial space to be fully fitted out.
- Transport

- Residential and Workspace Travel Plans
- Securing of S.278 highways work and access to new public realm.
- Commuted sum (£10,000) for up to two on-street disabled bays

c. Student accommodation

- Securing of a nominations agreement for student accommodation
- 10% of student housing to be 'affordable', as defined by the emerging London Plan. Early and late stage reviews.
- Student Management Plan.

d. Other

- Management Plan for D1 space, including how it would be fitted out, curated and accessed (including opening hours and public access).
- Compliance with LBTH code of construction practice.

8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement and to agree the section 106 legal agreement and any subsequent Rent and Nominations Agreement and Highway Agreement. 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.

8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.6 Conditions

*Compliance*

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction and adoption of best practicable means
  - b. Ground-borne vibration limits, including vibration monitoring; and
  - c. Noise pollution limits.
  - d. Liaison with occupants of adjacent properties
4. Energy efficiency and sustainability measures (subject to post completion verification):
  - a. Delivery of energy strategy to ensure CO2 emission savings of at least 37.7%
  - b. Minimum output of photovoltaic array;

- c. Heat and hot water system to be designed and constructed to enable future connection to a district heating network

*Pre-commencement*

5. Submission and approval of surface water drainage scheme (SuDs)
6. Piling Method Statement (in consultation with Thames Water)
7. Archaeological Written Scheme of Investigation (Historic England GLAAS).
8. Details of foundation design (Historic England GLAAS)
9. Detailed construction and design method statement in consultation with London Underground
10. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
  - a. Site manager's contact details and complaint procedure;
  - b. Dust and dirt control measures
  - c. Measures to maintain the site in tidy condition, disposal of waste
  - d. Recycling/disposition of waste from demolition and excavation
  - e. Safe ingress and egress for construction vehicles;
  - f. Numbers and timings of vehicle movements and access routes;
  - g. Parking of vehicles for site operatives and visitors;
  - h. Travel Plan for construction workers;
  - i. Location and size of site offices, welfare and toilet facilities;
  - j. Erection and maintenance of security hoardings;
  - k. Control of dust during construction works
  - l. Construction site plant and machinery

11. Land Contamination Remediation

*Pre-superstructure works*

12. Full details of wheelchair accessible student rooms, equating to 10% of the total.
13. Details of external facing materials and architectural features, including:
  - Fenestration
  - Samples of external materials
  - Entrances
  - External plant, plant enclosures and safety balustrades
  - External rainwater goods, flues, grilles, louvres and vents
14. Details of works to the public realm, including tree planting, seating, paving and heritage storyboards.

15. Details of biodiversity improvement measures, including green roofs
16. Details of waste management strategy
17. Details of Secured by Design measures.
18. Details of cycle parking (including short stay parking) and associated facilities and subsequent delivery)
19. Securing of BREEAM 'Excellent' rating for (commercial and student housing floorspace)
20. Details of mechanical ventilation to ensure acceptable air quality.
21. Details of noise mitigation for future residents.
22. Full details of design of CHP plant.  
*Prior to occupation*
23. Water supply impact study (Thames Water)
24. Delivery and Servicing Management Plan.
25. Implementation and maintenance of Waste Management Plan

#### 8.7 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.

## Appendix 1

### Drawings

- Drawing No. 2714\_GAD\_100003\_D: Master Site Plan;
- Drawing No. 2714\_GAD\_120000\_Q: Ground Floor GA Layout;
- Drawing No. 2714\_GAD\_120001\_Q: First Floor GA Layout;
- Drawing No. 2714\_GAD\_120002\_P: Second Floor GA Layout;
- Drawing No. 2714\_GAD\_120003\_N: Third Floor GA Layout;
- Drawing No. 2714\_GAD\_120004\_K: Fourth Floor GA Layout;
- Drawing No. 2714\_GAD\_120005\_E: Fifth Floor GA Layout;
- Drawing No. 2714\_GAD\_120006\_E: Sixth Floor GA Layout;
- Drawing No. 2714\_GAD\_120007\_E: Seventh Typical GA Layout;
- Drawing No. 2714\_GAD\_120008\_G: Eighth Floor GA Layout;
- Drawing No. 2714\_GAD\_120009\_H: Ninth Floor GA Layout;
- Drawing No. 2714\_GAD\_120010\_E: Tenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120011\_E: Eleventh Floor GA Layout;
- Drawing No. 2714\_GAD\_120012\_E: Twelfth Floor GA Layout;
- Drawing No. 2714\_GAD\_120013\_E: Thirteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120014\_E: Fourteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120015\_E: Fifteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120016\_H: Sixteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120017\_E: Seventeenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120018\_E: Eighteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120019\_E: Nineteenth Floor GA Layout;
- Drawing No. 2714\_GAD\_120020\_H: Twentieth Floor GA Layout;
- Drawing No. 2714\_GAD\_120021\_E: Twenty First Floor GA Layout;
- Drawing No. 2714\_GAD\_120022\_L: Twenty Second Floor GA Layout;
- Drawing No. 2714\_GAD\_120023\_H: Twenty Third Floor GA Layout;
- Drawing No. 2714\_GAD\_120024\_K: Roof GA Layout;
- Drawing No. 2714\_GAD\_120050\_Q: Basement Floor GA Layout;

- Drawing No. 2714\_GAD\_140000\_E: West Elevation;
- Drawing No. 2714\_GAD\_140001\_F: North Elevation;
- Drawing No. 2714\_GAD\_140002\_F: East Elevation;
- Drawing No. 2714\_GAD\_140003\_G: South Elevation;
- Drawing No. 2714\_GAD\_140101\_D: Elevation 01;
- Drawing No. 2714\_GAD\_140102\_D: Elevation 02;
- Drawing No. 2714\_GAD\_140103\_D: Elevation 03;
- Drawing No. 2714\_GAD\_140104\_D: Elevation 04;
- Drawing No. 2714\_GAD\_140105\_D: Elevation 05;
- Drawing No. 2714\_GAD\_140106\_D: Elevation 06;
- Drawing No. 2714\_GAD\_140107\_D: Elevation 07;
- Drawing No. 2714\_GAD\_140108\_D: Elevation 08;
- Drawing No. 2714\_GAD\_140109\_D: Elevation 09;
- Drawing No. 2714\_GAD\_140110\_D: Elevation 10;
- Drawing No. 2714\_GAD\_140111\_D: Elevation 11;
- Drawing No. 2714\_GAD\_140200\_E: Bay Elevation 01;
- Drawing No. 2714\_GAD\_140201\_C: Bay Elevation 02;
- Drawing No. 2714\_GAD\_140202\_D: Bay Elevation 03;
- Drawing No. 2714\_GAD\_140203\_C: Bay Elevation 04;
- Drawing No. 2714\_GAD\_140204\_D: Bay Elevation 05;
- Drawing No. 2714\_GAD\_140205\_D: Bay Elevation 06;
- Drawing No. 2714\_GAD\_140206\_C: Bay Elevation 07;
- Drawing No. 2714\_GAD\_140207\_D: Bay Elevation 08;
- Drawing No. 2714\_GAD\_140208\_D: Bay Elevation 09;
- Drawing No. 2714\_GAD\_140209\_C: Bay Elevation 10;
- Drawing No. 2714\_GAD\_140210\_C: Bay Elevation 11;
- Drawing No. 2714\_GAD\_140211\_C: Bay Elevation 12;
- Drawing No. 2714\_GAD\_140212\_C: Bay Elevation 13;
- Drawing No. 2714\_GAD\_140213\_D: Bay Elevation 14;
- Drawing No. 2714\_GAD\_140214\_C: Bay Elevation 15;
- Drawing No. 2714\_GAD\_140215\_C: Bay Elevation 16;

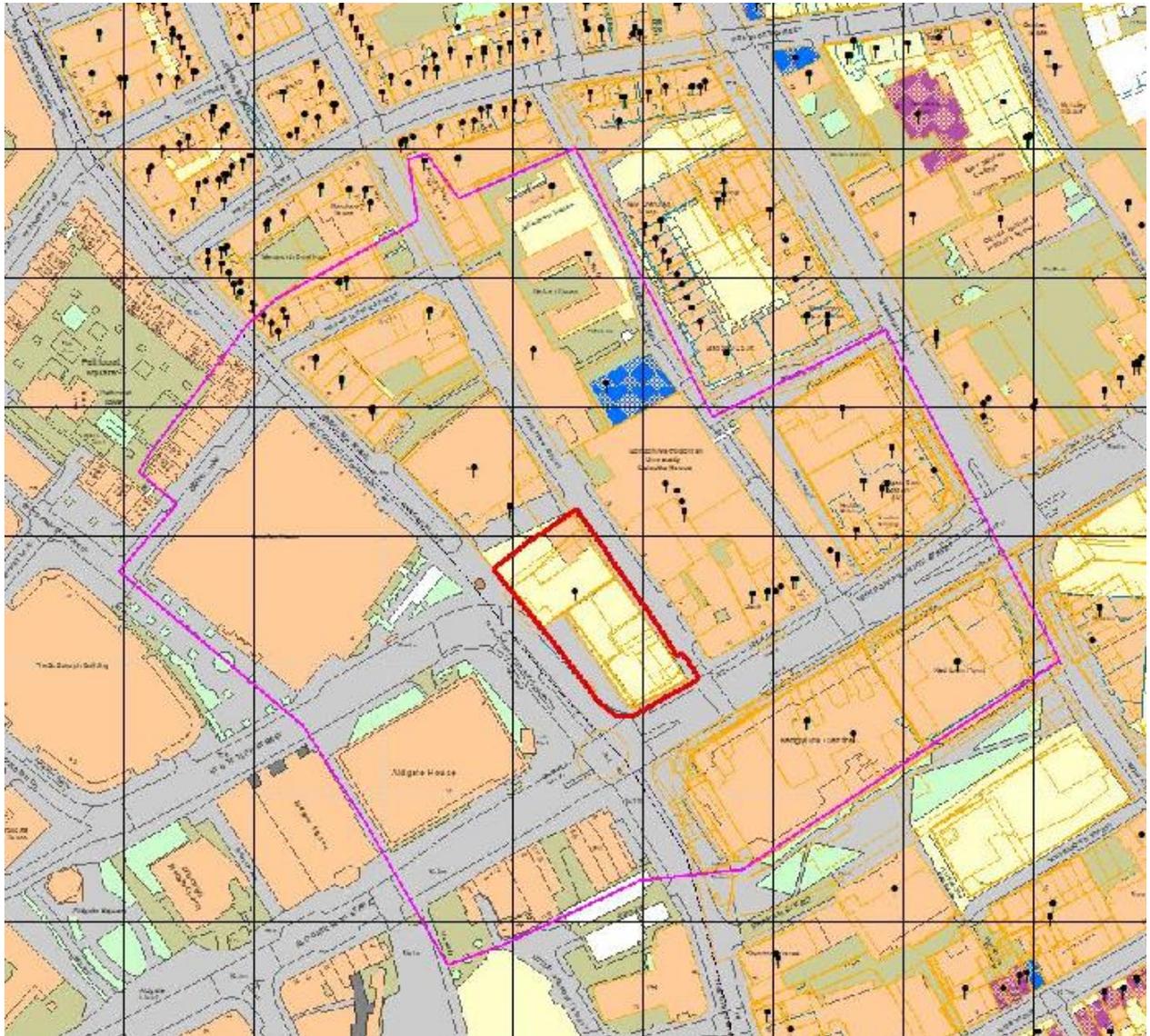
- Drawing No. 2714\_GAD\_140300\_D: West Elevation;
- Drawing No. 2714\_GAD\_140301\_D: North Elevation;
- Drawing No. 2714\_GAD\_140302\_D: East Elevation;
- Drawing No. 2714\_GAD\_140303\_D: South Elevation;
- Drawing No. 2714\_GAD\_150001\_D: Typical Section - Block A;
- Drawing No. 2714\_GAD\_150002\_D: Typical Section - Block B;
- Drawing No. 2714\_GAD\_150003\_D: Typical Section - Block C;

Documents:

1. Application form and certificates – ROK Planning Ltd – October 2018;
2. Drawings (at appendix A) - Architecture PLB – October 2018;
3. Addendum Design and Access Statement– Architecture PLB– October 2018;
4. Revised Planning Statement– ROK Planning Ltd – April 2019;
5. Archaeological Assessment– CgMs – October 2018;
6. Built Heritage Statement– CgMs – October 2018;
7. Daylight & Sunlight Assessment– Delva Patman Redler – October 2018;
8. Economic Statement– Quod – May 2019;
9. Energy and Sustainability Assessment– Applied Energy – October 2018;
10. Landscaping Strategy– LDA Design – October 2018;
11. Townscape Visual Impact Assessment– Tavernor Consultancy – October 2018;
12. Transport Assessment and Travel Plan– WSP – October 2018;
13. Air Quality Assessment – WSP – October 2018;
14. Noise Assessment – RBA Acoustics – October 2018;
15. Vibration Assessment – RBA Acoustics – October 2018;
16. FRA and SUDS Strategy – Walsh Associates – October 2018;
17. Wind Impact Assessment – BMT Fluid Mechanics Ltd – October 2018’
18. Site Location Plan – June 2018;
19. Biodiversity Survey and Report – LDA Design – May 2018;
20. Construction Management Plan – McAleer & Rushe – June 2018;
21. Foul Sewage and Utilities Assessment – Applied Energy – June 2018;
22. Land Contamination Assessment – CGL – June 2018;

23. Lighting Assessment – Michael Grubb Studio – June 2018;
24. Site Waste Management Plan – WSP – June 2018;
25. Statement of Community Involvement – Local Dialogue – June 2018;
26. Student Management Plan – Unite Students – June 2018; and
27. Student Needs Assessment – CBRE – June 2018.

Appendix 1: Public consultation boundary



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

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

### Planning Applications Site Map PA/18/01544

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



**LONDON BOROUGH  
of Tower Hamlets**

Scale : 50m grid squares

Date: 11 June 2019

Appendix 2:



CGI showing site at junction of Middlesex Street and Whitechapel High Street



CGI showing view south along Goulston Street



CGI showing corner of Goulston Street and Whitechapel High Street



Eastern elevation facing onto Goulston Street

Elevation to Goulston Street



Elevation to Middlesex Street

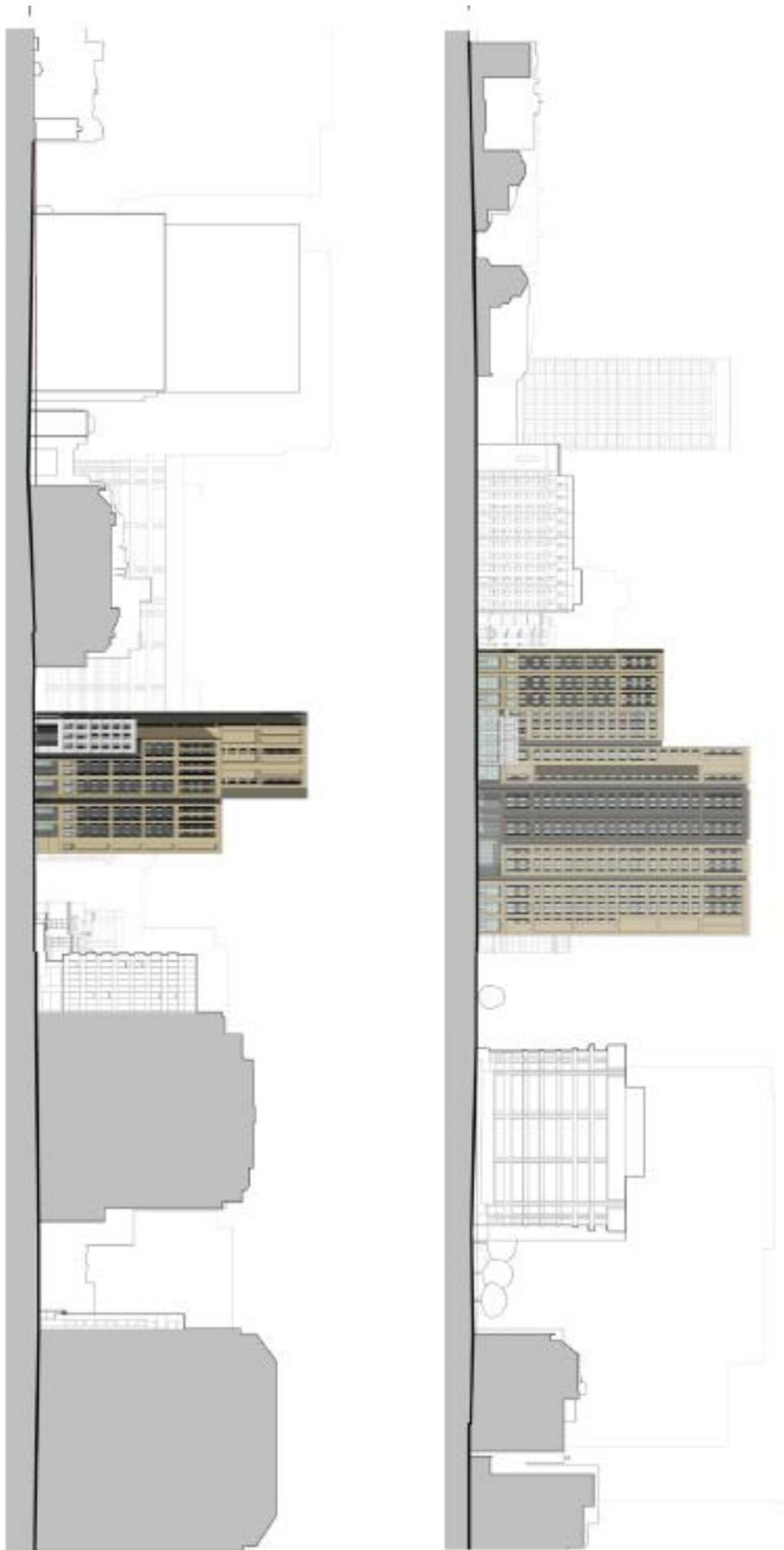


North (left) and south (right) elevations



View across site from opposite side of Middlesex Street at present (Travelodge is to the left of the image)





Contextual elevations; west (top) and north (bottom).