

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> September 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b>  Shay Bugler	<b>Ref No:</b> PA/10/1481  <b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

**Location:** Jobcentre Plus, 60 Commercial Road, London E1 1LP

**Existing Use:** Job Centre Plus (Use Class A2/B1)

**Proposal:** Demolition of existing building and erection of a 19 storey building plus basement to provide plant room; 200 sqm retail/commercial /community unit (class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation on upper floors (comprising 383 units) and ancillary uses; associated servicing and landscaping.

**Drawing Nos/Documents:**

- Impact Statement by Derwent London dated July 2010
- Design & Access statement by Buckley Gray Yeoman dated July 2010
- Drawing numbers: 596\_PL\_CR\_000 Rev A; 596\_PL\_CR\_001 Rev B; 596\_PL\_CR\_099 Rev B; 596\_PL\_CR\_100 Rev B; 596\_PL\_CR\_101 Rev B; 596\_PL\_CR\_102 Rev B; 596\_PL\_CR\_103 Rev A; 596\_PL\_CR\_104 Rev A; 596\_PL\_CR\_106 Rev A; 596\_PL\_CR\_110 Rev B; 596\_PL\_CR\_111 Rev B; 596\_PL\_CR\_120 Rev B; 596\_PL\_CR\_121 Rev B; 596\_PL\_CR\_125; 596\_PL\_CR\_131 Rev B; 596\_PL\_CR\_132 Rev A; 596\_PL\_CR\_133 Rev B; 596\_PL\_CR\_134 Rev B; 596\_PL\_CR\_135 Rev B; 596\_PL\_CR\_136 Rev A; 596\_PL\_CR\_150; 596\_PL\_CR\_151

**Applicant:** Palaville Ltd  
**Ownership:** Palaville Ltd  
**Historic Building:** No  
**Conservation Area:** No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, Core Strategy Development Plan Document (submission version 2009); the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The loss of office floorspace is considered acceptable given the re-provision of higher quality office floorspace at a nearby site and the educational benefits or providing student accommodation to support London Metropolitan University. The development is therefore considered to accord with the aims of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1, EMP1 and EMP3; Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, & Core Strategy DPD policy SP06 which seek to retain viable employment sites.
- 2.3 The provision of student accommodation and ancillary facilities in this location is acceptable given the proximity to the London Metropolitan University campus and the excellent public transport links. The development will support the improvement and expansion of higher educational facilities and is acceptable in terms of London Plan (2008) policies 3A.1 and 3A.25; Unitary Development Plan 1998; policies ST25, ST45, ST46 and HSG14; and Interim Planning Guidance (2007) & policy SP02 of the Core Strategy DPD (submission version) which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the design of the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on character and appearance of the area, in accordance with 4B.1, 4B.2, 4B.8 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the Unitary Development Plan (1998); policies SP02 & SP10 of the Core Strategy Development Plan Document (2009); and policies DEV1 & DEV2 of the Council's Interim Planning Guidance (2007) which seek to ensure development is of a high quality of design.
- 2.5 The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Development Plan Document (2009) and policies CP48, DEV1, DEV2, DEV3 and DEV27 of the Council's Interim Planning Guidance (October 2007), which seek to ensure tall buildings are of a high quality design and suitably located.
- 2.5 It is not considered that the proposal would not give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998); policy SP03 of the Core Strategy Development Plan Document (2009); policy DEV1 of the Interim Planning Guidance (2007) which seek to protect residential amenity
- 2.6 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance 2007 & policy SP09

of the Core Strategy Development Plan Document (submission document 2009) and national advice PPS13 which seek to ensure there are no detrimental highways impacts created by the development.

- 2.7 Sustainability matters, including energy, are acceptable and in line with policies 4A.1 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5, DEV 6 & DEV9 of the Council's Interim Planning Guidance (2007) & SP11 of the Core Strategy Development Plan Document (submission version 2009) which seek to promote sustainable development practices.
- 2.8 Contributions have been secured towards cultural, recreational and community projects in the Aldgate Masterplan area and surrounding area; highway improvement works and bus capacity enhancements. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policies 6A.4 & 6A.5 of the London Plan (Consolidated with Alterations since 2004); policy DEV4 of the Tower Hamlets Unitary Development Plan (1998) and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure planning obligations that are necessary to make development acceptable in planning terms.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**
- 3.3 B. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial

- a) A contribution of £462,130 towards cultural, creational and community projects in the Aldgate Masterplan Area and surrounding area
- b) A contribution of £60,000 to LBTH Highways for highway improvement works
- c) A contribution of £100,000 to TfL for pedestrian improvement works
- d) A contribution of £109,000 towards Bus Capacity enhancements
- e) Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road

The total financial contribution would be £731, 130.

#### Non financial

- f) Commitment to use local labour in construction
- g) Commitment to implement Student Management Plan
- h) Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- i) TV/Radio Reception Monitoring
- j) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated authority to

negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Conditions**

- 1) Time Limit
- 2) Building constructed in accordance with approved plans

Details of the following to be submitted and approved prior to commencement:-

- 3) Programme of archaeological investigation
- 4) Contaminated Land Survey
- 5) Construction Management Plan
- 6) Delivery and service management plan
- 7) Code of Construction Practice
- 8) Sample of all external facing materials / sample board / Mock up typical bay
- 9) Piling or other foundation designs
- 10) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 11) Further Energy Study to include feasibility of linking to 122 Back Church Lane. Implementation and retention of approved study if relevant
- 12) Amending Travel Plan including details for monitoring uptake of cycle stands. Provision of all approved measures including cycle parking prior to occupation
- 13) A heat network supplying all spaces within the development at 60 Commercial Road shall be installed and sized to the electrical , space heating and domestic hot water requirement of the development)
- 14) A minimum of 168m<sup>2</sup> of photovoltaic panels to be installed

Prior to occupation:-

- 15) Implementation and retention of measures in wind assessment
- 16) Implementation and retention of measures in air quality assessment
- 17) Implementation and retention of measures in noise assessment
- 18) Implementation and retention of measure in Service Management Plan
- 19) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 20) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in writing.
- 21) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 22) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.

Compliance:-

- 23) Removal of PD rights to erect fencing along South boundary
- 24) Retention of shop-front display in commercial unit. No installation roller shutters
- 25) Retention of privacy screening around high-level terraces. Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 26) Restriction of the use of the student accommodation to full time higher

- education students and staff during term time
- 27) Restriction of hours of construction.
  - 28) Restriction of hours of piling
  - 29) Height not to exceed that shown on plans (including cranes for construction) unless further consultation with London City Airport.
  - 30) The Energy efficiency and decentralised energy technologies shall be implemented in accordance with the proposals made in the Energy Statement dated July 2010
  - 31) Enter into S278 Agreement
  - 32) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### **3.7 Informatives**

- 1) Thames Water Comments
  - 2) Contact LBTH Building Control
  - 3) Contact LBTH Highways
  - 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 That, if by 11<sup>th</sup> October 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Background**

- 4.1 Planning permission was refused on 22/02/2010 for the demolition of the existing building and erection of a 21 storey building plus basement to provide retail/commercial /community unit at ground floor and student accommodation and ancillary uses (ref no: PA/09/1198). The application was reported to the Strategic Development Committee Meeting of November and December 2010, where members agreed to refuse on the following grounds:
- The design was inappropriate & excessive in terms of its height and bulk
  - Unacceptable loss of daylight and sunlight to surrounding properties
  - Insufficient section 106 contributions

The above matters will be discussed in section 8 of the report.

- 4.2 This subject planning application is linked to an associated planning application at 122 Back Church Lane (reference PA/09/1199). The approved development at 122 Back Church Lane is located opposite the site, directly to the east.
- 4.3 The applications are linked because this application proposes the demolition of the existing building at 60 Commercial Road, which currently provides 1,987 square metres of B1 office floorspace. The application proposal constitutes 383 student accommodation units with 200 sqm of commercial floorspace. The resulting office building at Back Church Lane would re-provide sufficient floorspace to replace that lost at 60 Commercial Road and at 122 Back Church Lane – ensuring that overall there is no loss of employment floorspace. This is discussed further in section 8 of the report.

- 4.4 In order to ensure the reprovision of the lost office floorspace, the associated S106 agreement will require the redevelopment of 122 Back Church Lane to be completed prior to the occupation of 60 Commercial Road.

### **Proposal**

- 4.5 The application proposes the demolition of the existing building on-site and the erection of a replacement part 6, part 10, part 19 storey building. The proposed development would accommodate 383 units with 417 bed spaces.
- 4.6 The basement would provide additional plant room. At ground floor level is a flexible unit of 200 sqm which is proposed to be used for class A1 (retail), A2 (Financial and professional services), A3 (Café and restaurant), A4 (drinking establishments; B1 (office) and D1 (non residential institutions such as medical services, crèche, day nursery, museum, library).
- 4.7 Entrance to the student building and flexible commercial space will be along Commercial Road. The entrance to the student building wraps around Back Church Lane. To the rear of the site is the communal area which faces onto the proposed open space as well as Back Church Lane.
- 4.8 The upper floors of the building would provide student accommodation. In total 383 units or 417 bed spaces are proposed. It is proposed that 5% of the units would be provided as wheelchair accessible. A further 5% are capable of being fitted out for wheelchair use. The study units vary in size from approximately 16.2 sqm for a single studio to approximately 31.5 sqm for a twin studio. The units include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.9 A gym, laundry and communal study area would be provided on the first floor. An outdoor terrace would be provided at the 10th floor. The 19<sup>th</sup> floor would provide a lounge area, external terrace and plant room.
- 4.10 To the south (rear) of the site the scheme would include an area of open-space and a secure cycle parking area. The external area to the south of the building, including the cycle store and the landscaped undercroft area is approximately 360sqm.
- 4.11 The scheme provides two disabled parking spaces accessed from Back Church Lane. The cycle parking area is sufficient in size to accommodate 111 bicycles, with the space to increase this to 222 if demand requires.
- 4.12 The scheme incorporates a Combined Heat and Power System, a green roof, a brown roof and photovoltaic panels.

### **Site and Surroundings**

- 4.13 The application site measures 0.12 hectares in area. It is located on the southern side of Commercial Road at the junction with Back Church Lane. The site is currently occupied by the 6 storey Job Centre Plus. The building is of late 20 century construction and has no particular architectural merit. The ground and first floor of the building are accessible to visiting members of the public (Use Class A2). The upper floors are used to provide back office support for the centre's operations (Use Class B1). The building fronts Commercial Road and has a return frontage along Back Church Lane to the east.

- 4.14 To the rear (south) of the site there is a green-link running from Gower's Walk to Back Church Lane. Further to the south on the west side of Back Church Lane there is a 4 storey block of residential properties. On the East side of Back Church Lane there is the 6 storey Gem House, and further to the South, a school.
- 4.14 To the East of the site is the 12 storey (39.73m high) residential block of 80 Commercial Road. To the West of the site is a development at site known as 52-58 Commercial Road and land rear of 48 to 60 Commercial Road. The development ranges in height with two tower elements rising to 13 and 17 storeys.
- 4.16 The site is located opposite the London Metropolitan University (Art, Media and Design) building.
- 4.17 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6a. The site is approximately 470m from Aldgate East Underground Station and numerous bus services pass along Commercial Road. A Bus stop is located directly opposite the site (in front of Dryden building) and further bus stop is located to east outside 92 Commercial Road. The stops serve bus numbers 115, 15 & N50.
- 4.18 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan within which the site is unallocated, however the area to the south of the site is identified as open space.
- 4.19 Commercial Road forms part of Transport for London's Strategic Road Network.
- 4.20 The site is not located within a Conservation Area, nor is it immediately adjacent to any Listed Buildings. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II). The site is located approximately 60 metres from 50 Commercial Road; 66 metres from 48 Commercial Road and 77 metres from 46 Commercial Road. The site is located approximately 150 meters from 40 Cower's Walk (Grade II).
- 4.21 In longer views the site forms part of the background to the Tower of London.

### **Relevant Planning History**

- 4.21 The following planning decisions are relevant to the application:

#### 60 Commercial Road

- 4.22 PA/09/1198 Planning permission was refused on 22/02/2010 for the demolition of existing building and erection of a 21 storey building plus basement to provide retail/commercial/commercial/community unit (use class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works. The application was refused for the following reasons:
- The design was inappropriate & excessive in terms of its height and bulk
  - Unacceptable loss of daylight and sunlight to surrounding

- properties
- Insufficient section 106 contributions

The applicant lodged an appeal in August 2010 to challenge the Councils decision on the application.

Gem House, 122-126 Back Church Lane, E1

- 4.23 PA/09/1199 Planning permission was approved on 07/01/2010 for the demolition of existing building and erection of a six storey building for business use (Use Class B1) and ancillary floorspace together with associated servicing, landscaping and other incidental works.

52 To 58 Commercial Road and land rear of 48 to 60 Commercial Road, Commercial Road, London (located immediately to the west of the site)

- 4.24 PA/08/2692 Planning permission was approved on 22/04/2009 for the change of use of floors 4-10 (3224 square metres) within tower 17 from private residential (Use Class C3) to short term let serviced apartments accommodation (Use Class: *sui generis*) at 52-58 Commercial Road.

**5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

**5.2 Unitary Development Plan 1998 (as saved September 2007)**

Proposals:		Central Activities Zone
		Area of Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST12	Encourage range of cultural activities
	ST15	Facilitate expansion of local economy
	ST17	To promote high quality work environments
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST34	To support range of shopping
	ST35	To retain reasonable range local shops
	ST37	To improve physical appearance of parks and open-spaces
	ST41	To encourage new arts and entertainment facilities
	ST47	To support training initiatives
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological remains
	DEV50	Noise



DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
EMP1	Encouraging Employment
EMP3	Office floorspace
HSG14	Special Needs Housing
HSG16	Housing Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Improve quality safety and convenience pedestrians
T26	Promoting of Waterways for Freight
S7	Special Uses
S11	Roller Shutters

### 5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		City Fringe Area Action Plan
Core	IMP1	Planning Obligations
Strategies:		
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP8	Global Financial and Business Centre
	CP11	Sites in Employment Use
	CP16	Vitality of Town Centres
	CP24	Special Needs Housing
	CP25	Housing Amenity Space
	CP29	Improving Education and Skills
	CP30	Improving Open-spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution

DEV11	Air Pollution
DEV12	Management of Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
RT5	Evening and Night-time economy
CON1	Listed Buildings
CON2	Conservation Areas
CON3	Protection of World Heritage Sites
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
CFR1	City Fringe Spatial Strategy
CFR4	Educational provision
CFR6	Infrastructure and Services
CFR9	Employment uses in Aldgate
CFR12	Design and Built Form in Aldgate

#### **5.4 Core Strategy Development Plan Document 2025 (submission version December 2009)**

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Working towards a zero carbon borough
SP12	Delivering place making

#### **5.5 Spatial Development Strategy for Greater London (London Plan)**

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks

4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone
5G.3	Central Activities: Offices

**5.6 Core Strategy Development Plan Document 2025 (submission version December 2009)**

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Working towards a zero carbon borough
SP12	Delivering place making

**5.7 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy

**5.8 Community Plan** The following Community Plan objectives relate to the application:

- A better place for learning, achievement and leisure
- A better place for creating and sharing prosperity
- A better place for living safely
- A better place for living well

**6. CONSULTATION RESPONSE**

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

**6.1** The following were consulted regarding the application:

## **LBTH Highways**

6.2 This application is acceptable in transport terms subject to:

- a planning condition requiring detailed plans showing the cycle parking design
- details of cycle parking should be submitted for approval
- Service Management Plan required
- Construction Management Plan required
- A Grampian condition requiring the developer to implement necessary highway works
- A financial contribution of £60,000 towards mitigating the impacts of the increase in trips generated by these developments on the highway and the local transport network.

6.3 *(Officer comment: The above conditions will be secured in the decision notice. The Developer has agreed to the requested financial contribution. These matters are considered in more detail under the Transport section of this report).*

## **LBTH Environmental Health (Contaminated Land)**

6.4 The site is located in an area that has been subjected to former industrial uses. A condition is requested to ensure developer carries out a site investigation to investigate this and remediate as necessary.

6.5 *(Officer comment: A suitable condition would be imposed on any permission).*

## **LBTH Environmental Health (Noise and Vibration)**

6.6 No comments received

## **LBTH Environmental Health (Daylight and Sunlight)**

6.7 The submitted daylight and sunlight report has been reviewed.

- The following surrounding properties were of main concern to the EH officer:
  - i) Morrison Building (1- 34) Commercial Road. The Morrison building experience daylight levels below the BRE recommendations
  - ii) Dryden Building (37) Commercial Road. The Dryden building experiences daylight levels below BRE guidelines.
  - iii) 52 - 58 Commercial Road. The 52-58 Commercial Road building experiences VSC, DDC, APSH values below the BRE guidelines but acknowledge that much of the units affected are service apartments and not residential units.
  - iv) 80 Commercial Road. The 80 Commercial Road building experiences VSC losses above 20%
- Environmental Health acknowledge that there are significant windows that do not meet BRE criteria however the resultant daylight/sunlight -levels to the

surrounding properties, especially following the reduction in height from the previous application (PA/09/1198) which offers an improvement.

- Environmental Health has not recommended a refusal and considers that the urban nature of the scheme needs to be taking into consideration when determining whether the impacts are acceptable.

6.8 (Officer comment: *Daylight and sunlight matters are discussed under the amenity section of this report*).

### **LBTH Energy & Sustainability**

6.9 The proposal is acceptable subject to the following conditions:

- Integration of energy efficiency measures i.e. built as designed;
- Integration of CHP, PV array and to achieve total site CO2 emission reduction of 24%;
- Targeted BREEAM Excellent Rating and provision of certificates to the Local Authority.

(Officers comment: The above will conditions would be secured in the decision notice).

### **LBTH department of Communities, Localities and Culture**

6.10 The increased population generated by the development will increase demand on community, cultural and leisure facilities. The following contributions are sought to mitigate against the development:

- £334,607 towards open space
- £43,368 towards library /idea store facilities
- £168,533 towards leisure facilities

6.11 (Officers comment: *These figures are based on formulas outlined in the Councils Infrastructure Development Plan (IDP) which forms the evidence base for the Councils Core Strategy. The Core Strategy submission version document identifies the need for the provision of open space improvements, library facility improvements & leisure facility improvements. CLC have provided a suitable justification for the financial contributions they seek to secure. However, it is considered that the overall total of £462,130 towards cultural, recreational and community projects in the Aldgate Masterplan Area and surrounding area will sufficiently mitigate against the development. It is considered that the viability of the scheme could be compromised by securing the full financial contributions which were sought to be secured. In balancing up the financial contributions for the S106, it is considered that securing contributions for various highway works were of higher priority*).

### **Transport for London (Statutory Consultee)**

6.12 Transport for London note the following:

- The level of cycle parking should be increased over time. The travel plan should be updated to reflect this.
- A restriction should be applied to occupants of the development in applying for on

street parking permits.

-Conditions are required to secure a Delivery and Servicing Plan and a Construction Management Plan

-An improved travel plan should be submitted as the current iteration of the plan is not considered robust enough.

-Financial contributions to Transport for London are required towards bus capacity enhancements and improving footways and pedestrian crossings in the area.

- 6.13 (Officer Comment: *The Developer has agreed to the financial contributions. Conditions would require the provision of cycle parking, travel plans and service delivery plans*).

**Greater London Authority (GLA) (Statutory consultee)**

- 6.14 The GLA have examined the proposal and do not raise any strategic planning issues subject to including suitable to the inclusion of suitable conditions, including the restriction of the use of the student accommodation to full time higher education students and staff during term time.

- 6.15 (*Officers comment: The condition required by the GLA will be secured in the decision notice*).

**London Fire and Emergency Planning Authority (Statutory Consultee)**

- 6.16 No comments received

**National Air Traffic Services (NATS) (Statutory consultee)**

- 6.17 NATS confirm that the proposal does not conflict with their safeguarding criteria and have  
" no safeguarding objections to this proposal".

**Environmental Agency (Statutory consultee)**

- 6.18 The Environmental Agency has no objection to the proposed development subject to submission of piling or any other foundation works.

- 6.19 (*Officers comment: The applicant will be required to submit details of piling works prior to the commencement of works on site. This will be secured by way of condition*).

**Thames Water (Statutory Consultee)**

- 6.20 -No objection in terms of sewage / water infrastructure.

**National Air Traffic Services (Statutory Consultee)**

- 6.21 - No safeguarding objection

**English Heritage (statutory consultee)**

- 6.22 English Heritage do not wish to formally comment or object to the application and note that

" *this application should be determined in accordance with national and local policy*

*guidance, and on the basis of your (London Borough of Tower Hamlets) specialist advice”.*

#### **English Heritage- Archaeological Division (Statutory Consultee)**

6.23 - Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

6.24 (Officer Comment: *A suitable condition would be imposed on any permission*).

#### **Commission for Architecture and the Built Environment**

6.25 CABE have responded positively as follows:

- Applaud high design aspirations
- Commend active frontage to Commercial Road and rear communal area that will animate linear park to the south
- Building massing skilfully handled
- For cladding approach to be successful a high degree of control in relation to building junctions and shifts in façade plane required.

6.26 (Officer Comment: *Design is considered under main issues*).

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

6.27 No comments received. The HSE noted in the previous application (PA/09/1199) that the site falls outside the revised safeguarding zone.

6.28 (Officer comment: *No further consideration of the proximity of the site to sites for the storage of explosives is required*).

#### **London City Airport**

6.29 No comments received

#### **British Broadcasting Company (BBC)**

6.30 To prevent new developments causing reception problems, local authorities can require a legally binding commitment under Section 106 of the Town and Country Planning Act 1997, in order to enforce this at the outset.

6.31 (Officers comment): *TV/Radio Reception Monitoring will be required in the Section 106 Agreement. The applicant will also be required to mitigate against any substantial loss of TV reception*).

### **7. LOCAL REPRESENTATION**

7.1 A total of 341 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life. Site notices were also posted.

7.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.3 No of individual responses: 0            Objecting: 6            Supporting: 0

7.4 The following groups / organisations were also consulted regarding the proposals.

- London Metropolitan University: No comments received.

7.5 The following issues were raised in the individual representations that are material to the determination of the application, as they are addressed in the next section of this report:

- No demand for student accommodation
- High density of student accommodation in area/coming on stream including units recently constructed
- Loss of daylight, sunlight and overshadowing
- No certainty that the job centre will be provided offsite at 122 Back Church Lane
- Increase in traffic pollution /vehicles on Back Church Lane
- Increase in anti social behaviour
- No demand for street level units
- Improvements should be made at street level along back Church Lane
- Building too high, should not be taller than neighbours

7.6 *(Officers comment: The issues raised are discussed under the main issues section of the report).*

- Loss of jobs and valuable community facility to residents particularly the disadvantaged, homeless and many ethnic groups in the area

*(Officers comment: Relocating the job centre does not form part of this application. Notwithstanding, officers have been advised that the applicant has had a number of meetings with Telereal Trillium, who act on behalf of the job centre, since before the submission of the first application in July 2009. The applicant has advised Telereal Trillium that they would work with them to assist in the relocation of the job centre within the local area. It is officers understanding that Telereal Trillium has had three years notice of the applicant's intention to seek planning permission to redevelop this site. The re-provision of office floorspace in the link scheme at 122 Back Church Lane will result in an overall increase of 238 sqm of employment floorspace across both sites. Overall, it is considered that the regeneration benefits outweigh the loss of the job centre on site).*

- Increase in anti social behaviour

*(Officers comment: There is no evidence to suggest that this proposal would result in anti social behaviour)*

7.7 The following procedural issues were raised:

- Harry Gosling school note they were not formally consulted on the proposal and request the determination of the application be postponed so that the school governors can discuss the proposal.

*(Officers comment: A consultation letter was sent to Harry Gosling school on*



*28/07/2010. School term has reconvened around the time this report was published. Should Harry Gosling school make representation to the Council prior to the committee date, their comments will be provided in an addendum report).*

7.8 The following issues have been raised in the individual responses that are not material to the determination of the application

- financial arrangements of developer
- Covenants on land
- Impact of job centre moving to 122 Back Church Lane

7.9 All objection letters are available for members to view at the committee meeting.

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Design
3. Transport and Highways
4. Amenity
5. Energy & Sustainability
6. Other Environmental matters
7. Section 106 contributions

### **8.2 Land Use**

8.3 The application proposes the demolition of 60 Commercial Road. This building is currently used to provide a 'Job Centre Plus'. The centre provides employment services to members of the visiting public on the ground and first floors (993 sqm GEA – Use Class A2). The upper floors provide back-office support and are not generally accessed by the public (1987 square metres – Use Class B1).

8.4 The proposed uses include 8, 205 NIA square metres (417 bed spaces or 383 units) of student accommodation and a 200 square metre flexible use commercial unit.

8.5 The application site is located in the designated Central Activities Zone. The site also falls within the City Fringe Area Action Plan and the Aldgate Masterplan.

8.6 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.

8.7 Saved UDP policy CAZ1 states that a balance of uses of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre will normally be permitted in the Central Activities Zone.

8.8 In the City Fringe Area Action Plan, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London

Metropolitan University and support the consolidation of educational uses around Aldgate.

- 8.9 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses. Saved policy EMP3 relates specifically to proposals for the change of office floorspace to non-B1 use classes.
- 8.10 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. It also notes that the Council will support the improvement and expansion of higher education facilities around London Metropolitan University in Aldgate. Policy CP8 states that new housing may be appropriate in the CAZ where it does not replace viable employment sites. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.11 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.
- 8.12 The proposal site and the linked site of 122 Back Church Lane both suitable for office use. The application would lead to the loss of one site from office use, and the more efficient use of the other.
- 8.13 Officers consider that the acceptability of the principle of the scheme is dependent on two factors. Firstly, whether the proposed re-provision of office floorspace at Back Church Lane provides appropriate mitigation for the loss of 60 Commercial Road; and secondly whether the benefits of allowing the scheme at 60 Commercial Road outweigh the loss of this site for office use. The assessment of the second issue therefore needs to consider the need to provide student accommodation at this location.

#### Re-provision of office floorspace at 122 Back Church Lane

- 8.14 The existing building at 122 Back Church Lane 'Gem House' provides 952 GEA square metres of B1 floorspace. The proposed redevelopment of this building would create 3, 177 GEA square metres of office floorspace i.e. a net gain of 2,225 GEA square metres
- 8.15 As existing 60 Commercial Road provides 1987 GEA square metres of B1 floorspace. The redevelopment of the Back Church Lane site will therefore re-provide 238 squares more B1 floorspace than is lost over both sites.
- 8.16 In terms of floorspace the scheme does not re-provide the existing A2 floorspace at 60 Commercial Road. However, it is recognised that the new B1 floorspace is likely to have a higher employment density than the floorspace lost, which results in acceptable mitigation for the loss of employment floorspace.
- 8.17 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.

### Provision of student accommodation

- 8.18 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 & SP02 of the Core Strategy DPD (submission version) stipulate that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.19 London Plan policy 3A.25 supports the provision of student housing to ensure that the needs of the education sector are addressed. London Plan Policy 3A.8 recognises that purpose built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing.
- 8.20 The Sub-Regional Development Framework for East London 2006, provides guidance to East London boroughs on the implementation of policies in the London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base. It notes that the East London sub-region accommodates five higher education institutions and over 44,000 students (12% of the London total), and encourages the provision of academic facilities and student housing.
- 8.21 Interim Planning Guidance policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.22 Policy CFR1 and CFR9 of the City Fringe Area Action Plan encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.23 The site is very well located to provide student accommodation. It is located within a short walking distance of London Metropolitan Aldgate and City Campus, and has very good transport links for those studying at other institutions. The site is located on a busy thoroughfare, which would mean that late-night activity / increase in general activity can be accommodated without significant prejudice to residential amenity.
- 8.24 The provision of student accommodation would help to support London Metropolitan University and the educational role of Aldgate, which is recognised as a policy objective. Officers therefore consider that the provision of student accommodation will meet an identified need, which in turn helps to provide a justification for the loss of the office site.

### Provision of commercial unit

- 8.25 The application also proposes a small (200 square metre) commercial unit on the ground floor. The unit would front Commercial Road. The unit would receive a flexible permission for use within Classes A1 (Retail Shops), A2 (Financial/Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business) or D1 (Non-residential institutions).
- 8.26 UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of

'Special' Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.

- 8.27 The unit would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Conclusion:

- 8.28 Officers are satisfied that the approach taken by the linked applications achieves a good overall planning outcome. The developments would not result in the actual net loss of any office floorspace. The office floorspace that is to be re-provided at the Back Church Lane site would be of high quality and would contribute to the attractiveness of the Central Activities Zone. As noted in section 4.2 of the report, the redevelopment of 122 Back Church Lane must be completed prior to the occupation of 60 Commercial Road. This would be secured in the s106 Agreement.
- 8.29 There is an identified need for student accommodation to support the Borough's universities. The application site is a good location for student accommodation given the close proximity to London Metropolitan University and the very good public transport links in the area.
- 8.30 In overall land-use terms the scheme is therefore considered acceptable and in accordance with the abovementioned policies.

**Design**

Height, Mass, Scale and Appearance

- 8.31 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP; DEV1 & DEV2 of the Council's Interim Planning Guidance 2007; SP02 & SP10 of the Core Strategy DPD (2009) which seek to ensure development is of a high quality design.
- 8.32 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large-scale buildings, and requires that these be of the highest quality of design.
- 8.33 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views,

overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.

- 8.34 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.35 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.

#### Impact on Listed Buildings

- 8.36 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II) which are located 60 metres to the west and 150 metres to the south respectively.

#### Protected Views

- 8.37 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.38 The proposed building does not sit in any protected vistas. However, it is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).

#### Assessment

- 8.39 The previous application (PA/09/1199) was refused, in part, by virtue of its excessive height and bulk which appeared to be out of character with the surrounding area.
- 8.40 The applicant has addressed this reason for refusal by reducing the height of the building from 21 to 19 storeys. When assessed against relevant tall building and design policy it is considered that:-
- The design of the proposed 19 storey building responds well to the context of the site and follows a similar podium and tower form as the adjoining development at 52 – 54 Commercial Road. The development at 52-54

Commercial Road ranges from 13 to 17 storeys. The height and scale of the building is acceptable given the precedent set by the neighbouring development and the general mass of buildings along Commercial Road. The building is 1.88m taller than the adjacent building at 52-54 Commercial Road.

- The design of the proposed building has a striking and attractive design that would add much needed architectural quality to this section of Commercial Road. The proposed façade system and choice of materials reflects the residential character of the building.
- The design of the proposed building would animate and enliven the green-link running along the south boundary of the site by incorporating active uses and a colonnade at ground floor level. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
- The application has been accompanied by visual material which demonstrates that the building would achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.
- The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 31.5 squares. The building would make good provision of ancillary facilities including a study area, laundry, café, amenity terraces and a gym.
- The building includes the provision of 5% wheelchair accessible study rooms in accordance with policies promoting accessibility. A further 5% are capable of being fitted out for wheelchair use.
- The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 29% carbon saving over baseline requirements.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is therefore acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of this report, and is acceptable. Conditions would secure adequate mitigation to ensure future occupants do not suffer from excessive noise or exposure to air pollution.
- The site is located in an area with excellent access to public transport and the scheme provides adequate mitigation for additional impacts on transport infrastructure by way of financial towards pedestrian improvement works; bus capacity works and other necessary highway works. The scheme promotes permeability by improving the quality of the green-link running to the south of the development.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement).

- The site is not located within London View Management Framework (VMF) and has no impact on the setting of the Tower of London.
- 8.41 CABE are also fully supportive of the scheme and *“applaud the design quality of this proposal student accommodation”* and *“commend the internal organisation at ground floor level including the active frontage provided along Commercial Road”*. Furthermore, CABE note that *“the massing is skilfully handled, as the vertical division of the façade has the potential to create an elegant building proportion. This strategy combined with a façade approach that emphasises the grid of the primary structure could also be successful in reducing the appearance of the building’s overall mass”*.
- 8.42 It is considered that the reduction in height made from the previous scheme sufficiently addresses the reason for refusal on this ground. The proposed building is considered to meet the requirements for a tall building and the proposal accords with relevant design policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998 and policies C48, DEV1 & DEV2 of the Council’s Interim Planning Guidance 2007; SP02 & SP10 of the Core Strategy DPD (2009) which seek to ensure development is of a high quality design.

### **Transport and Highways**

- 8.43 The site falls in an area with excellent access to public transport (PTAL 6a). It is within easy walking distance of Aldgate (9 minutes), Aldgate East (6 minutes) and Whitechapel (11 minutes) stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL ‘Red-Route’ and Back Church Lane is identified as a ‘route on quieter roads’ for cyclists.
- 5.44 The existing building on-site has 8 off-street staff car-parking spaces accessed from Back Church Lane. There is also an existing servicing bay outside the building on Commercial Road.
- 8.45 National guidance on transport provision is given in PPS13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 & SP09 of the Core Strategy Development Plan Document (submission document 2009) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.46 The application has been accompanied by a detailed Transport Assessment and Travel Plan Framework. The report details the policy context and baseline conditions in respect of the local area’s public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.
- 8.47 The proposed student accommodation and commercial unit would be accessed by pedestrians from Commercial Road.

- 8.48 Two disabled parking spaces would be provided for the student accommodation on Back Church Lane. The developer would enter into a legal agreement to ensure that students are not eligible for on-street parking permits. This is acceptable in terms of policy.
- 8.49 A secure cycle parking store would be provided at the rear of the site. This would be accessed from Back Church Lane. Policy requires the provision of 1 cycle space per two students. The developer has suggested from their experience that this is an over-provision. It is therefore proposed that the store will initially provide space for 111 cycles. There is space available for this to be increased to 222 cycles should demand exist. A condition would require the submission of an amended travel plan which should incorporate monitoring arrangements to ensure the enlargement of the store as required. The development would therefore accord with the requirements of London Plan policy 3C.22 and IPG policy CP40.

#### Servicing

- 8.50 The Transport Assessment estimates that the commercial unit would generate 3, and the student accommodation 6, service vehicle movements a day. It is expected that deliveries would be made in rigid vehicles up to 10m in length. These servicing arrangements could be accommodated in the existing service bay located outside the site on Commercial Road.
- 8.51 The travel plan details the steps that would be undertaken to avoid congestion during the student moving-in process at the start of the academic year. This includes the allocation of a date and time for arrival, which would allow the distribution of vehicle movements over a period of time. To avoid disruption to Commercial Road it is envisaged that cars and taxis dropping off new arrivals will access the site from Back Church Lane. Additional staff would be located to assist loading/unloading and to ensure vehicles do not block the highway.
- 8.52 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.

#### Mitigation for additional pressure on transport infrastructure

- 8.53 The site is located in a sustainable location and the development (and the linked development at Back Church Lane) is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.54 The Council's Highways Section has identified that a financial contribution should be secured to mitigate the impacts of the increase in trips generated by these developments on the highway and the local transport network. This contribution should be used for an investigation of the viability of on-street cycle parking in the vicinity of the site and installation where feasible; and for the implementation of public realm improvement works also within the vicinity of the site.
- 8.55 The Developer has agreed to a financial contribution of £60,000 to pay for the costs of these improvement works.
- 8.56 Transport for London has also identified deficiencies in their highway network in the vicinity of the site. This includes a requirement for the installation and improvements of dropped kerbs and tactile paving. TfL have also highlighted the



installation of pedestrian signals and streetscape improvements at the Commercial Road / Allie Street junction as a priority. In the longer term TfL are also considering the feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.

- 8.57 The Developer has agreed to a financial contribution of £100,000 to fund improvements to the footways and pedestrian signals/crossings and streetscape improvements at Commercial road and Allie Street junction and the area in general.
- 8.58 The scheme is also likely to result in additional pressure on bus services in the area. To mitigate for this impact a contribution of £109,350 has been agreed with the Developer to fund bus capacity enhancements.
- 8.59 With the proposed mitigation, and the imposition of conditions requiring the submission and implementation of a travel plan, a construction logistics plan and a delivery and servicing plan, the development would be acceptable.

## **Amenity**

### Sunlight, Daylight and Overshadowing

- 8.60 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.61 The previous application was refused, in part, on the grounds that the development would result in an unacceptable loss of daylight and sunlight to nearby residential properties.
- 8.62 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.63 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 34 Morrison Building,
  - 37 The Dryden Building,
  - 80 Commercial Road, and
  - 52 – 58 Commercial Road.

### Impact on residential properties

#### *Sunlight*

- 8.64 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours

including at least 5% of annual probable hours during the winter months.

- 8.65 The submitted assessment concludes that there would be a reasonable level of compliance with BRE Sunlight criteria. Where windows technically exceed guidance, this is usually in relation to winter sunlight while annual sunlight remains acceptable for an urban location.

#### *Daylight*

- 8.66 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.
- 8.67 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

#### 1 – 34 Morrison Building

- 8.68 The assessment considers the impact on all of the windows within this building. The results show that in the existing situation, all of the windows have VSC levels below BRE Guidance. The proposal results in a further minor VSC reduction to these windows which are generally 3-4% below the BRE 20% loss criteria. Notwithstanding, all of the rooms with the exception of one would satisfy the NSL test in the proposed situation, with the one remaining room exceeding guidance.

#### Dryden Building

- 8.69 The assessment considers the impact to all of the windows and rooms in this building. The results show a low rate of compliance with the VSC criteria. However 41 out of the 47 rooms satisfy the NSL methodology and are BRE compliant in that way. The ADF results for the remaining six rooms shows that three would satisfy the ADF criteria with the remaining three falling below the recommended standard.

#### 80 Commercial Road

- 8.70 The study assesses the impact of the scheme on the dual aspect living rooms located in the western end of the building. The windows which look perpendicularly at the proposal do not comply with the VSC test. However the dual aspect nature of the rooms means both the ADF and NSL tests are passed.

#### 52 – 58 Commercial Road.

- 8.71 The study includes an assessment of the impact on the east block, known as Tower 17, of 52 – 58 Commercial Road. (This block has windows in the flank elevation facing the application site). The windows on floors 4-10 within Tower 17

are serviced apartments. There is no requirement under the BRE guidelines to carry out a review on serviced apartments. As such, an assessment was not carried out on these windows.

- 8.72 As previously noted in section 4.24 of the report, planning permission was approved on 22/04/2009 for the change of use of floors 4-10 (3,224 square metres) within tower 17 from private residential (Use Class C3) to short term let serviced apartments accommodation (Use Class: *sui generis*) at 52-58 Commercial Road (ref no: PA/08/2692).
- 8.73 When the previous application was considered by members at the Strategic Development Committee on 10 November 2009, the permission was not implemented.  
As such, members considered the neighbouring development at 52-58 Commercial to be solely occupied for residential purposes.
- 8.74 A critical factor which must be considered is that a change of use has now taken place at 52-58 Commercial Road. Part of the tower element closest to 60 Commercial Road is now operating as service apartments. This is a material change in circumstances to scheme and a key consideration in terms of daylight and sunlight as a large part of the adjacent building is no longer in permanent residential use, and as a consequence considerably less sensitive to any reductions in daylight. The separation distance between this building and the development is 12.9 metres.
- 8.75 The results of the study show that of the 60 windows assessed within the residential floors of the building, 46 would meet the VSC criteria, with 14 falling below the VSC target. Where VSC failures do occur, the rooms behind the window satisfy either the NSL or ADF test.
- 8.76 The Councils Environmental Health officer acknowledges that there are some windows which do not meet the BRE guidance but on balance it is considered acceptable. It is well recognised that BRE Standards must be applied flexibly, as the legitimate expectation of light levels in low-rise suburban situations would have to differ from those in a densely built up area. The site is located in an area where large scale development is expected. The resulting light levels to the properties affected are not untypical in an urban environment and the impact is considered to be acceptable.

Objection received on the impact the proposed development has on 52-58 Commercial Rd

- 8.77 An objection received asserts that the proposed development would jeopardise the potential to secure planning permission for the change of use of serviced apartments back to residential use on 4<sup>th</sup>-10<sup>th</sup> floors at 52-58 Commercial Rd and notes that the impact on these single aspect units has not been assessed.
- 8.78 The separation distance between this building and the development is 12.9 metres which officers consider to be a generous separation distance given the urban context. Planning permission was approved to convert the 4-10<sup>th</sup> floors at 52-58 Commercial Rd from residential accommodation to short term let serviced apartments. There is no requirement under BRE guidelines to review serviced apartments. It is not appropriate to consider a hypothetical situation whereby the 4<sup>th</sup>-10<sup>th</sup> floors may at some point in the future, be considered for alternative use.

Furthermore, there has been no indication given to the Council to suggest this is the case.

- 8.79 The objector considers that the proposal will adversely impact on daylight levels to floor 11. Officers do not consider this to be the case. 5 out of the 6 rooms will satisfy ADF requirement. The proposal will reduce ADF by just 0.2% which demonstrates a very minor impact. The room will also satisfy NSL criteria.
- 8.80 The objector also believes that 42 out of the 50 windows located within 11<sup>th</sup>-16<sup>th</sup> floor would breach the VSC criteria. This is incorrect. On the contrary, 42 of the 50 windows do satisfy the BRE criteria.

#### Conclusion

- 8.81 The submitted assessment has considered the impact of the development on all of the residential windows surrounding the development. Windows further away would receive a lesser impact. In overall terms the results shown that in terms of day lighting there will be failures against BRE standards. However, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.
- 8.82 It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is located in an area where large-scale development is expected. The resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered to be acceptable.
- 8.83 It is considered that the reduction in height of the proposal together with the partial change of use which has taken place at 52-58 Commercial Rd means that the impact of the development on residential development in the surrounding area is significantly less than that presented in the previous scheme. As such, the proposal is considered to be acceptable on daylight and sunlight grounds.

#### Overshadowing of amenity spaces

- 8.84 The development would not have any significant overshadowing effect on amenity open-space located to the South including the green-link, the Harry Gosling Primary School or nearby tennis courts to the South-west.

#### Privacy

- 8.85 The development does not include any windows in the west elevation which ensures that there is no issue of over-looking into the habitable room windows on the east flank of 52 – 58 Commercial Road. A condition would ensure the retention of suitable privacy screening to ensure that overlooking is not possible from any of the high-level terrace areas. The distance to neighbouring properties in other directions is sufficient to ensure that, in an urban context, there would be no significant loss of privacy to other nearby residential properties.

#### Sense of enclosure

- 8.86 The scheme incorporates a generous separation distance of 12.9m from the adjoining development at 52 – 58 Commercial Road. Distances to other nearby

properties are also considered sufficient to prevent any unacceptable increase in sense of enclosure.

### **Energy and Sustainability**

- 8.87 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 seeks to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 & Core Strategy DPD policy SP11 have similar aims to London Plan policy.
- 8.88 The application has been accompanied by an Energy Statement and a Sustainability Statement.
- 8.89 The development would make use of passive measures to reduce energy demand. The energy demand would be met using a gas fired Combined Heat and Power system. Photovoltaic cells are proposed to provide a source of on site renewable energy. The technologies employed would result in 29% carbon savings over the standard baseline.
- 8.90 The proposed total site 24% reduction in carbon emissions through a combined heat and power system and PV panels is considered acceptable. This would be secured by condition.
- 8.91 The sustainability study states that the building will be constructed to BREEAM 'Excellent' standard which is supported by officers.
- 8.92 Principally the Sustainable Energy Strategy is considered appropriate for the development subject to the following conditions:
- Integration of energy efficiency measures i.e. built as designed;
  - Integration of CHP, PV array and to achieve total site CO2 emission reduction of 24%;
  - Targeted BREEAM Excellent Rating and provision of certificates to the Local Authority.

The Council's Energy Efficiency officer and GLA consider the Strategy to be acceptable subject to the above conditions which would be secured within the decision notice.

### **Other environmental matters**

#### *Noise & vibration*

- 8.93 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.

- 8.94 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.95 The submitted noise study recommends the use of appropriately specified glazing and ventilation to ensure that noise levels in rooms do not exceed recommended levels. The study also notes that unscreened roof-top plant will achieve a noise level 10db below prevailing background noise levels, which accords with policy.
- 8.96 The study does not include an assessment of potential noise / vibration associated with any extraction equipment that might be required for the ground floor commercial unit or student café. This detail would be required by condition prior to the installation of any necessary equipment.
- 8.97 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

#### Microclimate

- 8.98 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment notes in some locations likely wind-speeds exceed recommendations for target usage. This includes wind-speeds in the green walk to the rear of the development that are more appropriate in the summer for standing/walking rather than sitting. However, this can be mitigated for by suitable detailed design including planting / screening. This, and other required mitigation described in the report would be secured by condition, and with this safeguard the development is acceptable.

#### Air Quality

- 8.99 The submitted air quality study recommends mitigation measures including the use of positive venting with sealed front windows to prevent future occupants being exposed to high pollution levels. Mitigation would also be required to prevent adverse impacts on local air quality during the construction phase. Once completed the building would have no significant impacts on air quality.
- 8.100 Conditions would be imposed on any permission requiring the implementation of the mitigation measures outlined in the submitted air quality assessment, and with this safeguard the development would accord with relevant policy.

#### Biodiversity

- 8.101 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development; London Plan policy 3D.14 also requires the Borough to take a proactive approach to the promotion of biodiversity.
- 8.102 The existing site provides no significant wildlife habitat. The proposal would incorporate a green roof at the 6<sup>th</sup> floor, and a brown roof on the 21<sup>st</sup> floor. Landscaping would also be introduced on the amenity terraces, and more

importantly to the rear of the site. The proposal would increase the amount of available wildlife habitat on the site and is acceptable.

#### Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

#### Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

#### **Section 106 contributions**

- 8.105 Planning obligations can be used in three ways: -
1. To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
  2. To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
  3. To mitigate the impact of a development. For example, through increased public transport provision
- 8.106 In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations can only constitute a reason for granting planning permission where they meet the following tests:
- i. The obligation is necessary to make the development acceptable in planning terms;
  - ii. The obligation is directly related to the development; and
  - iii. The obligation is fairly and reasonably related in scale and kind to the development.
- 8.107 All the recommended obligations meet the relevant tests and the applicants have agreed the following matters that have been requested:
- 8.108 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.109 The previous application was, in part, refused because " *the planning obligations*

*are considered inadequate to mitigate against the impact of the development on community infrastructure and transport".* The previous proposal at 60 Commercial Road was linked to 122 Back Church Lane. The financial contributions set out in the committee report dated 10<sup>th</sup> November 2009 reflected the link between both schemes. The overall recommended financial contribution for both sites taken together was £562,230.

8.110 The application at 60 Commercial Road was refused (PA/09/1198). However, the proposal at 122-126 Back Church Lane was permitted on 01/07/2010. This approval secured a total contribution of £131,000 in the S106 agreement towards the following highways works:

- Provision of two (2) speed tables at (a) the junction of Back Church Lane and Commercial Road and (b) on Back Church Lane opposite the Harry Gosling Primary School;
- Widening of the footpath on the western side of Back Church Lane in the vicinity of the development from No. 129 Back Church Lane to Commercial Road;
- Provision of four (4) new road gullies adjacent to the new speed tables;
- Resurfacing of Back Church Lane carriageway on the approach to its junction with Commercial Road; and
- Reconstruction of footway outside Harry Gosling Primary School on Back Church Lane

8.111 The overall financial contribution proposed is £731, 130. The contribution is for the subject proposal only. It is clear there is a significant increase from the previous contributions sought on this site.

8.112 To mitigate for the impact of this development the following contributions have been agreed.

Cultural, recreational and community projects in the Aldgate Masterplan area and/or surrounding area

8.113 A contribution of £462,130 towards the following:

- open space and public realm improvements, to mitigate the impact of the additional population upon existing and proposed open space within the immediate vicinity. The Aldgate Masterplan identifies a new area of green space to the rear of the building at 52-58 Commercial Road. The open space will also provide a new pedestrian link from Gowers Walk to Back Church Lane
- library and idea store facilities to accommodate the additional demand upon library facilities created by additional population in the area. The need for the provision of an additional Idea Store is identified in the Core Strategy
- towards leisure and community facilities to accommodate the additional demand on leisure facilities. The Core Strategy identifies the need for additional leisure and community facilities in the borough.

8.114 The applicant has noted they have "no objection" to some of the proposed contribution being put towards the running of the Children Education Group, a local community group based within Whitechapel ward. Officers note this comment.



### LBTH Highway works

- 8.115 A total sum of £60,000 towards mitigating the impacts of the increase in trips generated by these developments on the highway and the local transport network. This contribution will need to be used for an investigation of the viability of on-street cycle parking in the vicinity of the site and installation where feasible; and for the implementation of public realm improvement works also within the vicinity of the site.

### Pedestrian works

- 8.116 TfL seek a contribution of £100,000 to improve footways and pedestrian signals/crossings and streetscape improvements at Commercial rd/Allie Street junction and the area in general. This is to seek to ensure that the development will provide a safe, convenient, accessible pedestrian access for the development to public transport nodes and key land uses within the surrounding area.

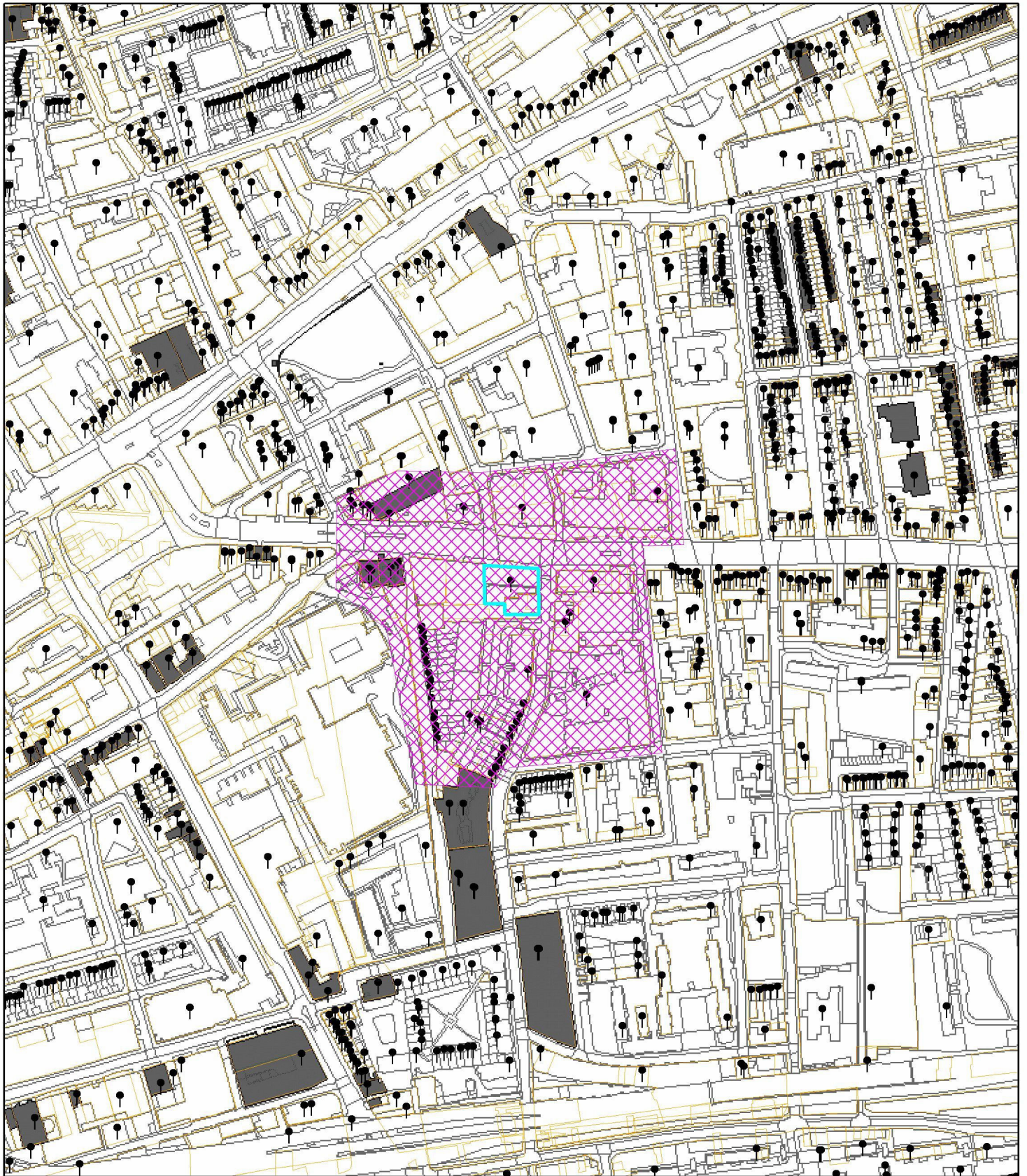
### Bus capacity

- 8.117 TfL seek a contribution of £109,000 towards bus capacity improvement works on site. This money will assist in ensuring good bus access to and from the site; ensure that walking routes to bus stops from homes and workplaces are direct, secure, pleasant and safe.
- 8.118 The section 106 agreement has increased significantly from the previous proposal (PA/09/1198). It should also be noted that whilst the S106 package has increased, the scale of the building has reduced and the number of rooms decreased from 442 to 417 rooms. The proposed section 106 contributions will sufficiently mitigate against the development.

## **9.0 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



0 25 m

